

Meeting our ‘30 by 30’ biodiversity commitment on Terrestrial and Freshwater sites

Consultation on legislative proposals

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Responding to this consultation

We are inviting responses to this consultation by **24 May 2024**

Please respond to this consultation using the Scottish Government's consultation hub, [Citizen Space](#).

You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 24 May 2024.

If you are unable to respond using our consultation hub, please send your response along with a completed Respondent Information Form, which can be found at the end of this document, to:

By email: 30by30consultation2024@gov.scot

Or by post:

Nature Division
Directorate for Environment and Forestry
Scottish Government
Victoria Quay
Edinburgh
EH6 6QQ

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise. To find out how we handle your personal data, please see our [privacy policy](#).

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at [Citizen Space](#). If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at 30by30consultation2024@gov.scot .

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work. You can find all our consultations online at [Citizen Space](#). Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Introduction

The Global Climate Emergency and the Nature Emergency are twin reinforcing crises: the actions we take to address each are fundamental to our wellbeing and survival as a species. There is now an indisputable body of evidence that biodiversity, both globally and in Scotland, is in real trouble. Our efforts to address the crisis to date have generated some lessons and local successes but we urgently need to accelerate and scale up those efforts to drive landscape and seascape scale recovery. Scotland's Biodiversity Strategy sets out a clear ambition: for Scotland to be Nature Positive by 2030, and to have restored and regenerated biodiversity across the country by 2045.

The Strategy is one element of Scotland's Biodiversity Framework, which includes the following three parts:

- An overarching Scottish Biodiversity Strategy which sets out our high level vision to be nature positive by 2030 and substantively restore and regenerate nature by 2045;
- Underpinning 5-year Delivery Plans which will set out the actions we need to take to achieve that vision; and
- The proposed Natural Environment Bill, which will provide a framework for statutory nature targets to drive action and deliver transformational change.

The commitment to protect 30% of our land and seas for nature by 2030 (known as 30 by 30) is a key delivery mechanism for achieving the vision set out in our Biodiversity Strategy and forms an important part of the Delivery Plan. We propose that a natural environment Bill include provisions that help us to deliver 30 by 30 by modernising our terrestrial and freshwater protected areas and making sure they are effective in protecting and restoring our important nature.

The international context

The commitment to protect 30% of our land and seas for nature by 2030 is an international commitment in the Global Biodiversity Framework (GBF)¹, specifically Target 3 of GBF. The Scottish Government is working with the other UK administrations to ensure consistent implementation, reporting and to share emerging thinking on best practice. Target 3 states that parties will:

“Ensure and enable that by 2030 at least 30 per cent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with

¹ [15/4. Kunming-Montreal Global Biodiversity Framework \(cbd.int\)](https://www.cbd.int/15/4)

conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories.”

The Scottish Government has consistently recognised the importance of the 30 by 30 target.

Target 3 of the GBF can be broken down into two key elements:

- Achieving 30% of land and seas within areas protected or conserved for nature.
- Ensuring that the areas within the 30 by 30 networks are effectively managed.

Target 3 then goes on to specify how the 30 by 30 network can be achieved through:

- **Protected and/or Designated Areas** – these are what most people understand as protected areas i.e. areas containing or comprising features which are considered to be of particular significance; and
- **Other Effective [area based] Conservation Measures (OECMs)** – International Union for Conservation of Nature (IUCN) have established criteria to clarify what constitutes an OECM. These criteria cover governance, purpose, longevity and security of management for biodiversity.

Protected Areas in Scotland

In Scotland protected areas on land currently comprise SSSI (Sites of Specific Scientific Interest)², European sites (Special Protection Areas (SPA) and Special Areas of Conservation (SAC))³ and Ramsar sites⁴. The Planning system also recognises areas for their other designations such as National Scenic Areas and Wild Land areas which are closely affiliated with natural landscapes and biodiversity. However, these are not classed as protected areas as there is no mechanism to explicitly safeguard biodiversity. For the same reason, locally recognised sites for biodiversity, such as Local Nature Reserves or Sites of Importance for Nature Conservation are also not recognised as protected areas.

