CONSULTATION
Response Document

Tackling the Nature Emergency

Consultation on Scotland's Strategic Framework for Biodiversity

Scottish Government

11th December 2023

Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has over 7,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of:

- Scottish Environment Link
- Wildlife and Countryside Link
- Northern Ireland Environment Link
- Wales Environment Link
- Environmental Policy Forum
- IUCN – The World Conservation Union
- Professional Associations Research Network
- Society for the Environment
- United Nations Decade on Biodiversity 2011-2020 Network
- Greener UK
- Irish Forum on Natural Capital (working group member)
- National Biodiversity Forum (Ireland)
- The Environmental Science Association of Ireland

CIEEM has approximately 740 members in Scotland who are drawn from across the private consultancy sector, NGOs, government and SNCOs, local authorities, academia and industry. They are practising ecologists and environmental managers, many of whom regularly provide input to and advice on land management for the benefit of protected species and biodiversity in general.

This response was coordinated by Members of our Scotland Policy Group.

We welcome the opportunity to participate in this consultation and we would be happy to provide further information on this topic. Please contact Jason Reeves (CIEEM Head of Policy) at JasonReeves@cieem.net with any queries.

Tackling the Nature Emergency: Consultation on Scotland's Strategic Framework for Biodiversity

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

No

Overarching Comments

Responsibility for delivery

Key actions have been captured and the ambition is positive with promised legislation on statutory targets, investment plan and a monitoring and reporting framework. The intent to "mainstream and integrate biodiversity across government" is very important. Mainstreaming can only succeed if the relevant sectors/departments are mandated and directed to 'own' and deliver on biodiversity restoration. Ideally, this would have statutory underpinning.

However, it is not clear where the responsibility for delivering the actions lies or independently monitoring that delivery.

For each action:
- the lead and partners for carrying out the action should be specified.
- there should be a clear strategy for how the action will be monitored for progress.
- what sanctions if any are proposed for non-compliance or failure to meet targets.
- what the action means for the relevant audience e.g. developers, planners, farmers, foresters etc. so it is clear what the strategy means for them.

A lack of clarity on who will do what, how they will be supported with funding, resources and expertise remain barriers to effective delivery. There are multiple strategies, plans and programmes but we are falling short on delivery. Unless this Strategic Framework for Biodiversity identifies responsibility for delivery and timescales, we are in effect no further forward.

A responsibility matrix covering each key action with clearly identified "leads" for the actions would be helpful. For example, developing a pipeline of strategic INNS projects requires clear allocation of responsibility for the delivery of actions.

The assessment needs to be scientific, evidence-based, robust, transparent, and independent. This could be a role for Environmental Standards Scotland.

Timescales

Some actions have clear timescales set against them, while others do not. SMART targets should be set for each action - specific, measurable, achievable, relevant and time specific. Some actions feel more like a direction of travel rather than an action, which is fine for a longer-term plan, but SMART targets for this five-year delivery period must be listed.

It would be useful to include a linked table of success measures that could act as a checklist for monitoring the progress of actions. For some actions there is a clear output, i.e., a Register of Ancient Woodlands, a

National Peatland Monitoring Framework, clear timeframes then can be set against each action, along with the identification of an owner/s of the action.

Links to other policies and sectors

The links to other policies and sectors need to be strengthened. The delivery framework has been set out in isolation of other policies. Nature-based place making (NPF4) and sustainable agriculture need to be much more clearly aligned. Specific examples e.g., active travel links and nature networks should be considered together alongside the National Access Forum. Links to climate adaptation and mitigation could be stronger. In addition, where policies sometimes provide perverse subsidies that inadvertently damage biodiversity, this needs to be addressed e.g. the Agriculture and Rural Communities (Scotland) Bill and the way that the current Flood Risk management (Scotland) Act 2009 is operated.

If the Biodiversity Strategy is to be successful, it will need to be implemented and integrated across (and receive buy-in) from all government departments which will need to work much more closely together in the development of policies and projects. Likewise, the Biodiversity Strategy needs to be embedded and integrated across agricultural, forestry, planning, flooding, and infrastructure policies and vice-versa.

There are lots of actions in the delivery plan. Consideration needs to be given to how these will be prioritised (if necessary) over the plan period. If prioritisation is to occur, multi-functional projects and activities should be the focus due to the range of benefits and potential for multi-policy delivery. This would mean better use of resources (people and money) and allow alternative funding to be attracted to biodiversity project delivery.

Specific Points

We would suggest that the key ecosystems, included in the footnote on page 16, are included in the main text of the Delivery Plan.

There does not seem to be anything about working with neighbouring jurisdictions on biodiversity matters. For example, there is a large area of largely forested land straddling the border with England between Kielder, Kershope and Newcastleton, and at sea there is the movement of INNS from the island of Ireland to Scotland.

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

No

Introduce Statutory Nature Restoration Targets

There needs to be clear links between the delivery plan actions and the Statutory Nature targets in the Natural Environment Bill, which are part of the Bute House Agreement and mechanisms in place to update the delivery plan actions in line with the Natural Environment Bill. Otherwise, there could be disparity between the delivery plan actions and the statutory targets which will lead to confusion.
In addition, Scottish Government policy is to maintain or exceed EU standards as laid out in the Continuity Act so there is the requirement to align with targets, aspirations, and scope of the EU's recent legislation on ecosystem restoration.

Introduce a Programme of Ecosystem Restoration

The commitment to six large scale landscape restoration areas is welcomed as landscape-scale projects can potentially have the most impact. We would like to see one of the six large scale landscape restoration areas include at least in part urban landscapes.

It could be clearer what is expected where words such as restoration are used. What is included under restoration? For example, does restoration include woodland coverage of historically lost woodland and could this mean some restoration work aligns to increase in extent needed to reach the 30% of protected areas - if so, this can be made clearer. Or does restoration just include an increase in the quality of the habitat for example, could it broadly be provided as to what would add to the quality of the habitat (e.g. heterogeneity, connectivity, disturbance etc.).

With respect to the target for local and national catchment restoration initiatives to develop best practice through demonstration sites, the 2030 timescale set for this does not seem soon enough, to then upscale and roll out to meet with the 2030 target of ending the loss of biodiversity.

Implement Scottish Plan for INNS Surveillance, Prevention and Control

As part of the plan there needs to be continued support and upscaling of INNS control work to ensure that control efforts are not wasted when restricted to the length of funding bids. A national control plan for invasive species is needed, including early warning and rapid response for the arrival of new high-risk non-native species, which have the potential to become invasive under a changing climate. There also needs to be a legal duty that underpins the biodiversity duty.
Too often, control of invasive species falls between the various authorities, landowners etc.

Specific habitat/species considerations:
- For control of riparian and wetland plants on and adjacent to water courses targeted landscape scale approaches need to be adopted to control and manage INNS. Valuable lessons can be learnt from long-term control work already conducted in Scotland e.g. the highly successful giant hogweed eradication and control across all 5,000km^2 of the Tweed catchment by the NGO Tweed Forum[1].
- There needs to be continued and scaled up support of INNS eradication on Scottish islands in the context of restoration, including hedgehogs, stoats, and mink.
- For planting of local green spaces and road verges there should be a proviso for the use of native species of a local provenance wherever possible.
- Eradication of *Rhododendron ponticum* at whole catchment/regional scales to allow tree regeneration and restoration of native ground flora in Atlantic oakwoods.
- Tackle re-seeding of non-native tree species in particular Sitka spruce but also Norway spruce and Lodgepole pine onto natural and semi-natural habitats including peatlands and naturally regenerating woodland sites. Applying the 'polluter pays principle' in which industry pays for removal and biosecurity, as in the EU IAS Regulation Articles Polluter Pays section needs to be applied. If not, Sitka spruce removal will consume future conservation budgets.
- There will be an increasing spread of marine INNS, particularly with warmer seas. Pacific oysters represent a threat of becoming invasive in Scotland if spread from oyster farms or transportation. This has become a significant issue in Southeast England and should be monitored closely.
- Improving biosecurity to prevent spread of tree pests and diseases.

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[1] https://tweedforum.org/our-work/projects/tweed-invasives-project/

- A recent report published by Scottish Plant Health Centre found that the risks of plant pests to our semi-natural habitats is rarely considered during habitat creation and restoration[2], with organisations failing to carry out a biosecurity risk assessment prior to work being undertaken. The published biosecurity best practice guidance[3] for habitat restoration and creation should be followed to prevent accidental spread of unwanted plant pests and pathogens.

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

A marine and coastal ecosystem restoration plan is to be published by 2025, but there is no detail on the timescales for implementation. Measures to address the resilience and recovery of coastal and marine ecosystems need to be stronger and there needs to be clearer links between terrestrial, freshwater, coastal and marine strategies by adopting a source to sea approach[4]. We have serious concerns about the process and abandonment of the Highly Protected Marine Areas. HPMAs have been shown worldwide to support ocean recovery, with benefits overspilling into surrounding waters[5].

Reducing deer densities & sustainable management of grazing by sheep

A key element of ecosystem restoration is reducing deer numbers and the actions on deer management represent the most "SMART" set of targets in the Delivery Plans.

