

Respondent Information Form



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

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Environmental Standards Scotland

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

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

Questions

We are inviting responses to this consultation by **14 December 2023**.

You are not required to answer every question in the consultation. The consultation is set out in sections to help you identify matters in which you may have a particular interest.

Please note that Section 1 of the consultation document does not contain any questions, so question numbering starts from Section 2.

Section 2 – Scottish Biodiversity Delivery Plan

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

- Yes
- No
- Unsure

Please explain the reasons for your response:

The key actions provide a framework for delivering against the 2030 and 2045 ambitions. It is important that this framework remains responsive and is reviewed and updated if new evidence becomes available. As noted below, the actions must be properly resourced and activity to deliver against them should reflect the short timeframe to meet the overall aims.

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

- Yes
- No
- Unsure

Please explain the reasons for your response:

To halt biodiversity loss and be Nature Positive by 2030, urgent action is required that is properly resourced, well-evidenced and effective. The timeframe to achieve this objective is limited, so these key actions will need to translate quickly into delivery if the objective is to be met by 2030.

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

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

Nil response.

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

- Yes
- No
- Unsure

Please explain the reasons for your response:

Nil response.

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

- Yes
- No
- Unsure

Please explain the reasons for your response:

Nil response.

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

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

Nil response.

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

- Yes
- No
- Unsure

Please explain the reasons for your response:

Nil response.

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

- Yes
- No
- Unsure

Please explain the reasons for your response:

Nil response.

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

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

Nil response.

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

- Yes
- No
- Unsure

Please explain the reasons for your response:

Nil response.

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

Please explain the reasons for your response:

Nil response.

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

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

Nil response.

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

- Yes
- No
- Unsure

Please explain the reasons for your response:

Nil response.

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

Please explain the reasons for your response:

Nil response.

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

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

Nil response.

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

- Yes
- No
- Unsure

Please explain the reasons for your response:

Nil response.

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

- Yes
- No
- Unsure

Please explain the reasons for your response:

Nil response.

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

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

Nil response.

Section Three – Nature Networks Policy Framework

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

Please provide any comments:

Nil response.

Section Four – 30 by 30 Policy Framework

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

Please provide any comments:

As noted in our investigation report on *Consideration of the effectiveness of the site protection system in respect of Ramsar sites in Scotland* ([Ramsar-case-summary-for-website.pdf \(environmentalstandards.scot\)](#)), we have received a representation that raised concerns about how Ramsar sites are protected in Scotland. In the rest of the UK all Ramsar sites are designated as European sites (Special Protection Areas (SPA) and Special Areas of Conservation (SAC)). In Scotland, Ramsar sites are co-designated as either a European site or a Site of Special Scientific Interest (SSSI). 50 of 51 Ramsar sites in Scotland are also largely covered by European site co-designation. However, spatial overlap does not necessarily apply the higher protection standards of European sites to all features within that boundary.

Under the current two-tier regime, any Ramsar features afforded SSSI protection could theoretically be permitted for development (effectively deleting Ramsar areas) without first proving an urgent national interest and without creating offset habitats. Such a development would be perceived as contravening Ramsar requirements.

Following enquiries by ESS in response to this representation, Scottish Government (SG) stated that Ramsar protections will be reviewed as part of the wider 30x30 considerations. SG has indicated the upcoming Natural Environment Bill may be a mechanism to introduce any new provisions needed for Ramsar site protections, subject to the findings of the 30x30 Framework.

As noted in our investigation report, ESS can reconsider formal investigation of these concerns in the future if:

- we become aware of a forthcoming or actual contravention occurring, through the perceived gap; or
- the outcome of 30x30 fails to materially address the apparent “out-of-step” nature of the two-tier system.

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?

Nil response.

Question 5b: What are your views on the predicted environmental effects as set out in the environmental report?

Nil response.

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

Nil response.

Question 5d: What are your views on the proposals for mitigation and monitoring of the environmental effects set out in the environmental report?

Nil response.

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

If yes, please provide any comments:

Nil response.

Question 5f: Are there any additional actions or changes to existing actions which can be taken through the Delivery Plan to benefit business?

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

Question 5g: Do you think that any of the provisions in the SBS or Delivery Plan will have any adverse effects on socio-economic equality?

- Yes
- No
- Unsure

If yes, please provide any comments:.

Nil response.

Question 5h: Are there any additional actions or changes to existing actions which can be taken through the Delivery Plan to benefit socio-economic equality?

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

Question 5i: Do you think that any of the provisions in the SBS or Delivery Plan, will have any adverse impacts on people with protected characteristics?

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

Question 5j: Are there any additional actions or changes to existing actions which can be taken through the Delivery Plan to benefit people with protected characteristics?

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

Question 5k: Do you think that any of the provisions in the SBS or Delivery Plan, will have any adverse impacts on island communities?

