

Net Zero, Energy and Transport Committee

36th Meeting, 2023 (Session 6)

Tuesday, 12 December 2023

Scottish Biodiversity Strategy (draft Delivery Plan)

Background

1. [This link sets out the Committee's work so far this session](#) scrutinising the Scottish Government's preparations for a new Biodiversity Strategy. This includes an exchange of correspondence with the Scottish Government on the draft Strategy that the Scottish Government put out for consultation last autumn.
2. In the course of that initial scrutiny, the Committee noted the important role that a delivery plan would play in underpinning the new Strategy and agreed to take evidence on the Plan once it was out to consultation.
3. [The draft delivery plan was published in September](#), with a consultation period formally closing on 14 December.
4. At its meeting on 14 November, the Committee agreed to hold two panels to take evidence on the draft delivery plan: one with experts in terrestrial biodiversity; the other with experts in marine biodiversity. The Committee will hear from the experts on marine biodiversity on 12 December and an evidence session on terrestrial biodiversity will be held on 9 January.

Meeting on 12 December 2023

5. The Committee will hear evidence on the draft delivery plan from:
 - Dr Clare Cavers, Senior Projects Manager, Fidra;
 - Calum Duncan, Head of Conservation, Scotland, Marine Conservation Society;
 - Elspeth Macdonald, Chief Executive, Scottish Fishermen's Federation;
 - Vicki Paxton, Partnership Manager, Moray Firth Coastal Partnership;
 - Tavish Scott, Chief Executive, Salmon Scotland;
 - Phil Taylor, Head of Policy and Operations, The Open Seas Trust.

6. Brief background information on these organisations is in the table below.

Fidra	NGO – focus on pollution, chemicals, plastics, microplastics including work on aquaculture
Marine Conservation Society	NGO – works across marine conservation, fisheries management, plastics/marine litter and pollution
Scottish Fishermen’s Federation	Industry/practitioner body on fisheries
Moray Firth Coastal Partnership	Local practitioner – coastal partnership for the management of the Moray Firth
Salmon Scotland	Industry/practitioner body on aquaculture
Open Seas	NGO – focus on fisheries enforcement, sustainable seafood

7. Four of the organisations giving evidence on 12 December have provided written submissions in advance of the session:

- Annexe A – submission from the Scottish Fishermen’s Federation
- Annexe B – submission from Fidra
- Annexe C – submission from Salmon Scotland
- Annexe D – submission from Open Seas

8. A written submission was also received from [Coastal Communities Network](#), a community-led network comprising local groups committed to the preservation and safeguarding of Scotland’s coastal and marine environments (see Annexe E).

Next steps

9. On 9 January, the Committee will take evidence from a panel of experts on land biodiversity. Thereafter, the Committee will consider both evidence sessions and send written views on the draft delivery plan to the Scottish Government later in January, and prior to the plan being finalised.

Clerks
 Net Zero, Energy and Transport Committee

Annexe A: Submission of written evidence from the Scottish Fishermen's Federation

Biodiversity Strategy: Tackling the Nature Emergency – Consultation

Background to SFF

The Scottish Fishermen's Federation (SFF) is a democratically constituted industry group set up in 1973 and its key aims are:

- Promoting and protecting the collective interests of the Scottish Fishermen's Federation Constituent Associations.
- Supporting production of healthy and sustainable wild-caught seafood, ensuring a sustainable future for the industry and our marine environment.
- Advancing the reputation of fishing by championing responsible practice in meeting a growing demand for healthy, climate-smart food.
- Improving fishing safety through supporting and promoting professional standards of training and compliance with safety standards.
- Showing fishing as a positive career choice – one with a viable and positive future.

SFF is comprised of eight Constituent Associations, with around 450 vessels within their membership, representing a wide range of fishing businesses, both inshore and offshore and catching a wide range of fish and shellfish species across demersal, pelagic and shellfish fleets.

Whilst SFF doesn't represent all fishing vessels in Scotland, our constituent Associations bring a very diverse membership across both geography and fleet sectors, and account for the vast majority of the catching effort in the Scottish fleet.

Scottish Biodiversity Strategy and Draft Delivery Plan

- Does the draft plan appear fit for purpose to address the biodiversity crisis as it affects Scotland?
1. SFF wishes to make a number of points about this consultation and would be happy to explore in more detail with the Committee on 12 December. We have comments with regard to both process and substance.
 2. Starting with process. From a practical perspective, this consultation was very difficult to deal with. Documents were nested within other documents, and it would have been very easy to miss key aspects. It should be much clearer on the face on a consultation exactly what documents are included and what questions are being asked. In addition, we were very disappointed that having asked for an extension to deal properly with the complexity of this consultation, and take into account all the potential ramifications with related policies, the Scottish Government was not willing to grant one.
 3. It is our understanding that the Scottish Biodiversity Strategy itself is unchanged

from the version consulted upon in 2022, other than adding reference to the Global Biodiversity Framework. The delivery plan that is the subject matter of the current consultation is for the implementation of the first five years of the unchanged Biodiversity Framework, which begs the question why to consult on the Strategy in 2022, if no changes were to be made in response.

