

## 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.

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If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.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

Not all of the key actions are appropriate to reach the stated objective. Others require further clarification or qualification, as the high level of abstraction does not rule out knock-on effects and unintended consequences that risk to inhibit restoration and regeneration, rather than enhancing it.

In order to avoid such effects, nature and landscape restoration should be planned, managed and implemented with active involvement of the respective communities, providing for real agency of local communities in project ownership and/or oversight and management.

We do acknowledge that meaningful community engagement can be slow and costly and may lead to delays in achieving the stated objectives in certain target areas. However, such engagement will strengthen acceptance and support, leading to a better uptake of biodiversity enhancing measures and lasting effects.

On the introduction of statutory nature restoration targets:

While we do not oppose the introduction of high-level statutory targets in principle, this approach risks to place the focus on quantity and quick results. Yet, to work properly, biodiversity protection requires targeted, place-specific approaches attentive to the

broader context and the skills and needs of a wide range of stakeholders, as well as diverse local communities.

Any statutory framework must be aligned with other policy objectives, namely in the areas of agriculture, climate change and land reform. In all these areas, crofting can play a vital part towards a just transition, however, this requires a holistic perspective and that 'one-size-fits-all' approaches are being desisted.

#### On the introduction of a programme of ecosystem restoration:

The measures outlined in this section seem to confirm our concerns that future policies are mainly aimed at broad-brush approaches, potentially posing problems for crofters.

We acknowledge that bold action is required, however, financially supporting large landowners to restore the ecosystems they have degraded in the first place sets questionable priorities.

Instead, statutory restoration duties should be imposed on large landholdings where needed – in case landlords are unable to comply, land reform should allow for opportunities to create crofts and common spaces for high nature value practices and woodland crofting.

The framework aims at developing best practices for upland restoration. We urge that any best practice is informed by high nature value and agroecological approaches, including extensive livestock systems on common grazings.

Any efforts towards forest restoration should include crofters: Agroecological practices such as silvopasture, as well as shelterbelt planting and woodland crofting can positively contribute to habitat connectivity and biodiversity enhancement. Yet, funding needs to be tailored to crofters' specific situation and cannot come with prohibitive bureaucratic hurdles.

Any pilots towards coastal ecosystem restoration should draw lessons from the failure of the HPMA proposal. This means to include coastal communities in decision-making processes from the outset and to refrain from implementing any tokenistic broad-brush measures.

#### On improving the resilience of coastal habitats:

Crofting holds great potential to contribute to health and resilience of coastal landforms and habitats. SCF is disappointed to see that no reference is made to the problem of exploding numbers of graylag geese in the Hebrides, which threaten the traditional agricultural practices that maintain Machair habitats, one of the rarest habitats in

Europe. The huge numbers of geese grazing and fouling the grass and heritage cereal crops will end traditional crofting, if control measures are not put in place immediately.

Crofting and its low intensity of grazing/arable systems (mostly for silage), has played – and must continue to be able to play – in conserving the Machair. Benefits include symbiotic relations between livestock and bird species (with cattle leaving dips and hollows in winter that are used by nesting birds), the cultivation of old/heritage varieties for winter feed (including Bere barley - Britain's oldest variety of cereal) which have adapted to local (manganese deficient) soil and climate conditions and make a significant contribution to the diversity of genetic resources/agrobiodiversity, and the use of storm-cast seaweed as fertilizer and soil binder encourages productivity of machair plants.

#### On substantially reducing deer densities:

The proposed reductions in deer numbers are nowhere near anything that would allow for meaningful biodiversity restoration.

The target numbers of deer stated in the document even contradict FLS' own appraisal which sees a 'a widely accepted sustainable population balance for woodlands and biodiversity protection' to be between 2 and 7 deer per square kilometre. The use of maximum deer densities can be misleading in crofting areas, where marauding deer cause agricultural damage over a long interface such as coastal strips backing onto hill.

The present high deer population threatens biodiversity in manifold ways: It makes it impossible for crofters to meaningfully ramp up the planting of trees, hedges and shelterbelts, because funding for deer fencing is not available. Further, deer carry and spread ectoparasites such as ticks, and internal parasites such as liver fluke.

Due to their size and mobility deer play an important role in the spread of infected tick causing Lyme disease in humans in areas of the Highlands and in the Western Isles. Research has found striking results of high incidence of the disease in Uist of about 40 times higher than mainland Scotland.

High parasite burdens, to which deer contribute, warrant more frequent chemical treatment of farm animals which, in turn, increases the likelihood of resistance to active ingredients of medicinal products. We are seeing a deeply concerning rise in resistance to anthelmintics in parts of the West Coast, which is further spreading through marauding deer, even if farmers and crofters take all precautionary measures to avoid contagion with resistant parasites.