The current provisions for protected areas have been in place, largely unchanged, since the 1980s. At that time, in acknowledgement of rapid land-use change, Sites of Specific Scientific Interest (SSSIs) were designated to protect areas for biodiversity and geodiversity.

This was achieved by selecting the best examples of certain habitats, species populations, and geodiversity, within specific Areas of Search (largely akin to local authority areas) so that there would be a full geographic spread of sites throughout Scotland of important habitats, species populations and/or earth science interests which could then be managed and protected. This collection of designated sites was later supplemented through the designation of European sites, to reflect the international importance of Scotland’s habitats and species.

² Designated through the Nature Conservation (Scotland) Act 2004.

³ Founded on the EU Habitats Directive 1992 and Birds Directive 1979 and implemented through the Conservation (Natural Habitats, &c.) Regulations 1994 (“the Habitats Regulations”) (as amended).

⁴ Founded on the Ramsar Convention 1971 and implemented through Nature Conservation (Scotland) Act 2004 or Habitats Regulations 1994.

Marine Protected Areas already cover approximately 37% of Scottish waters, and so the focus will be to put in place fisheries management measures for existing MPAs, where these are not already in place, ensuring they are effectively managed.

However, on land, there is still some way to go. Currently, approximately 18.2% (c. 1.4 million hectares) of Scotland is within a designated protected area. Despite many designations having been in place for decades the proportion of features on these sites currently at favourable condition is 65% with the most recent figures showing a slight decline in status. On land, the 30 by 30 project needs to assess the opportunities for expanding the area of protected sites and improving their overall condition.

Protected areas will continue to be central to Scotland's approach to halting the loss of biodiversity and the Scottish Government has commissioned NatureScot to identify the opportunities for establishing new protected areas or expanding existing ones to protect our most rare and vulnerable habitats and species populations. Looking forward, we also need to ensure the protected areas are also effective at supporting nature recovery.

However, we do not think that there are significant areas of Scotland which currently meet the high qualifying standards for designation under the existing statutory regime. Initial assessments are that only a small percentage of the additional one million hectares required to achieve 30% coverage on land/freshwater will come from extending or designating new protected areas.

Other Effective [area based] Conservation Measures (OECMs)

OECMs will complement Protected Areas in delivering 30 by 30. They will safeguard important areas for biodiversity, but just do so in a different way to protected areas. Scotland, alongside the other UK administrations, is developing clear criteria to identify and recognise OECMs following [IUCN guidelines](#).

These areas can only be recognised by consent from landowners/managers and, in line with the international guidance on their implementation, we do not consider that additional legislative provision is required at this time explicitly to support that process.

30 by 30 Policy Framework

As part of the first 5-year Delivery Plan for the Scottish Biodiversity Strategy, a policy framework has been co-designed for achieving 30 by 30.

This codesign process involved over 100 organisations and individuals representing a diverse range of interests. The 30 by 30 policy framework sets out a vision and key principles ([set out in full on NatureScot website](#)) which will guide the further development and delivery of policy. Final consultation on the policy framework was included in the 2023 Biodiversity Consultation, "Tackling the Nature Emergency: Consultation on Scotland's Strategic Framework for Biodiversity."⁵

⁵ [Tackling the Nature Emergency - Consultation \(www.gov.scot\)](https://www.gov.scot)

Need for legislative reform

Evidence indicates that natural features in protected areas are in better condition than in undesignated areas with 65%⁶ in favourable condition (i.e. that the natural feature can sustain itself under current management and environmental conditions), and a further 12% unfavourable but with management in place to promote recovery.

The main causes of unfavourable condition in the remaining 23% of sites are invasive non-native species and grazing pressures – both issues which tend to require action at a landscape scale to be effective.

There is a well-established process for the identification of protected area sites and for consultation on the process and consequences of designation. However, some perceive that the current legislative provisions are not in line with our current understanding of biodiversity and so limit the contribution our protected areas can make to nature restoration, reducing their effectiveness in safeguarding and restoring biodiversity. Additionally, the premise for these designations is to **protect** and **prevent** the loss and damage of biodiversity. However, there is currently no requirement for land managers to be proactive in managing sites to either maintain condition or to **promote recovery** of biodiversity.