Sheep have been removed from considerable areas of upland due to financial pressures. Encouragement should be given to farmers to adopt more sustainable forms of sheep production that are suited for specific habitats. Different breeds of sheep (especially local breeds) have different impacts and this should be considered. Blackface sheep have been successfully used as a management tool to control giant hogweed[6].

Re-introducing species historic to the landscape should be explored, as this can have speedy and positive effects on ecosystems where tested elsewhere (e.g. Yellowstone national park[7]). Targets should include predator species, such as European lynx, especially where this is likely to assist in the management of deer. The implementation of Scotland's Beaver Strategy should continue to be supported working closely with landowners and farmers to promote the role of beavers as ecosystem engineers in restoration[8],[9].

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[2] https://www.planthealthcentre.scot/sites/www.planthealthcentre.scot/files/2023-09/phc2020_03_plant_health_the_natural_environment_fellowship_final_report.pdf

[3] https://www.planthealthcentre.scot/sites/www.planthealthcentre.scot/files/2023-09/biosecurity_best_practice_for_conservation_web.pdf

[4] https://www.nature.scot/doc/naturescot-research-report-1343-source-sea-enabling-coherent-efficient-and-synergistic-outcomes

[5] CIEEM Response to Scottish Highly Protected Marine Areas (HPMAs) consultation. https://cieem.net/resource/cieem-response-to-scottish-highly-protected-marine-areas-hpmas-consultation/

[6] https://www.invasivespecies.scot/sheep-grazing-management-guidance

[7] Boyce, M.S. (2018). Wolves for Yellowstone: dynamics in time and space, Journal of Mammalogy (2018). https://academic.oup.com/jmammal/article/99/5/1021/5107035

[8] Stringer, A.P. & Gaywood, M.J. (2016). The impacts of beavers Castor spp. on biodiversity and the ecological basis for their reintroduction to Scotland, UK. Mammal Review, 46, 270-283. https://onlinelibrary.wiley.com/doi/abs/10.1111/mam.12068

[9] Coz, D.M. & Young, J.C. (2020). Conflicts over wildlife conservation: Learning from the reintroduction of beavers in Scotland. People and Nature. 2, 406–419. https://besjournals.onlinelibrary.wiley.com/doi/pdfdirect/10.1002/pan3.10076

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

The action to invest in improvements to wastewater service is very specific in terms of numbers that may be subject to revision, for example in the event that other problematic intermittent sewage discharges are identified. Wastewater monitoring needs to be much more robust. As the Ferret[10] (and others) have recently revealed the rate of monitoring of sewage discharges by publicly owned Scottish Water is very low (4%). By comparison, the privatised water companies south of the border monitor close to 90%. Even with the very low reporting rate, the record for some individual sewage treatment works' discharges is clearly unacceptable. There are discharges that breach standards many times during the year when the weather conditions are clearly not a problem[11], [12], [13].

The action on investing in improvements to the wastewater service 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? There must be immediate action by Scottish Water and enforced by rigorous monitoring by SEPA and by the Water Industry Commission for Scotland (WICS). Regulation is currently failing with similar failings in England (DEFRA and the Environment Agency have been found to have failed in their mandatory legal duties to review, update, and put in place measures to restore rivers and other water bodies under the Water Framework Directive regulations in a landmark court ruling)[14].

In terms of water catchments there is a target of 90% of waterbodies reaching 'Good status' by 2030. 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 River Basement Management Plan categories. It would be better to have actions aligned to River Basement Management Plan 2021-2027[15] but focus on additional aspects e.g. nature network actions, riverine tree planting targets, restoring natural flows via the removal of redundant dams and weirs.

In the freshwater actions, there are no specific actions related to standing waters (lakes and ponds). Freshwater habitats will be a key issue for Scotland in tackling both biodiversity loss and climate change. Scotland's rivers and lochs contain 90% of the UK's surface freshwater[16]. Although freshwater lochs, ponds and freshwater wetlands are listed as ecosystem categories to be included in the programme of ecosystem restoration in the footnote on page 16, there are no actions in the delivery plan tables - page 18-22). Freshwater ecosystems do not have many actions throughout the strategy as presented. As far as we can see there is currently no inclusion of wetlands such as fens, flushes reedbeds, mires etc.). Equally, a wide range of freshwater habitats are not included within RBMPs, including tributary and headwater streams, reedbeds, small ponds, mires, bogs, wetland meadows, flood meadows and ditches.

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

Landscape scale actions that deliver multiple benefits have the potential to have significant positive impacts beyond just biodiversity. However, partnerships will need committed funding, resources and clear objectives. Implementing a programme of ecosystem restoration should have a big impact not only in itself

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10 https://theferret.scot/claim-sewage-overflows-not-issue-scotland-false/

11 https://www.scottishwater.co.uk/Your-Home/Your-Waste-Water/Overflow-Spill-Data

12 https://waterquality.sas.org.uk/scotland/

13 https://theferret.scot/claim-sewage-overflows-not-issue-scotland-false/

14 https://www.theguardian.com/environment/2023/nov/20/defras-failure-to-protect-and-restore-water-bodies-unlawful-high-court-rules

15 https://www.sepa.org.uk/media/594088/211222-final-rbmp3-scotland.pdf

16 https://www.environment.gov.scot/media/1172/water.pdf

but also by providing examples to land managers. 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.

This is all about creating and sustaining Green Jobs for Nature. It is not nature versus society/economy, rather that the latter rely on a healthy natural environment - and in turn it provides lots of 'green' jobs and well-being.

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

No

Actions to achieve the key objectives have been included but the detail on implementation is missing, there is a lack of 'SMART' targets. Likewise, clear allocation of actions to delivery partners with aligned funding mechanisms.

There also needs to be a plan for a just transition for users of land and sea whose legitimate actions adversely affect biodiversity.

Many of the actions in this section rely on Local Councils to lead or be a key delivery partner which has direct resource implications for Councils. For example, significant resource implications are anticipated in respect of the requirement for local authorities to undertake the mapping, coordination and delivery of nature networks. Do the actions pertaining to the Local Planning Authorities also include the provision of funding for recruitment of additional personnel to deliver the actions, if so, it could be made clearer that this is intended, if not this would be an important consideration and a topic that CIEEM has raised awareness of [17].

30 x 30

The first set of actions (30x30) only cover marine, with one woodland action. What about other habitats and ecosystems? We can't see a good reason for their exclusion from here, but if there is one it would be good to know what it is.

Designation of additional protected sites need to consider minimum area for effective conservation and how they link up across the landscape and with nature networks under a changing climate. The BES Protected Areas Report found that Including buffer zones, habitat corridors and OECMs are key to building ecological resilience and biodiversity[18].

The designation of additional protected areas has implications for monitoring and enforcement. Therefore, a long-term funding plan for protected sites needs to be established. As well as the area designation, the condition is key. This is both for existing sites that are designated plus new sites that will be designated under 30 x 30. There should be clear targets for improving the condition of protected areas. A monitoring strategy, adaptive management under a changing climate and clear enforcement powers will need to be in place with NatureScot adequately funded to deliver these additional demands.

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[17]CIEEM (2022). 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/
[18] https://www.britishecologicalsociety.org/policy/protected-areas/read-the-report/

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

We agree that National Parks need to be exemplars of best practice[19]. For Partnership Plans, the targets with respect to nature restoration are key.

The current "*Duty to have regard to the National Park Plan*" is far too weak given the twin crises.

Instead of:

 '*increased emphasis on the role of the Parks' communities, third sector organisations and the public and private sectors in the implementation of those Partnership Plans'*,

there needs to be a stronger duty and direct policy instruction placed on all public authorities to work and act differently within National Parks. For example, Forestry and Land Scotland to prioritise biodiversity conservation and native planting on their forestry estate within a national park; enhance native woodland planting grant levels within a national park. Likewise, enhanced riparian buffer zones to be mandatory on all farms within a national park to receive approved Good agricultural and environmental conditions (GAECs) funding.

The Sandford principle[20] should be extended to all public bodies operating in the parks, not just the National Park Authorities.

It is important to consider communities and their complexities. For example, who are the local communities and how are they engaged or served by the National Park. It is imperative that governance structures allow for community voice and representation at all stages including proper representation of local communities on the governing body of the National Park Authority. A current failing in governance is the lack of diversity on Authority Boards. We need to also recognise that these are **national** parks, chosen specifically as exemplars so they are and should be **different** to Local Authorities and the priorities they may take.

National Parks can contribute to the delivery of 30 x 30, however not in their entirety due to the many often conflicting objectives. There is a great opportunity for National Parks to expand their role in delivering nature recovery and restoration at-scale. With additional support to build on the existing positive measures that the National Parks are taking, more and more areas within the parks should meet the criteria and, over time, count towards the 30% target.

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

We support what is outlined, both the intention to improve current National Nature Reserves and also expansion of the number of National Nature Reserves. The timescales identifying new sites by 2026 and designating by 2028 are rightly ambitious. If NatureScot is leading on this, resources need to be invested to allow that to happen. Unless it is combined with resources, funds, and instructions to public bodies to comply and deliver the impact won't be there.