4. This is disappointing and gives the impression that the 2022 consultation was simply a paper exercise and that the Scottish Government was not concerned with the views expressed upon it. We had understood from reading the content of the SEA, that due to stakeholders finding it difficult to comment on the draft Strategy in the 2022 consultation as it lacked some of the necessary context and elements needed, that the Scottish Government's intent was to consult again on the Strategy in this phase alongside the draft Delivery Plan (see paragraph 1.18 of the SEA). Despite this, there appears no space in the current consultation to provide any additional feedback on the Strategy itself.
5. The documents making up this consultation have to be read collectively, and we consider that there is a mismatch between the draft Delivery Plan and the Strategic Environmental Assessment (SEA). The SEA goes through a process in its Assessment of Reasonable Alternatives to identify whether Scotland's approach to addressing biodiversity should focus a restorative or regenerative approach, and the outcome supports the latter.
6. This is not reflected consistently in the draft Delivery Plan however, and especially in the Section on the "Statutory Targets for Nature Restoration" where there is much reference to restorative approaches. As SFF specified in our original response to the consultation and as acknowledged in the SEA itself, in many cases restoration of biodiversity may not be possible, if environmental conditions have changed in ways that now make it not possible for the current ecosystem to support whatever change back to the past may be thought desirable. Restoring to some point in the past is no longer possible in some cases as conditions of today and the future are too different.
7. Similarly, the SEA considers whether there should be a short or longer term approach to delivery. The SEA overwhelmingly supports a longer-term approach, yet the draft Delivery Plan focusses on five year rolling programmes for delivery. It is concerning therefore that the Scottish Government appears not to support the findings of its own SEA.
8. In our discussions with Scottish Government on biodiversity, we have discussed the OSPAR assessment of the northeast Atlantic, which is one of the assessments underpinning the SG's Strategy. The most recent OSPAR assessment is based on data up to 2018-19, We raised this with officials as meaning that the OSPAR assessment would therefore not have identified any trends over the last 4-5 years. We were advised that this is too short a time frame over which trends in biodiversity could be observed. It seems contradictory therefore that five year rolling delivery plans will be capable of assessing whether the Scottish strategy is having any effect.

9. The draft Delivery Plan is at a high level and there is much detail yet to follow, including the Accountability Framework in the proposed Natural Environment Bill and statutory targets for biodiversity in secondary legislation. The decisions about these statutory targets and how they will be deployed will be critical. We are concerned that the timelines set out in the draft Delivery Plan will make it very difficult to collect and assess data, review it and revise the Plan as necessary. This will be particularly true for data collection in the marine environment.
10. We are also concerned that the draft Delivery Plan does not appear to be costed. The content of the draft Delivery Plan is rightly ambitious but will, we believe, be extremely costly to implement. This may be particularly the case during a time when budgets are constrained and resources and capability may be spread thinly. Data collection at sea is more complex, time consuming and considerably more costly than on land.
11. We would be concerned if in an attempt to address the issue of resources to deliver the draft Delivery Plan that the SG would look to 'citizen science' or single issue interest groups to fill the gap. The science, data and information needed for the draft Delivery Plan must be robust and rigorous, particularly when statutory targets are to be met.
12. The plan also fails to recognise and take account of what is already underway. For example, in the marine environment, the existing network of Marine Protected Areas (MPAs) covers around 37% of Scotland's seas. By the time the planned Priority Marine Features are added, this will likely exceed 40%. This means that Scotland is already meeting the '30 by 30' ambition, though we acknowledge that the Scottish Government is still working with stakeholders on the fisheries management measures for the MPA and PMF network.
13. We believe that the Scottish Government should complete this work on MPAs and PMFs and continue with its already planned assessment and review framework to study and measure their effect. Rushing into new approaches when existing ones are still being developed is not a sensible approach, particularly when resources are stretched. PMFs were identified for their importance for protecting biodiversity in Scotland and their protection is in the process of being finalised. Measures will be in place by 2025 and will protect them from what has been flagged as the potentially most impactful stressor, mobile bottom contacting gears. SFF has cooperated with the SG to streamline this process and strike a balance between protection and sustainable use around those features.
 - Do you have any concerns that implementation of the plan could have adverse consequences? If so, please set these out.
14. In our view, the draft Delivery Plan is trying to do too much, and in doing so, has lost focus. We believe that a more realistic approach is needed, and that the scope and expectations must be aligned with the resources available for delivery. It is also very vague in places and is unclear about what specific actions will be. This means that it is difficult for sectors like ours to assess fully the possible impacts on businesses.

15. We must not forget that several other policies are addressing related issues: the above-mentioned implementation of measures in MPAs and the protection of PMFs, the Future Catching Policy for reduction of unwanted catches of associated species and the various initiatives focussing on protecting protected, endangered and threatened (PET) species, including seabirds and cetaceans.
16. It concerns us greatly that the Scottish Government has not carried out a Socio-Economic Impact Assessment of their proposals. This means it is difficult for businesses to understand the potential impacts. Whilst a Socio-Economic Impact Assessment is not a legal requirement for this work, it must be considered as best practise, and for proposals that are so far-reaching, we believe it is essential that one be carried out.
17. As outlined above, the scale of resources needed to give effect to the Plan should not be underestimated. It is important to understand where these resources will come from and what else will not be delivered if resources are needed for this instead.
 - What matters, other than those set out in the plan, would require to be addressed to ensure that the plan works?
18. There are several areas that we believe need to be addressed for the plan to work. Firstly, the Scottish Government needs to do this work rigorously and properly. The UK has determined that it must have a National Biodiversity Strategy and Action Plan before COP16 in October 2024. This deadline is driving a rushed process, which is evident in the SG's consultation.
19. This may also be why the SG would not agree to an extension for businesses to respond to the consultation, despite their recognition of the burden of consultation that our sector has faced this year, and the complexity and significance of this one.
20. There is a lack of focus, several inconsistent approaches and very little evident thought given about a properly rigorous and standardised approach. This rushed approach also risks money and time being spent on things that are not efficient in delivering the desired objectives. We need to maximise the impact of spending money, and this means taking time to make sure that the right actions are being taken. We believe that Scotland will be better served by a longer-term incremental approach than 'big bang' initiatives that look and sound appealing but will not deliver what is actually needed.
21. Whilst the statutory targets are to follow in secondary legislation after the Natural Environment Bill, the Scottish Government is consulting here on the logic behind the targets and how to measure them. This is a really key issue - if the targets are wrong then Scotland is being set up to fail, both nationally and internationally. There is reference to targets being SMART - Specific, Measurable, Achievable, Relevant and Time-bound. This will not always be possible and indeed brings many challenges and some risks. We believe that the targets should be generic and measured through trends and qualitative indicators.

