

Net Zero, Energy and Transport Committee

1st Meeting, 2024 (Session 6)

Tuesday, 9 January 2024

Scottish Biodiversity Strategy (draft Delivery Plan)

Background

1. [This link sets out the Committee's work so far this session](#) scrutinising the Scottish Government's preparations for a new Biodiversity Strategy. This includes an exchange of correspondence with the Scottish Government on the draft Strategy that the Scottish Government put out for consultation last autumn, in which the Committee set out its views on the draft.

2. In the course of that initial scrutiny, the Committee noted the important role that a Biodiversity Delivery Plan would play in underpinning the new Strategy and agreed to take evidence on the Plan once a draft of it went out to consultation.

3. [The draft Delivery Plan was published for consultation in September](#) and the Committee has agreed to hold two evidence sessions with experts and stakeholders to seek views on the draft Plan. On 12 December, the Committee discussed marine aspects of the Plan with:

- Dr Clare Cavers, Senior Projects Manager, Fidra;
- Calum Duncan, Head of Conservation, Scotland, Marine Conservation Society;
- Elspeth Macdonald, Chief Executive, Scottish Fishermen's Federation;
- Tavish Scott, Chief Executive, Salmon Scotland;
- Phil Taylor, Head of Policy and Operations, The Open Seas Trust.

4. On 9 January, the Committee will take evidence on terrestrial aspects of the Plan from:

- Dr Caroline Brown, Director of Scotland, Ireland and English Regions, Royal Town Planning Institute;
- Sarah Cowie, Policy Manager, National Farmers Union Scotland;
- Ailsa Raeburn, Chairperson, Community Land Scotland;
- Dr Hannah Rudman, Co-Lead, Scottish Nature Finance Pioneers;
- Dr Paul Walton, Head of Habitats and Species, RSPB Scotland;
- Bruce Wilson, Head of Policy and Advocacy, Scottish Wildlife Trust.

5. Two of the organisations provided written submissions in advance of the session:

- **Annexe A** – National Farmers Union Scotland
- **Annexe B** – RSPB Scotland

6. Additionally, the Committee has received the following written submissions:

- **Annexe C** – Scottish Environment LINK
- **Annexe D** – Woodland Trust Scotland
- **Annexe E** – Scottish Land and Estates
- **Annexe F** – Roddie Macpherson
- **Annexe G** – Scottish Crofting Federation

Next steps

7. The Committee will consider a draft letter to the Scottish Government at a meeting later in January. This will be sent to the Scottish Government as a formal response to the consultation on the draft Delivery Plan and will be published on the Committee's webpage. The Committee will continue to monitor the Scottish Government's further development and delivery of its Biodiversity Strategy, and related policies, over the remainder of this Parliamentary session.

Clerks

Net Zero, Energy and Transport Committee

Annexe A: Submission of written evidence from the National Farmers Union Scotland, 19 December 2023

TACKLING THE NATURE EMERGENCY: CONSULTATION ON SCOTLAND'S STRATEGIC FRAMEWORK FOR BIODIVERSITY

EXECUTIVE SUMMARY

Introduction

1. NFU Scotland (NFUS) is the leading agricultural organisation in Scotland, representing more than 9,000 farmers, growers, and crofters.
2. Agriculture is the lynchpin of rural Scotland and is an important part of Scotland's booming food and drink industry. Scottish agriculture generates a gross output of £3.3 billion annually.
3. The farming and crofting sector is committed to sustainable food production, enhancing biodiversity and helping to tackle climate change.
4. Our response to this consultation is based on initial discussions with our membership, however, more work must be done to fully assess the impacts on our membership.
5. We are also mindful that the Agriculture & Rural Communities (Scotland) Bill (the Agriculture Bill) is currently making its way through the Scottish Parliament, which will have an impact on the delivery on the aims set out in this consultation.
6. Overall, we need an adaptive and flexible approach to future agricultural policy in order to deliver for food production, rural communities, climate, the environment and nature restoration.
7. It is imperative that the finer details of the actions set out in the delivery plan are co-designed with the industry over the coming months and years. We believe farmers, crofters and land managers should be an integral part of this process.

Key Points of Our Response

5-Year Delivery Plan

8. We agree with the ambition of many of the actions in the Delivery Plan, but need more detail on:
 - What they will look like in practice and how they will be SMART.
 - For some actions with targets, what that will mean for active farming businesses.
 - What funding will be allocated to each action, and from which budget.
 - Who is responsible for leading on each action, to ensure it is achieved.
 - The timelines for each action – not just the target date but the pathway of how we get there.

- How actions will work with other policies, strategies, and commitments.
9. Going forward we would like to ensure that:
- We work closely with Scottish Government and NatureScot to provide input on the level of detail set out above, to ensure these actions work alongside sustainable farming businesses.
 - Biodiversity policy is mainstreamed and integrated across Government, but that the outcomes/objectives of the Agriculture Bill should take precedence over other strategies, policies and legislation concerning the industry.
 - There is further direction and advice on biodiversity management and best practice for our industry. Our members are ready and willing to explore new ways of doing things that are suitable to their individual farm or croft.
 - In pursuing the aims of the Strategic Framework for Biodiversity, Scotland's farmers and crofters are recognised for the work they do – and have been doing for many years – for nature and biodiversity.
 - NatureScot and Scottish Government should improve their communications to show that farmers are part of the solution and not the problem of biodiversity loss.

Statutory Targets for Nature Restoration

10. We have concerns about the principle and unintended consequences of placing targets for nature on a statutory footing. This is because of the complexity of doing so and the fear that pursuing targets can be counterproductive.

11. In saying this, we accept that this is the approach the Scottish Government is taking. The forthcoming Bill should provide a high-level framework, with the detail coming through secondary legislation. We do not believe this Bill should be the place for setting specific targets or prescriptive outcomes, but setting the vision and enabling powers for what intends to be achieved.

12. Other key points on statutory targets include:

- The best way to achieve the desired results is to focus on implementing best practice, and then monitoring and evaluating progress on an ongoing basis.
- That an Independent Review Body is essential to ensure the Government meets its statutory target(s). But this must be robust and independent.
- Changes to statutory targets should be subject to the super-affirmative procedure. This would allow parliamentary scrutiny of proposed changes.
- To achieve the targets that will come through the Natural Environment Bill, and for the Agriculture Bill to achieve its four outcomes, it must be underpinned by a multiannual ringfenced funding commitment.
- We believe 80% of the agriculture and rural economy budget should be allocated in Tiers 1 and 2. This will avoid a cliff edge for farmers as they transition to a new future support scheme, while also allowing them to play a significant role in reversing the climate and nature crisis.

National Parks

13. NFUS's position on National Parks is clear. Food production and farming is

integral to Scotland's rural economy, and this should not be forgotten or ignored when it comes to the creation of National Parks.

14. Many of our members do not feel that the two existing parks have made a positive contribution to farming and are therefore sceptical about the creation of further National Parks. For a new park to be successful, meaningful and positive involvement of the local community at each stage of the process is key.

15. While we recognise the value of natural and cultural heritage to an area and that protecting, restoring and enhancing biodiversity is undoubtedly important, our members are looking for reassurance that the priorities of residents, businesses, and farming communities will not be disregarded.

16. We seek reassurance and a commitment that any new National Park or amendments to the Act should work with farmers and crofters to ensure there are no adverse impacts on the important role of food production, the local community, and landscape management.