Key criticisms of the current Protected Areas regime are:

- The current legislation is predicated on preventing loss and damage to sites, not on proactive management to restore and maintain them.
- Protected Areas are based on a static list of 'natural features' on a site, which in some instances may result in management which is sub-optimal for biodiversity or insufficiently flexible to accommodate changes driven by climate change.
- Current protected areas legislation is mainly focussed on on-site action to prevent loss / damage, and therefore can further complicate wider landscape scale action and interventions to restore biodiversity and promote connectivity.
- The current protected areas landscape is complex with overlapping designations which have differing safeguarding provisions. The resulting legal complexities may result in sites being seen as no-go areas for progressive land management.

Proposals

This consultation is seeking views on the legislative proposals which will support the implementation of 30 by 30 and are potentially to be included within a natural environment Bill. These legislative proposals aim to:

- Create flexibility around designated sites
- Increase Proactive Management of Protected Areas and other important areas for biodiversity

We wish to ensure we do not add complexity to the landscape, so have suggested ways to deliver biodiversity benefits which complement the existing regime. Each of these

⁶ Official Statistic 'Condition of Protected Nature Sites 2022' [The Proportion of Scotland's Protected Sites in Favourable Condition 2022 | NatureScot](#)

proposals is set out in more detail in the sections below, with accompanying questions and space for any additional comments that you may have.

Section One: Creating flexibility for designated sites

Protected areas in Scotland work by identifying individual natural features (habitats, species populations or geology/geomorphology) to be protected on a site. Management of the site is then focused on maintaining those features in a favourable condition, which generally means keeping them as they were at the time of designation. This can cause problems where there are natural features on a site requiring different or conflicting management to reach or maintain favourable condition. This can sometimes mean that two or more such features cannot be in favourable condition at the same time, or if they can it can require very intensive management measures aimed at preventing any change. Not only can this sometimes be difficult to achieve, it can also be at the expense of delivering greater biodiversity benefits and resilience of ecosystems.

For example, in an upland context, areas of species rich grassland often form mosaics with dry heath habitats. Maintaining the species richness of the grassland requires a higher level of grazing than is needed to maintain the biodiversity in the heathland. As a result, a decision must be made to focus the management objectives for the site on maintaining either the grassland or the heath in favourable condition, at the expense of the other habitat.

The static nature of the designation also means that there is little or no flexibility to adapt management to changing circumstances over which we have no direct control, in particular climate and other environmental changes. This creates particular difficulties where changes in species ranges or species competition 'within habitat' mean that the feature for which a site is protected may be sparse or entirely absent, or that another species which might otherwise be protected has to be 'managed'. Species range changes (e.g. geese populations) and within habitat species changes (e.g. oak becoming more prominent than Scots pine in lower-level mixed native woodland), both driven by climate change are already being seen.

In addition, focusing solely on individual 'natural features' represents a failure to recognise the importance of interactions across different habitat types and the species populations they support (the ecosystem). Ecosystems are dynamic, and will comprise different, changing habitats over time in response to changing conditions, and create particularly biodiversity rich areas. Transitional habitats also occur on the boundaries between different areas of habitat, and are an important element of a biodiversity-rich ecosystem. They allow space for the process of natural succession to progress. For example, as part of the natural regeneration of native woodland, there often develops an area of scrubby vegetation as a precursor to woodland expansion. These areas are favoured by black grouse.

There may be some instances where Scotland holds particular global responsibility for certain habitats (e.g. machair grassland) or species (e.g. Freshwater Pearl Mussel) where proactive, focused management will be particularly important to try and adapt to the environmental changes taking place with a view to perpetuating the species in that location. Nevertheless, a more flexible approach would enable recognition of the importance of the overall ecosystem, its functions and essential services, in addition to existing single features. Increasing options which provide additional flexibility would better focus management, whilst accommodating the requirements of rare or vulnerable species on the site. It is also hoped such changes would make it easier for land managers/owners to take

a more holistic view in management for biodiversity in an area, which is better able to adapt to changing environmental conditions.