A shift from designation based on a feature and form focussed approach to one based on ecological dynamics and ecosystem functionality should be considered.

Any designation needs to meet changing conditions, creating resilience to a shifting baseline, and realised future potential. Therefore, we agree that planning and management of NNRs in response to the impacts of

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[19] https://cieem.net/policy-debate-on-national-parks-in-scotland/

[20] Sandford Principle - "Where irreconcilable conflicts exist between conservation and public enjoyment in National Parks, then conservation interest should take priority."

climate change on nature requires updated management plans for NNRs and we are pleased to see a target timescale.

Expand and enhance Nature Networks and ecological connectivity

There needs to be cohesion and a National Nature Network as otherwise nature networks designated by local authorities may not link across boundaries and therefore not make ecological sense. A Scottish Nature Network would join up sites for nature and link ecological processes across landscapes. Protected areas would form the core of Scotland's Nature network and then by restoring and creating new habitats will connect these areas together. **This requires spatial planning and co-ordinated action across the planning and land use sectors.**

The targets for Nature Networks are focused on identifying and creating Nature Networks, but do not set any specific actions around how these will be implemented, expanded, and enhanced. It is possible to identify networks on a desk-based scale using mapping of blue and green space features, the key is to identify the gaps in the network and identify how LPAs create a complete habitat network. The level of habitat data that local planning authorities hold varies widely between authorities. If there is a cost involved in using the Nature Network tool, this may prohibit some LAs utilising it.

We are supportive of incorporating and embedding Nature Networks into policy frameworks and decision-making processes as a component of Local Development Plans and Regional Land Use Partnerships nationally in the long-term. However, Local Development Plans have a long cycle and the achievability of the 2030 target will be dependent on what stage LPAs are at in their Local Development Plan cycle.

We have previously raised the issue of ecological capacity and expertise in Local Planning Authorities[21], and we would like to see how Local Planning Authorities will be supported both in terms of capacity and the guidance and support they will be given to develop cohesive nature networks.

Likewise, it is good to see RLUPs referenced but we need to see how they are going to be properly supported and financed. Regional Land Use Partnerships should be empowered to make decisions on priorities and resourcing at a regional and local level, connect directly to levers of funding and finance and stimulate action and delivery.

Champion new planning and development measures for protecting and enhancing biodiversity

Many of the actions outlined come under NPF4 and there needs to be clarity on delivery and the responsible agencies for delivery.

The statement on metrics should be updated in line with the recent Scottish Government announcement that NatureScot will be developing a metric to support the delivery of policy 3b of NPF4 following a commissioned report on 'Research into Approaches to Measuring Biodiversity in Scotland'[22], [23]. CIEEM can help develop a Scottish approach, using learnings from our involvement in the development of BNG principles[24].

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[21] 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

[22] McVittie, A., Cole, L., McCarthy, J., Fisher, H., and Rudman, H. (2023) Research into Approaches to Measuring Biodiversity in Scotland, Final Report to Scottish Government. https://www.gov.scot/publications/research-approaches-measuring-biodiversity-scotland/documents/

[23] https://cieem.net/reflections-on-the-scottish-governments-announcement-to-develop-a-scottish-biodiversity-metric-by-sarah-kydd-cecol-mcieem/

[24] https://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development/

Biodiversity enhancement, when it is a condition of consent, needs to be monitored and enforced before we can really know if biodiversity enhancement is being achieved. In the survey on ecological capacity and expertise in Local Planning Authorities[25] 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 NPF4 and Positive Effects for Biodiversity. This needs to be addressed. Each Local Authority should have, as a bare minimum, ecologists and environmental planners who are adequately resourced and trained. Without in-house ecological expertise in Local Authorities, positive effects for biodiversity cannot be accurately assessed and delivered, and there is a danger that climate change and biodiversity targets will not be reached.

The action relating specifically to renewables and essential infrastructure would be better set to biodiversity in general, so it covers both species and habitat. Current wording is specific to upland biodiversity and peatland only, such infrastructure may also affect other priority habitats and species.

Onshore wind sector deal commitments include submitting biodiversity monitoring data to a central repository. This could be implemented much wider across development and tied in with the Better Biodiversity Project. This would have to be an additional cost placed on developers so that resources are set aside to employ ecologists and other independent specialists to monitor impacts and submit the biological data.

Enhance biodiversity in Scotland's green and blue spaces

Action to increase blue-green infrastructure could be more ambitious to include all development projects of a certain size (as opposed to being limited to transport and active travel projects as it appears). Blue and green infrastructure are not an added benefit but an integrated requirement for future planning and development and we would like this to be given far greater weighting and detail on how it will be implemented and enforced.

To make places more inclusive, diverse, vibrant, resilient and empowering we should ensure equitable access to greenspace (both in terms of amount and quality), sustainable transport routes and blue-green infrastructure. We support the 20-minute neighbourhood concept and considering biodiversity and nature networks in the design and planning of 20-minute neighbourhoods is fundamental as part of a holistic nature-based approach to planning.

There is an opportunity to mandate green infrastructure on new buildings e.g. solar panels and green roofs/green walls and increase the extent and quality of blue/green infrastructure more generally within developments such as rain gardens and Sustainable Urban Drainage Systems. Development and blue green infrastructure should be synonymous.

Although SuDs are a legal requirement for all new developments in Scotland, the design of SuDs is not always considered during initial site design and best practices are not always followed. The policy and legislation on SuDs needs to be tightened, particularly in the light of the recent IPCC report[26]. Measures for the long-term management of SuDs are also needed to ensure their effectiveness for both water management and biodiversity. When designing SuDs positioning should be considered as to how to maximise their value in terms of ecological networks e.g. linking up streams and ditches with SuDS for movement of amphibians and other wildlife.

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[25] CIEEM (2022). Scottish Local Planning Authority Ecological Expertise and Capacity Survey. Survey of Scottish Local Planning Authority Capacity Highlights Risk to Delivery of NPF4 | CIEEM
[26] IPCC (2022). Climate Change 2022. Impacts, Adaptation, Vulnerability. Summary for Policymakers
https://report.ipcc.ch/ar6wg2/pdf/IPCC_AR6_WGII_SummaryForPolicymakers.pdf

We would like to see the widespread use of raingardens as an urban flood prevention measure implemented across Scotland, with incentives for retrofitting raingardens in existing buildings. There should be a tightening up of planning restrictions on paving gardens so going forward there is a focus on permeable ground as part of climate adaptation measures. We would like to see a target set to legislate against the use of artificial grass in new housing developments with subsequent measures in place to highlight the impact artificial grass has on ecology and wider environmental impacts.

It is unclear how the following statement relates to NPF4 and whether it will be implemented as part of NPF4 or the Biodiversity Strategy.

We will establish a new National Charter with a clear vision for improving biodiversity in our urban green and blue spaces, and support delivery through strategies and plans that promote best practice management, wider sharing and greater understanding.

The action 'Work with social housing providers, developers and homeowners to promote and share good practice for residential gardens to better support biodiversity by 2030' should be widened as it should apply more widely than to gardens, for example to communal greenspaces, road and motorway verges and railway corridors as well as open areas in housing and industrial developments. It is important to identify limiting factors for action by individuals. Many gardens have now in effect been 're-wilded' but it can be difficult to obtain seed of the appropriate provenance and even more difficult to buy plug plants. There needs to be recognition of the biodiversity of vacant and derelict land and brownfield sites and attention given to these in relation to nature networks.

Local Biodiversity Action Plans can also be used to guide enhancements to key areas. Clarity of the role that is envisaged for them and how they will be resourced would be helpful.

Design of new transport infrastructure can be a valuable opportunity to incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems) where possible'. Network Rail has been incorporating the principles of biodiversity net gain[27] and is looking to achieve biodiversity net gain by 2035 across the entire network[28].

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

No

Few of the targets listed are SMART and while the need to have SMART targets should not limit ambition, currently many of the actions listed are not SMART. The recent State of Nature report clearly shows the ongoing declines in a wide range of terrestrial, freshwater and marine biodiversity despite previous strategies, we need clearly defined SMART targets with key delivery partners identified. There is not much information on the who and the how, meaning it's difficult to know if what is outlined will get us on track.

A number of the targets are dated 2030, but for ending biodiversity loss by 2030, these will need to be actioned sooner. For example, implementing a nature-positive amenity grassland strategy for the public

[27] CIRIA, CIEEM and IEMA (2019) Biodiversity net gain. Good practice principles for development Case studies, case studies 6-10. Available at: https://cieem.net/resource/biodiversity-net-gain-case-studies/

[28] Network Rail (2020) Biodiversity Action Plan. Available at: https://www.networkrail.co.uk/wp-content/uploads/2020/12/Network-Rail-Biodiversity-Action-Plan.pdf

estate should be achievable within a shorter time frame. Approaches to manage green space in a way that is more nature positive are well known[29], [30].

It is not clear why marine and woodland seem to have been prioritised over other habitats and ecosystems.