### On enhancing water quality:

As many aspects of biodiversity enhancement, enhancing water quality goes hand in hand with agricultural reform. Best practices featuring a minimal use of chemical treatments should be rewarded. Yet, schemes to minimise such use – for example frequent testing – should be accessible for crofters and small-scale farmers.

Attention must be paid to the fact that the delivery of such schemes may not necessarily fail due to budgetary constraints, but rather due to indirect factors, for example that the personnel (e.g. accredited vets) is lacking in remote and island areas, which again may have to do with the availability of housing etc. This is another example of how biodiversity enhancement cannot be exercised in isolation but needs to be part of a wider societal transformation.

Further, opportunities to correctly and responsibly dispose of used/expired chemicals and medicinal products for farm animals are largely inexistent in remote and island locations.

### On the revision of the Muirburn legislation:

We have expressed our concerns regarding the new muirburn licensing scheme in the respective consultation. As often, this legislation was designed with predominantly one stakeholder group in mind, whilst forgetting about others, namely crofters working on common grazings.

**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:

Any approach that sees biodiversity enhancement as a singular objective, isolated from broader concerns, such as food production and land distribution, is set to fail. We acknowledge the emphasis on ‘mainstreaming’ biodiversity in any policy area, but likewise, biodiversity protection needs to be attentive to the requirements of a just transition which includes a broader objective towards a fairer distribution of land and resources.

Just as biodiversity features prominently in present proposals for agricultural reform, agroecology and high nature value must be part of any biodiversity strategy.

Biodiversity protection needs to go hand in hand with agricultural reform, land reform, climate protection, and human rights, and it has to do so explicitly.

While setting some high-level targets may be unavoidable, any of these need to pay close attention to the communities affected: Any of the measures envisioned cannot be imposed upon people, but must be developed together with them. Meaningful community engagement is key and involves more than just landowners and experts, but anyone within the ecosystem the measures are set to preserve and enhance. Biodiversity initiatives will work best with local engagement, with ownership and/or management in local communities' hands. We acknowledge that this is onerous and difficult to achieve, but we are convinced that these efforts are well-invested and yield better results in the long run.

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

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

In line with the above, measures that engage communities in a meaningful way and provide for a fair sharing of benefits will be the most successful ones. Approaches that mostly rely on the agency of, and deliver benefits to landed elites and wealthy individuals will not be met with broad acceptance. And, most importantly, such approaches are not at all in line with the government's broader vision of a just transition, towards not only a greener, but also a fairer Scotland.

**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

Protecting land and sea across and beyond protected areas requires a holistic approach sensitive to the broader context of just transition. This includes working towards a fairer distribution of land and the opportunities for environmental stewardship through biodiversity-friendly practices such as agroecology. Agroecology and high nature value approaches can provide for both: Biodiversity enhancement and local food production, which is a win-win scenario.

On 30 by 30:

While we acknowledge that this strategy aligns with broader international efforts, we are sceptical of broad-brush approaches that focus on catchphrases expressed in

percentages (30 by 30). Care must be taken that this goes beyond mere tokensim as experienced in the case of the HPMA proposal.

While we welcome the assurance that protecting areas 'does not mean removing people or all activity from this land' and that it is rather 'about developing an approach to sharing our land to create positive outcomes for biodiversity', we do not see much in the proposal that would further substantiate this claim.

Protection works best if local communities are taken onboard from the outset. However, past experiences cast doubt on whether this is going to happen. As such, the delivery plan needs to outline explicitly how meaningful community engagement will be undertaken.

Further comments on the 30 by 30 draft framework will be added in the respective section below.

#### On identifying, expanding and enhancing Nature Networks and ecological connectivity:

We very much welcome the aspiration of enhancing nature networks and ecological connectivity and would like to point to the benefits crofting can deliver in this respect. Yet, again, such approach has to be aligned with the wider policy context: A holistic approach seeks coherence not only with other environmental policies, but with the overall objective of a just transition towards a greener, fairer Scotland.

This includes that agricultural reform ensures that funding options for biodiversity enhancement are accessible for crofters and common grazings. If enhanced conditionality is made impossible for small-scale producers, due to an overload of paperwork, and Tier 3 and 4 funding is only accessible on a competitive basis favouring economies of scale, then crofters and small-scale farmers are actively prevented from contributing to ecological connectivity, although many of them are the ones most keen on doing so.

Further comments on the nature networks draft framework will be added in the respective section below.

