Tackling the Nature Emergency: Consultation on Scotland's Strategic Framework for Biodiversity

PART A

Overview

Part A - Section One: Scottish Biodiversity Strategy **(No Questions) Views are welcome**
Scottish Water is committed to supporting Scotland's natural heritage both through core water and wastewater functions, in the management of landholdings and other activities. Our 2021-27 Strategic Plan identified enhancing our natural environment as a key goal. We rely on a good quality natural environment for the provision of water and wastewater services, and investing in Scotland's natural capital will benefit both biodiversity and our long-term resilience to climate change. Our Biodiversity Report in 2020 set out how Scottish Water contributed to the "6 big steps for nature" by 2020. Since then, we have taken a number of positive actions to understand and improve biodiversity, including: • Assessing the biodiversity and natural capital status of our landholdings to understand where and how we might make improvements • Investing to improve the carbon balance of our landholdings through woodland creation and peatland restoration • Investing in peatland restoration for water quality and resilience • Developing "nature based" approaches to managing rainfall and drainage in urban landscapes • Building the consideration of biodiversity into project development and site management across our business Reversing the biodiversity crisis is a key element of the response to the climate emergency – for carbon capture to support net zero and building our resilience to flooding and water quality risks. We welcome the Scottish Biodiversity Strategy and associated instruments as a positive step towards moving this forward. The consultation rightly emphasises the key role of nature in supporting climate resilience and we are pleased to see the commitments to integrating with the climate change plans proposed by the Scottish Government for consultation next year. Our work on climate change risk has identified a number of challenges to the land and water environment and this demands integrated responses from local and regional partners. We are therefore pleased to see the nature and climate change adaptation brought together, and its relevance to local development plans and national planning frameworks called out within this strategy. It is important that this is reinforced in Scotland's National Adaptation Plan, due for consultation next year, as only by having a clear and common adaptation framework can we effectively integrate our activities with local authorities, land managers and

others to deliver both climate and biodiversity resilience. There are further opportunities for alignment in the current consultation from the Scottish Government on tackling the impacts of climate change and water scarcity for the water sector in Scotland.

Detailed Response

Part A - Section Two: Scottish Biodiversity Delivery Plan - Chapter 1 Introduction: From Strategy to Delivery **(No questions)**

Part A - Section Two: Scottish Biodiversity Delivery Plan - Chapter 2 **Objective 1: Accelerate Restoration and Regeneration**	
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**
Yes We broadly welcome the measures proposed and believe the key actions are generally correct and are likely to make progress towards the objective. One oversight might be to provide guidance on the way in which this strategy could be explicitly driven through the Public Bodies Biodiversity Duty. There are some areas that require further clarification. **Statutory targets** Statutory targets could be a key mechanism to drive action more from the Scottish Government through various departments. However, it would be important to be clear on the basis for assessment, the framework for implementing and how progress towards achieving these targets would be measured / reported. For example, would this require a baseline biodiversity status against which targets might be set, and would this be part of the wider Scottish public body biodiversity duty? **Ecosystem restoration measures** We support this element and would note the importance of establishing the 6 large landscape scale restoration clusters. Landscape scale change is difficult, and we need to develop exemplars to show both the benefits to nature, climate resilience and society, and how the challenges of delivery can be overcome.	

The goal to establish these by 2025 is achievable but we would question why wait until 2030 to get management structures in place to support delivery. There will be clusters where action can progress earlier than this and we would recommend this is explored further.

More widely we would recommend further engagement with the agricultural sector on rural reforms to incentives to identify where simple measures to improve biodiversity with no detriment to productivity can be incentivised to better drive landscape scale restoration.

Marine Litter/Plastics
We welcome the focus on source controlling single use plastic through legislation and would support further actions in relation to litter management at a national scale.

Deer Management
We welcome the proposals to progress action on deer management – this is one of the major cost drivers for seeking to restore native woodland areas across Scotland.

Enhance Water and Air Quality
There is a key need for the Biodiversity Delivery Plan delivery plan to be reviewed in the context of the current Scottish Government consultation on tackling the impacts of climate change and water scarcity.

The promotion of nature-based drainage systems to deal with climate and other challenges in particular will need more integration of policy and legislation to support delivery.

River Basin Management Planning
We would welcome further engagement on the range of water management mechanisms proposed, particularly as RBMP will have completed its 3rd Cycle in 2027.

We note that outcomes in the consultation focus on 2030. We would expect to see water quality improvements based on these proposed actions; however ecological indicators may take longer to recover.

Water use regulations
Scottish Water recommend greater integration between the water environment and water use policy frameworks, including the current consultation noted above.