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

- Provide defined resources to deliver the programme;
- Expand and enhance Nature Networks and ecological connectivity;
- Expansion of whole catchment management solutions to deliver flood resilience, biodiversity gain and climate change mitigation;
- Ensure that nature-based solution interventions to minimise flood and landslide damage caused by increased rainfall deliver the maximum benefits for biodiversity;
- Champion new planning and development measures for protecting and enhancing biodiversity. Enhancing biodiversity in Scotland's green and blue spaces will help to address potential disconnection with nature in urban environments and provide access for all to good quality green and blue spaces.

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

Yes/No/Unsure

No

<u>Ensure increased uptake of high diversity, nature-rich, high soil-carbon, low intensity farming methods while sustaining high quality food production</u>

There are many important actions listed including important recognition of measures to address soil health. However, there are several omissions.

Like between NPF4 and the Biodiversity Strategy there needs to be clear linkages made between the Scottish Biodiversity Strategy and the Agriculture Bill. The Agriculture Bill sets out clear overarching objectives and desired outcomes of high-quality food production, climate mitigation and adaptation, nature restoration and wider rural development….'every effort must be made to mitigate the nature crisis'. The requirement placed on the Scottish Government to produce a Rural Development Plan and revise it every 5 years, and the new Code of Practice on Sustainable and Regenerative Agriculture, are steps forward. Schedule 1 of the Bill sets out activities that are eligible for support, including agriculture, food and drink, forestry and environmental measures; this is also a step forward. For example, assistance to promote, protect or improve soil health and quality and the natural environment, preserve, protect, improve or restore biodiversity.

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.

James Hutton Institute soil maps can help inform assessments. NatureScot 'Sharing Good Practice' events had a very valued role in information exchange. The Integrating Trees Network (ITN) could be used as a model for a demonstrator network of host farmers and crofters across Scotland and thereby expanded for

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[29] https://www.dorsetcouncil.gov.uk/w/verge-cutting-information-dorset

[30] https://www.plantlife.org.uk/wp-content/uploads/2023/03/Managing-grassland-road-verges_2020.pdf

demonstrating nature friendly farming practices. Agriculture still accounts for a significant proportion of nitrogen emissions and this aspect needs clear reduction targets.

Cattle grazing is important for biodiversity but farmers that graze cattle on pastures are under severe financial pressure. Farmers and landowners should be supported to implement land management regimes that are good for biodiversity.

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

CIEEM strongly supports payments to farmers to support climate change mitigation and adaptation, integrated land management, protection and restoration of biodiversity, air, water and soil quality. A significant proportion of Scotland's land is covered in agriculture - hence we need a sea change in how this is assessed, resourced and managed.

Funding should be prioritised to Tiers 2, 3 and 4 to support and deliver for nature and climate. There seems to be an emphasis on base level direct payment which we consider does not match the wider government objectives. The basic payment should include funding to support and deliver for nature and climate change alongside other measures for environmentally sustainable food production.

Whole farm plans provide an overview of the whole operation and provide the context for measures of importance to nature and environment, and it enables recognition that different parts of the operational unit can contribute in different ways to the variety of policy objectives. Payments and monitoring need to be conducted over the relevant time period. Payments can't be linked to short term measures or solely focus on small-scale interventions that don't contribute to long-term nature recovery.

In the strategy it states that farmers and crofters will produce an integrated biodiversity audit as part of the Whole Farm Plan from 2025 as a prerequisite to claiming support. It is a legal requirement in New Zealand for all farmers to produce a Freshwater Management Plan[31] for their landholding, this could be used as a model. Farmers must have access to advice that is professional, objective and evidence-based from advisors who are competent to deliver this. CIEEM has developed a [Farm Environment Advisor Competency Framework](#)[32] with sixteen areas of competency for farm advisors. There must be much more investment in advice, knowledge exchange, research, and CPD to support the transition to nature-friendly and climate-friendly farming.

We need to go beyond biodiversity audits with clear targets set and the resources and capacity to measure and monitor.

Implement further fisheries measures in vulnerable marine ecosystems and to protect Priority Marine Features outside MPAs and Implement a sustainable approach to sea fisheries management, using best available scientific advice and minimising adverse impacts on non-target species and habitats

The removal of support recently announced by the Scottish Government for HMPA's is of significant concern. Evidence shows that strict levels of protection where all uses are limited in order to ensure protection that was laid out in the draft HPMA Policy Framework can create ocean recovery zones, helping ecosystems

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[31] https://environment.govt.nz/acts-and-regulations/regulations/regulations-for-freshwater-farm-plans/

[32] Farm Environment Adviser Competency Framework - https://cieem.net/resource/farm-environment-adviser-competency-framework/

recover and providing benefits to society[33], [34], [35]. HPMAs have been shown worldwide to support ocean recovery, with benefits overspilling into surrounding waters. The links between HPMAs and the existing marine protected area network and the importance of buffer zones needs to be considered within a wider spatial management framework to ensure maximum ecological benefit and a just transition.

In the case of fisheries there need to be actions on scallop dredging and bottom trawling, identifying substrates where this can be carried out sustainability and providing a just transition for fishers whose actions inevitably adversely affect seabed integrity. Identifying changes to more sustainable fishing gear/methods used (to allow for a "just transition") should be implemented.

There is nothing on the emerging marine algal industry. There should be an action to identify the circumstances in which this seaweed culture benefits and impacts marine biodiversity.

The Pacific oyster (*Crassostrea gigas*) is the mainstay of Scottish oyster production. However due to rising sea temperatures it has become invasive on the south coast of England. There ought to be an action to consider how oyster cultivation in Scotland should adapt to avoid this becoming a problematical INNS here, particularly given the number of projects that are reintroducing native oysters (*Ostrea edulis*) to the Scottish seas. Feral populations of the Pacific oyster in Ireland already seem to be self-recruiting.

There is clear scientific evidence[36] of the impact of two emerging threats to wild Atlantic salmon: invasive Pink Pacific salmon and 'red skin disease' and biodetection and biosecurity needs to be paramount.

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

Many aquaculture companies are putting their farms through Aquaculture Stewardship Council accreditation, which is commendable. However, it does not yet address feed sources. It would be good to work with the ASC (which is an international organisation) to include this.

Ensure that forests and woodlands deliver increased biodiversity and habitat connectivity alongside timber and carbon outcomes

As outlined in a recent joint CIEEM-ICF position paper[37], we urgently need to prioritise helping private landowners to bring more existing woodlands into sustainable management by increasing the pace, breadth and scale of ambition in policy, legislation and financial incentives. Ownership of woodlands is fragmented, and landowners do not have the knowledge, incentive, or confidence to understand and act on the natural capital value of their woodlands.

The current Forestry Grant Scheme is subject to an inquiry led by the Royal Society of Edinburgh. There is no longer any justification for reasons of market failure, necessity of state support for commercial operations

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[33] Strictly Protected Marine Protected Areas: International Policy and National Practice. Saving our Seas through Law Policy Brief Series | Briefing No. 5. University of Edinburgh Law School. https://www.law.ed.ac.uk/sites/default/files/2021-04/Marine%20Briefing%205%20%28updated%29%20-%20ACC.pdf

[34] Dudley, N. (Editor) (2013). Guidelines for Applying Protected Area Management Categories. IUCN. Best Practice Guidance. https://portals.iucn.org/library/sites/library/files/documents/PAG-021.pdf

[35] Stewart, B.D., Howarth, L.M., Wood, H., Whiteside, K., Carney, W., Crimmins, E., O'Leary, B.C., Hawkins, J.P. & Roberts, C.M. (2020). Marine Conservation Begins at Home: How a Local Community and Protection of a Small Bay Sent Waves of Change Around the UK and Beyond. Frontiers in Marine Science, 7, 1-14. https://doi.org/10.3389/fmars.2020.00076

[36] Atlantic Salmon Trust (2022). Pink Salmon and Red Skin Disease: Emerging Threats for Atlantic Salmon https://www.flipsnack.com/juinpublish/tast-blue-book-dec-2022/full-view.html

[37] ICF and CIEEM position paper – Management of Existing UK Woodlands: An Opportunity for Green Prosperity (Aug 2023). https://cieem.net/resource/icf-and-cieem-position-paper-management-of-existing-uk-woodlands-an-opportunity-for-green-prosperity-aug-2023/

and import substitution to provide grant aid for commercial forestry planting in Scotland. There is a financially viable market. Hence money can be redirected into support for climate change actions, including carbon sequestration and reduction in carbon loss, and biodiversity gain through planting of native trees and improved management and restoration of existing native woodlands, especially Caledonian pine and mid latitude rainforest ecosystems.

All forestry operations, whether grant aided or not, should be subject to strict adherence to the Land Rights and Responsibilities Principles and also to the Codes of Practice for Forestry. This means that more effort will be required for enforcement of conditions and adherence to guidelines.

There is no detail on the proposed targets and timescales and mechanisms for delivery. At present, the actions for woodland are very broad.

We need to see:
- enhanced woodland grant levels for native species in key, designated areas and environments.
- consideration of species choice with respect to climate change.
- awareness campaigns around tree pests and diseases and support around species choice.
- targets related to riparian tree planting and links to the Riverwoods project.
- restructure of woodlands during restocking, could this state a requirement for a % of broadleaves to be included?
- tree planting aligned with designation of nature networks.
- more specific targets under 'update woodland management guidance and plans'. *A greater emphasis on actions that will improve biodiversity including use of elements from Site Condition Monitoring and Woodland Ecological Condition (WEC)* is too vague.