Impact Assessments – Part A and B

17. Due to timescales and capacity, we have not been able to work through the environmental, islands, socioeconomic, or business impacts in thorough detail.

Annexe B: Submission of written evidence from RSPB Scotland, 5 January 2024

The Draft first 5-year Delivery Plan for the Scottish Biodiversity Strategy to 2045 - Terrestrial

RSPB Scotland thanks the Committee for the opportunity to give both verbal and written evidence on the terrestrial elements of the first 5-year Delivery Plan for the Scottish Biodiversity Strategy (SBS) to 2045.

The Delivery Plan is part of the overall Biodiversity Framework for Scotland, consultation on which closed in December 2023.

RSPB Scotland strongly supports the creation of this new Biodiversity Framework for Scotland.

The level of ambition in the framework and in the SBS represents a genuine step change in the Scottish Government's aspirations around tackling the nature emergency. The tone and language signal a significant shift in government's understanding, recognition and acceptance of the global biodiversity crisis and the fact that Scotland is a real part of it. All of the policies included in the framework are important elements of Scotland's response to that nature crisis, and many are things that environmental NGOs, including RSPB Scotland, have been actively seeking and advocating for over recent years – this is a significant moment that we really welcome.

We see the Framework as signalling potentially transformative changes in public policy. Whether they materialise or not depends on whether the shortcomings outlined below are effectively addressed. It also critically depends on the Natural Environment Bill in 2024 and how, in particular, legally binding targets for nature recovery, as committed in the Bute House Agreement, are drafted, adopted and ultimately delivered. If the targets are sufficiently robust and ambitious, they could represent a critical step forward in bringing government and society together to finally tackle nature loss via cooperative action. If the targets agreed are too weak, they could presage a step backwards, becoming a 'minimum required action' that is insufficient to reverse losses in a complex and degraded living world. There is therefore a great deal to play for in a field with significant risks – but the opportunities for progress are unparalleled since devolution.

We strongly support the following key elements of the Scottish Biodiversity Framework in principle, and urge that they are progressed in the following way:

1. **The Scottish Biodiversity Strategy and Delivery Plan**, this must instigate a comprehensive **National Programme of Ecosystem Restoration and Species Recovery**, and provide clear actions for different sectors and all parts of government to take on recovering nature.
2. The **policy frameworks for 30x30 and nature networks**. Together these policies represent a significant opportunity to scale up nature protection and recovery, and create ecological networks across Scotland. The frameworks

must ensure that our best places for nature are not just lines on a map but are thriving and healthy and joined up across Scotland and put in motion immediate priority actions.

3. **Proposals for legally-binding nature restoration targets** to drive cross-sector and cross-government action to tackle the nature crisis. These targets are as important for nature as the net zero targets are for the climate. The targets must include specific targets for increasing species abundance and distribution, reducing species extinction risk, improving the extent and health of priority habitats and protected nature sites and tackling historical losses in nature.
4. **Proposals to strengthen National Park legislation** to support National Parks to lead action on nature and climate and demonstrate the benefits of this at a local level.

Notwithstanding these very welcome intentions and the positive direction of travel, we believe there are important omissions and shortcomings in the framework as currently drafted that will significantly undermine effective delivery and make the achievement of the Vision articulated in the Biodiversity Strategy unfeasible without significant improvements.

The section of the Framework that requires the most development is the Delivery Plan for the Biodiversity Strategy, due to the following issues:

- **The lack of SMART actions** (specific, measurable, achievable, relevant, and time-bound) - clarity must be provided on what must be done, by when and by whom. Many of the actions included are vague, and some are incoherent.
- **There is no prioritisation provided to guide delivery** – this is critical to ensure that delivery partners and funders are clear on the most urgent and important actions and to maximise collaborative delivery.
- **The delivery plan re-states actions that are already underway or committed to** under existing or forthcoming plans and policies – the delivery plan should be strengthened so that it creates significant added value.
- **Too many actions in the delivery plan signal the creation of more plans and strategies.** The Delivery Plan would be significantly improved if it focused mostly on tangible delivery actions.
- **There is a lack of clarity and specificity on the Programmes of Ecosystem Restoration and Species Recovery.** Biodiversity comprises species and ecosystems. Therefore, these shared national programmes must sit at the heart of efforts to drive nature's recovery. However, the draft delivery plan fails to include adequate steps for setting the programmes up. Much more clarity, substance and detail should be provided on how they will be structured, funded and rolled out.
- **There is a significant lack of clarity on how the key policies in the**

framework interact, with each other and with wider public policy, and how they will be delivered in a strategic way across sectors.

Collective delivery and governance

Successful implementation of the SBS Delivery Plan and achievement of the vision and goals in the Biodiversity Strategy will require coordinated, collective delivery across a wide-range of sectors. The nature conservation sector itself will drive forward the bulk of the action and environmental NGOs like RSPB Scotland will be important partners in delivering against the Strategy through constructing the evidence base, policy development, accessing external funding and delivering conservation work on the ground. It is vital that the sector is aligned on priorities and coordinates for effective delivery of these priorities.

However, engagement with and strategic input from eNGOs and other non-government stakeholders during the development of the SBS and its Delivery Plan has been largely inadequate. The governance proposed in the SBS offers an opportunity for more effective and collaborative working on biodiversity. We welcome the explicit involvement of important delivery partners and that external partners will sit on the Operational Delivery Board. However, it is not clear whether key non-government partners will sit on the Strategic Biodiversity Council. We believe that environmental NGO leaders and other key stakeholders should be engaged at this level. If they are not, then this risks increasing divergence between the voluntary and public sectors in delivery against SBS.

Mainstreaming

To date biodiversity considerations have not been adequately mainstreamed across government and sectors. We urge further effort in this regard, and see **legally binding targets** for nature as pivotal in that effort and essential for driving change across all parts of Government and the economy. Whilst we know much more needs to be done to tackle the climate emergency, we have seen how the binding and ambitious Net Zero targets have led to climate change being mainstreamed into the consciousness of governments and sectors and seen as a priority. Without a similar approach for nature, we run the risk of a fragmented and insufficient, rather than unified and effective, response to the nature emergency. More information on why statutory targets are essential for driving nature's recovery and RSPB Scotland's views about what those targets should look like can be found in this joint Environment Links UK [briefing](#) and this Scottish Environment LINK [report](#). We are encouraged that the proposals for Nature Restoration targets in the Biodiversity Framework consultation aligned with many of the proposals in LINK's report.

Funding

RSPB Scotland warmly welcomes the overall maintenance of core nature funding under the recent budget announcement, especially in the context of wider financial pressures. In the years leading to 2030 and beyond, however, the delivery of the nature recovery vision articulated in the Scottish Biodiversity Strategy will require a significant uplift in resourcing. Creating a robust Biodiversity Investment Plan which sets out how the actions in the Delivery Plan will be funded – through public, private

and blended channels – is vital and must be completed as soon as possible, with input from key delivery partners and other stakeholders. It is also vital that the scale and management of critical associated budgets - especially agriculture and woodland creation support - shifts in strongly favour of nature positive outcomes via agri-environment and the supported expansion of key native woodlands like Scotland's rainforest.