22. There is scant reference to baselines, and very little detail on how things will actually be done. There is a great deal of rose-coloured but rather meaningless language.
23. The references to connecting people to nature must also recognise that some of those closest to nature are our food producers. Fishermen spend most of their working lives in nature, harvesting natural resources from Scotland's well-managed fisheries. There needs to be a greater recognition of the importance of food production, and insofar as fisheries are concerned, recognising that our seas have remained extremely productive over many decades of commercial fishing.
24. Fishing efficiently with a modern fishing fleet operating in productive well-managed areas is a key part of Scotland's net zero transition – low emission, healthy protein from renewable and sustainable resources. The sector has also been working constructively with the SG for over a decade on nature conservation, aiming to strike the right balance between conservation and sustainable harvesting. We must not let a rushed biodiversity strategy and not fully thought-through Delivery Plan put that in jeopardy.
25. We understand the urge to move, be active and, perhaps sometimes more importantly, be seen to be active, but we should not forget that there are processes that are already ongoing, in a measured and planned way. There are changes implemented every day in the fishing fleet that do not individually account for a step change, but when all taken together represent adaptation to the future, with a reduction of fuel consumption, impact on fishing grounds and reduction of by-catch. Rushing is often a bad adviser and is not guaranteed to lead to success. Achieving results gradually and incrementally is often a much more effective approach than scattering bold actions that may create a temporary 'patch', but with the risk of unintended and potentially serious consequences.

SCOTTISH FISHERMEN'S FEDERATION
4 December 2023

Annexe B: Submission of written evidence from Fidra

We welcome the opportunity to present evidence to the NZET Committee on the Scottish Biodiversity Strategy and its Delivery Plan. While there could be a case to have a separate Marine Biodiversity Strategy, we welcome and support the 6 high level objectives of the Scottish Biodiversity Strategy, which are all relevant to the marine environment.

General comments on the Biodiversity Strategy.

Section 2.3 Drivers of Biodiversity loss across our land and seascapes discusses ‘biodiversity decline in marine environments, seas and on our coasts’. This section, quite rightly, aligns the biodiversity crisis with the ‘increasing impacts of climate change and ocean acidification’, and ‘disturbance of the seabed by bottom-contact towed fishing gear’. However there is no reference to the impact of chemical or plastic pollution, both of which can have significant impacts on the natural environment and the wildlife within it. For example, the UK Chemicals Investigation Programme (CIP), which has completed its 3rd phase, has found levels of the banned chemical PFOS (a member of the PFAS group of chemicals) concentrated in coastal and transitional waters at levels exceeding the current environmental quality standard by more than 10 times across all sites monitored. PFAS, a group of persistent, bioaccumulative and toxic chemicals, are being found in increasing levels in the environment in the UK and local wildlife, in particular in gannets¹ and shags² in Scotland. While the environmental monitoring of CIP has focussed on wastewater treatment works and their intakes and outputs, many of these have direct outputs to the sea, or outputs that will lead to rivers that then lead to our seas. There is an urgent need to address this to lower the chemical burden on the natural environment and wildlife, through restriction of the entire chemical group across all relevant regulations, including food contact materials, plant protection products and medicines.

Plastic pollution is an additional pressure on biodiversity through its physical impact (i.e. through entanglement with wildlife and ingestion) and its chemical impact (i.e. through chemicals in the plastics being lost to the environment and affecting wildlife, transferring to wildlife after ingestion, and chemicals in the environment being adsorbed to the surface of plastic particles and pieces. The Marine Conservation Society’s Great British Beach Clean and Fidra’s Great Global Nurdle Hunt both show increasing levels of plastic pollution. Nurdles, or pre-production plastic pellets, in particular are well documented in the environment and having been ingested by wildlife, with records going back decades. Evidence previously submitted to the

¹ Pereira, M.G. et al (2021) Contrasting long term temporal trends in perfluoroalkyl substances (PFAS) in eggs of the northern gannet (*Morus bassanus*) from two UK colonies. *Science of The Total Environment*, 754, 141900, <https://doi.org/10.1016/j.scitotenv.2020.141900>.

² Carravieri, A. et al (2020) Interactions between Environmental Contaminants and Gastrointestinal Parasites: Novel Insights from an Integrative Approach in a Marine Predator. *Environmental Science & Technology*, **54**, 8938-8948, DOI: 10.1021/acs.est.0c03021

NZET Committee has shown that Scotland is currently one of the largest plastic pellet producers in Europe, with Grangemouth producing one-third of the entire UK plastics production³. Across the world 390 million tonnes (Mt) of plastic⁴ were produced weighing more than the total weight of the human population. Annually across Europe between 16,888 and 167,431 tonnes of plastic pellets are lost to the environment⁵.

Under **Section 3.2 Objectives for 2030**, the high level objective 3 ‘**supports... efforts to meet CBD Goal A and Targets 1, 2, 3, 4 and 6**’.

The Scottish Government’s current stand supporting expansion of the Scottish salmon industry is at odds with Goal A ambitions to see ‘the abundance of native wild species is increased to healthy and resilient levels’, when challenges of disease which then require chemical treatments (i.e. sea lice and parasiticides, bacterial infections and antibiotics) will only increase as the industry expands. These issues need to be addressed, for example through ensuring farms are appropriately situated, before the industry expands further. Similarly, by allowing the industry to continue to expand in its use of the open net pen system predominantly in use, there is then an increased risk of escapes of the domesticated Atlantic salmon and introgression into wild Atlantic salmon populations, as well as disease transmission.

Targets 1, 2, 3 and 4 speak to aims to increase protection for the marine environment and its wildlife, yet abandonment of the Highly Protected Marine Area scheme and lack of progress on Marine Protected Area management plans are serious set backs in these ambitions.