#### On new planning and development measures:

Again, those measures have to be developed with crofters, small-scale farmers and rural communities in mind. Local development plans have, at times in arbitrary ways, prevented crofters from diversifying their businesses in the past. Further restrictions on NPF4 must be implemented in ways that do not further disadvantage local businesses.



Permitting small-scale developments in rural settings, for example for agritourism, will help crofting businesses to maintain financial viability, and hence to pursue less profitable, but environmentally more sustainable practices.

This will distribute benefits more evenly than larger-scale developments by wealthy investors and, moreover, has the potential to contribute to the objective of engaging and strengthening the connection between people and nature in a way that sees nature not as a wild 'other', but rather emphasises the mutual responsibilities of care and stewardship between people, land, and nature.

**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:

While we do see the rationale behind the protection of the '30 by 30' habitats and the nature networks connecting them, we suggest that this approach risks to convey the wrong message and to lead to an uneven distribution of benefits.

Biodiversity protection and enhancement should be conducted in a way that addresses the whole of society. Against some assurances to the contrary, a '30 by 30' approach risks to focus on the 30 per cent, while abandoning the other 70 per cent.

We are concerned that future funding options will be very unevenly distributed if certain areas are privileged over others, with public funding and engagement concentrated in certain areas which may, in turn, significantly reverberate on land prices, the availability of housing, etc.

Further, the approach may disincentivise anyone who is not in the privileged club of '30 by 30' habitats, in fact leading to a net biodiversity loss. While bold action and network connectivity is certainly key, biodiversity enhancement has to happen across the board, and indeed can very successfully happen on small scales, too. Biodiversity enhancement therefore needs to be furthered and incentivised on smaller-scales, especially when indirect drivers of biodiversity loss are sought to be addressed in a meaningful way.

We welcome that the strategic frameworks on nature networks and '30 by 30' mention stakeholder and wider community engagement throughout. However, we would like to see more concrete suggestions on how this is planned to effectively happen. We caution that communities and small organisations may not have the resources to

respond to lengthy consultations and need to be approached in different ways and multiple fora.

We very much regret that SCF did not take part in the stakeholder engagement process on nature networks and '30 by 30', albeit being invited by NatureScot. Although this is our very own omission, it points to the challenges meaningful community engagement may encounter, with small organisations often not having enough capacities in terms of financial and human resources to engage in complex consultation processes oriented towards larger players.

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

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

As above. We acknowledge that large landholdings are those most likely to be addressed if seeking quick gains at scale. However, this contradicts overall policy objectives including land reform, agricultural transformation, and just transition. Communities should be at the heart of the green transition.

For this to happen, approaches should tackle, rather than further incentivise the concentration of land ownership and control. The creation of more crofts and sensibly managed common grazings, combined with the right funding incentives, provides for a way forward that can achieve both: nature enhancement and the strengthening of rural communities.

**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:

We agree with the finding that past incentives have favoured models of agricultural production that are extremely detrimental to biodiversity. However, the proposal omits to mention that extensive farming practices such as crofting have historically contributed to biodiversity and nature enhancement, and also hold much potential to do so in the future. If Scotland wants to become a global leader in sustainable and regenerative agriculture, it needs to actively promote crofting and small-scale farming, featuring agroecological and high nature value practices.

Crofters can play a vital role in biodiversity conservation and enhancement, namely through the maintenance of extensive, high nature value livestock systems, the establishment of woodland crofts, and the creation of holistic land management

systems featuring trees, hedges, and shelterbelts. However, the metrics and methodologies currently employed are mostly tailored to large landholdings, and funding for enhancing biodiversity on a smaller scale is largely inaccessible. Present funding options such as AECS either operate on a competitive basis, favouring economies of scale, or are not designed to meet the needs of crofters and small-scale farmers in the first place.

Unfortunately, the present draft of the Agriculture and Rural Communities Bill does not enable a just transition: Without a binding commitment towards the capping and redistributing of area-based payments, and accessible funding in all tiers without a minimum area requirement, the agroecological transformation of Scotland is likely to fail. Contrary to those farmers who, up until now, relied on large-scale, high-intensive production methods, many crofters and smallholders are among those most ready to adopt nature friendly farming approaches, such as local organic veg production, permaculture, agroforestry, and extensive livestock systems on common grazings.

Any new funding system should reward those who are passionate about nature friendly farming, but are dependent on making it financially viable on a smaller scale. Crofters all across the crofting counties have demonstrated that this is possible, and we are more than happy to share our success stories.