For further information please contact

Paul Walton, Head of Species and Habitats

Nora Casey, Senior Parliamentary Officer

Annexe C: Submission of written evidence from Scottish Environment LINK, 19 December 2023

Introduction to Scottish Environment LINK

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

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

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

Summary

Scottish Environment LINK strongly supports the creation of a new Biodiversity Framework for Scotland.

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

The [State of Nature in Scotland Report 2023](#) findings show that Scotland, while still retaining precious and globally important wildlife, is also a highly nature-depleted country, following historic losses of species and habitats over centuries.

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

We strongly support the following key elements of the framework in principle. We have outlined the action needed to ensure nature restoration:

The frameworks for 30x30 and Nature Networks. Protecting at least 30% of

Scotland's land for nature by 2030 will be a vital part of nature recovery efforts. It is critical that these places are effectively managed and protected, and not just lines on a map.

Evidence shows that protected areas are most effective if they are integrated within wider landscapes that are also managed in a way that supports nature. Efforts must be made to deliver resilient ecological networks that tackle habitat fragmentation and ensure larger areas of good quality habitat, allowing species to move throughout Scotland's landscapes. Put simply, if we effectively protect 30% of land for nature but we are failing nature in the other 70%, then we stand no chance of halting and reversing the nature crisis.

Programme of Ecosystem Restoration and Species Recovery. LINK welcomes the outcome which commits to accelerating the restoration and regeneration of ecosystems. We need a comprehensive national programme to restore the places with our most important nature sites. We must see them protected and nurtured, and wider nature networks to be created so nature thrives everywhere. Species are the building blocks of our natural environment, but nearly half our species have declined since 1970. We need the Biodiversity Framework to include a national programme of species recovery targeted at helping threatened species to recover.

The actions that will have the most impact involve large scale ecosystem restoration across land and sea with committed funding and support not only in terms of the delivery but also as case studies for driving change and sharing knowledge. A key element of ecosystem restoration is reducing deer numbers and the actions on deer management represent the most "SMART" set of objectives in the draft Delivery Plan.

Proposals for legally binding nature restoration targets to drive cross-sector and cross-government action to tackle the nature crisis. Whilst we know much more needs to be done to tackle the climate emergency, we have seen how the Net Zero targets have led to climate change being mainstreamed into the consciousness of governments and sectors and seen as a priority. Without a similar approach for nature, we run the risk of a fragmented and insufficient, rather than unified and effective, response to the nature emergency.

LINK's [recent report](#) 'Nature recovery targets: Statutory targets to drive the recovery of nature in Scotland' sets out robust proposals for nature targets to be included in the Natural Environment Bill that would ensure the best possible outcomes for nature and people in Scotland. It highlights the need for strong, meaningful SMART targets to deliver real gains for nature, as well as statutory processes that will ensure we deliver on these targets. Scotland has a big opportunity to show leadership and make better progress to tackle the nature crisis.

Scotland's new National Park can lead the way on nature recovery whilst demonstrating the benefits at a local level. Scotland's National Parks already cover 7% of Scotland's land; therefore, inevitably they will play a major role in our efforts to tackle the nature and climate emergency. Almost 80% of the public want Scotland's National Parks to have a stronger focus on restoring nature and tackling climate change, according to an [opinion poll](#).

The existing Parks are already doing some great work, but it is critical that all of Scotland's National Parks take a leadership role in tackling the twin crises. For example, through demonstrating how deer management can deliver nature restoration at scale while providing local employment opportunities.

At this stage, we cannot say with confidence that if all these actions are added up, including their timescales, that this framework will take us to the 2030 and 2045 milestones.

The public is almost entirely absent from this plan until objective 6, with just a couple of references to raising public awareness or public engagement in the preceding action plans. Actions to re- connect people with nature and ensure the success of this delivery plan need to be embedded with all the actions set out in previous objectives to protect, restore and enhance nature at every level. Currently public participation feels like an added extra not a fundamental element of every other action.

Sufficient Funding for Nature

LINK welcomes the [2024 to 25 Scottish Budget](#) which recognises the urgency of investing in Scotland's environment and our environmental agencies, including NatureScot, now. Ensuring they are resourced to deliver vital, urgent and increasing roles in protecting and restoring Scotland's environment is welcome.

There remain challenges in the funding of other policy areas that impact the environment. The success of the Delivery Plan will depend on adequate resourcing for the responsible agencies.

More information can be found in LINK's [full response](#) to the Strategic Framework for Biodiversity consultation.

For further information contact:

Dan Paris
LINK Advocacy Manager

Annexe D: Submission of written evidence from the Woodland Trust Scotland, 22 December 2023

Does the draft plan appear fit for purpose to address the biodiversity crisis as it affects Scotland?

Woodland Trust Scotland has responded to the Scottish Government consultation in December 2023, and we are happy to make that response available to committee members. In the interests of brevity we aim to provide short summary of our position here, focussed under the headings set out by the committee.

Woodland Trust Scotland believes the Scottish Biodiversity Strategy and the Delivery Plan should have a focus on 5 key areas:

1. Reduce deer densities
2. Expand native woodlands
3. Improve woodland condition
4. Remove *Rhododendron ponticum* from Scotland's rainforest
5. Help timber forests restore nature

We believe the delivery plan goes some way to delivering these outcomes but as it is drafted we do not think it will deliver the outcomes for nature and climate that Scotland needs to meet its vital and legally binding targets.

There are positives – for example, we believe the list of recognised ecosystems for action is comprehensive. However, many of the actions set out do not meet the “SMART” (specific, measurable, achievable, relevant and time specific) test that should be applied to actions of this type.

To give one example, it is vital that Scotland's Rainforest has clear invasive non-native species eradication strategies including removing *Rhododendron ponticum* from the west coast where the rainforest is situated. A buffer zone around these woodland areas and surrounding habitats is required to ensure catchment scale eradication, with follow-up over at least a decade.

Scotland's Rainforest also needs a clear commitment to a sustainable deer management to allow the rainforest to regenerate naturally, and a clear plan to expand and connect existing areas of core rainforest to double its area through restoration. We do not consider the key actions to be clear enough, or SMART, in this regard.

The action to reduce deer densities is welcome. There are estimated to be around one million deer in Scotland – an unsustainably high number which must be reduced to enable nature restoration. Deer density is one of the main barriers to protection, restoration and creation of native woodland. The Deer Working Group recommendations must be implemented in full. Landscape scale approaches are needed to tackle this problem – and we think it should be a priority right across Scotland, and especially in the Six Large Scale Landscape Restoration areas. There was cross sectoral consensus on this point at the Woodland Creation Summit on 12 December 2023, chaired by the Cabinet Secretary Mairi Gougeon. It is also why we

believe these Six Large Scale Landscape Restoration areas should not be limited to land held by Scottish Ministers, and should be open to other land ownership models, with partnership working in the spirit of the Common Ground forum central to the strategic vision of lower deer densities.

We would invite the committee to consider the consultation responses of Woodland Trust Scotland and Scottish Environment LINK for more detail on these questions.

Do you have any concerns that implementation of the plan could have adverse consequences? If so, please set these out.

Other than that the plan lacks SMART actions and may not have an adequately resourced implementation, we see an urgent need for action to tackle biodiversity loss in Scotland and believe this must be a top priority for the Scottish Government. Therefore the adverse consequences of not taking action or delaying taking action to restore nature vastly outweigh any adverse consequences of an imperfect plan.