Target 5 is at odds with the Scottish Government’s support for the expansion of Scottish salmon farming, with increased farm sizes and farm sites using open net pen structures leading to an increased risk of escapes of the domesticated Atlantic salmon and introgression into wild Atlantic salmon populations, as well as disease transmission to both Atlantic salmon and sea trout.

Within **Section 4.2 Scotland’s Biodiversity Delivery Framework** the inclusion of the case study on Integrated Multi-trophic Aquaculture (IMTA) is welcomed, as a clear demonstration of circular economy. The salmon farming industry in Scotland has not indicated support for IMTA however, often citing the challenges involved in scaling up it up to the level at which salmon farming is currently performed in Scotland. However this should not preclude its use in smaller operations, or further research and development into scaling it up. In addition, this could be an indication

³ Eunomia. (2018). Investigating options for reducing releases in the aquatic environment of microplastics emitted by (but not intentionally added in) products. Available at: <https://www.eunomia.co.uk/reports-tools/investigatingoptions-for-reducing-releases-in-the-aquatic-environment-of-microplastics-emitted-by-products/>

⁴ Plastics Europe (2022) Plastics – the facts 2022. Available at <https://plasticseurope.org/knowledge-hub/plastics-the-facts-2022/>

⁵ Oracle Environmental Experts. (2023). Mapping the global plastic pellet supply chain. Pg 77. Available at: <https://hub.nurdlehunt.org/resource/oeo-mapping-the-global-plastic-pellet-supply-chain-report-only/>

of the need to scale down the present level of salmon farming to smaller operations. While this may be less profitable on an economy of scale, environmental impacts at some point need to be taken into consideration ahead of profits in order to slow down our present rate of biodiversity loss and reduce the pressures on our natural environment.

Comments on the Scottish Biodiversity Strategy delivery plan.

A general comment is that the key ecosystems need to be set out clearly in the main text of the plan. Timelines are needed across all the actions, rather than just a few as at present. There also needs to be greater clarification of where the responsibility for delivering actions lies, and what the links to other policies and sectors are. The framework should align with the River Basin Management Plan (RBMP) 2021-2027, with river and estuary health of vital importance to the seas which they feed into.

Objective 1: Accelerate Restoration and Regeneration

On the action '**Introduce Statutory Nature Restoration Targets**', more clarity is needed on how gaps will be covered by actions in the delivery plan once targets are developed, at a minimum reiterating the commitment in the Bute House Agreement. The Bill should outline how targets will be monitored and evaluated, including dates. The action '**Publish a plan for marine and coastal ecosystem restoration, including prioritising habitats and locations suitable for restoration by 2025**' should be expanded to include robust execution and implementation of the plan as well as its publication.

The action to '**Improve Resilience in Coastal and Marine Systems by reducing pressures and increase and safeguard space for coastal habitat change**' is a good ambition but needs to lead to effective and timeline action, detailing next steps. The wording focuses on coastal systems, whereas the priority action includes 'Marine Systems', with the result that the actions listed do not fully reflect the Scottish Biodiversity Strategy text. A source to sea approach should be taken to ensure actions in the marine environment are supported by actions on land and in freshwaters, where the majority of plastic and chemical pollution into the sea currently originates from. Timescales are needed for the implementation of plans as well as their publication, for example the action '**Contribute to the OSPAR action to agree a regional action plan by 2025...**' does not give a timeline for implementing the plan.

We welcome the action to '**reduce marine litter and marine plastics**' through enabling 'improved plastic pellet handling and management across the plastics supply chain to reduce pellet loss, and provide guidance to support pellet clean up in the environment by end 2025'. We would point to evidence submitted to the NZET committee recently on pellet pollution in Scotland. While we welcome the action to '**Develop policy by 2028 to address contaminants that exceed OSPAR threshold values**', the timeline to develop policy should be shortened to enable policy to be implemented by 2028.

More thought should be given about how Marine and Coastal Systems can be

integrated within the strategic national programme of ecosystem restoration and the programme for species recovery, and the actions to achieve that. This section should also consider:

- Climate change and its cumulative effects in the marine environment - identifying their key impacts and pressures and actions to minimise or mitigate them.
- Impacts from different sectors and activities (eg. commercial fisheries, aquaculture, oil and gas and offshore renewables).
- Actions to link holistic marine spatial planning and recovery of coastal and marine systems.
- Supporting diversification of the aquaculture industry ensuring climate change mitigation and adaptation is incorporated into the sector.
- Further exploring the potential of shellfish and seaweed aquaculture as a means of providing beneficial environmental services
- Accelerating the adoption of approaches in aquaculture which minimise, reduce or remove the discharge of medicine residues and increase the use of effective non-medicinal treatments, waste recovery and preventative measures.

Under the action to **‘Enhance water and air quality. Undertake water management measures to enhance biodiversity’** we would highlight that particular focus is needed on the presence and impacts of persistent chemicals in water. Because of the irreversibility of their pollution, their impacts will be felt for generations, therefore their presence in the environment needs to be minimised. While the reference to the water industry’s Chemical Investigation Programme (CIP) is good to see, its implementation in Scotland has been limited and lacking in transparency, with the exception of the pharmaceutical data. A comprehensive biomonitoring system needs to be developed for chemicals of concern in Scotland that monitors marine waters, sediment and biota, as well as the adjoining terrestrial and freshwater compartments that can in turn be sources of chemical input into the Marine and Coastal Systems. Long term monitoring needs to be maintained, making use of citizen science to extend the reach of SEPA monitoring programmes when opportune, although not as a substitute. Examples are the Marine Conservation Society’s Beachwatch programme and Fidra’s Great Nurdle Hunt project.

Alongside this it is widely recognised that there needs to be continued investment in improving the wastewater treatment services, which is poorly addressed by this plan. Commitments to tackle sewage discharges, for example, need to go beyond current plans. There also needs to be a commitment to action around other pollution sources such as runoff from roads and agriculture fields and the impact it could be having on the Marine and Coastal Systems. In particular additional measures are needed to ensure pollution sources do not impact our waters around marine protected areas.