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

No

Not all of the actions have clear timescales, which should be set.

The industries mentioned here are under financial pressures and some operators, particularly small-scale ones, may find it difficult to make the required changes even if they wish to do so. Others are unlikely to make the changes required unless they are mandated to do so. For example, salmon-farming companies have to operate under higher levels of compliance and environmental protection in Norway than in Scotland.

Some actions would be insufficient as some actions are to do with the development of plans as opposed to the implementation of those plans, e.g. mapping spoils that have been subject to anthropogenic degradation and are candidates for soil improvement programmes by 2027/2028 does not leave any time addressing the subsequently identified degraded soils.

An action addressing trends in pathology as regards farmland crops and farming methods would seem to complement the other actions mentioned under farming. This seems to be included for forestry but not farming. Unsure if the health of wild fish is included within the actions specified for farmed fish.

Unsure if this is captured under the agri-environment schemes but actions around how farmers could benefit from developing biodiversity and carbon (and indeed other ecosystem services) markets.

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

Introducing an agricultural support framework which delivers for nature restoration and biodiversity alongside climate and food production outcomes should have the most impact as agricultural land makes up 80% of the land in Scotland. This will benefit terrestrial biodiversity and freshwater biodiversity, through effects such as nutrient run-off into rivers.

For the seas, stopping bottom-dredging; setting up HPMAs and increasing environmental standards for salmon farms.

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

Unsure

We are pleased to see the emphasis on species which was missing from previous versions of the Scottish Biodiversity Strategy.

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

Revision of the Scottish Biodiversity List needs to come with definite actions for those species prioritised. We agree that data is needed, but so is action. We need to accept that we need to work on the best data we have available, but continue to improve the collection, collation and use of data.

There needs to be clarity about the scope and outcomes of the revision of the Scottish Biodiversity List and the Species at Risk database. The Scottish Biodiversity List has a statutory function for example Local Authorities having due regard to and ties into LBAPs. It is not clear how the Species and Risk database relates to the Scottish Biodiversity List. Will the Species at Risk database include targeted actions for species conservation and become the driver for a national programme of targeted species recovery actions?

Develop effective species recovery, reintroduction and reinforcement programmes

The action should be - *develop and* ***RESOURCE*** *effective species recovery, reintroduction and reinforcement programmes*.

The second key action to develop effective species recovery reintroduction and reinforcement programmes appears broader in its scope than the other actions.

Where would the Scottish Plant Biodiversity Strategy fit in here? The Plant Strategy should be a component of the SBS Delivery Plan.

We fully support the action to develop and support the Better Biodiversity Data project. Access to and provision of data are key in determining a biodiversity baseline and measuring progress to protect, conserve and enhance biodiversity. The inconsistent geographic coverage of local records centres in Scotland has been a long-standing issue especially in areas such as the Highlands. Access to the best available data will help assess development proposals and determine the effectiveness of any mitigation measures.

There is an urgent need to implement actions rather than just *support surveillance and monitoring to manage pathogens and disease risks*. The published biosecurity best practice guidance[38] for habitat

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[38] https://www.planthealthcentre.scot/sites/www.planthealthcentre.scot/files/2023-09/biosecurity_best_practice_for_conservation_web.pdf

restoration and creation should be followed to prevent accidental spread of unwanted plant pests and pathogens.

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

The emerging Scottish Seabird Conservation Strategy and the UK dolphin and porpoise conservation strategy that is being revised will underpin these actions so this section should be updated to align with these strategies.

Implement measures to protect and recover Scotland's wild Atlantic salmon and migratory fish populations

Within the current actions there is nothing on how the actions on sea fisheries will relate to and affect the freshwater environment, important of course for species such as salmon and trout, in particular effects of exchange of genetic material.

There is nothing explicit regarding how genetic diversity will be supported under the actions suggested. We would suggest that the consideration of genetic diversity forms part of any actions considered for the protection of vulnerable and important species and habitats, as genetic variation in the gene pool will be essential to the ability of species to adapt to changing conditions. This will be as true of commercial crops as much as wildlife.

Question 2k: Are the key actions, to support the objective: protect and support the recovery of vulnerable and important species and habitats, sufficient to put Scotland on track to ending the loss of biodiversity by 2030?

Yes/No/Unsure

No

There are some additional actions that could usefully be added. Mention is made of the Scottish Marine Wildlife Watching Code. However, there needs to be a parallel action to publicise the Scottish Outdoor Access Code. The National Access Forum has discussed actions to reduce disturbance of wildlife. It will be important to work with the Scottish Kennel Club to minimise the disturbance caused by the increasing number of dogs in towns and the country. Of particular importance is the impact of dogs on shoreline birds which are already under extreme pressures. Working alongside SportScotland to ensure that the governing bodies of outdoor sports are aware of best practice in relation to biodiversity and in particular in relation to disturbance would be useful and bodies such as CIEEM could fulfil this role.

Pressures from climate change, disease and wildfire may mean that it is unrealistic to expect to achieve the target and there may need to be prioritisation of actions. One such prioritisation should be the development of a Scottish Seabird Conservation Strategy with SMART ambitious targets to address the decline in seabird numbers revealed by the latest seabird census[39] and measures to conserve and increase the resilience of seabird populations.

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

It is hard to assess this as there are few dates for delivery on many of the actions and they are missing who will be leading on them.

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[39] Seabirds Count (2023). A census of breeding seabirds in Britain and Ireland (2015–2021), https://jncc.gov.uk/our-work/seabirds-count/

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

Yes/No/Unsure

No

Not much of this seems to be genuinely new activity, but it needs to be properly resourced to be effective.

Drive increased investment in Biodiversity and Nature Restoration

There has been significant investment via Peatland Action and the Nature Restoration Fund which is welcomed. Peatland Action has struggled with the capacity on the ground to deliver but this is being addressed well. In terms of the Nature Restoration Fund, applying for the fund itself can be a barrier to smaller organisations or groups without the experience of applying for funds like this. The Nature Restoration Fund application mechanisms should allow support for organisations not previously used to applying for funding, to make it equitable both geographically and across a range of organisational size. The timescale for delivery should be longer term or matched better to deliver the objectives. A concern with the Nature Restoration Fund that has been raised by CIEEM members is that in the development stage there is no mention of monitoring. However, the full bid expects details of what monitoring will be carried out, but costs cannot be clearly allocated.

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

This goal would be improved if the actions to increase investment were smarter and more aligned to industry advice, such as the World Economic Forum, which advises a three (by 2030) to four-fold (by 2045) increase in investment in real-terms to meet challenges of climate change, biodiversity, and land degradation targets.

Increase investment in Scotland's coastal and marine environments

This is too vague to be able to assess the effectiveness.

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

Lack of expertise and capacity is a real risk for delivery of the framework. Unless we have the right people in the right number a lot of the objectives won't happen.

We have highlighted previously about lack of capacity and expertise within Local Planning Authorities with differences across Scotland[40]. Although this survey was carried out and written in the context of NPF4 it is equally relevant for the delivery of the Biodiversity Framework.

Local Authorities that have received Nature Restoration funding, sometimes have issues in that there is not the staff capacity or resources on the ground to implement it within the desired timescales or in the most effective way.

We need to embed biodiversity into wider training schemes and professions more generally. There is a move to provision of short courses which we are supportive of but there also needs to be provision of relevant apprenticeships available as at present none of the Lantra modern apprenticeships[41] cover ecology.

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[40] 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

[41] https://www.lantra.co.uk/careers/JobProfile/JobProfileDeta

CIEEM and Lantra's recent report[42] into the barriers facing new entrants from entering the ecology and environmental sector observed 6 key findings:

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 looked at how we can improve pathways into ecology jobs for young people with vocational qualifications and mid-career changers and tackle the above challenges.

The Green Jobs for Nature Website[43] developed by CIEEM is a key tool for highlighting what a green job for nature is, how to get one, and the range of employment opportunities with the 100+ role profiles[44] from people working in the profession highlighting what their job involves and their route into the profession. The website developed in partnership is to raise awareness and help address the capacity crisis.

CIEEM as the professional body for ecologists and environmental managers is ideally placed in providing training[45] in nature restoration skills to prepare for the increase in demand for biodiversity expertise.

Question 2n: Are the key actions, to support the objective: invest in nature, sufficient to put Scotland on track to ending the loss of biodiversity by 2030?

Yes/No/Unsure

No

We welcome the key actions planned to invest in nature, particularly around the guidance for responsible investment in natural capital, availability of public funds, developing a biodiversity investment plan and investing in green skills. However, there are potential barriers to uptake of the public funds in that the application process can be very onerous. Whilst understanding governance structures must be in place, it would be helpful to review application processes to streamline where possible.

Introduction of more collaborative approaches in keeping with the shared responsibilities approach used internationally as a good governance model is a way forward. Shared governance and governance by local communities is very important. The UK and Scotland perform unfavourably in the adherence to the requirements of the Aarhus Convention. The Scottish Government needs to set out its plans for substantially improving performance particularly in relation to community collaboration, for example on land use change, forestry planting, renewable energy schemes and flood resilience schemes.