What matters, other than those set out in the plan, would require to be addressed to ensure that the plan works?

We believe that a lack of financial resource is the biggest challenge. We were very concerned to see woodland creation funding (part of Scottish Forestry's budget) suffer a significant cut in the Scottish Government's 2024-25 budget, particularly given the background of Scotland repeatedly missing targets to create new woodland. We have also called for more targeted funding for Scotland's Rainforest (including a specific Rainforest Restoration Fund) to enable this fragile and invaluable habitat to be restored by tackling deer density, rhododendron and fragmentation, all actions which need to be done at landscape scale. It is vital that the Scottish Government does not deprioritise nature restoration in challenging financial times, as without a healthy environment we cannot long term have a healthy, prosperous, sustainable economy.

The Common Ground Forum has developed some promising progress towards tackling Scotland's deer density problem, but it is vital this continues to receive funding and support if it is to continue to have a positive impact.

We are also very mindful that this strategy and delivery plan are not treated as "standalone" strategic actions – they must fully integrate with other policy areas and legislation including the Land Reform Bill and the Agriculture & Rural Communities Bill and the related post-CAP agriculture payment regime. In that regime we believe that support for agroforestry in all its forms should be embedded in the lower tiers, supporting farmers to develop and enhance nature friendly farming far beyond what is currently allowed under the Forestry Grant Scheme.

Simon Ritchie
Policy & Advocacy Manager
Woodland Trust Scotland

Annexe E: Submission of written evidence from Scottish Land and Estates, 22 December 2023

Ahead of next year's Natural Environment Bill, Scottish Land and Estates were pleased to submit their contribution to the Scottish Government's consultation on Scotland's Strategic Framework for Biodiversity. The Framework will form the basis of the Bill, which will aim to protect and restore Scotland's natural environment. SLE are optimistic that, should the Bill reflect their contribution to the consultation, it can strike a positive balance in delivering for nature, people and place. SLE members will be at the forefront of delivering on the Scottish Government's strategy, and it is clear from their contribution to the consultation that they take this responsibility seriously.

We were pleased to be able to host a round table event on Thursday 9th November for professional members. The meeting was well attended and there were presentations from both NatureScot and Scottish Government, followed by productive discussions and a Q&A session. Key talking points included lessons from previous frameworks, natural capital and biodiversity net gain, agriculture and planning, resolving technical and administrative processes (particularly for woodland and peatland), ensuring members access to future schemes, spatial strategies and balancing competing priorities. It is hugely important land managers are supported by policies that are well-designed, well-funded and well-implemented, and – crucially – enabling and empowering (rather than overly prescriptive). Striking a positive balance, and integrating management practices that meet all of these outcomes, is vital to future success.

While the draft plan should go some way to addressing the biodiversity crisis, there are a number of areas where the strategy could be improved and enhanced. For example, while the focus of the strategy is rightly on nature and landscape, there should also be a recognition that productive agriculture and forestry has a place and is indeed essential to those working and living in rural Scotland.

Furthermore, SLE has some concerns that implementation of the plan could have adverse consequences, particularly with regards the implementation of statutory targets for herbivore management, and also in relation to grouse moor management, where the introduction of the proposed licensing scheme may disincentivise investment, rather than support healthy biodiversity.

One of the key matters which requires to be addressed in more depth to ensure that the plan works is the need to work at scale. We recognise the important role nature restoration and nature networks can play in tackling biodiversity loss and would like to see the strategy do more to encourage this landscape-scale ecosystems-based approach. As NatureScot clearly and regularly state, landscape-scale is needed for nature restoration to be effective, so the strategy must acknowledge the need to work at scale and balance this with commitments to empowering community use/ownership of land and assets. Working with existing groups and clusters is a shortcut to many of these benefits and SLE is a willing and able partner to help facilitate these conversations.

SLE members are key delivery partners across the majority of actions contained in

the strategy. Our detailed response highlights areas of agreement, and concern; and, where appropriate, suggests alternative approaches to achieving desired outcomes. Positive engagement with land managers is key to success.

Ch 2: Objective 1: ACCELERATE RESTORATION AND REGENERATION

SLE strongly supports an integrated approach to land management, and partnership working as a delivery mechanism of large-scale ecosystem restoration. Key points from our response include:

- We would like to see more overt reference being made to the importance of accelerating woodland, peatland and river restoration.
- More detail is required on the planned partnership projects across large scale landscapes.
- The strategy is right to recognise that invasive non-native species (INNS) are a major driver of biodiversity loss. SLE supports the principle of raising public awareness.
- It is important to recognise the considerable action being undertaken by land managers to enhance and restore habitats and species, however there is a joint responsibility on all parts of government, the economy and society to deliver the change required, and the strategy could be strengthened to better reflect this wider societal responsibility.
- Any regulations around land management for enhancing biodiversity must aim to strike the right balance between ensuring Scotland can maintain the levels of food production required to maintain both food security and the critical mass of the industry that underpins it, whilst taking steps towards doing this in a way that allows us to enhance biodiversity sustainably.
- There is concern about blanket/central targets for a complicated issue like deer management. The targets proposed are not unreasonable in broad terms. However, the lack of detail in how they would be calculated makes them effectively meaningless and there would be a real concern if they were then translated into the basis of statutory targets. It is support (e.g. venison market) rather than punitive legislation which is required here.
- The way in which some of the actions in respect of grouse moor management have been framed is misleading. For example, introducing the proposed licensing regime under the Wildlife Management and Muirburn Bill is more likely to disincentivise investment in grouse moor management than ensure it sustains healthy biodiversity.

Ch 3: Obj. 2: PROTECT NATURE ON LAND & AT SEA ACROSS & BEYOND PROTECTED AREAS

The previous Strategy failed to galvanise the required efforts needed to protect and restore biodiversity. To ensure this Strategy's success, a whole society approach is

needed. Key points include:

- Land managers continue to play a crucial role in delivering nature networks, 30x30, National Parks and NNRs – it is important they are viewed as key delivery partners throughout.
- It is important to recognise the variations which occur across landscapes. There is not a one size fits all approach; tackling the biodiversity crisis is going to require multiple approaches depending on the target outcome and circumstances on the ground.
- We must see the mainstreaming of biodiversity into all areas of policy, including the effective integration of the Strategy with Climate, Agriculture, Forestry, economic, planning and development policy making.
- Landscape scale conservation is a scale at which natural systems tend to work best. Land managers are well placed and central to achieving this, with demonstrable experience and success of working together at scale and over time, e.g. Deer Management Groups.

Ch 4: Obj. 3: EMBED NATURE POSITIVE FARMING, FISHING AND FORESTRY

Almost 90% of Scotland's land is classified as agricultural (70%) or forest/woodland (19%). Both have significant potential to help halt Scotland's biodiversity loss by 2030 and reverse it with large-scale restoration by 2045, but there must be fully integrated thinking across all land use types and outcomes:

- SLE is pleased to see improving the quality of existing woodland recognised alongside ambitions for woodland expansion, and improved species and habitat diversity, age and mixes.
- We support improved advice to strengthen the resilience of trees to climate change, pests and disease – important to ensure current and future forested areas become more resilient and adapted to future climactic conditions, through research and management.
- There's a risk that by focusing solely on planting to address climate crisis we lose sight of the other benefits trees deliver (e.g. timber (and food) production, biodiversity and habitat gain).
- Likewise, while natural regen brings many benefits, establishment takes longer and not necessarily in desired areas, so there needs to be a balance – and a realisation it's not the answer in all areas, nor can it be the only answer.
- SLE members have some valid concerns around the viability of increasing woodland extent, and delivering timber and carbon outcomes, with the means outlined, and without more specific reference to the role that productive forestry can play.
- The Scottish Government aims to create enough woodland to cover 21% of

Scotland's total area by 2032. At current rates of delivery, it would take almost 48 years to reach this target through only small-scale projects (-100ha). New woodland creation needs to at least double to meet targets, and there is a pressing need to work at scale.

