



Response to Scottish Government's
**Meeting our '30 by 30' biodiversity
commitment on terrestrial and
freshwater sites: consultation on
legislative proposals**

Scottish Wildlife Trust

24th May 2024

Scottish Wildlife Trust strongly support for the goal of at least 30% of Scotland's land and sea being protected by 2030. Protected areas are necessary to tackling the nature and climate crises, preserving the most important and vulnerable areas for nature to aide its recovery and improve resilience.

The Scottish Wildlife Trust welcomes this opportunity to respond to Scottish Government's on Meeting our '30 by 30' biodiversity commitment on terrestrial and freshwater sites: consultation on legislative proposals.

Key points:

- We need more protected areas across Scotland's land and seas that are bigger, better and more joined up to ensure nature's long-term resilience.
- Existing protected areas must be effectively managed for nature restoration, alongside expanding the protected area network.
- Designating sites for wider ecosystems and allowing for natural change is important, but it is crucial that we understand what these changes are and the implications for biodiversity and land management.
- Appropriate support and enforcement are needed to achieve positive active management of all existing protected sites and ensure they are recovering and able to contribute fully to the 30% protected area by 2030.
- Sites must be considered both individually and for their contribution to nature networks in improving connectivity and resilience of ecosystems at a landscape scale, and management must reflect this.
- Securing long-term funding for monitoring protected areas is essential. There needs to be concerted effort to improve data collection so that we better understand how to achieve the goals of protected areas and the associated benefits for society. If the burden of monitoring is passed directly to land managers, this may produce unintended consequences as designated sites may be seen as undesirable.

Scottish Wildlife Trust strongly support for the goal of at least 30% of Scotland's land and sea being protected by 2030. This target was agreed at COP15 in 2022 as part of the Kunming-Montreal Global Biodiversity Framework, a framework that Scotland is a signature of through the Edinburgh declaration and Scottish Government continues to reiterate their commitment. This commitment is a necessary route to tackling the nature and climate crises, preserving the most important and vulnerable areas for nature to aid its recovery and improve resilienceⁱ.

We support the commitment to effective management of protected sites, addressing multiple pressures, flexibility of site targets to improve climate change resilience, better enforcement of requirements by landowners, protected sites playing a key role in a wider programme of ecosystem restoration ambitions. We urge the Scottish Government to demonstrate greater ambition for nature recovery through setting targets to improve protected site feature condition, make stronger commitments to ensure active management of the sites and extend these improved protections to all protected areas across Scotland's land and sea.

Protecting and restoring nature provides multiple benefits, aiding carbon capture and storage by habitats, mitigating flood risks, and enriching the availability of wildlife-rich areas for recreational and nature-related activities that improve mental and physical health. There will be benefits to long term economic stability, as described in the 2021 Dasgupta Review, '[The Economics of Biodiversity](#)', which indicated that the benefits of 30 by 30 conservation target will surpass the associated costs, offering increased financial returns and a multitude of non-monetary benefits compared to the status quoⁱⁱ.

Question 1

In Scotland, protected areas on land work by identifying individual natural features to be protected on a site (e.g. habitats, species populations or geology). Should the Scottish Government allow protected areas to also be designated on the basis of important ecosystems (including interactions between habitats, which recognise the importance of transitional habitats), in addition to individual natural features?

Somewhat agree

The Scottish Wildlife Trust supports the proposal for areas to be designated for important ecosystems in addition to individual natural features. We would like to see detail on how "important" ecosystems are to be decided and defined. We believe that any guidance produced to decide important ecosystems must be subject to consultation.

The Scottish Government committed to 30% of land and sea protected by 2030 as part of the Edinburgh Declaration and it is important that this commitment is supported through the upcoming Natural Environment Bill. The Bill must confer a legal duty on Scottish Ministers to deliver 30 by 30, with powers to designate and uphold protected areas for ecosystem features. To hold Government to account we believe that Environmental Standards Scotland should be given a role in overseeing the designation review to avoid weakening of protections. We would like to see Scottish Government inform delivery partners on how 30 by 30 intersects with other policy areas under development, such as nature networks, ecosystem restoration initiatives, and biodiversity enhancement programmes.

There is a need for better data to understand the current state of protected areas and designated features and the issues being faced. We need to understand how protection affects the individual designated features and what impacts there might be from outside of the site, for example, through the cumulative effects of neighbouring developments and land uses. We need to understand if the management of the sites will be effective if there are external pressures. The state of target ecosystems, habitats and species nationally must be considered when adapting protected areas and the associated management plans.

It is important to consider community involvement and priorities in the designation of protected sites and their protected features. By having communities on board and actively engaged in the management of the site it will improve the sense of pride for their local environment and help provide public benefits such as positive impacts on health and wellbeing. There must be efforts to engage with landowners so they understand the importance of the sites they are responsible for and foster a sense of stewardship. Support should be provided for landowners to engage with local communities on protected areas perhaps through volunteering opportunities and educational visits to the site.

We would like to see detail of the site selection criteria to understand what is to be considered part of the 30 by 30 sites and new OECMs to complete the suite. We recommend that nature network mapping tools are used to help identify the most effective sites to improve connectivity and help achieve wider biodiversity goals. It is important that sites are able to achieve and demonstrate an appropriate level of biodiversity, connectivity and resilience. Regional land use partnerships offer a means to ensure connectivity and appropriate landscape scale management that ensures the best use of public money.