Objective 2: Protect Nature on Land and at Sea Across and Beyond Protected Areas

We support the key actions that have been listed to deliver this objective but suggest the following need to also be considered for the successful implementation of NPF4:

- Local Planning Authorities are adequately resourced to enforce the implementation of commitments made in Habitat Management Plans
- Every Planning Authority needs to ensure it has adequate processes in place for prioritising compliance with planning conditions.

We support the action to **‘Ensure that at least 30% of both land and sea is protected or conserved and effectively managed to support nature in good health by 2030 (30 by 30)’** however, the actions in this section need to be made SMART.

Objective 3: Embed Nature Positive Farming, Fishing and Forestry

In the key actions under this objective we welcome the action to **‘Implement Scotland’s vision for sustainable aquaculture to minimise negative impacts on biodiversity’**. We are supportive of the vision for sustainable aquaculture’s ambitions to produce the following outcomes:

- Ecosystem based management for aquaculture alongside other marine users
- Consideration for restorative aquaculture including understanding baseline levels for restoration targets
- Supporting diversification of the aquaculture industry and promoting its role in climate change mitigation and adaptation
- Further exploring the potential of shellfish and seaweed aquaculture as a means of providing beneficial environmental services
- Accelerating the adoption of approaches which minimise, reduce or remove the discharge of medicine residues and increase the use of effective non-medicinal treatments, waste recovery and preventative measures
- Prioritising non-lethal means of mitigating predator interactions that avoid disturbing protected species or entangling birds
- Improving spatial planning tools including our understanding of and effective management of cumulative risk and impacts to be fed into NMP2 and regional marine plans. Areas deemed unsuitable for use should have industry relocated and consider being returned to nature.

It is crucial that the vision must now be implemented in a timely manner and supported with adequate resources. We also welcome the additional actions to **‘Support SEPA in the implementation of the sea lice risk assessment framework, starting to apply the framework to applications for proposed new**

farms and expansions of existing farms in the second half of 2023'. However we believe expansion of the farmed salmon industry should be paused while new regulatory systems are imposed, in order to assess the need for relocation or review of licence conditions for farms with poor environmental performance.

Measures should be reviewed against the latest scientific evidence and footprint of marine industries to ensure they are still fit for purpose to tackle climate and nature crisis. For example open net pen finfish aquaculture has increased significantly and its environmental impacts accordingly, however its environmental impact is not considered in combination with other pressures such as chemical or plastic pollution, point source outputs from other industries including wastewater treatment works, or diffuse pollution such as runoff from agriculture and roads.

Objective 4: Protect and Support the Recovery of Vulnerable and Important Species and Habitats

Under the key actions for delivering this objective we feel the action to **'Revise Scotland's list of priority species and habitats for biodiversity conservation'** lacks detail of who will be involved in the process, and the intention of the list. As with many actions there is no timescale indicated. The action to **'Adopt a revised Priority Marine Feature list at the end of 2025 to align with National Marine Plan 2'** is welcomed.

We also support the action to **'Manage existing and emerging pressures to improve the conservation status of seabirds, marine mammals and elasmobranchs'** and would like to see a focus on chemical pollution as well as plastic pollution and disease. With chemicals such as PFAS known to bioaccumulate in bird species, and have endocrine disrupting properties, understanding their presence in the environment and wildlife is essential to this action.

Under the key action to **'Implement measures to protect and recover Scotland's wild Atlantic salmon and migratory fish populations'**, we welcome the actions to **'Deliver the actions set out in the Wild salmon strategy Implementation plan 2023-2028 to improve habitat and reduce pressures on salmon and other fish species'** and **'Undertake research on post-smolt and adult Atlantic salmon migration routes around Scottish coastal areas, and the use of estuarine and coastal habitats by sea trout, shad, smelt, river and sea lamprey and European eel'**.

Objective 5: Invest in Nature

For this objective we welcome the action to **'Increase investment in Scotland's coastal and marine environments'**. The Nature Restoration Fund and SMEEF have criteria for coastal and marine initiatives that focus on restoration, recovery, and enhancement. However, it currently restricts projects to those with biodiversity and conservation outcomes (i.e. restoration) and excludes those focused on achieving social outcomes. Addressing social outcomes in coastal and marine environments is essential to create conditions that enable the successful delivery of conservation outcomes.

Investing in activities to help restore Scotland coasts and seas by 2028 is good. However, these investments should also focus on increasing enforcement and monitoring. For example, The Marine Directorate of the Scottish Government should carry out a strategic review of its enforcement assets with a view to determining what further equipment or resources may be required in order to ensure an effective deterrence to illegal activities.

Objective 6: Take Action on the Indirect Drivers of Biodiversity Loss

Under this objective there should be 'biodiversity impact' screening for any recipient of public funds, including in their supply chains. In addition the circular economy must be embedded across our economy and lead to a reduction in the consumption of raw materials.

We welcome the actions to '**Develop a decision-making framework within NMP2 that supports marine ecosystem recovery through appropriate management of other supported marine activities by 2026**' and '**Develop policies and objectives within NMP2 that support the mitigation of and adaptation to the impacts of climate change by 2026**'. However it is essential that aspects such as scale, location, ambitions and specific percentages for restoration are further explored. Emphasising the target of actively restoring a percentage of degraded marine areas outlined from the EU biodiversity strategy should be a focal point in the development of the marine ecosystem recovery plan.

Annexe C: Submission of written evidence from Salmon Scotland

Dear Convener,

Salmon Scotland, the trade body representing the Scottish salmon farming sector, welcomes the opportunity to share information with the committee in anticipation of our appearance on Tuesday, 12 December.