On ensuring increased uptake of high diversity, nature-rich, high soil-carbon, low intensity farming methods while sustaining high quality food production:

As outlined above, among crofters are many people who are at the forefront of engaging in high diversity, nature-rich, high soil-carbon, low intensity farming methods, while sustaining high quality food production. However, they hardly ever get rewarded for their efforts. Schemes such as AECS, for example, were not designed to work on smaller scales, and the options available that could have benefited crofting such as bracken management and dry-stone dykes have been temporarily removed. Other options, such as hedgerow planting, are not available for most areas in the crofting counties in the first place.

Funding options specifically designed for crofting such as CAGS are administered along the parameters used for high-intensity farming practices, with stocking densities often being the only factor that is effectively considered by some rural payments departments. This prevents crofters from adopting high-biodiversity, nature friendly farming approaches featuring silvopasture, hedges, and shelterbelts, given the tight budgets many of them are operating on anyways.

Guidance and advice on biodiversity management and more specific issues such as soil compaction or soil health monitoring should be developed in a bottom-up way, taking into account the large repository of local knowledge on the ground, and must work on smaller scales. On-site training should also be provided in remote and island

locations. Capital grants for items and machinery that enable better biodiversity management should be available for crofters and common grazings.

On introducing an agricultural support framework which delivers for nature restoration and biodiversity alongside climate and food production outcomes:

We are concerned that the whole farm plan approach, as currently envisioned, has been designed with large, conventional lowland farms in mind and pays scant attention to traditional local practices such as common grazing, where a whole farm approach is not that straightforward, or smaller scale production, where costs and complexity of auditing procedures are likely to be disproportionate and pose further unnecessary administrative burdens. Practitioners on the ground are happy to contribute to building up evidence for systems that work in these contexts, however, they will need to see that their work is effectively being valued and taken seriously.

We do not oppose enhanced conditionality for direct payments in principle, but it remains unclear how such conditionality should look like for crofters. A 'one-size-fits all' approach is not going to work in the crofting context as outlined above. We welcome the inclusion of crofters into the development of biodiversity audit tools, but the inputs of crofters need to be taken seriously. Further testing and trialing in the crofting context is needed. Also, any approach towards enhanced conditionality should reward those who have been engaging in biodiversity enhancement already.

On implementing further fisheries measures in vulnerable marine ecosystems:

As mentioned above, the mistakes made when introducing the HPMA proposal should not be repeated. Fishing is a traditional means of subsistence for crofters in coastal areas, a vital part of coastal communities' economies, and an important aspect of local hospitality and tourism sectors. Any measures considered need to be developed in a bottom-up process involving local communities from the outset.

On ensuring that forests and woodlands deliver increased biodiversity and habitat connectivity alongside timber and carbon outcomes:

The Scottish approach towards woodland management has been frowned upon by forestry experts across Europe and beyond. Monoculture woodlands aimed at maximum outputs of timber crops, (and, incidentally, if not primarily, tax avoidance), are another example of how public money has been spent to further fill the pockets of large landowners. We are concerned that this trend will continue given the present hype around natural capital, leaving less money for supporting sustainable crofting and small-scale agriculture.

Woodland crofting as sustainable, high-biodiversity practice is not mentioned at all which is concerning. Further, no mention is made of the efforts needed to make carbon market mechanisms accessible for small-scale projects. While group schemes are theoretically possible under the WCC, no efforts have been undertaken to effectively make them work for local communities and woodland crofts. Again, measures seem to be designed with a view to large-scale, quick gains instead of enabling a just transition featuring a fair distribution of benefits.

**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:

Agroecological transformation requires the strengthening of traditional, extensive, nature friendly practices. The proposal pays scant attention to crofting as one of the country's most characteristic forms of traditional agricultural practices, and the historical developments that have brought the crofting system into being in the first place.

If conventional farming practices are no longer financially supported, while support for sustainable practices is only available upon criteria of efficiency and economies of scale, crofting will disappear, and with it will a core part of Scotland's national identity. Yet, as we have seen with the HPMA proposal, people in the crofting counties will not sit and watch their culture vanish. Attempts toward biodiversity protection ignorant of local needs will be met with fierce resistance.

The proposal refers to Target 3 in the UN Convention on Biological Diversity's (CBD) Kunming-Montreal Global Biodiversity Framework (GBF). The said provision explicitly links biodiversity protection to the recognition of indigenous and traditional territories and requires that 'any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories'.

We strongly urge that any policy framework takes explicit safeguards to protect crofting communities' interests and empowers communities to act and protect biodiversity on their own behalf, by the means and measures those communities choose as the most suitable ones. If done rightly, the restoration of nature and rural communities will go hand in hand and we look forward to contributing to this important task.

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

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

As above: Measures that take a holistic approach thinking about agriculture, land reform and just transition as closely enmeshed, and mutually reinforcing, rather than merely complementary.