The use of the CAR regulations to address the impacts of climate change requires significant engagement between NatureScot, SEPA, Scottish Water and other water users to ensure it can be managed to support effective adaptation – for both water users and the environment.

Further work on long term (multi-decadal) climate scenarios is required to help focus on how this might be developed.

Monitoring
One of the challenges is good data to enable us to understand how our water environment is improving (or not). It would be helpful to create the facility for wider

sharing of information from organisations such as Fisheries Trusts, Salmon Boards and others to better understand the ecological status of our waters and how we might work with local interests such as fisheries to improve water and riparian habitats.

Invasive, non-native species (INNS)
We welcome measures to manage INNS in the longer term, in particular the emphasis on prevention. We also welcome greater emphasis on Biosecurity practices.

INNS are exceedingly difficult to remove once present. There is a need to fully integrate INNS control measures into a wider environmental management framework, with reference to cross catchment transfers of water.

Cross- catchment transfers are an integral part of the public water supply. 75% of the population are supplied with water which has been transported cross-catchment prior to treatment. To adapt to a changing climate, it may be necessary to consider new cross catchment transfers in the future.

The recent SEPA policy note on INNS transfers places significant prophylactic treatment requirements on new transfers, to the microscopic scale. There is no current technical standard on how this policy should be interpreted or implemented. As it may be interpreted to refer to any theoretical multicellular organism not naturally present in Scotland a full prophylactic treatment approach is unlikely to be technically feasible, beyond the provision of a near full drinking water standard treatment, which would be disproportionate

Proportionality of is required in the context that there are multiple vectors for INNS transfer, from human use (i.e., watercraft and fishing tackle) and though natural transfer (i.e., attachment to migratory waterfowl).

At a policy level it is recommended that INNS management be placed within a holistic evidence and risk-based framework which considers all environmental factors alongside essential water services. Technical guidance should be provided on prevention measures and where necessary research commissioned to identify gaps in understanding.

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**

Unsure

It is not clear within the consultation what is meant by “on track”. The goal to achieve this by 2030 is very challenging. One of the measures noted under other objectives – “30 by 30” will also make a big contribution to this objective. We would

suggest that this is something that should be linked here as something that could make big contribution to accelerating recovery and might be more considered within the suite of actions proposed.

We would also suggest that more ambition might be shown in progressing actions within the 6 land clusters selected for ecosystem restoration ahead of 2030.

Aligning with other regimes is vital to increase the pace of delivery. The delivery strategy rightly notes the need to integrate with local development planning and national planning policy, but it should also integrate with current consultations in the water sector on addressing climate change and water scarcity.

2c	**Which actions do you think will have most impact?** **Please state the actions and explain the reasons for your response.**

There are a number of very positive actions called out:

Practical actions on the ground are likely to have more effect in the relatively short timeframe of the delivery plan.

The creation of six land clusters and accelerating actions within each before 2030 would be an exemplar of how we might deliver landscape scale improvements for biodiversity and natural capital, support nature, society and long-term climate resilience. Building the capacity to co-ordinate action through multiple stakeholders in the clusters will be challenging but could set a blueprint for more action.

Statutory nature restoration targets have the potential to drive appropriate behaviours across government and public bodies. However, this requires a clear framework to support aligned and integrated action, a common understanding of restoration objectives and metrics to set meaningful targets, and a means of assessing the benefits of any actions and reporting progress.

Additionally, improvements might not be possible for individual organisations – the link to local planning and national planning policy is critical to support a shared understanding of the goals that may enable integrated action.

Herbivore and deer management has the potential to be a major contributor to enhancing biodiversity, particularly with respect to the restoration of native woodland in the near term, but we note this will be very challenging.

Establishing a national peatland monitoring programme will help target action more effectively, delivering biodiversity, carbon and climate resilience outcomes.

Part A - Section Two: Scottish Biodiversity Delivery Plan - Chapter 3

Objective 2: Protect Nature on Land and at Sea across and beyond Protected Areas	
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** **Please explain the reasons for your response**

Unsure.

We have recorded our response as unsure because, whilst there is a lot to recommend within this section, some further clarification would be helpful.

Protected areas
We support the 30 by 30 goal as a means to bring more of Scotland's landholdings under effective management for biodiversity. The proposed use of Other Effective Area-Based Conservation Measures (OECMs) as defined in the UN guidance accompanying the consultation is a pragmatic way to increase the areas managed for biodiversity without the significant burden associated with formal protected area designations.