Overview

Our response to the Scottish Government's Biodiversity Framework consultation is a comprehensive representation of the views of the entire sector. We wish to highlight specific issues integral to our stance on the proposed strategy, including:

- **Simplification of the consultation format:** The format and rate at which recent consultations have been developed adds complexity and imposes an onerous workload on respondents. This is the wrong approach and should not be applied for future consultation development by the Scottish Government.
- **Proactive involvement of stakeholders:** Proactive involvement of the sector and wider industry stakeholders in the development of plans and strategies is essential. Collaboration during the earliest stages of policy development ensures coherence and minimises the number of unintended and potentially damaging consequences.
- **Demonstrating capable monitoring for biodiversity goals:** To achieve Scotland's aim to halt biodiversity loss, robust monitoring must be established. This requires the capability for monitoring that aligns with high-level outcomes.
- **Confidence and security in policy implementation:** We urge Scottish Government to create policies and strategies that provide long-term stability and security for the industry and instil confidence in how industry data will be used to meet national objectives.
- **Recognition of salmon farming as a solution:** Future delivery plans and priority actions should regard salmon farming as a solution and emphasise the inherent local biodiversity and food security benefits.

The draft Biodiversity Plan for Scotland, while comprehensive, raises questions about its practicality in addressing the biodiversity crisis. We have laid out some of our concerns in more detail below.

The strategy

Overall, the strategy underlines a recurring issue between the government's rhetoric and the practical realities, giving the appearance that the government may be introducing a strategy that echoes elements of its earlier proposal on HPMAs.

Persevering with initiatives that resemble the HPMA issue raises concerns around the potential, once again, for unintended consequences of legislation and regulation – particularly in relation to the negative impacts to coastal communities that represent an important element of the backbone of Scotland's economy.

The concerns we raised about significant limitations of the evidence base when deciding on HPMA legislation remain entirely relevant, as the same data and evidence appear to be used as rationale for some of the proposals outlined in this strategy.

Particularly, we do not believe current evidence reports like the Scottish Marine Assessment 2020 (SMA 2020) are sufficient in providing robust evidence to understand the current environmental baseline. The full SMA 2020 document is not easy to find or access online, which is crucial for sectors if they wish to inspect, scrutinise, and provide advice on conclusions from baseline data. SMA 2020 is based on data and trends from 2014 to 2018, and by 2025 some data will be more than 10 years old at the point this plan is implemented. SMA 2020 also identifies a vast number of significant data gaps which do not appear to have been addressed since its publication. Unsubstantiated assumptions from an incomplete or unexamined baseline will be met with unrealistic or impractical solutions.

A thorough assessment of potential risks therefore is essential to pre-empt similar issues with this legislation, alongside more robust data, and evidence-led proposals. A more nuanced evaluation is imperative, ensuring alignment with broader biodiversity goals while minimising unintended consequences for those businesses and communities most affected.

The consultation process

The consultation process has been too onerous, overly technical and lacking in clarity for a number of reasons.

The inclusion of a wide range of reforms stretching across a diverse collection of industries in a single strategy document without a compelling core narrative is needlessly complex and, in our view, will hinder any effective implementation. The design of the consultation process could therefore call into question the validity of any responses, as by its nature it adds unnecessary risk to any interpretation of findings and overall evaluation of responses.

This is exacerbated by background and supportive reports not being readily available, and once found, remaining inaccessible to respondents due to their time-consuming and complex nature, which limits the extent of engagement with the consultation.

The approach taken makes it challenging for stakeholders, particularly in sectors like aquaculture, to provide meaningful and actionable responses and to provide their views effectively. The effect is that many of the questions asked as part of the consultation appear to us as vague and irrelevant because the wide-ranging nature of the legislation and the number of industries affected make nuanced questioning a

challenge.

This leaves the impression – however unintended – that the consultation is an exercise in process rather than a genuine attempt to gather the views of those impacted by the introduction of this legislation. This unfortunately mirrors the recent proposed legislation on HPMA's which received widespread criticism for its consultation process and accompanying documentation, the consultation questions – which respondents found complex and difficult to understand – and the way that views had been sought on the proposals. We note that like the previous proposals on HPMA's, what is proposed in the current Biodiversity Strategy (National Park Act amendments, Natural Environment bill, 30 by 30 network etc.) are all features of the Bute House Agreement with deadlines of adoption in 2025.

Given the similarities in process and evidence base, we have significant concerns that the lessons of that process have not been learned.

Parliamentary accountability

The far-reaching nature of the proposed legislation necessitates clarity on oversight. Given the proposed bill spans several cabinet portfolios and the work of several parliamentary committees, determining the appropriate committee and Cabinet Secretary responsible for overseeing its parliamentary progression remains a critical consideration to ensure that businesses, the public and others affected by the proposed legislation have full transparency over who is accountable for its journey through the parliamentary process. New legislation would normally be accompanied by a financial memorandum and an impact assessment, which would cover the financial costs both for government and the relevant business sectors. The responsible Cabinet Secretary and the Accountable Officer can then be held to account through the process of legislative scrutiny. The proposed process of a complex suite of inter-related statutory instruments (SSIs) does not allow for this level of scrutiny, and it is likely that the costs and the impact will remain obscure until implementation. We strongly recommend that the government be urged to take a route which allows proper Parliamentary scrutiny of its proposals.

We also note with concern the increasing prevalence of government using secondary legislation and proposing 'framework' bills. As we have seen in the past with bills in other areas, such as the National Care Service or Circular Economy, this approach can mean that MSPs are prevented from properly scrutinising government proposals due to the limited oversight that secondary legislation provides. Not only are MSPs denied their role with this approach, but industry is also denied full opportunity to share our views on proposals, effectively giving the system of government sole responsibility for creating legislation.

What needs to be addressed?

In summary, beyond the strategy's current scope, several key matters require attention to ensure its effectiveness:

- A concerted effort to engage with all industries affected is vital for the

coherent implementation of any legislation. The current broad-brush approach will mean that the views of our sector cannot be considered effectively as this legislation progresses.