**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:

On revising Scotland's list of priority species and habitats for biodiversity Conservation:

If done rightly, agroecological farming practices can contribute to providing habitat for vulnerable species. Adequate amounts of funding in tiers 3 and 4 must be accessible for crofters, smallholders and grazing committees to participate in habitat creation.

On developing effective species recovery, reintroduction and reinforcement programmes:

The sea eagle management scheme (SEMS) is a good example of a multi-agency collaboration, trying to strike a balance regarding the coexistence of hill sheep producers in the crofting counties and the white-tailed eagle. SEMS is of vital importance for crofters, providing expertise to help manage and mitigate predation by white-tailed eagles. As the eagle population continues to expand and thrive, so SEMS applications increase. Therefore, adequate funding needs to be made available through the scheme in future.

We urge that SEMS is retained as standalone scheme, instead of being integrated as a mere component of future agricultural support. The latter approach will see crofters excluded from accessing the scheme on their individual common grazing entitlements, and will prevent them from working with NatureScot staff directly to find ways forward, although exactly this collaborative approach has been a vital part of the scheme's success in the past.

**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:

While we support the aspiration of this objective, we doubt that it is realistic given the pathways outlined by the present agricultural reform agenda. Enhanced conditionality would need to be required for much more than 50% of all direct payments (as currently envisioned), and such conditionality would need to work for all farms and crofts, regardless of size. Further, funding options in Tiers 3 and 4 need to be available for crofters and common grazings. We have expressed our concerns in this respect in our consultation responses to the Agriculture and Rural Communities Bill.

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

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

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**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:

The target itself is difficult to reconcile with Scotland’s wider aspirations of enabling a just transition. Without hard regulatory boundaries, natural capital investment is incompatible with the objectives of strengthening sustainable Scottish agriculture, land reform, and human rights, and will effectively cancel out much of the efforts currently undertaken to achieve these policy goals.

The present natural capital boom threatens to destroy productive areas of Scotland, locking in a certain type of land use, and giving up opportunities for alternative use of the land for generations to come. This is hardly tenable, given that agricultural land in temperate regions will be desperately needed for food production in the face of drought

and flood risks increasing with climate change, likely leading to massive crop failures across the planet.

Instead of fuelling land speculation and encouraging further release of greenhouse gases by providing for offsetting opportunities, Scotland should focus on approaches that enable and encourage local, nature friendly, low-carbon food production. Carbon offsetting slows down the phase-out of fossil fuels, and strengthening natural capital investment will likely to lead to perverse outcomes, with less land available for sustainable, local agricultural production, entailing the need to import more food from places with less rigid biodiversity standards.

We are presently witnessing how voluntary carbon markets are driving land prices into excessive heights, leading to local communities being priced out or even excluded from land and housing markets. Lacking regulations over planning and implementation processes of carbon market projects lead to projects being imposed upon crofters and rural communities, without any chance of meaningful participation in decision making processes as required by the Aarhus Convention on Access to Information, Public participation in Decision-making and Access to Justice in Environmental Matters.

While access to natural capital markets for outside investors is partly funded by public money, crofters are facing considerable barriers to accessing carbon financing given that schemes like the WCC operate on economies of scale and maximum efficiency, and were not designed with those in mind who would, voluntarily, do more to enhance biodiversity - not for the sake of large profits, but if only the input costs could be covered. Group schemes and accessibility thereto must be actively promoted, and while our members are generally concerned about the greenwashing that markets in ecosystem services may facilitate, crofters should be able to inset their own carbon emissions once this becomes mandatory.

Instead of pouring money into global corporations to finance their carbon deficits to allow them to continue with their dirty practices, the government should be investing in upskilling young people, transitioning older experienced workers to the green economy, and enabling communities to take control over land. An 'investment in nature' in line with the aspirations of the SBS would look at ways how local communities could best sustain themselves - by creating more opportunities for sustainable small-scale agriculture, and by incentivising local food production and distribution. This includes establishing local abattoirs, strengthening routes to market for producers, and addressing the housing problem in crofting counties.

We are concerned about the vast amounts of taxpayer money projected to be spent on enabling the continuing land grab of absentee landlords at the expense of local communities and local food production. Once the natural capital boom is over, those promoting it are likely to find out that there is no such thing as 'value-led, high integrity markets'. Without legally enforceable safeguards, investors will vanish into thin air



once projects are no longer profitable, leaving Scottish communities and taxpayers to deal with the remnants.

Hence, we do urge for legal and regulatory clarity regarding carbon rights, greater market transparency and the integration of communities into the planning and implementation of projects in crofting counties. Further, land reform should enable communities to take control over the landscape they live in. Recent research has found that crofters are very concerned that markets in ecosystem services will entail effects of marginalisation and displacement. These concerns must be addressed.