Proposals

In order to ensure that protected areas can deliver the maximum for biodiversity, we propose that sites should be able to be designated on the basis of important ecosystems on land or interactions between habitats (which recognise the importance of transitional habitats in addition to individual features. This will allow for the holistic management of ecosystems, rather than component habitats and species populations within a landscape.

Guidance drafted by NatureScot, to supplement the existing [SSSI Site Selection Guidance](#), would provide information relating to the designation of a site on the basis of ecosystem. This could include a variety of information aimed at assisting in the selection and designation of a site based on ecosystem. Such information could include, for example, issues and concepts surrounding designation, the broad operational approach and criteria for ecosystem evaluation and selection to assist in the designation.

Two example scenarios which describe how these provisions would allow greater flexibility to effectively protect biodiversity are set out below:

Scenario 1: A site is designated with the notified feature of a heath habitat. Following natural succession over time, part of the heath habitat has transitioned to scrub. Thus, part of the notified feature of the site is no longer present, although the scrub is an important transitional habitat which promotes biodiversity. Over time, under the same conditions, the scrub will become colonised by shrubs and trees, and develop to the next successional stage of naturally-regenerated woodland. Provision to continue to protect the transitional habitat would enable natural regeneration of woodland to take place.

Scenario 2: An undesignated site is identified as being important for biodiversity as it contains a naturally representative assemblage of habitats forming an important ecosystem. None of the habitats would constitute a 'notified feature' in their own right as they would not reach the standards set out in the [SSSI Selection Guidelines](#).

These proposals aim to address the current inflexibility with protected areas provisions by providing the ability to include important ecosystems on protected areas citations (both existing and new sites). This would help create flexibility where appropriate and where it will deliver greater biodiversity benefits. We anticipate that NatureScot would develop supplementary guidance to set out what constitutes an important ecosystem.

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?

- Agree
- Somewhat agree

- Neither agree nor disagree
- Somewhat disagree
- Disagree
- Unsure

Please explain the reasons for your response:

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Section Two: Proactive Management of Protected Areas and Other Important Areas for Biodiversity

Current scheme for managing Protected Areas

The focus for protected areas is the ‘natural features⁷’ for which the sites were selected. The reason such sites are designated is to protect those features from loss or damage, mainly at the hands of people, rather than to prevent degeneration through natural processes, or to actively promote the recovery of biodiversity within the site. This protection from loss or damage is achieved for SSSIs on land through a process known as a consenting regime which sets out what is permitted in terms of the day-to-day management of land for landowners and land managers who own or have responsibility for a protected area. Management of the land in most cases means the farming, forestry or other land-management activities that are permitted, rather than care of the protected features.

In most cases, the appropriate management of protected areas is secured voluntarily by NatureScot and other public bodies working with landowners and managers to agree and implement the required management. If a land manager wishes to change the way that they manage a protected area (including increasing or decreasing stock numbers to change grazing density), they must apply for a Consent from NatureScot. If the proposed change is thought likely to be damaging, NatureScot will discuss putting in place a Management Agreement if the proposed change forms part of the established management of the land.

Management incentives from the Scottish Rural Development Programme (SRDP) support land managers to manage for biodiversity on protected areas. NatureScot can make individual Management Agreements to support management change which will restore or maintain protected features. This generally happens in cases which require specialised management not available through the SRDP’s agri-environment or forestry support.

In the event that efforts to reach a voluntary agreement fail, there are a range of enforcement mechanisms available under current legislation which reflects the national and international importance of the features identified for management of protected areas. This includes:

- Land Management Orders (LMOs) and Nature Conservation Orders (NCOs) which can be made under the Nature Conservation (Scotland) Act 2004 in relation to the management of land which forms part of a SSSI, land which is contiguous to, or NatureScot considers associated with, a SSSI, or any combination of these land types⁸.
- There are also Agreements and Orders which can be made under other legislation, which is not the subject of this consultation, including the Deer (Scotland) Act 1996 in relation to the management of deer and the Wildlife & Countryside Act 1981 in relation to the control of invasive non-native species (INNS), and

⁷ Habitats or species, assemblages or earth-science interests

⁸ Nature Conservation Orders can also be made in relation to land which is not, and does not form part of, a SSSI but is, in the opinion of Scottish Ministers, of special interest by reason of any of its natural features.