- More thought and support is needed to encourage regenerative practices within agriculture and land sharing, such as agroforestry. Both require a major change in management systems and can lead to a loss of production, so support is needed to encourage widespread uptake.

Ch 5: Obj. 4: PROTECT/SUPPORT RECOVERY OF VULNERABLE SPECIES & HABITATS

Scotland has approximately 90,000 species often of international importance. Many are vulnerable to habitat loss and climate change impacts. Key points from our response to this section include:

- While we are fully supportive of the ambition to increase ecosystem restoration, and protect vulnerable species and habitats, it is important that a balanced approach is taken, and socio-economic sustainability is considered alongside ecological objectives.
- A Better Biodiversity Data project and Species at Risk database (mapping genetic diversity across Scotland) should allow for evidence-led decisions and targeted conservation action.
- Important new projects that look to reinforce existing species and/or reintroduce lost species are considered in a balanced way and local views and the needs of others are fully considered.
- We need more effective local feedback mechanisms when things are not working – local evidence should be sufficient when a national evidence-base is lacking – and a clear plan to control species which are illegally released (as this continues to be a source of tension and stress for land managers who are left to deal with the negative consequences).
- While SLE is not directly engaged in marine matters, we support the Scottish Seabird Conservation Strategy, however it's important that conservation efforts to protect and support the recovery of other vulnerable bird species are not overlooked at the expense of seabirds.
- 40% of Scotland's rivers and lochs are not in good condition, yet freshwater bodies need to be resilient to climate change. The Strategy's freshwater focus seems weak compared to the ambitions for uplands, lowlands and marine.
- It's important the actions set out in the Wild Salmon Strategy Implementation Plan are delivered, as specified. Atlantic Salmon has moved from *Least Concern* to *Near Threatened* on IUCN's Red List, with new evidence showing the global population decreased by 23% between 2006-2020. The conservation of wild Atlantic salmon is a critical priority for SLE and efforts

should now be directed towards tackling the wide range of specific pressures facing this species (climate change affecting food availability; weirs and obstructions in rivers; predation by seal populations; sea lice; bycatch by trawlers at sea and poor river quality).

Ch 6: Obj. 5: INVEST IN NATURE

Scottish Government has increased public investment in nature restoration in recent years (Peatland ACTION, Nature Restoration Fund, FIRNS) and there has been significant increase in interest from private investors. To meet the pace and scale of delivering these targets, more investment is required:

- The Green Finance Institute estimates between £15 billion and £30 billion is needed over the next 10 years – much of this will have to come from the private sector.
- A blended finance approach will be important in ensuring there are increasing financial flows invested in nature-based solutions but there are complexities which need to be addressed.
- It's landowners that are being asked to take the risks. How income generated by the emerging carbon markets is treated from a taxation perspective could act as a disincentive.
- SLE and WES are currently supporting the CivTech CreditNature partnership with NatureScot to expand its nature fintech platform, to develop and pilot 'a progressive biodiversity credit market in Scotland'. They estimate this market could reach £12-£35 billion by 2050.
- SLE members have a positive willingness to pursue peatland restoration, but there remain frustrations at the difficulties of delivery (e.g. contractor availability, short-term nature of funding, flexibility over timescales, bad winter weather).
- The Scottish Government is targeting restoring at least 250,000ha of degraded peatland by 2030. This would require 20,833ha of peatland to be restored each year. At the current rate of delivery, targets for peatland restoration will not be met – in fact, the rate of delivery of peatland restoration would need to increase by 300% to meet targets.
- The greatest enabling factor for biodiversity change will be a motivated rural sector. We need to upskill the rural sector to address things like contractor availability, machinery, and skilled labour shortages. These challenges also present an opportunity to build capacity.

Ch 7: Obj. 6: TAKE ACTION ON THE INDIRECT DRIVERS OF BIODIVERSITY LOSS

This section deals with the key underlying drivers of biodiversity loss (demography, economy, governance, technology, culture and behaviour) and acknowledges

attempts to fix the direct drivers without addressing the underlying indirect causes will likely fail. Key points from our response include:

- Wellbeing Economy Research by BiGGAR Economics has highlighted the range of ways in which land managers contribute benefits to rural Scotland – the strategy can help to consolidate this.
- We need to ensure a Just Transition and not demonise current practices and people working within land management. Community empowerment rhetoric emerging from Government agencies (while important) may also be contributing to unrealistic expectations. Forestry particularly in southern Scotland, is a very live example – there’s a disconnect between clear government support for forestry, and community understanding.
- As a member of the Alliance for Scotland’s Rainforest, SLE supports landscape-scale rainforest restoration, and management of invasive non-native species such as rhododendron. This has included hosting several ongoing events and webinars, and campaigning in partnership with WTS for the establishment of a Rainforest Restoration Fund (like the Peatland ACTION Fund).
- Edinburgh University research has shown the benefit of outdoor education across all age ranges. These findings should be the drivers to progress delivery of the outdoor learning elements of the Learning for Sustainability Action Plan and the associated new portal by 2027.

SECTION 3: 3a: DO YOU HAVE ANY COMMENTS ON THE NATURE NETWORKS FRAMEWORK

- Nature Networks offer an opportunity for targeted action and could be a useful mechanism to align government support and funding. Bottom-up, democratic and transparent governance is to be welcomed. The Framework will also need to integrate with existing and expanding land use policy landscape and have sufficient flexible delivery mechanisms in place to be successful.
- Wildlife Estates Scotland (WES) clearly demonstrates how a national ecological network can work on the ground; it recognises the greater impact contiguous land areas managed to similar principles and values can have.

SECTION 4: 4a: DO YOU HAVE ANY COMMENTS ON THE 30 BY 30 FRAMEWORK

- If protection of existing sites has failed (and many would argue it has) how is a 30% designated site area going to be protected? Currently very few communities and individuals know where designated sites are or why they are important. The designations ‘landscape’ is becoming increasingly complex, and there is a danger of designations ‘fatigue’, or worse a backlash amongst land managers and the wider public. Efforts should be made to streamline and simplify terminology to improve public understanding and stewardship of our protected areas.

SECTION 5: IMPACT ASSESSMENTS

- Regular monitoring and publication of data is necessary. The importance of data from the private sector should not be dismissed. WES is happy to share our data with Scot Gov officials.
- We agree with the key finding of the SEA: *“the use of a single species approach... (may) undermine a focus on the key interdependencies which support healthy ecosystems.”*
- Highly unlikely that any of the provisions in the SBS or Delivery Plan will not impact business, however this can be mitigated through targeted support.

STATUTORY TARGETS: 6a: DO YOU AGREE WITH THIS APPROACH TO PLACING TARGETS ON A STATUTORY FOOTING?