The Principles of Land Rights and Responsibilities are a crucial ethical and practical basis for a paradigm shift in the way natural resources are used and managed and should be referenced in the Framework.

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[42] Smith, N. & Congreve, A. (2023). Opening up vocational pathways into nature-based green jobs. Research commissioned by CIEEM and LANTRA.
https://cieem.net/resource/opening-up-vocational-pathways-into-nature-based-green-jobs/
[43] https://greenjobsfornature.org/
[44] https://greenjobsfornature.org/job-profile-category/all-job-profiles/
[45] https://events.cieem.net/Events/Event-Listing.aspx

It is difficult to know if the actions will put Scotland on track to ending the loss of biodiversity by 2030 as much of the "how" is not covered and the level of potential investment and what investors will require is not yet clear.

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

A combination of responsible investment and the knowledge and expertise required to deliver nature restoration measures at the scale required will have the most impact. The use of high-quality case studies will also help with developing and supporting a Community of Practice within FIRNS.

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

Yes

Indirect Drivers of Change

We are pleased to see the addition of the sixth objective - Take action on the indirect drivers of biodiversity loss.

Engage and strengthen the connection between people and communities with nature

Engaging with and strengthening the connection between people and communities with nature is essential and it needs to ensure that inclusivity and diversity is embedded. We need to do more to effectively engage with community and voluntary groups that exist but need support, steering and guidance to achieve bigger and better outcomes. Support of these groups to form partnerships is important to ensure sustained and effective delivery. Many groups and partnerships that carry out this role have had their core funding from NatureScot reduced or removed e.g. Tweed Forum and North East Scotland Biodiversity Partnership. Impactful engagement and coordination across a wide cross-section of communities requires significant resource and commitment from a range of stakeholders, including local authorities.

Embed biodiversity and nature in curriculum development

Embedding biodiversity and nature in curriculum development is important but it should apply not only to schools and further and higher education establishments but also to pre-school settings where a lot of good work is already being done and to youth organisations such as the Scouts, Guides and Sea Cadets. Many eNGOs do really effective youth engagement. The ranger service provides fantastic learning opportunities for young people both in school grounds and in the local area and access to this should be sustained and expanded.

Outdoor learning in schools is largely as a result of individual teachers' enthusiasm, knowledge and confidence in adapting and taking lessons outside. Outdoor learning in early years and primary schools is reasonable across Scotland, although has been impacted by Covid (new teachers not gaining the confidence during teacher training courses). However, the challenge is at the secondary level where the demands of the curriculum allows very little flexibility. Understanding of the natural world should be at the heart of the revised Curriculum for Excellence, especially at Broad General Education S1-S3 to ensure that environmental knowledge is taught to all students by those qualified to do so and that options for higher study of the natural environment at S4 to S6 are mandatory in all schools. Advisers in the new education NDPB should ensure this is followed through and accessible to all students.

There are lots of fantastic resources already out there e.g. from STEM Learning and OPAL Explore Nature[46] with already developed lessons plans and curriculum links which could be built upon. Long-term support and funding for initiatives like these is challenging. CIEEM is supportive and involved in the development of a Natural History GCSE in England and we would like to see the consideration of the development of something similar in Scotland.

Mainstream and integrate biodiversity policy across government

Biodiversity policy needs to be integrated not only into NMP2 but also into Regional Marine Plans. There is an ongoing challenge that government departments largely work in silos, there needs to be better integration across government departments to allow biodiversity policies to be integrated across government to the extent that climate change is. Statutory nature targets as part of the Natural Environment Bill will help drive this change.

Address unsustainable supply and demand to reduce biodiversity impacts

There has been a lot of work on the circular economy which should be driven forward[47].

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

No

To answer yes, all actions would need to be fully addressed, but they have not been, are not and in the current framing will not be - for the many reasons we have outlined throughout - lack of clarity, ownership, resources, other priorities, lack of monitoring and enforcement.

An action to strengthen the realisation of this objective would include to support and progress to, a mandatory requirement for businesses (certainly businesses of a certain size) to disclose their risks, dependencies and impacts on biodiversity, including their supply and value chains through such frameworks as the Taskforce for Nature-related Financial Disclosures (TNFD), in line with the Kunming-Montreal Global Biodiversity Framework.

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

Mainstreaming and integrating biodiversity policy across government has the potential to have the biggest impact.

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[46] https://www.imperial.ac.uk/opal/
[47] https://www.gov.scot/news/circular-economy-bill-published/

Section Three – Nature Networks Policy Framework

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

Many CIEEM members took part in the Nature Networks and 30 x 30 co-design process run by NatureScot and the process and participation by a wide range of stakeholders has resulted in proposed frameworks that we broadly welcome.

One area of concern is that the emphasis seems to be on a bottom-up approach reliant on Local Planning Authority delivery. As well as the bottom-up approach there needs to be regional and national planning otherwise networks will be limited by Local Planning Authorities boundaries and the networks therefore may not make ecological sense or be the most effective. An ecological network can be regarded as a 'coherent system of natural and/or semi-natural landscape elements that is configured and managed with the objective of maintaining or restoring ecological functions', where the focus is on conserving biodiversity at the ecosystem, landscape or regional scale[48], [49], [50]. Therefore, planning at a LPA level would not necessarily link ecological processes across landscapes. It needs clear national priorities that are 'laid over' and integrated with regional priorities and local priorities and needs. Two good examples to highlight are the Clyde Climate Forest and the Glasgow City Region Climate Adaptation Strategy, that both cover eight councils along the catchment of the Clyde (ecological relevant area); and the Central Scotland Green Network.

To maximise the value of nature networks requires spatial planning and co-ordinated action across the planning and land use sectors, including the implementation of blue-green infrastructure.

Regional Land Use Partnerships should be empowered to make decisions on priorities and resourcing at a regional and local level, connect directly to levers of funding and finance and stimulate action and delivery. We recognise that some landowners, including third sector organisations are already doing this. Land use frameworks can play a key role in identifying connectivity bottlenecks and facilitate integration of multiple ecosystem services.

We welcome the development of a Nature Networks toolbox, which will be a valuable resource for partners, but concerns remain around Local Authority capacity to map, monitor and evaluate success of the networks. CIEEM's 2022 report[51] highlighted the lack of Local Authority ecological expertise and capacity, indicating already stretched and under-resourced local authorities. Also, there seems to be a potential cost to the mapping tool which means it might not be accessible for some Local Authorities and if this is a barrier that should be addressed. NatureScot has a role to co-ordinate and help Local Authorities create opportunity maps building on data already held.

There is an opportunity for the development of the nature networks framework to incorporate activities that will arise from an approach to the assessment of biodiversity using a Scottish metric - such as the preference for offsets to be in areas identified through the opportunity mapping exercises.

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[48] Benett, G. & Wit, P. (2001) The Development and Application of Ecological Networks: A review of proposals, plans and programmes https://portals.iucn.org/library/sites/library/files/documents/2001-042.pdf

[49] Harrison, L.K., White, P.C.L. & Odell, S. (2016): Connectivity and ecological networks : Technical Information Note 01/2016. Research Report. Technical Information Note . The Landscape Institute

[50] Scottish Environment LINK Nature Networks Discussion Paper (2020). https://www.scotlink.org/wp-content/uploads/2020/03/Nature-Networks-Briefing-FINAL-2.pdf

[51] 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

Note that, while finance can be a limiting factor, there may be others such as insurance and liability and local rules that can inhibit some activities. It is important to work with local groups to identify any barriers and provide appropriate guidance about how they can be overcome without compromising safety.

Section Four – 30 by 30 Policy Framework

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

We welcome the intention to prioritise established and prospective 30 x 30 sites for funding and investment. The Vision appears to have all mechanisms to prevent damage or neglect of 30x30 sites covered i.e. incentives, regulation and enforcement, along with monitoring regime. It needs to be set out who is responsible for governance at different spatial scales. We appreciate that governance and setting up the pipeline system is planned for the year after the framework publication. However, 2030 is only 6/7 years away so action needs to be taken now with the acceptance that we will not get everything right, but that that is not a reason for inaction while governance, monitoring and management strategies are progressed.

It is encouraging to see that sites will not be considered in isolation but as part of the wider landscape and connection to it, including Nature Networks. There has been an issue traditionally faced by protected areas of them becoming increasingly isolated from each other. A Scottish Nature Network would join up sites for nature and link ecological processes across landscapes with protected areas being the key core areas that are then connected by restoring and creating new habitats.

We welcome the recognition that there is a need for funding and finance in the ongoing management and monitoring phase, and not just at the inception/implementation phase. There are numerous competing funds that land managers can apply for, with the risk that they preferentially apply for those offering the highest monetary values. Consideration needs to be given to how attractive it is for land managers to want to propose their land as a 30 x 30 site. Ensuring the application process is not too onerous, while still being fair, robust and transparent, could be one way of doing this.