- Ultimately, criminal proceedings to impose sanctions in the face of failure of other forms of enforcement or where wilful damage has occurred.

It is also possible in some circumstances for authorities to consider making Byelaws.

Powers to make a LMO enable NatureScot to secure management of land for the benefit of its natural features. This can only be done when a management agreement with NatureScot has been refused by an owner or occupier of the land. An LMO is, therefore, in effect a compulsory management agreement.

The issues

Whilst the existing protected areas system provides means by which specific damaging operations can be regulated, the present system can fail to deal with chronic pressures. Examples might include over- or under-grazing, or the spread of INNS, where the absence or withdrawal of management may be causing a slow decline in the condition or health of particular features on a site. Under the current legislative regime is that there is no general obligation on land managers to improve or restore features in unfavourable condition or to take action to prevent them from deteriorating to unfavourable condition.

Millennia of human intervention has had a profound effect on Scotland's landscape through changes in land use, increase in herbivore numbers and invasive non-native species.

In practice, this means that most habitats identified as natural features in protected areas and / or habitats which support protected bird and animal species will require management intervention to remain in good condition. If such management is not in place, negative issues can occur, such as:

- Loss of biodiversity in open habitats due to colonisation by invasive species (both native (e.g. bracken) and non-native (e.g. Japanese knotweed)).
- Overgrazing, leading to a short-term loss of biodiversity and, in the longer term, serious threat to the ability of some habitats to sustain themselves due to the prevention of species regeneration (e.g. woodland).
- Loss of biodiversity due to management activity stopping or removal of grazing which can lead, for example, to the spread of coarse, tussocky grasses which shade out other species and impoverish once species-rich grassland.

Existing statutory provisions set out a proportionate process for securing the management of protected sites which can involve:

- 1) identification of a habitat, or species requiring protection and / or of problems being caused by inadequate management (e.g. overgrazing)
- 2) agreement with the land manager to undertake activities designed to maintain the habitat and / or manage the environmental factors causing a problem
- 3) in the event that an agreement is not implemented, imposition of an Order setting out conditions / actions which must be complied with by the land manager
- 4) in the event that those conditions are not complied with, criminal prosecution.

A lack of positive management on a site is unlikely to be classed as damage under current provisions. NatureScot are therefore reliant on voluntary agreements to put management arrangements in place, with the last resort being the Land Management Order if negotiations over the terms of the agreement break down, or the agreement is not followed. Negotiations for a Management Agreement can be protracted, during which time the issue of concern will not be addressed.

As a result, it is very unusual for the existing process to proceed beyond the second step outlined above; the practice has developed that voluntary agreements supported by grants and other incentive schemes to recompense land managers for their time are by far the most cost-effective means of securing the necessary management of the natural environment.

The use of Orders and / or criminal proceedings are considered to be the very last resort and in most instances it is not considered to be likely or desirable to change that position. However, recognising the national and international importance of the features for which sites are designated, and in light of the ongoing decline in biodiversity in Scotland, it appears that the current system could strike a better balance. We should therefore look at the range of interventions which are available under the current law and consider whether action can be taken to make them more effective, or to supplement what currently exists.

Supporting the 30x30 Network Outwith Protected Areas

Outwith protected areas, there is now a substantial body of evidence which demonstrates a wider and sustained decline in biodiversity in Scotland and we should also therefore look at whether the range of tools available to address this is adequate.

We have considered the necessity for additional protection mechanisms to incentivise and enforce activities to secure or require the restoration of nature in areas important for biodiversity. This could also allow land managers to request measures be put in place to provide a governance structure to secure longer term management for biodiversity where initial investment had been made in nature restoration. Such mechanisms could also involve, for example, additional powers for NatureScot to facilitate various measures for the purposes of enhancing the natural environment. The Scottish Government believes that such powers would be proportionate and necessary to allow intervention where required to enhance the natural environment and enable the adaptation of land management to achieve a more biodiverse and climate resilient Scotland.