**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

As explained above

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

Please explain the reasons for your response:

Without regulatory safeguards for local communities in terms of access, voice and distribution of benefits, the actions envisioned will have grave negative impacts, especially in terms of distributive justice and local food production, and concerns echoing past grievances of people being driven off the lands may not be completely unfounded.

**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:

We note that this section is framed in rather patronising terms, mainly holding individuals responsible for unsustainable lifestyle decisions. While every little helps, and everyone has to contribute their share towards nature restoration, we should not forget that consumer demands are driven by a multi-billion industry whose most potent shareholders then buy large swathes of Scotland's land, often negatively impacting local rural communities in manifold ways.

Without further contextualisation, the statement that more plant-based human diets will have a major positive influence on halting biodiversity loss is misleading. As outlined in greater detail above, some forms of extensive livestock management practices may well increase biodiversity in certain habitats. While industrial farming practices need to cease – which will lead to a decline in meat production globally – traditional and sustainable practices of meat production for local markets can positively contribute to biodiversity objectives.

**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:

While we welcome that the proposal takes into account indirect drivers of biodiversity loss, it needs to put even more emphasis on coherence in a wide range of policy areas, namely agriculture, food, land reform, climate change, and human rights, and the wider objective of just transition understood in a broad sense encompassing distributive justice.

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

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

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**Section Three – Nature Networks Policy Framework**

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

Please provide any comments:

We very much welcome the aspiration of enhancing nature networks and ecological connectivity and would like to point to the benefits crofting and small-scale agriculture can deliver in this respect. However, this must be enabled by agricultural reform

ensuring that the respective funding options are accessible for crofters and common grazings.

We do welcome the emphasis on community-led bottom-up approaches. However, we are concerned that the nature network approach is seen as merely accessory to the '30 by 30' strategy. While the rationale behind this approach – focusing on maximum efficiency and low-hanging fruit in the view of budgetary constraints – is understandable, we are concerned that it may prevent important actors from engaging in biodiversity enhancement. Further, as outlined below in the context of '30 by 30' in more detail, we do miss explicit links to, and coherence with the wider policy context, especially regarding agriculture, food, land reform, and human rights.

The picture illustrating nature networks (p.12) is telling about what we perceive to be part of the problem: It separates productive rural zones featuring farm livestock in a simplistic way from the 'core areas' where wildlife is abundant. Forward looking practices like agroecology and high nature value farming are able combine both, habitat connectivity and sustainable food production. As such, crofting and small-scale farming have an important role to play in establishing ecological corridors and stepping stones. However, funding must be adequate and accessible.

We very much agree with the challenges and barriers identified by the strategic framework, specifically regarding funding. Yet, we are concerned that these findings do not resonate with the route taken in present proposals on future agricultural policy. If enhanced conditionality is made impossible for small-scale producers, due to an overload of paperwork, and funding in Tiers 3 and 4 is only accessible on a competitive basis favouring economies of scale, then crofters and small-scale farmers are actively prevented from contributing to ecological connectivity, although many of them are the ones most keen on doing so.

While we support the focus on local development plans to achieve nature networks, we would point to the fact that local authorities may be located remote from affected communities, and that real participation for those communities must be enabled. We are keen to see how the bottom-up approaches sketched out in the framework will be delivered in practice and look forward to contributing towards those initiatives.

While we, partly due to our own omission, were unable to engage in the co-design process of the present draft, we would be keen to be included in any further steps taken when moving along this route. As previously mentioned, we would like to highlight that care must be taken that communities and organisations with less resources available are included and enabled to contribute in a meaningful way. If important voices are overheard or otherwise not included in the first stage of co-design model, their prospects of being heard as the process moves on seem to be limited.

## Section Four – 30 by 30 Policy Framework

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

Please provide any comments:

The strategy (p.19) refers to the commitment to work across society to deliver lasting action that secures a just transition ensuring that economic change is managed in a way that is fair for all. Unfortunately, with the present focus we do not see this happening. Communities and distributive concerns must be taken into account, centre stage.

We note that the '30 by 30' framework mainly seems to address estates and other large landholdings. Given the concentration of landownership in Scotland which is amongst the highest in the whole world, this approach is understandable. And given that those with formal ownership rights will be most likely those with the greatest powers to influence what happens on the land they own, we are aware of the rationale behind this approach.

However, care must be taken that biodiversity strategies, especially '30 by 30', do not further contribute to this structural problem, and do not interfere with other policy objectives, namely land reform. While the strategy occasionally alludes to the wider policy context, we are concerned that the broader implications of this approach have not been sufficiently assessed. Concerns as to the broader policy implications, namely relating to distributive justice, must be addressed from the outset.