We are pleased to see that the draft 30 by 30 framework aligns with many of the high-level principles recommended in the Scottish Environment LINK 2022 report[52]. In terms of existing and expanding protected areas their condition is key, it's not just about % area protected. There needs to be clearly defined condition targets in the Natural Environment Bill with effective monitoring of site condition and features.

Genuinely integrating the policy landscape is vital. Lessons can be learnt from how this has worked for the "climate" sector.

Section Five – Impact Assessments – Part A

Question 5a: What are your views on the accuracy and scope of the environmental baseline set out in the environmental report?

It is a fair summary of the current state of knowledge. Lack of complete information should not be a reason for delaying action. Monitoring and reviewing are very important.

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[52] Protecting 30% of Scotland's Land and Sea for Nature https://www.scotlink.org/wp-content/uploads/2022/11/30-by-30-Report-WEB.pdf

Question 5c: What are your views on the reasonable alternatives as set out in the environmental report?

Flagship species vs an ecosystem approach: We agree with the evaluation of the effects and merits of both approaches. As they are not mutually exclusive, a combination of the two would strengthen the positive effects seen over the SEA topics. Certain flagship species could be used as 'indicator species' to monitor and indicate overall ecosystem health by their presence.

Options relating to the timeframes of Delivery Plans: Focussing and prioritising the first 5-year delivery plan on the current drivers of biodiversity loss is a sensible approach to avoid 2030 targets being missed. However, planning the actions to achieve the longer-term targets at an early stage is essential to ensure future targets are not missed. We agree with implementing a hybrid approach to focus on the changes needed to meet the 2030 targets while restoring and regenerating Scotland's ecosystems to sustain resilient biodiversity networks in the longer term.

Question 5e: Do you think that any of the provisions in the SBS or Delivery Plan will have any adverse effects on business?

Yes/No/Unsure

Yes

Businesses currently operating unsustainably in relation to biodiversity may well be adversely impacted and support, not necessarily financial, should be given to allow a just transition to a sustainable business model. Although there may be challenges there are significant opportunities to support a range of long-term jobs in the environmental sector and help deliver a just transition.

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

Yes

We agree with the approach outlined. We are supportive of statutory nature targets within the Natural Environment Bill to drive change across all parts of government and society. Net Zero targets have resulted in climate change being mainstreamed across sectors and targets for nature restoration can drive action to halt and restore nature. We agree that the Bill should establish the framework and high-level topics but set the quantitative detail in the secondary legislation for the reasons outlined. However, there needs to be enough detail in the framework for it to work.

In the recently published report by LINK on *Nature recovery targets: Statutory targets to drive the recovery of nature in Scotland*[53] key recommendations are made namely that targets 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.

CIEEM was part of the working group that contributed to the LINK report and we are fully supportive of the above, and with the outline of targets covering: species abundance, species distribution, species extinction risk, habitat quality and extent, drivers of biodiversity decline, and the overall integrity, connectivity and resilience of ecosystems.

The targets should be aligned with the COP15 framework targets. In addition, Scottish Government policy is to maintain or exceed EU standards as laid out in the Continuity Act so there is the requirement to align with targets, in the EU's recent legislation on ecosystem restoration.

There needs to be clarity on how often reporting against targets will occur. Also, what measures and controls will be in place if we are failing to meet the targets.

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

Yes/No/Unsure

Yes

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[53] https://www.scotlink.org/publication/report-nature-recovery-targets-statutory-targets-to-drive-the-recovery-of-nature-in-scotland/

We agree with the selection criteria and the intention to create SMART targets. It is essential that the targets are reviewed on a regular basis to ensure that actions are on track with mechanisms in place for adaptation if not on track.

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

Yes/No/Unsure

Yes

We agree that statutory targets should include a combination of outcome and output targets. This aligns with the recommendations in the LINK report[54]. Output targets which can focus on actions and which to the best of our knowledge will take us in the right direction for the 2030 and 2045 goals, are an important tool as outcome targets for many species and ecosystems will take time to respond to changes in management.

There are questions around the length of time before the SMART quantifiable elements will be available. As proposed, they will be included under secondary legislation and will be subject to a separate consultation, these timeframes do not leave much time before 2030.

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

Yes

The list is comprehensive, and we welcome the fact that advice from external experts will be sought in developing an appropriate suite of targets. The list encompasses a range of scales (species, habitats, ecosystems) and considers both the presence and abundance of biodiversity elements and their relative health and function.

It is not clear who will be responsible for monitoring and reporting on each target area. The bodies that will be ultimately responsible for collecting data and reporting should also be brought along with the process so they are prepared and resourced to deal with what will be expected of them in monitoring and reporting on the targets. There is a lack of indication of the timeframes for consultation on the targets and development of secondary legislation. Same concerns as above regarding progress before 2030.

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

Yes/No

No

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

Unsure

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[54] https://www.scotlink.org/publication/report-nature-recovery-targets-statutory-targets-to-drive-the-recovery-of-nature-in-scotland/

We agree with this proposal and welcome the fact that advice from external experts will be sought in developing an appropriate suite of targets. Covering the key targets to drive change so that it is not unwieldy is important. However, the targets need to be comprehensive enough to direct real change. A consideration could be given to prioritising against targets based on ecological reasons.

Questions remain around the timeframes for developing, consulting and agreeing on an appropriate suite of targets, which could put them at risk of being missed by 2030.

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

Yes/No/Unsure

Yes

But as for the reason set out in 6c, targets may be missed due to the requirement for the quantifiable and SMART detail of the targets to be consulted on at a later time.

The targets also need to align with the targets in the EU Nature Restoration bill - statutory delivery of ecosystem restoration 20% by 2030, 60% by 2040 and 90% by 2050.

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

Yes/No/Unsure

Yes

Yes, we agree that it is important that the Bill includes provisions for the review of the statutory targets to ensure that the targets remain relevant and evidence-based especially with changing environmental conditions and drivers of change. Reviewing statutory targets will allow adaptation where monitoring informs this and as the evidence base for designation of targets increases.

We strongly agree with the proposed approach that Scottish Ministers will be required to seek external expert advice, with input from an Independent Review Body, before any adjustments to targets are made and that this process is transparent.

Other factors may mean that particular targets become impossible to achieve. Delivering 'quick wins' is a good way of showing successful outcomes but the most difficult to address targets should be focussed on from an early stage. The River Basin Management Plans for both river basin districts in Scotland appeared to leave the most difficult issues i.e. structures which are impassable to migratory fish, until later in the cycles. This puts delivery of the objectives at risk and back-ends work that needs input from specialists with limited capacity.

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

Yes/No/Unsure

Unsure

Yes, we agree that it makes sense to align the reporting requirements for the targets with existing biodiversity reporting requirements. Public bodies with legal duties for reporting thereby won't have multiple reporting requirements so that effort can be focussed on actions. There should be clear templates

provided for simple and efficient reporting. There needs to be a clear strategy and enforcement options where targets are not met including meaningful penalties for failing to meet targets.

For 2030 targets it may be appropriate for a few of the targets to increase the reporting frequency to ensure that additional action can be taken if not on track to meet the target. Assuming a starting point of 2024, this would only give one report on the implementation of the strategy prior to 2030.

To track performance against the 2030 targets, reporting timelines might need to be more frequent than the current 3-year Biodiversity Duty reporting required under the Wildlife and Natural Environment (Scotland) Act 2011[55].

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

Yes

We agree that an Independent Review Body is needed to report on the Scottish Government's progress in meeting the statutory targets. The UK Committee on Climate Change has provided robust, evidence -based advice on how to achieve the Net Zero targets, while tracking progress on delivery. We would envisage a similar body monitoring delivery against the nature restoration targets.

It is not clear whether this would mean the formation of a new body or whether it will sit with an existing body or a group of experts from the appropriate statutory bodies. In the LINK report[56] on targets different options were proposed. We would be supportive of Environmental Standards Scotland taking on this role rather than the formation of an additional body. Environmental Standards Scotland already acts as an oversight/advisory body with a degree of statutory independence from the Scottish Government with growing in-house expertise on Scottish environmental law. Expanding the remit of Environmental Standards Scotland will involve increasing capacity and expertise.

We would also like to see meaningful penalties/redress for failing to meet targets.

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

Agree

Agree, National Parks should be exemplars in restoring nature and mitigating/adapting to climate change but they need to be equipped with the legal framework and powers to do so. Examples of what's worked/is working well i.e. Cairngorms Connect.

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[55] Wildlife and Natural Environment (Scotland) Act 2011 (legislation.gov.uk)

[56] https://www.scotlink.org/publication/report-nature-recovery-targets-statutory-targets-to-drive-the-recovery-of-nature-in-scotland/

We agree that National Parks need to be exemplars of best practice. For Partnership Plans, the targets with respect to nature restoration are key.

Instead of:

'increased emphasis on the role of the Parks' communities, third sector organisations and the public and private sectors in the implementation of those Partnership Plans',

there needs to be a stronger duty and direct policy instruction placed on all public authorities to work and act differently within National Parks. Change to the Sandford principle to extend it to all public bodies operating in the parks, not just the National Park Authorities.

The current "*Duty to have regard to the National Park Plan*" is far too weak given the twin crises.