Such powers could be separate and in addition to the existing intervention powers available to NatureScot. They could be used as a complementary element in addition to current provisions or as a stand-alone intervention, focused on helping us meet our biodiversity and climate targets, rather than identifying ongoing damage and preventing further damage. We will also consider the way in which any new protection mechanism interacts with the existing intervention powers and will give consideration to whether existing powers may benefit from modification to compliment the creation of any new power.

Proposal: Clarifying Existing Protected Areas Provisions on Land

We propose to amend the existing provisions for Land Management and Nature Conservation Orders to clarify their purpose and if necessary strengthen them through clarifying their role in addressing slow deterioration over long periods, such as addressing the threat of invasive non-native species spreading over native habitats such as woodlands. This would ensure that it is beyond doubt that the provisions are able to enforce active management of natural features in protected areas (whether protected habitats in their own right or habitats which support protected species), including where restoration is required.

We would welcome views on this proposal.

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
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Disagree
- Unsure

Please explain the reasons for your response:

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Proposal: Additional means to require, incentivise and enforce activities to secure nature restoration off protected areas

We propose to identify a means of identifying areas on land where there are significant gains to be made in meeting biodiversity and climate objectives through specifying particular management actions. These may often relate directly to, or work alongside, other nature restoration projects. The aim would be to enable NatureScot to work with landowners and managers, setting a regulatory environment. Where appropriate, there would be access to financial support and advice.

The purpose would be to enable necessary management actions to secure restoration of nature across a specified area of land, covering one or more landholdings, to be prescribed

by NatureScot under a single legally enforceable direction. Such mechanisms already exist in relation to protected areas and consideration will therefore be given to the need for an additional mechanism or the amendment of an existing mechanism.

Nature restoration in this context would encompass a wide range of objectives including but not limited to tree planting, encouraging natural regeneration, peatland restoration, water management, or natural capital enhancement. The actions could include, for example, the removal of non-native conifer regeneration from native habitats adjacent to plantations, peatland restoration or to foster collaborative working amongst multiple landowners on a site to address widespread issues. Actions prescribed by NatureScot could act as a qualifying criterion for financial or other support.

The primary criterion for such a mechanism would be where NatureScot assessed that there are significant benefits to be achieved through nature restoration over a specified area and that active management will be a key factor in securing those benefits. There would be a defined and transparent process for selecting a relevant area, including publication of assessment material, consultation with interested parties and Ministerial approval.

The mechanism would be active for a specified period of time. There would be set reviews of the progress made during the period it was active. There would be provision to adjust the agreed conditions in terms of their duration or geographical scope. There would also be an appeal process.

We will consider the need for appropriate sanctions in the event of a failure to comply with a required action, for example a direct intervention by NatureScot or those they authorise to complete specified tasks with recourse to cost recovery from landowners. Non-compliance with an action requirement under such a mechanism would be an offence, in a similar way as any refusal or wilful failure to comply with any requirement of a LMO is an offence under section s.36 of the Nature Conservation (Scotland) Act 2004.

The purpose of this mechanism / intervention would be to enable nature restoration over a wide area. It is recognised that to achieve this, land managers may, in some circumstances, need access to financial support and advice. The Scottish Government has a variety of financial schemes for management of the natural environment including support for forestry and peatland restoration and anticipates the development of an active biodiversity credit market. If we were to proceed with this proposal, we would ensure that advice is provided on the available financial support throughout the active period of the mechanism / intervention, which would include information on existing schemes and any new financial support.

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?

These powers would be subject to the following conditions:

- **Such areas would be identified through a defined and transparent process, including publication of the assessment material, consultation with interested parties, and Ministerial approval.**
- **The intervention would only be active for a specified period of time.**
- **There would be mandatory reviews of the progress made during the period it was active.**
- **The agreed conditions of the intervention could be adjusted in terms of their duration or geographical scope.**
- **There would be an appeal process.**
- **Advice would be provided on the available financial support throughout the active period of the intervention.**

- Agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Disagree
- Unsure

Please explain the reasons for your response:

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Respondent Information Form

Meeting our '30 by 30' biodiversity commitment on Terrestrial and Freshwater sites

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

Phone number

Address

Postcode

Email Address

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



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