It is important to understand how the natural succession and regeneration of habitats and potential impact of climate change, such as changes in a species range, will be considered when managing for designated features of a site. It is crucial to ensure that priority habitats, particularly those needing active management to remain in an early or mid-successional state, are included as protected features. For instance, it would be unacceptable to let ecosystem processes, such as natural succession, lead to the loss of species-rich grassland and the priority species that depend on this habitat. What level of intervention would be permitted to achieve favourable conservation status for a protected feature? How will the potential loss of a protected feature or a designated species habitat be dealt with? Adaptive management through an ecosystems approach to consider the sites on a case-by-case basis is needed, not a species or habitat basis due to the variation of ecosystems and the natural and human pressures.

Funding and knowledge support for appropriate monitoring and management should be available to landowners to ensure it is long-term and effective. There needs to be appropriate funding for NatureScot to hire more staff to manage, monitor and engage the public on protected areas.

We would caution against assuming all NGO managed land should automatically become eligible for designation. Some sites are gifted to various organisations or inherited and do not always represent important ecosystems (despite best efforts to bring it up to ecological health). The 30% must be meaningful.

Question 2

Should the Scottish Government clarify the existing powers that require management and restoration of protected areas, to make it clear that this requirement also covers protected areas that are experiencing slow deterioration over a long period of time (e.g. invasive non-native species spreading over native habitats such as woodlands)?

Agree

The Trust supports the need for clarity on enforcement of management and restoration requirements, but priority should be to implement existing powers and incentivise accessible and non-competitive funding that help landowners deliver effective management. The updated agricultural payment scheme must provide appropriate support for farmers and crofters to effectively manage protected areas on their land.

We need a better understanding of why the existing Land Management and Nature Conservation Orders have not been successful. It is important that NatureScot have the necessary resources to use whatever enforcement measures that are available to them.

Currently landowners have no obligation to improve or restore features in unfavourable condition or to take action to prevent the deterioration of protected features. More needs to be done to hold landowners accountable. Strong links should be made with land reform, and we would like to see appropriate protected area management as a key part of the compulsory management plans. The development proposed at Coul Linksⁱⁱⁱ, one of the most protected areas in the country, demonstrates the need to increase the powers to enforce appropriate management of protected area. Landowners who wantonly avoid management must be appropriately penalised through fines and be forced to act or be faced with compulsory purchase. This is what the Land Management Orders could have supported if implemented effectively.

Securing long-term funding for monitoring protected areas is essential. There needs to be concerted effort to improve data collection so that we better understand how to achieve the goals of protected areas and the associated benefits for society.

There is a need to better understand why slow deterioration is being allowed to happen, for example, what are the impacts of neighbouring land management. There might be a need to consider the land management outside of protected areas if impacts are being felt for example to prevent the spread of non-native trees, INNS invasion and/or damage by deer.

We would like to see more clarity on what will be included in the Natural Environment Bill.

Question 3

Should the Scottish Government expand the existing powers to enforce and incentivise management and restoration of protected areas, to cover other land in situations where it has been identified to have significant benefits to be achieved through nature restoration?

Agree

Scottish Wildlife Trust support the expansion of existing powers to secure nature restoration outwith protected areas, 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.

It is unclear as to whether these areas would be considered part of the protected 30% of Scotland's land. Given the suggested flexibility and timescales we are presuming that the other land would not be part of the protected area network and instead would support the network by improving connectivity and reducing the pressures on protected sites outside of the designated area as part of Regional Land Use Partnerships, nature networks and other landscape scale restoration initiatives. Areas for intervention could be prioritised based on the possible contributions to protected site integrity through nature network mapping.

The timescales for nature to properly recover mean that there must be long term consideration for management of the land, and we would recommend exploring protecting these areas on a more permanent basis. Invasive non-native species management and the prevention of seeding by non-native commercial species requires long-term investment and active management. Rhododendron control, for example, should be maintained for at least five years to ensure new seeding and sprouting is tackled quickly. This is an especially important management need to protect and expand Scotland's rainforest^{iv}. If management of this species is not considered long term and over a landscape scale it will present a problem in the future.

Further detail is needed on how this proposal will be considered within the Natural Environment Bill. We would like to see a level of standards expected from these interventions that would ensure the best use of public money and appropriate funding must be made available to the government agencies responsible for enacting these powers. Incentives for management could also be generated through a Carbon Emissions Land Tax providing funding streams for local authorities to support nature restoration^v alongside funding through agricultural support as mentioned in our answer to question two.

ⁱ <https://www.scotlink.org/wp-content/uploads/2024/03/30-by-30-March-Digital.pdf>

ⁱⁱ <https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review>

ⁱⁱⁱ <https://scottishwildlifetrust.org.uk/our-work/our-advocacy/campaigns/coul-links/>

^{iv} <https://www.woodlandtrust.org.uk/media/51702/rhododendron-in-the-rainforest-policypaper.pdf>

^v

https://www.johnmuirtrust.org/assets/000/003/477/CELT_updated_briefing_March_2024_original.pdf?1711450909