We already witness how existing inhabitants of areas of natural beauty, including the crofting counties, are being outpriced in local housing markets at the expense of second homes at a very worrying rate. If no safeguards are taken, endeavours like this will further widen the gap, effectively driving common people out of wide areas of rural Scotland. The availability of housing is for example essential for crofters when fulfilling their duties to maintain their crofts.

More emphasis should generally be placed on those living on and working the land, rather than merely owning it. To provide an example, the vision for 2030 states at the very outset (p.12):

“Landowners and managers are aware of their responsibilities as custodians of biodiversity, and those responsible for these areas are recognised and celebrated for their work and the benefits they deliver for people and nature. They inspire others, becoming the drivers of change within their sectors and communities.”

The formulation suggests landowners - rather than crofters, tenants, or local communities - to be the sole custodians of biodiversity. This puts the agency in the hands of a small, often mostly absent elite. Landowners and managers, according to the document, should be 'recognised and celebrated', while communities and all others feature on the receiving end in this narrative, merely becoming 'inspired' by the

benevolent actions of landowners and their land managers. This reveals a concerning mindset that has historically contributed to the problem of biodiversity loss in the first place. It puts responsibility for nature into the hands of a few who then, hopefully, are connected 'to nearby people and communities delivering local priorities' through nature networks (p. 20).

We welcome that a bottom-up approach and community participation is sought when it comes to site selection and that it is acknowledged that designation and governance of sites has historically been very top-down in approach with limited ability for local representation both in the identification of sites and decision making over how they are managed. Yet, beyond buzzwords such as 'simple', 'clear', 'transparent', 'flexible', 'strategic', 'forward-looking' and 'dynamic' it is unclear how a vision of place-specific, meaningful community engagement would look like in practice.

Crofting and crofting counties, although highly relevant as habitats, are not mentioned once throughout the whole document. At present, it is unclear whether, and in which ways, for example, the Hebridean Islands or parts thereof would feature in any selection process, although it seems clear that these are likely to be included. Neither are the consequences of such inclusion clear, and whether crofting communities should strive for such inclusion.

We are very concerned about the implications for the distribution of future funding given that the strategy states that the identified sites will be prioritised in terms of funding and investment. We insist that any support for '30 by 30' areas is additional to the funding options set out in the draft agriculture bill and will not diminish funding available in Tiers 3 and 4 for farmers and crofters outwith the designated/OECM areas. As outlined in greater detail above, crofters are encountering considerable hurdles to access funding through schemes like AECS already.

While we acknowledge that the document takes note of the problem of inaccessibility of funding, we would like to see a clearer vision of how this is going to be improved in the future. We welcome the statement on existing or new funds to be developed and adapted in ways ensuring coherence. Yet, we caution that the commitment to 'ensuring most value for money' cannot operate on financial efficiency metrics alone and hope that our that our repeated insistence on funding that works for crofters and small-scale producers in all tiers will be heard.

As above: While we, partly due to our own omission, were unable to engage in the co-design process of the present draft, we would ask to be included in any further steps taken when moving along this route. As previously mentioned, we would like to highlight that care must be taken that communities and organisations with less resources available are included, and attention must be drawn to the ways in which they can meaningfully contribute.

This, again, has a distributive dimension. Large landowners and national or international NGOs can rely on paid staff with structures and expertise in the wide array of relevant areas, enabling detailed feedback. Smaller organisations and

communities rely on volunteering work to respond to the very same questions. It is clear that if these disparities are not addressed, the voice of the powerful will have disproportionately more weight in any stakeholder engagement process.

### **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?

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

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

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

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**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:

The delivery strategy is too vague to make a meaningful statement in this regard. However, we are concerned that especially small local businesses in the farming sector, as well as the food and drink sector will be disadvantaged.

**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:

Again, we stress the importance of prior community engagement in order to prevent adverse outcomes. Approaches to nature conservation and enhancement need to be tailored to specific local circumstances.

**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:

As detailed above, the government's approach encouraging large-scale natural capital investment, largely behind the backs of voters, without any meaningful consultation, is likely to result in adverse consequences for the people of Scotland. Without meaningful safeguards, it will further exacerbate distributive inequalities, restrict access to land, and aggravate housing crisis in rural areas.

**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:

With regard to natural capital investments, a significant course correction needs to take place immediately. Procedural and substantive safeguards must be implemented now, as transnational laws of investor protection will prevent the Scottish government from introducing any legislation restricting aspects of natural capital ventures in the future.