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

Question 5l: Are there any additional actions, or changes to existing actions, which can be taken through the Delivery Plan to ensure that there are no adverse effects for Island communities?

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

Question 5m: Do you think that any of the provisions in the SBS or Delivery Plan, will have any adverse impacts on child rights and wellbeing?

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

Question 5n: Are there any additional actions or changes to existing actions which can be taken through the Delivery Plan to benefit child rights and wellbeing?

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

Section Six – Statutory Targets for Nature Restoration

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

- **Yes**
- ~~No~~
- ~~Unsure~~

Please explain the reasons for your response:

Yes. Statutory targets ensure that there is a legal duty to act for relevant public bodies and establish a long-term approach. These targets should be ambitious but achievable with sufficient action. They must be supported by effective and transparent reporting and monitoring of progress and should be adequately resourced. Establishing this framework of targets in legislation will help to provide clarity and certainty about the long-term direction of government policy.

The proposed approach of establishing a framework in primary legislation and setting the details of the targets in secondary legislation, should be supported by a robust process for establishing, verifying, reviewing, monitoring and reporting on targets. This should be evidence-based, independent and appropriately resourced to ensure that the framework and the targets are effective.

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

- Yes
- No
- Unsure

Please explain the reasons for your response:

Yes, in principle. The proposed structure with a suite of targets that are considered both holistically and individually is positive. Taking a risk-based and evidence-based approach to assigning indicators and values to targets should aim to ensure that each target is robust and has a clear rationale. It is important that there is appropriate scrutiny of the targets and, as noted above, that there is an effective process for reviewing, monitoring and reporting on targets that is independent and appropriately resourced. It is helpful that the proposed targets and indicators are explicitly linked to alignment with the Global Biodiversity Framework targets.

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

- Yes
- No
- Unsure

Please explain the reasons for your response:

Yes, in principle. It is important that targets are set and assessed at the appropriate spatial scale and timescale. In delivering against these targets and monitoring the outcomes and outputs, the evidence base and understanding of the specific natural system may develop over time. Therefore targets should be responsive and adaptable. It may also be appropriate for some targets to combine both outcome and output metrics, for example when aiming to restore x hectares of a particular habitat there may be additional benefit to prioritising the restoration of sites that are most at risk, highest quality or other factors.

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

Please explain the reasons for your response. If you answered “No”, please provide details of any target topics which you think are missing from the list.

Nil response.

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

- Yes
- No

If you answered “Yes”, please provide your comments below.

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

- Yes
- No
- Unsure

Please explain the reasons for your response:

Yes, in principle. However, as recognised in the question, biodiversity is a complex and interconnected system. It is essential that the number and nature of targets selected sufficiently reflects this complexity. As noted in response to previous questions, the targets should be ambitious and achievable with appropriate resource for their delivery. They should be developed using a robust and independently verified evidence base that is subject to review if additional evidence arises. It may also be necessary to add additional statutory targets if, over time, monitoring of non-statutory targets shows a lack of sufficient progress.

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

- Yes
- No
- Unsure

Please explain the reasons for your response:

Yes. The longer-term nature of these targets, supported by appropriate interim targets, allows more complex systems and challenges to be addressed. However, it is essential that the targets are supported by appropriate interim targets that aim to

ensure that progress against the long-term targets is iterative and measurable. This will help to identify where further effort is required to meet more challenging long-term targets and provide a more transparent review of activity by relevant bodies.

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

- **Yes**
- ~~No~~
- ~~Unsure~~

Please explain the reasons for your response:

Yes. The proposed approach of seeking expert advice with relevant input by the proposed review body and Parliamentary oversight should provide effective governance and a rigorous and independent review process. As noted above, it is important that targets are set and assessed at the appropriate spatial scale and timescale. In delivering against these targets and monitoring the outcomes and outputs, the evidence base and understanding of the specific natural system may develop over time. Therefore targets should be responsive and adaptable.

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

- **Yes**
- ~~No~~
- ~~Unsure~~

Please explain the reasons for your response:

Yes, in principle. Rationalising and aligning reporting of progress against these targets may result in efficiencies and encourage more holistic scrutiny. However, as noted above, it is important to consider the system of monitoring and reporting as a whole. It is essential that the Independent Review Body is able to develop and maintain its skills, knowledge and expertise to effectively monitor and report on the targets and the environment and natural systems that they represent. To do this effectively, monitoring and reporting should be iterative and regular enough that this function is resilient and able to retain and develop expertise. This will help to ensure effective scrutiny of these targets.

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

- **Yes**
- ~~No~~
- ~~Unsure~~

Please explain the reasons for your response:

Yes. An independent monitoring and review function will help to provide effective scrutiny of these targets as part of the proposed governance system. As noted in our response to the Scottish Government's consultation on its Review of Environmental Governance([ESS-Consultation-Response-Environmental-Governance-Review-Consultation-20231011.pdf \(environmentalstandards.scot\)](#)), monitoring and reporting are significant elements of the role performed by the European Commission (EC) and the European Environment Agency (EEA) both on behalf of member states and to ensure that environmental law is effectively implemented. While some of the functions they undertake are part of ESS' current remit, elements of the EC and EEA functions have not been fully replicated in Scottish environmental governance functions post-EU exit. The proposed Independent Review Body could help to remedy part of this gap for biodiversity.