Scotland has a ‘biodiversity intactness’ rating of only 56% which means we rank 28th from bottom but it’s important to recognise action being taken by land managers to restore habitats and species:

- Statutory targets poorly formulated can undermine actions, and we will be keeping a close eye on this aspect of the Framework as it goes through further consultation and legislative scrutiny.
- Our 1st draft response noted targets were broad, lacked detail and would be better constructed as SMART outcomes. We’re pleased the selection criteria now includes SMART targets.
- We welcome the recognition that climate and biodiversity are intrinsically linked but we feel the Strategy needs to bring biodiversity up to same level as climate and focus people to act.
- Analysis of responses to the first draft highlights the following key priorities: mainstreaming, species loss and species recovery, tackling key drivers of biodiversity loss (habitat degradation, fragmentation, INNS and disease & pollution), and promoting positive, nature-based solutions.
- The Strategy acknowledges that targets which focus on achieving high-level outcomes are less prescriptive about how to reach the desired goals and have been shown to produce the best results – they are also likely to be more workable amongst the land management community.
- Potential target topics are not sufficiently comprehensive – e.g. there is no specific mention of tree species diversity, adaptation and resilience, which is surprising in the current climate.
- It’s not possible to identify a single quantifiable apex target for biodiversity, but we should avoid the risk of setting statutory targets for ‘everything’ (disproportionately bureaucratic and burdensome). SLE therefore agree with proposal to have smallest possible number of targets.

We support the proposal that targets align with 2030 and 2045 timescales. The alternatives outlined (3 yearly, or aligned with 5 year delivery plans) are disproportionately bureaucratic.

NATIONAL PARKS

SLE is aware of recent public opinion polls in Scotland which indicate that 89% of people support the creation of new National Parks and that 74% of people want to see more nature restoration.

- Value of responsible outdoor access to physical/mental health and wellbeing is acknowledged more widely now than ever before, it's right that this is a key aim of Scotland's National Parks.
- Programmes like Estates that Educate, Pathways to Rural Workforce and Countryside Learning Scotland have huge potential and should be included in any skills development framework.
- Community benefit is delivered in many ways, and commercially viable businesses, which create jobs, housing and wider amenity value, help deliver a thriving rural economy, especially in our National Parks. Data collection is very important in the transition to a greener economy. Important not to lose sight of existing or traditional skills and associated labour shortages, whilst focusing on opportunities and demand for new green skills (renewables) & jobs growth.
- While nature restoration is rightly a priority, National Parks cannot simply be protected and visited with no thought for those who already live and work in the area. There needs to be a focus on sustainable development and an enabling approach to allow individuals and businesses to thrive. Biodiversity efforts shouldn't be over-ridden by carbon sequestration.
- Any new governance model must consider local residents needs and be developed with strategic partners, including land managers, not just agencies. We would challenge any changes that result in the governance of National Parks becoming less democratic.

Annexe F: Submission of written evidence from Roddie Macpherson, 2 January 2024

Does the draft plan appear fit for purpose to address the biodiversity crisis as it affects Scotland?

The proposals fall well short of being fit for purpose.

Personal context.

My Macpherson forebears were crofter/fishers in Sleat, Skye. They would have witnessed the depletion of local fish stocks by inroads from fishers with more capacity, often from East coast ports.

I live in Avoch, a village in the Black Isle with a renowned history of fishing and seamanship. In the 1960s, local boats took huge harvests of 'Kessock herring'. Are there any such herring out there now? We have a commodious, though tidal, harbour used for leisure craft. One or two boats fish for shellfish, such as whelks for export. Apart from those, the only commercial fishing vessels we see are those travelling to and from the Caledonian Canal.

The above evidences two issues which are relevant to the health of the marine environment. 1. **the importance of catching capacity** (engine and winch power, and technology). Unless curtailed, more capacity will always displace lesser capacity. Fishing technology is such that there are very few areas where fish can hide from a trawl. 2. **the decline of the inshore fishery**, where most commercial inshore fishers are fishing at the bottom of the food chain for shellfish, previously mainly taken for bait.

There are no adequate proposals to address either of these issues.

The state of **our inshore environment**, its fish stocks and its habitats, is an indictment of fisheries mismanagement by UK and Scottish governments. This is the area of the sea with the greatest potential for biodiversity, vital to the spawning of many commercial species and juvenile fish. Here is one example of the complacency exhibited in recent years "*Our track record of managing Scotland's fisheries is strong with robust regulatory and monitoring frameworks in place.*" (Fisheries Management Strategy 2020-2030, Dec 2020). A statement that was untrue then, and likely to remain untrue in the future, based on current proposals.

Equally negligent has been the commercial fishing industry. It's not politicians that fishers should worry about, but the practices and self-interest of fellow fishers. Government Inquiries in the 19thC heard much evidence from fishermen concerned about the damage being done by the trawling fleet. Regrettably, they were ignored as voices with greater influence believed that the bounty of the seas was unlimited and endlessly renewable. Through bitter experience, we know that natural regeneration is real, but has its limits, once passed a tipping point regrowth may not be possible (eg. cod stocks around Newfoundland, not having recovered in the 30 years since fishing was banned).

I can be less diplomatic than the Panel Members and say that Scottish Ministers and their advisers are delusional if they believe that their proposals to halt the decline in marine biodiversity represent ‘a step change’. A step change from the last decade of inaction will have little effect, and fails to provide an adequate response to ‘**an emergency**’. What we need is a huge leap forward, something well beyond what government is advocating.

I refer to some important issues which highlight the inadequacy of the government’s ‘plan’.

(A) The Strategy fails to have any reference to **benchmarking**.

What is the benchmark reference being used to assess the loss of biodiversity (and its restoration) in the marine environment? Restoration means achieving a certain former condition. To what goal is restoration targeted? Is it twenty years ago, or 50-60 years ago before the axing of the 3-mile limit, pre-WWII, or pre-steam trawlers?

It would be folly to aim to restore conditions to an already deleted state, which would be the case if too recent a benchmark is used.

Without a defined condition being targeted for restoration, how can one assess the success or failure for any plan of action? We should be endeavouring to determine what is the **potential** of our seas and aim to restore to that goal. There is no attempt to do this – it’s a vacuum; we are left none the wiser.

(B) **Juvenile stocks and spawning areas remain vulnerable. Discards continue.**

The warning signals have been repeated since at least 2011 when the Marine Atlas under ‘*Significant pressures in the marine environment*’, identified one as ‘*bottom trawlers and scallop dredgers may damage the seabed*’. Two years later - ‘*Scallop dredging is recognised as having the most significant impact on sea bed habitats within Scottish waters. Fishing using mobile gear also adversely affects the sea bed, causing damage to benthic features and habitats.*’ (Living within Environmental Limits in the Marine National Plan Consultative Draft, 2013). Impacts of fishing on the seabed and species remain ‘*widespread and significant*’ (National Marine Plan 2015, 6.3).

Vital issues for the future health of our seas have been highlighted for over ten years – vulnerable stocks, discards, bycatch, seabed damage by fishing, need for proper monitoring – all relevant to the biodiversity loss. None has been adequately addressed, far less remedied in the intervening period. These were part of the ‘nature emergency’ then, and regrettably continue to be so.

