

Written evidence from the Scottish Government (PAE0010)

Thank you for seeking evidence in relation to your short inquiry into protected areas from the Scottish Government's Director for Environment and Forestry which has been passed to me. As you will be aware, domestic environmental issues are fully devolved in Scotland and I note that your request for evidence is therefore limited to the Scottish Government's engagement with the UK Government, and to our experience of managing protected areas in Scotland.

- 1. How effective has past coordination with the UK Government been regarding the UK's international obligations for protected areas, and how could this be improved with respect to achieving the '30 by 30' target?*

Coordination of the UK's international obligations for protected areas is carried out by the Joint Nature Conservation Committee (JNCC) and DEFRA. Officials from the devolved administrations participate in this coordination through the Four Nations Biodiversity Group, which is administered by JNCC and co-chaired by DEFRA and the devolved administrations. While environment policy and implementation is fully devolved, we are keen to participate in ensuring that we adopt a sensible approach to agreeing common standards, definitions and approaches wherever possible.

The Scottish Government's 2020 Statement of Intent on Biodiversity outlined the commitment to protect at least 30% of our land and sea for nature by 2030 (the 30 by 30 Target). This commitment has been reiterated in subsequent Programmes for Government and now forms part of the international targets outlined in the new Kunming / Montreal Global Biodiversity Framework.

Whilst the 30 by 30 work is being carried out to meet international undertakings, each of the four countries in the UK will be taking slightly different ways to meet the target, although we are working closely through a sub-group of the 4NBS to share knowledge and identify common approaches. This will reflect the different coverage of protected areas in the relevant countries, different legislation that they are working to and different protected area policies. There may be scope to agree common elements, or principles, or potentially even a UK-wide definition for other effective area-based conservation measures (OECMs), which will count towards delivery of the 'protected areas' target. This is also being considered through the 4NBS sub-group.

In Scotland the 30 by 30 framework currently in development will also examine how to improve management of the existing protected area suite. This means that there is unlikely to be a single UK-wide set of options for achieving the target that the UK Government can easily coordinate.

NatureScot has a role in delivering our international obligations focused in particular on the identification of areas suitable for site designation, ongoing casework connected with site management and protection, and monitoring and reporting. This involves close working with JNCC, with historically less direct liaison with DEFRA.

- 2. Are there any lessons learnt regarding the management of protected areas in Scotland which you would like to draw to the attention of the Committee?*
 - a. How does monitoring of the condition of protected areas vary across the UK?*

Scottish Ministers and their advisers in NatureScot set policies for protected nature sites that help preserve terrestrial and marine habitats and the animals that are supported by them. NatureScot hosts a [list of all protected areas in Scotland](#). It may be helpful if I set out some of the governance arrangements around protected areas in Scotland.

A sub-committee of the NatureScot Board, the Protected Areas Committee (PAC), advises NatureScot on the work it must do in relation to Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) or Special Protection Areas (SPA). Tasks in which the Committee is involved include:

- notification of SSSIs under section 3 of the Nature Conservation (Scotland) Act 2004
- extensions to existing SSSIs (under section 5 of the 2004 Act)
- denotification of some or all of an existing SSSI (under section 9 of the 2004 Act)
- approving NatureScot advice to the Scottish Government on the suitability of potential Natura sites (i.e. SACs and SPAs)
- applying the '10-year rule' (under section 21 of the 2004 Act) – NatureScot must consider any valid scientific representation made by the owner/occupier of land within an SSSI, if this is made at least 10 years after the original notification, or 10 years from any previous such referral.

The Committee can take advice from anyone its members deem appropriate. When the NatureScot Board is asked to confirm an SSSI notification, the Committee can explain any issues and make recommendations.

The Committee meets as and when required – usually no more than four times per year.

Members of the public may attend open session meetings of the PAC as observers.

The Chair may opt for some decisions to be made by correspondence. For example:

- to keep to the statutory timescales for the notification of an SSSI
- where a procedural decision is needed for the notification of an SSSI seen as uncontroversial

NatureScot has carried out a thorough deep dive into the management of protected areas in Scotland - <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/protected-areas-nature-review>. One of the conclusions of this is that protected areas in themselves have not been able to secure favourable condition for many features. This is due to a number of factors, the main ones being the influence of landscape-scale pressures such as herbivores, nitrogen pollution and Invasive Non-native Species. In some cases, management to address landscape pressures has deteriorated the condition of specialist features, for example deer fences can result in over-regeneration.

The current suite of protected areas in Scotland is also fragmented and vulnerable to climate change, which is why we are committed to improving connectivity via the 30 by 30 and Nature Networks commitments. However the protected areas legislation has led to some perverse outcomes for landscape-scale conservation, as it has focussed on protecting certain habitats and species, often at the expense of wider biodiversity gains. This has for example prioritised open ground habitats over natural woodland expansion in some protected areas.

The Scottish Government has commissioned NatureScot to develop and publish a National Framework and Implementation Plan for terrestrial delivery of 30x30 in

Scotland, hand in hand with the development of a Framework and Implementation Plan for delivering Nature Networks in Scotland. The 30x30 and Nature Networks Frameworks are in development, using a co-design approach. There is close alignment and support of other area-based commitments to nature restoration including our commitment to create a new National Park and our £65 million Nature Restoration Fund.

The co-design approach began with a launch event on 28 June 2022 which brought together over 150 stakeholders. This first phase aimed to help people understand, rather than simply assume, what the challenge is, setting the scene by introducing the challenge, context, and parameters we are working within. A Discovery Workshop followed on from the launch event, taking place on 18 August 2022. This workshop continued to explore and define the challenges which the 30x30 and Nature Networks Frameworks and Implementation Plans will need to address.

As part of youth engagement in the Scottish Biodiversity Strategy consultation, NatureScot and Young Scot ran an event which included gathering young people's input on what challenges currently surround Protected Areas and Nature Networks and what successful ones look like. A full report on the event will be available shortly. The outputs from the discussion are being taken forward along with the outputs of the Discovery Workshop.

The next stage in the co-design process saw a series of themed, 'solution-based' workshops run over October and November. The issues and challenges identified in the Discovery Workshops formed the themes and challenge questions that were used as the basis for discussion. The core co-design workshops have been completed and the frameworks are being drafted. They will go out for consultation in late spring 2023.

Monitoring

In Scotland we monitor features according to the common standards agreed by all of the SNCBs and JNCC. NatureScot monitor protected features at a site-scale rather than by land management units as is the case in England. Monitoring is very resource-intensive and we have therefore adopted an approach in which monitoring effort is made proportional to risk and flexible enough to allow us to prioritise monitoring requirements. The need for such change is acknowledged in JNCC's [Statement on Common Standards for Monitoring Protected Sites \(2022\)](#).

NatureScot is currently developing a new way to monitor protected areas by assessing wider ecosystem health. This will target monitoring efforts on the most immediate and impactful pressures and threats at both site and landscape scales. This means that monitoring will move away from individual feature (habitats and species) assessments to produce an assessment of the overall health of the protected area. This will make monitoring more efficient, by removing the need to repeat the process for the same pressures and threats affecting different features of a protected area. It will also provide better information about the most effective management for each site. We will share our evolving approach with other agencies, noting the need for some flexibility to allow for variation in the types and scales of pressures, as well as management delivery mechanisms, across the UK.

I hope this evidence provides some helpful information in the Committee's considerations.

Yours sincerely

Matthew Bird
Team Leader, Biodiversity Unit