- The consultation process needs to be improved to ensure clarity and relevance for different stakeholder groups. Clear identification and separation of diverse consultation topics are essential for stakeholders to provide targeted and relevant responses to ensure unintended consequences are avoided.
- For any proposals to achieve our shared aims, it is crucial to strengthen the evidence base for making decisions. Robust monitoring strategies, with a focus on data security and transparency between stakeholders and policymakers, must be actioned before any legislation is rushed through. The impact on our sector and the Scottish economy could be devastating if we find ourselves at the mercy of poorly thought through legislation, as we did with the proposed legislation on HPMAs.
- The positive role of the finfish aquaculture sector in biodiversity and food security requires greater recognition and support. Acknowledging this sector's positive contribution is pivotal for the holistic success of the strategy. We can help facilitate a meaningful process which seeks to mitigate the unintended impacts of any proposed legislation, but we would respectfully seek acknowledgement from the government that our sector has serious challenges which others affected by this legislation may not. A more nuanced and considered approach is necessary to ensure that this legislation achieves its laudable environmental aims without undermining one of Scotland's most significant and iconic exports, and severely impacting Scotland's coastal communities and workforce.

Annexe D: Submission of written evidence from Open Seas

December 2023

Overview

Open Seas welcomes the opportunity to respond to the Net Zero, Energy and Transport Committee's call for evidence regarding the Scottish Government's draft delivery plan for the proposed Scottish Biodiversity Strategy. Our response is centred on Scotland's inshore waters and how the proposals will impact the marine environment. In this regard we find the plan in essence to be insufficient to deliver the comprehensive and urgent action needed to restore and regenerate the health of Scotland's marine biodiversity. We have set out our findings concisely and structured to respond to the committee's three questions. For more information please contact Phil Taylor, details below.

1. Does the draft plan appear fit for purpose to address the biodiversity crisis as it affects Scotland?

With regard to the marine environment, the plan is not fit for purpose. It fails to identify many of the key actions required to meet the objectives, including some which are committed to but remain outstanding in other policies, and is largely a re-articulation of previously declared proposals. This does not amount to the step change in biodiversity protection it purports to be and undermines the ability of the Scottish Biodiversity Strategy to offer additional progress beyond what the Scottish Government already intends to achieve.

There is a significant disconnect between the urgency of action required to meet the objectives and the timescales, or lack thereof, outlined in the plan. An example of this is the proposal to "Deliver additional protection for [fish] spawning and juvenile congregation areas" by 2028. To have any meaningful chance of supporting restoration by 2030 a more ambitious timescale for this action needs to be set. Given that many species, such as cod, take 2+ years to mature, providing only two years of this protection prior to the deadline may even mean the objective to restore biodiversity is biologically impossible.

The proposals to implement fisheries management in Marine Protected Areas (MPAs) by 2025 is also far too slow and a considerable delay from what was committed to in the Bute House Agreement and repeatedly by Scottish Ministers, for example:

- on 11th November 2020, Cabinet Secretary Mairi Gougeon stated "Over the next 18 months, we will take forward fisheries management measures for a number of inshore MPAs and for 11 priority marine features outside MPAs."
- on 4th November 2021, Minister Lorna Slater stated "Most sites already have the required protective measures in place, and we have committed to putting in place further fisheries management measures on MPAs, where required, by March 2024."

- on 8th June 2022, Minister Mairi Mcallan stated “Already, 37 per cent of our seas are designated as marine protected areas, which exceeds the global target of 30 per cent by 2030 that is currently being negotiated. We will implement the remaining protective management measures for sites by 2024”
- on 22nd December 2022, Minister Mairi Mcallan stated “By 2024, we will complete the management measures for those MPAs, and we will work on the priority marine features that are most at risk from bottom trawling.”

The fact that these prior commitments have been repeatedly failed gives us little faith that the commitments made here in the Biodiversity Strategy will be met either.

Many other actions do not even set out timescales for implementation. All actions should be revised to ensure they are specific, measurable, achievable, relevant, and time-bound (SMART), with particular attention paid to the timelines both for planning and delivery.

2. Do you have any concerns that implementation of the plan could have adverse consequences? If so, please set these out.

The plan sets out neither the extensive action required for the strategy to halt and reverse biodiversity loss in Scotland by 2030, nor the urgent timescales needed for delivery. . A key concern is that having an overarching strategy which is incomplete, unambitious and with insufficient timescales will not deliver the urgent action needed to meet the 2030 target.

Another concern is the complete lack of reference in the plan to other important marine biodiversity commitments which the Scottish Government has made, but has yet to deliver. For example, there is no mention of achieving and maintaining Good Environmental Status (GES), despite the fact there is a legal obligation for the Scottish Government to achieve this by 2020 and currently every single marine region in Scotland is falling short of GES.

Other omissions include ensuring ‘national status or priority marine features’ are not harmed by fishing (required by National Marine Plan General Policy 9), and ensuring “the exploitation of marine stocks restores and maintains populations of harvested species above biomass levels capable of producing Maximum Sustainable Yield” (required by the UK Fisheries Act).

Alongside this there is no mention of the inshore cap consultation which the Bute House Agreement (2021) stated would be delivered “as soon as is practicable”. Nor is there mention of vessel tracking and monitoring for the trawl fleet. These omissions from the strategy raise serious concerns that the Scottish Government’s ongoing marine policy planning and delivery will not give them the due weight they deserve.

3. What matters, other than those set out in the plan, would require to be addressed to ensure that the plan works?

As mentioned above, the plan needs to connect all current Scottish Government

commitments on the marine environment, and mainstream biodiversity action within its other responsibilities, not simply deal with biodiversity in a silo. This plan does not do that for marine and fisheries issues in particular, and in fact appears to overlook things like commitments made within the Future Fisheries Management strategy, Future Catching Policy, and the UK Fisheries Act. Halting and reversing biodiversity requires spatial planning of the marine environment to ensure the long term sustainable management of resources, as well as steps towards recovery. The plan fails to capture this.