(C) The lack of commitment and leadership remains evidenced in this document. There is **no proposal to restrict bottom trawling or dredging* in inshore waters**

* A study has concluded that ‘*the majority of damage to large benthic invertebrates during scallop dredging occurs unobserved on the seabed, rather than in the bycatch*’. (Impact of scallop dredging on benthic megafauna: - a comparison of damage levels in captured and non-captured organisms’, S. R. Jenkins et al, Marine Ecology Progress Series Vol 215: 297-301, 2001)

(which, of all sea areas, have the greatest potential for restoring biodiversity), or proper consideration of the merits on an ‘inshore cap’ (the latter is mentioned briefly on p33). How is this an adequate response to a nature emergency (= a serious and unexpected** situation requiring immediate action)?

(D) Measures to reduce discarding and bycatch by 2026 will be worthless unless the demersal fleet and bottom trawl/dredge gear vessels, irrespective of size, are fitted with **Remote Electronic Monitoring**. The Scottish government has no comprehensive proposal to require this form of monitoring in the future. Further, the reference to ‘*best available scientific advice*’ (penultimate Action p33) is disingenuous in the absence of comprehensive REM for the high catch capacity sectors of the commercial fleet.

(E) The UK Joint Fisheries Statement 2022 sets a target period of 2022-24 for preparation and publication of **Fisheries Management Plans**. FMPs are relevant to biodiversity and sustainability. “*FMPs will make best use of available evidence, be subject to scientific evaluation and consider the environmental risks associated with the fishing activity managed through the FMP.*” And, they should specify whether there is sufficient evidence to assess a stock’s Maximum Sustainable Yield. (JFS, paras. 5.6.3 & 5.2.4) – an important issue given the adoption of MSY as a management tool. Therefore, the proposal in this paper to **develop** (ie. not complete and publish) FMPs without any timescale is a wholly inadequate response. The chance of these measures, which will require considerable consultation with stakeholders during 2024, being delivered next year, is remote.

(F) Given SEPA’s new sea lice framework objective of better protection to **wild salmon smolts**, it is remarkable that it is proposed to ‘*Undertake research on post-smolt and adult Atlantic salmon migration routes around Scottish coastal areas*’ (p.39) One might have assumed that this research would have been concluded and assessed prior to the finalisation of the new framework. It also begs the question – how many fish farm licences have been granted in problematic areas for wild salmon movements?

There are multi-faceted and on-going **challenges facing fish farming**. Most stem from the fact that the industry relies on an intensive production model which impacts on marine biodiversity and habitat integrity.

Do you have any concerns that implementation of the plan could have adverse consequences? If so, please set these out.

The adverse consequences stem from the fact that the ‘plan’ does not meet the challenge, and is full of delay which the environment cannot afford ie. not fit for purpose.

Habitats will continue to deteriorate and biodiversity, including fish stocks, will fail to recover.

**the current situation is not ‘unexpected’.

What matters, other than those set out in the plan, would require to be addressed to ensure that the plan works?

The list includes :-

- The primary foundations of marine life are plankton and, therefore fundamental to biodiversity. There is no assessment of the state of plankton in our waters, or what effects warming seas and possibly changing ocean currents, might have for the future.
- Consideration of limits on fishing capacity and fishing effort as part of management measures.
- Benchmarking. A clear description, with reference to examples across the globe, of the potential of the sea to provide healthy resilient habitats along with future fishing opportunities. This is the target to which restoration efforts should be aimed.
- More resources. This was a common theme among Panel members. Even the limited aspirations of the government's proposals could well founder on poor funding capacity. The rather large 'elephant in the room' here is the fact that the devolved government in Scotland lacks full economic powers, and largely relies on the narrowing and increasingly reluctant shoulders of the UK government.
- More support to local communities who are taking practical steps to improve marine environments (it's a pity none was represented on the Committee Panel).
- A moratorium on the expansion of the caged fish industry.
- Proposals to address Illegal, Unreported and Unregulated Fishing, all which can impact marine biodiversity.

Each of the above require to be addressed. However, the current 'plan' simply will not do. It needs a fundamental re-write to have any impact on the critical state of our seas. Too much space is given to high-level targets and visions, which do not equate to immediate action in face of an emergency. We need the setting out of clear practical measures by 2030 (they do not need to be 'world leading' - a vacuous phrase too prevalent in government publications). **Priority must be given to the protection of juvenile stocks and spawning habitats. In turn, this requires an immediate addressing of measures to bring robust management to inshore waters.**

Looking beyond 2030 presents opportunities for delay, which we cannot afford.

If the funding is not available, be honest and say so; only then can we endeavour to look how we can progress in light of other competing needs, and perhaps come up with innovative proposals on the basis of 'needs must'.

Annexe G: Submission of written evidence from the Scottish Crofting Federation, 2 January 2024

SCF welcomes the opportunity to provide for written evidence on the strategic framework for biodiversity. We agree that the biodiversity crisis must be tackled immediately but any measures taken must comply with Scotland's commitment to a just transition. We would like to answer the committee's questions as follows:

- *Does the draft plan appear fit for purpose to address the biodiversity crisis as it affects Scotland?*

The draft plan touches upon a wide range of topics relevant when addressing the biodiversity crisis. However, it also contains certain stumbling blocks which might hinder, rather than encourage positive developments. The strategic framework should feature clear commitment towards bottom-up community engagement, which is presently lacking, and needs to be better aligned with other policy objectives, namely agricultural reform. We are deeply concerned that target-driven policy reforms focused on achieving change at large scale – like the framework indicates – will not provide adequate support to ensure the survival of small-scale and sustainable models of agricultural management like crofting, and the continuation of good agroecological and High Nature Value (HNV) practices.

The crofting counties contain some of the most biodiverse habitats across Scotland, however, the strategic framework pays scant attention to crofting as a historic practice that holds great potential for biodiversity enhancement. Lessons must be drawn from the failure of the proposal on the introduction of highly protected marine areas (HMPAs). Any biodiversity enhancing measures cannot be imposed upon local communities in a top-down manner but instead must be co-designed by and implemented with them. Communities must be included from the very outset to avoid defensive reactions which are likely to result in major setbacks for biodiversity protection.

Biodiversity enhancement, community restoration, and sustainable small-scale agriculture can be mutually reinforcing. However, the Agriculture and Rural Communities Bill as introduced does not guarantee for a coherent approach that would allow crofters and small-scale farmers to meaningfully contribute to biodiversity protection and enhancement, because sufficient funding for agroecological practices enhancing biodiversity on smaller scales is lacking. Crofting is overwhelmingly a small-scale activity, characterised by low-intensity management of permanent grasslands and common grazings, e.g., these make up 90% of agricultural land in Shetland, Orkney, the Western Isles and Highlands.¹

Common grazings provide important opportunities to develop traditional cooperative-work, sustain culture and languages and they provide a vehicle for peer-to-peer learning including for sustainable practices. Many crofting areas contain extensive peatlands and continued low-intensity management has been held important to

¹ Scottish Government. 2020. *Scottish agriculture: economic reports* Scottish Government.

moderate risks of climate change and to safeguard these important landscapes.²

Unfortunately, the strategic framework for biodiversity omits to point to the important role of common grazings when it comes to biodiversity preservation and enhancement: 27% of common grazings are designated,³ and 43% of Scottish HNV agricultural land can be found in the Scottish Highlands and Islands,⁴ with 15-20% on common grazings.⁵ In the Western Isles, 77% of agricultural land is of HNV status. The (EU) concept of HNV agriculture refers to systems where habitats and species are dependent on low-intensity agricultural systems.⁶ A specific example of a HNV area is the *machair*, which is a type of bio-diverse coastal grassland. It is one of the rarest habitat types in Europe, and 70% exists in the Scottish Hebrides.⁷

Neither the strategic framework, nor agricultural reform more broadly, pay attention to the important role agroecological crofting and HNV can play in biodiversity protection and enhancement: The continuation of area-based payments with no firm commitment towards redistribution in form of capping and frontloading agricultural subsidies will not enable crofters to take up biodiversity enhancing practices. If enhanced conditionality comes with prohibitive bureaucratic hurdles and complementary funding is only accessible on a competitive basis, crofters and small producers are being locked out of contributing towards Scotland's green transition. Further, the 'whole farm' approaches currently discussed do not factor in the complexities related to common grazings.