It is essential that this function, regardless of which public body undertakes it, is independent, resilient and properly funded so that it can provide effective scrutiny. This will ensure that it can develop and maintain its own relevant expertise, as noted above.

Section Seven – National Parks

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

- **Agree**
- ~~Partially agree~~
- ~~Partially disagree~~
- ~~Disagree~~
- ~~Don't know~~

Please explain the reasons for your response:

In order that Scotland can effectively respond to the biodiversity and climate crises, it is essential that all public bodies give appropriate consideration to nature restoration and tackling climate change. Undertaking effective actions and providing leadership on these topics will contribute to all four of the National Parks' current aims, in particular conserving and enhancing the natural and cultural heritage of the area.

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

- **Agree**
- ~~Partially agree~~

- ~~Partially disagree~~
- ~~Disagree~~
- ~~Don't know~~

Please explain the reasons for your response:

Updating the National Parks' aims provides greater clarity on the expected focus of National Park Authorities and helps to underpin the proposed amended purpose in Question 7a. It will also be important that sufficient clarity on what these new aims mean in terms of how the National Parks are managed is well communicated.

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

- Agree**
- ~~Partially agree~~
- ~~Partially disagree~~
- ~~Disagree~~
- ~~Don't know~~

Please explain the reasons for your response:

Updating the National Parks' aims provides greater clarity on the expected focus of National Park Authorities and helps to underpin the proposed amended purpose in Question 7a. It will also be important that sufficient clarity on what these new aims mean in terms of how the National Parks are managed is well communicated.

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

- Agree**
- ~~Partially agree~~
- ~~Partially disagree~~
- ~~Disagree~~
- ~~Don't know~~

Please explain the reasons for your response:

Updating the National Parks' first aim provides greater clarity on the expected focus of National Park Authorities and helps to underpin the proposed amended purpose in Question 7a. It will also be important that sufficient clarity on what these new aims mean in terms of how the National Parks are managed is well communicated.

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

- **Agree**
- ~~Partially agree~~
- ~~Partially disagree~~
- ~~Disagree~~
- ~~Don't know~~

Please explain the reasons for your response:

Updating the National Parks' first aim provides greater clarity on the expected focus of National Park Authorities and helps to underpin the proposed amended purpose in Question 7a. It will also be important that sufficient clarity on what these new aims mean in terms of how the National Parks are managed is well communicated.

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

- **Agree**
- ~~Partially agree~~
- ~~Partially disagree~~
- ~~Disagree~~
- ~~Don't know~~

Please explain the reasons for your response:

It is helpful to retain this principle and ensure that greater weight is given to biodiversity and climate change if there is a conflict between different aims.

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

- **Agree**
- ~~Partially agree~~
- ~~Partially disagree~~
- ~~Disagree~~
- ~~Don't know~~

Please explain the reasons for your response:

Yes. It will be important to set out what this means in practice as the consultation notes that the duty should not conflict with or displace responsibilities that are the primary remit of these public bodies. Sufficient guidance and support should be

provided to relevant public bodies to ensure that this duty is properly interpreted and understood.

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

- **Agree**
- ~~Partially agree~~
- ~~Partially disagree~~
- ~~Disagree~~
- ~~Don't know~~

Please explain the reasons for your response:

This will help public bodies to interpret what having regard to the aims means in practice and should ensure that biodiversity and climate change are prioritised where there is conflict between aims.

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

- **Agree**
- ~~Partially agree~~
- ~~Partially disagree~~
- ~~Disagree~~
- ~~Don't know~~

Please explain the reasons for your response:

This obligation is positive and beneficial in principle but will add extra complexity into the roles of other public bodies that operate with National Park in how they balance their priorities and activities. It is important that this duty is clear and adequately supported by appropriate guidance.

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

- **Agree**
- ~~Partially agree~~
- ~~Partially disagree~~
- ~~Disagree~~

- ~~Don't know~~

Please explain the reasons for your response:

Ensuring compliance with environmental law is important. An expansion in the range of enforcement tools available to National Parks should support this.

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

Please explain the reasons for your response:

Nil response.

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

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

Please explain the reasons for your response:

Nil response.

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

Nil response.

Section Eight – Impact Assessments – Part B

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

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

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

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

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

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

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?

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

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

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

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?

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

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

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

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

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

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

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

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?

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

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

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

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?

- Yes
- No
- Unsure

If yes, please provide any comments:

Nil response.

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

Nil response.

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

Nil response.

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

Nil response.

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

Nil response.