The Bute House Agreement promised “to consult as soon as is practicable on proposals to apply a cap to fishing activity in inshore waters” and “set a ceiling from which activities that disrupt the seabed can be reduced in the light of evidence as it becomes available”. This must be a high priority and take place in early 2024. Furthermore, the UK Fisheries Act states that we must incentivise low impact fisheries. An inshore limit on high impact fishing gear is essential to both recover inshore fisheries and habitats and support low-impact fishers.

There needs to be adequate vessel monitoring in place that ensures protection is implemented as well as designated; including Remote Electronic Monitoring (REM) on the entire bottom trawl fleet (both over and under 12m). The Scottish Government has failed to set out proposals for REM on the >12m bottom trawl fleet. The tracking systems currently used by this fleet, where its location is only given once every two hours, are not sufficient to ensure compliance. Proposals must outline measures to enforce marine protection.

Annexe E: Submission of written evidence from the Coastal Communities Network, Scotland

Dear NZET Committee,

Thank you for inviting the Coastal Communities Network (CCN) to submit written evidence on the Scottish Government's draft delivery plan for the Scottish Biodiversity Strategy, ahead of your meeting on 12th December.

Scotland is known to be one of the most nature-depleted countries in the world. In our consultation response to the earlier draft of the Scottish Biodiversity Strategy, we emphasised that a prerequisite for success (in halting and reversing biodiversity loss) would be a level of political will to take actions which might be unpopular for certain sectors. Whilst politicians must be willing to listen to all stakeholders, and set up pathways to enable meaningful input to proposals, they must also be prepared to address the root causes of the nature emergency we find ourselves in. This means, in practice, moving away from the mindset of a presumption in favour of "sustainable" economic development (as measured by metrics such as GDP) over environmental protection and restoration.

With that in mind, we address each of the questions we were asked to respond to.

Does the draft plan appear fit for purpose to address the biodiversity crisis as it affects Scotland?

We do not believe it does, so far as the marine environment is concerned. One of the primary shortcomings we have identified is the absence of decisive and immediate actions to combat marine biodiversity loss. Regrettably, many of the proposed measures in the draft plan merely restate pre-existing commitments and policies, offering minimal additional value in the short term. One example is the commitment to deliver management measures for inshore Marine Protected Areas (MPAs) and Priority Marine Features outside MPAs by 2025, which merely represents a delay from the earlier commitment made in the Bute House Agreement. Such delays are unacceptable, and we urge the Committee to consider a more expeditious timeline for the fulfilment of these crucial measures.

Furthermore, a considerable number of actions within the draft plan lack specificity and fail to provide clear implementation timelines. It is imperative that all outlined actions be revised to adhere to the SMART criteria, with particular emphasis on setting realistic and accountable timelines for both their planning and execution. For instance, while we appreciate the commitment to "*Increase the investment in activities that help restore Scotland's coasts and seas by 2028*," this statement lacks meaningful impact without detailed information on the methods and funding sources involved.

Fundamentally, the view of CCN is that halting the decline of biodiversity in the marine environment requires comprehensive spatial management rooted in an ecosystem-based framework. Regrettably, this crucial perspective is entirely absent from the current Delivery Plan. The prevailing management system for inshore

fisheries exacerbates the issue.

If the Scottish Government is serious in its commitment to become nature positive by 2030, we need to stop tinkering at the edges, go beyond planning to plan, and confront immediate threats to biodiversity head on. This includes addressing, in particular, the unsustainable growth of open cage salmon farming and the prevalence of bottom-contact fishing in Scotland's inshore waters. Once we've dealt with these threats then we can move to explore the opportunities for active recovery of biodiversity.

We hope the Scottish Government agrees that a healthy marine environment is essential for the long-term viability of coastal communities and commits therefore to working with local people, fishers included, and all other stakeholders to find solutions that deliver meaningful, enhanced protection for our marine environment whilst supporting ecologically sustainable livelihood opportunities.

Do you have any concerns that implementation of the plan could have adverse consequences? If so, please set these out.

The adverse consequences of not taking bold, immediate action will be far more consequential to Scotland than what is currently being proposed in the plan.

What matters, other than those set out in the plan, would require to be addressed to ensure that the plan works?

In addition to the elements outlined in the plan, there needs to be a serious conversation on the critical aspect of financing for the proposed action and initiatives. NatureScot has experienced a substantial 40% reduction in its real-term budget since 2010. CCN would like to understand how the ambitious goal of restoring nature by 2040 can be achieved in the face of continuous cuts to our environmental agencies? Is the expectation, as has happened in other sectors of society, that charities and community groups will step up and assume the responsibilities typically shouldered by statutory bodies?

CCN strongly advocates for increased community leadership in the management of our seas, and acknowledge the pivotal role that community-based organisations have already played in engaging with marine conservation and restoration efforts in Scotland. However, it is crucial to recognise that the Scottish Government has a role to play in creating an enabling environment where communities are not only encouraged but also equipped with the necessary resources and expertise to articulate and realise their own visions for conservation and restoration. This involves not just acknowledging the value of community involvement but actively fostering an inclusive approach that empowers local stakeholders.

Finally, we would like to point out that an overemphasis on searching for robust evidence to inform decisions is hindering progress in tackling the biodiversity crisis. Ministers and other decision-makers often need reminding of their obligations to uphold the precautionary principle with regards to uncertainties in environmental matters, which states that if a policy or other activity is suspected to cause harm to

the environment, they must err on the side of caution even where complete scientific proof of a risk is lacking. Instead, lack of evidence has routinely been used by the Scottish Government to avoid taking, and even obstructing, efforts to protect nature. An obvious example of this is the consenting of new salmon farms despite the many unknowns on the scale of the existing impact of the sector on the marine environment.

We have a golden opportunity to get a handle on this crisis and turn things around, but only if the political will is there.

Thank you for your consideration.

Yours sincerely,

Alan Munro

On behalf of the Coastal Communities Network