Any natural capital investment scheme needs to adhere to legally binding environmental and social standards. Natural capital investments can only be permitted where local communities have been consulted, and have agreed to respective projects. Agroecological and high nature value agricultural production should be prioritized over carbon offsetting. If carbon market schemes are implemented, benefit-sharing mechanisms should be in place.

Public funds should not be used to encourage outside investors in natural capital, but instead should be spent on training and upskilling local workforce as required for the green transition.

**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:

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**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:

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**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:

Island communities are specifically vulnerable. As the HPMA proposal has demonstrated, any broad-brush, top-down measures are unlikely to be suitable for the very specific and discrete contexts of island communities. Island communities will need to take a leading role when developing approaches to nature protection and restoration applicable to island locations.

**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:

As above: Meaningful community engagement, projects tailored to local needs and circumstances, and a significant course correction with regard to natural capital investments.

**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:

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**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:

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## 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:

As above. High level targets in themselves are neither sufficient nor meaningful. In the worst case, they will produce a lot of red tape and mere box-ticking exercises with no substantial results on the ground.

The consultation document mentions itself that targets, if poorly formulated, can create perverse incentives, lead to misallocation of resources and undermine actions. They furthermore risk eclipsing the wider context in which nature restoration and enhancement takes place. By merely focusing on what has been achieved under the parameters outlined, other, unintended effects may go unnoticed.

While placing targets on a statutory footing may be laudable, high-level targets, by their very nature, are usually too vague to yield any productive results with regard to judicial review and enforcement.

Hence, instead of spending time and energy defining high-level targets, community engagement throughout Scotland should be sought at earliest possible stages, and benchmarks should be developed in a bottom-up way, including local stakeholder groups. From there, statutory provisions could be developed and implemented.

**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:

The targets should not only be considered on their own merits and as the wider suite of targets, but also in the overall policy context in general, especially with a view to the government's commitment to a just transition. Selection criteria should involve the wider policy context including agriculture, food, land reform, climate change and human rights.

We welcome the statement that risks or issues around particular metrics will be assessed when assigning indicators and quantifiable values to the proposed suite of targets. These risks must be assessed specifically with a view to the wider socio-economic and distributive impacts. Quantitative indicators are in themselves insufficient and attention must be drawn to the specific context. Overall metrics without further differentiation will have a flattening effect and will not enable any meaningful conclusions attentive to the specificities of disparate local contexts.

**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:

It is difficult to measure and quantify outcomes of high-level targets, which makes them problematic in the first place. We do support the development of outcome-based approaches on concrete project levels, allowing for meaningful conclusions about measures effectively taken on the ground. Those approaches could then be used to inform higher-level targets in a bottom-up manner.

**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.

The targets listed suggest that biodiversity measures are seen as isolated from the wider context, a concern we have repeatedly expressed throughout this consultation. They mainly focus on quantitative aspects which is understandable but nonetheless problematic. The complex interdependencies of living ecosystems cannot be adequately captured in the metrics suggested. Further, the target topics as listed are too abstract: it is unclear what exactly would be measured and why certain features are included (such as natural capital) while others (agroecology, nature friendly farming) are not.

**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.

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**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:

The proposal rightly mentions that biodiversity is a complex set of interconnected systems. This is why we question the suitability of high-level targets in principle. The complexity of nature restoration is very difficult to capture in the targets proposed from the outset.

**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:

In principle we agree, however, we have expressed our doubts as to the overall timescales being realistic, unless by massively ramping up private natural capital investment, which we do not support as outlined above. Instead of quick gains, we should focus on holistic, sustainable, long term solutions.

**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:

As explained above, high-level targets may be too vague to enable a meaningful review. Also, the information on how exactly such review process would look like is very vague at this stage.

**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:

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**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:

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**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:

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**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:

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**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:

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**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:

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**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:

We would suggest to amend the aim to read as follows:

“promote the sustainable economic, social and cultural development and wellbeing of the area’s communities, **in line with the principles of distributive justice and just transition.**”

It is important to emphasise communities’ agency when it comes to decision-making and distribution of benefits in the context of natural capital.

**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:

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**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:

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**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:

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**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:

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**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:

Special legal regimes conferring powers to specialist bodies with limited accountability and democratic oversight should be minimised.

**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:

See above.

**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:

Whatever governance model is chosen, local communities should have means to appeal against decisions by the board via an independent and impartial appellate body.

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

Before further national parks are designated, we would like to see a detailed report on the experiences with existing national parks, and the chances and challenges that have materialised in this context.

**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:

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**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:

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**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:

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**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:

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**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:

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**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:

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**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:

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**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:

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**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:

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**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:

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**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:

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**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:

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

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

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

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

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