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

Agree/Partially agree/Partially disagree/Disagree/Don't know

Agree

Yes, restoration is essential – for the environment, and for community and economic benefits. This aligns with the EU Restoration Law that sets out to restore ecosystems for people, the climate and the planet. Scottish Government policy is to maintain or exceed EU standards as laid out in the Continuity Act.

We welcome splitting the original aim into two separate aims, with the priority being enhancing natural assets, biodiversity and ecosystems. The proposed restated first aim is a step forward but needs to recognise all natural assets as in the definition of 'nature' in the Biodiversity Strategy, in other words to include the abiotic assets such as soil, rocks and landforms and their processes.

If Scotland wishes to meet the international standards on national parks, based on the *IUCN Protected Area Management Categories*, two changes are required. First, it will be necessary to make conservation of nature the primary purpose with the other 3 purposes secondary. This is also supported by current practice as too often the existing national parks consider that economic and rural community development should have primacy and that is also the stance taken by some proponents of new National Parks, such as the Galloway National Park. That is surely the role and responsibility of the three enterprise agencies and local councils. Second, the nature conservation duties need to be given primacy if Scotland wishes to join the international family of full national park status under Category II of the IUCN Guidelines.

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

Agree/Partially agree/Partially disagree/Disagree/Don't know

Partially agree

If the changes to the first aim are adopted in full then concerns on balancing the various elements on this aim may be less of an issue.

Mathematically the benefits for all four cannot be maximised at the same time. One would have to be maximised subject to the constraint that the others must not fall below a certain level. There is inherent tension meaning that maximinsing each of these in tandem is unrealistic.

The wording is weak, 'Promote' needs to be stronger - e.g. ensure, drive, steer etc. We welcome the phrase 'sustainable management'.

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

Agree/Partially agree/Partially disagree/Disagree/Don't know

Partially agree

It is encouraging to see that 'visitor management' is included in this aim along with inclusion and accessibility to all. Overall, we think it is a positive change but it needs to be strategically planned and managed to protect the most sensitive and vulnerable habitats and species present. Recreation was included before. This is wider than tourism but maybe this is encapsulated into visitor management.

An important consideration in inclusion and accessibility is sustainable and accessible active travel routes that need to be considered from the outset of any National Park designation.

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

Agree/Partially agree/Partially disagree/Disagree/Don't know

Agree

We welcome the recognition that the natural environment is important for wellbeing, particularly in light of the recent pandemic where the relationship between access to green spaces and wellbeing came to the fore. Society and the economy rely on a healthy natural environment - and in turn it also provides lots of green jobs for nature[57] and well-being benefits. As mentioned earlier, CIEEM is ideally placed in offering the training required to support green jobs.

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

Agree

It is vital to retain and enhance this. Without it, National Parks just become another Local Authority. National Parks as the name suggests are nationally important, so must include this.

Although all 4 aims are aligned with the UN Sustainable Development Goals, we agree that the priority principle should be to protect, restore and enhance the natural assets, biodiversity and ecosystems within the National Park. In case of material conflicts between the aims, it would be good to see a transparent conflict resolution process in place.

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

Agree

Agree, and as outlined under question 7b the "*Duty to have regard to the National Park Plan"* is too weak. It needs to be removed and a stronger duty and direct policy instruction placed on all public authorities to

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[57] https://greenjobsfornature.org/

work and act differently within National Parks. There needs to be changes to the Sandford principle to extend it to all public bodies operating in the parks, not just the National Park Authorities.

With pressures on resources, it is essential that all public bodies operating within the National Park implement the Parks' aims. This will help bolster joint efforts to achieve common objectives of protecting, enhancing and restoring the natural environment. It also fits naturally with the Parks' existing partnership working arrangements. It is not clear how this will be achieved, i.e. through legislation, Memorandum of Understanding/Agreements and change will need to be managed effectively so all public bodies are brought into the new proposals.

Specific examples:

- In the case of the Loch Lomond and Trossachs National Park, so large is the woodland as a % of land cover that without some change to the way both Forestry and Land Scotland and Scottish Forestry operate, the landscape will still be dominated by Sitka spruce. Within a national park, native planting for biodiversity which also delivers on carbon and water quality outputs has to be prioritised. Within a national park, native planting should attract significantly higher grant rates than outside a national park; this will apply to private forestry companies as well as small landowners.

- When it comes to agriculture, we should also see greater focus on enhanced agri-environment funding for schemes within a national park, and also stricter controls of farming practices. These latter could be set to a higher standard than just those identified in the 'Good agricultural and environmental conditions' (GAEC) set of European Union standards. For example, for riparian buffer strips between arable crops and the top of the bank of a water course, we might envisage a much wider buffer strip, say 10-15 metres within a national park, rather than just the 2m uncultivated strip of land from the top of the bank of surface water as required under Scottish GAEC rules at present.

- Actions on diffuse pollution, management of reservoirs and gathering grounds for water supply should be strengthened within national parks.

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

Partially agree

Partially agree because as outlined in 7g 'having regard to' is still too weak to address the twin environmental crises.

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

Agree

We agree that this duty should be strengthened so there are obligations to support and contribute to the implementation of National Park Plans. This would be akin to those obligations under the Nature Conservation (Scotland) Act 2004 where public bodies have to submit 3-yearly reports evidencing actions taken to further the conservation of biodiversity. It is not clear how this will be done i.e. via legislation, formalised partnership working and how it will be reported.

We recommend that with Nature Restoration funding and other available public funding consideration should be given to extending this duty to landowners in the National Park in receipt of public funding.

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

Agree

We agree that National Parks should be given powers to enforce contravention of byelaws by issuing Fixed Penalty Notices. They definitely have a part to play but to be effective, dedicated resources will be needed to issue Fixed Penalty Notices. Public engagement, awareness campaigns and promoting the Scottish Outdoor Access Code are key and an increase in visitor management rangers have helped deal with the increasing recreation and tourism measures in National Parks.

Question 7k: Do you think that any other changes should be made to the general powers of National Park authorities?

Agree/Partially agree/Partially disagree/Disagree/Don't know

Partially disagree

The National Park Authorities already have sufficient powers. With new national parks, an important consideration is do they want/need to be a full Planning Authority? Local planning control can divert resources within the National Park Authority into dealing with routine and even minor detail on development control that has little or no impact on the National Park purposes.

A review of existing planning powers and the differing arrangements between Cairngorms National Park Authority (whose power is restricted to calling in only those applications that would seem to be of importance < 50/year) and Loch Lomond and Trossachs National Park Authority (which, as a full Planning Authority assesses between 4-500 per year) should be conducted to evaluate how planning operates and how and where this could be modified or strengthened. This is particularly in light of the requirements of NPF4 that all development should, amongst other key outcomes, secure positive effects for biodiversity.

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

Agree/Partially agree/Partially disagree/Disagree/Don't know

Partially agree

Achieving a balance of necessary skills and expertise and diversity over the whole board is key. The challenge is that the way the Boards are currently made up (three elements: – one third approx. appointed by the Minister via open competition / one third appointed by the constituent Local Authorities / one third elected by residents in the national park) has some clear failings which are obvious in their current make-up and lack of diversity. This is especially true in relation to youth, mentally and physically challenged, non-white and female members. The selection of successful candidates in the first pool is the only opportunity to actively counter these biases in governance diversity, including the appointment of the chair. Equally, they are the only appointees for whom selection can be proactively made as to their skill sets. Thus, the current Board of Loch Lomond and the Trossachs National Park has only one member with professional expertise in ecology and nature conservation, a minority of females and little to no ethnic diversity. In comparison, other

Boards, such as SEPA and NatureScot, all members of which are appointed via open competition by the Minster, show a much more balanced, diverse and appropriately skilled set of members.

There needs to be a clear and independent appeals process.

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

The proposed provisions are an improvement on the present statutory basis. It is important to apply the new basis to the two existing national parks. Any new national parks will not meet the requirements of the overriding duty in Section 9 of the National Parks (Scotland) Act unless all public authorities, in addition to the national park authority, have a clearly defined statutory role. The 'have regard to' duty proposed in para 7g of the consultation is quite inadequate and all authorities should be given the responsibility in the form of 'shall' to adhere to Section 9. But the mechanism for ensuring this occurs needs to be clear. Environmental Standards Scotland could be given a specific role in monitoring compliance on this responsibility.

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?

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?

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

Question 8d: Are there any additional actions or changes to existing actions which can be taken through the proposals in Part B to benefit people with protected characteristics?

Question 8e: Do you think that any of the proposals in Part B will have any adverse effects on socio-economic equality?

Question 8f: Are there any additional actions or changes to existing actions which can be taken through the proposals in Part B to benefit socio-economic equality?

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

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?

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

Question 8j: Are there any additional actions or changes to existing actions which can be taken through the proposals in Part B to benefit child rights and wellbeing?

Question 8k: Do you think that any of the proposals in Part B will have any adverse effects on business?

Question 8l: Are there any additional actions or changes to existing actions which can be taken through the proposals in Part B to benefit business?

Question 8m: What are your views on the accuracy and scope of the environmental baseline set out in the environmental report?

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

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

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