Without further safeguards, the strategic framework risks contribute to an agricultural policy that cements the *status quo* or worse in funding distribution; an inequitable situation that has seen the bottom 40% of recipients receive only 5% of the total Scottish agricultural budget⁸ and the top 10% of recipients receive half of the total budget.⁹ Currently, half of crofter-recipients of basic payments receive less than £1475 in support¹⁰ and Scottish government's data shows that 38% of crofters

² Shucksmith, M. & Rønningen, K. 2011. The Uplands after neoliberalism? – The role of the small farm in rural sustainability. *Journal of Rural Studies*, 27, 275-287.

³ Jones, G. *Common Grazings in Scotland – assessing their value and rewarding their management* [Online]. Available: <<https://www.efncp.org/download/jones-paper.pdf>> [Accessed December 2023].

⁴ Scottish Government & SRUC. *Indicator 4: Farming and nature* [Online]. Available: <<https://www.environment.gov.scot/our-environment/state-of-the-environment/ecosystem-health-indicators/condition-indicators/indicator-4-farming-and-nature/>> [Accessed December 2023].

⁵ Jones, G. 2011. *Trends in Common Grazing*. First steps towards an integrated needs-based strategy European Forum on Nature Conservation and Pastoralism.

⁶ Lomba, A., McCracken, D. & Herzog, I. 2023. Editorial: High Nature Value farming systems in Europe. *Ecology & Society* [Online], 28. Available: <<https://ecologyandsociety.org/vol28/iss2/art20/>> [Accessed December 2023].

⁷ Machair Life+, *About the Machair* [Online]. Available: <<https://machairlife.org.uk/index45cc.html?/home/what>> [Accessed December 2023].

⁸ Matthews, K., Miller, D., Wardell-Johnson, D. & Gandoss, G. 2021. *2014 vs 2019 Pillar 1 and 2 payments comparisons for ARD Stakeholders* James Hutton Institution - Presentation for ARD.

⁹ Wightman, A. 2019. How 'farms' that aren't really farms get paid millions in subsidies – Andy Wightman. *The Scotsman* [Online]. Available: <<https://www.scotsman.com/news/opinion/columnists/how-farms-that-arent-really-farms-get-paid-millions-in-subsidies-andy-wightman-1412156>> [Accessed December 2023].

¹⁰ Jones, G. 2018. *Support for Crofting*. A report prepared for the Crofting Commission.

receive no revenue from crofting.¹¹

While the potential of sustainable smaller-scale agriculture towards achieving environmental outcomes has been documented,¹² the present strategic framework seems to focus on quick gains at scale, without paying attention to the wider long-term distributive consequences. The recently published budget of £180'000 in total for the Small Producers Pilot Fund appears entirely out of proportion to the grants available for private investors under the Facility for Investment Ready Nature which allocates nearly the same sum to each successful project.

- *Do you have concerns that implementation of the plan could have adverse consequences? If so, please set these out.*

The strategy heavily relies on large-scale private investment in natural capital. We are deeply concerned that this strategy, aimed at quick gains at scale, is going to backfire. The government acknowledges that the extremely uneven distribution of ownership of, and control over land poses significant problems. However, ramping up and even subsidising outside investment in natural capital without any regulatory safeguards effectively thwart any land reform agenda.

Crofting is threatened in its very existence by uncontrolled natural capital markets, which have led to high demand for marginal land which was until now only a valuable agricultural asset for crofting communities, with new entrant crofters outpriced of markets due to escalating land prices,¹³ and unclarity how carbon credits may benefit crofting communities, especially given the inaccessibility of present schemes for small-scale projects.

Recent research commissioned by the Scottish government has found that natural capital investment can lead to the loss of employment and effects on local service provision (e.g. shops, schools, secondary agricultural services, etc.), to the decrease of housing availability due to conversion and increased market prices, and often lacks community involvement in decision-making.¹⁴ Further, the case studies observed a decline in agricultural production. While natural capital investment may, in some instances, play out to the benefit of nature and communities alike, the report highlights the urgent need for greater regulation of the natural capital market and the sharing of benefits with communities affected.

The long-term distributive impacts of ramping up natural capital investment at scale are not sufficiently taken into consideration. This is evident by the fact that the biodiversity strategy envisions funding of up to £240'000 for natural capital investment, while mere non-binding 'interim principles' for responsible natural capital investment exist. This means that decisions on land use are locked in for generations without any meaningful regulatory oversight, and transnational laws of

¹¹ Scottish Government. 2022. *Economic Condition of Crofting 2019-2022* Scottish Government.

¹² See eg Hass, A. L. et al. 2018 Landscape configurational heterogeneity by small-scale agriculture, not crop diversity, maintains pollinators and plant reproduction in western Europe. *Proc Biol Sci*, 285.

¹³ Scottish Land Commission. 2023. *Rural Land Market Insights Report 2023. A report to the Scottish Land Commission.*

¹⁴ McKee et al. 2023. *The Social and Economic Impacts of Green Land Investment in Rural Scotland.*

investor protection will prevent the state from intervening in the public interest if required in the future.

- *What matters, other than those set out in the plan, would require to be addressed to ensure that the plan works?*

Biodiversity policy needs to be better aligned with overall policy objectives, namely agriculture, land reform, and human rights to enable the overarching objective of a just transition to which the Scottish government has committed itself. This includes paying more attention to crofting as a historical practice which has significantly shaped large parts of Scotland over the last centuries. We are concerned that crofting seen as something that will exclusively be dealt with under crofting law and without any attention devoted to the fact that any policy, including the strategic framework for biodiversity enhancement in question, will have discrete impacts on crofting and crofting communities.

Communities in the Highlands and Islands are fragile and often suffer from multiple, interlinking factors: The housing crisis fuelled by rising land prices and the proliferation of second homes in areas of natural beauty may be exacerbated by the creation of protected areas. Community resilience and biodiversity enhancement can work together productively, but it will not happen by pouring money into the pockets of those who are well off already. The biodiversity strategy risks deepening the divide between landed elites and the rest of Scotland, effectively leading to a few 'biodiversity oases' controlled by a handful of transnational corporations and wealthy individuals.

As such, biodiversity protection and enhancement cannot happen in isolation but must be better aligned with an overall policy that is centred on distributive justice rather than driven by an influential lobby of large-scale landowners.