We would welcome further engagement on how this might practically be applied in Scotland. Scottish Water's landholdings (focussed on water catchments) are leased for a range of purposes, and much might be described as being under management for nature as primary, secondary or ancillary outcome.

We would like to understand how this might fit with the OECM classifications, noting the guidance describes them as "imprecise." It would be useful for a simple guide to be produced and we would be happy to use examples from our estate to test this.

Protected vs conserved
The consultation does not define what this means for biodiversity management and along with the development of the above approach for protected areas it would be helpful to set this out.

National Parks
We agree National Parks can be exemplars. They should be engaged in the development of the clusters discussed in Objective 1 – making use of existing management structures may help accelerate action.

We agree that they are well placed to consider the climate emergency and have been pleased to be part of work by CNPA considering climate risks to the 2080s and how the Dee catchment landholdings might be managed to support resilience. This demands long term strategic planning to engage stakeholders and plan effective adaptation that supports resilience for nature and society. National Parks seem well set up to support this along with keystone public bodies such as NatureScot, Forestry and Land Scotland, SEPA, local authorities and, where appropriate, Scottish Water.

Nature Networks, Ecological Connectivity and Biodiversity metrics
There is a need and opportunity for local connectivity and protection measures to be better implemented through local authorities. The biodiversity metric could be a key enabler of this. It is important that the metric does not become overly complex or technical (e.g. in the way that is associated with major development and biodiversity loss/gain/compensation), but enables local authorities, landowners and others to easily assess the biodiversity status of their area, plan improvements and track performance.

Working with NatureScot we identified that as part of our baseline work for biodiversity on our land, connectivity was a key element to help us understand how our sites contributed to or supported the biodiversity status of the surrounding area.

It may be appropriate to think about how biodiversity is valued and supports wellbeing within the metric – e.g. creation of small amounts of improved biodiversity in an area which enriches the environment for people may be something to prioritise in some areas.

Blue and Green Enhancement
We are pleased to see reference to enhancing blue and green spaces within the consultation. We strongly support the requirement for local authorities to prepare and implement a vision for surface water management by 2030 and would suggest this is a key element in local authorities working with nature to support climate resilience in their respective areas. This could be made more explicit and act as an exemplar for nature-based solution to climate and flooding that also deliver biodiversity and other benefits.

This objective needs to be closely linked with the parallel consultation from the Scottish Government which includes drainage and climate change. Such an approach demands strong partnership working between Scottish Water, local authorities and others to deliver and there are good examples of joint work including with NatureScot that might be used as examples of how to proceed.

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**

Unsure

There is limited time between now and 2030 to ensure that Scotland is on track to ending biodiversity loss. We have made several suggestions in the previous answers that might increase the pace of delivery by using National Parks to support exemplar clusters, accelerating action within clusters ahead of 2030, using existing structures and actions already underway in some candidate clusters and developing statutory targets and metrics.

Actions that only require a local authority to "consider" (i.e., *Every local authority should consider the need to prepare and implement a vision for surface water management including appropriate actions for blue green infrastructure by 2030*) will face a challenge in the current economic climate, emphasising the need for partnership and integration with some of the measures being developed in the parallel water and drainage consultation.

The action "*Every new transport and active travel infrastructure project should incorporate elements of blue-green infrastructure (BGI) (and seek opportunities for enhancing/expanding blue green infrastructure) by 2030*", has significant potential to improve urban areas. But this will require time and effort to develop and deliver and we would welcome further engagement to support this.

A clear and simple delivery plan with timebound actions and high-level metrics is needed to support implementation of the strategy and understand what is working and what needs to be improved to achieve the 2030 goal.

2f	**Which actions do you think will have most impact?** **Please state the actions and explain the reasons for your response.**

The "30 by 30" initiative could be a simple and effective way of engaging landowners (public and private) in the challenge, identifying opportunities and bringing more land under positive management for biodiversity by 2030. Development of simple metrics can help to support this and many of the actions proposed.

Actions to make National Parks an exemplar for biodiversity protection, along with the engagement of Local Authorities in nature connectivity and blue and green spaces are vital.

The action "*Include a requirement within the development management process (under NPF4) for management and maintenance plans for blue/green infrastructure to be routinely submitted (and finance secured) demonstrating how the design and maintenance of these areas will contribute to lasting positive effects for biodiversity.*" has significant potential for benefit, but will require delivery with multiple organisations (water sector, developers etc) to ensure they are well planned and maintained long term.

Part A - Section Two: Scottish Biodiversity Delivery Plan - Chapter 4

Objective 3: Embed Nature Positive Farming, Fishing and Forestry

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**

Yes

The proposed actions appear cover the range of measures we would expect, but the success in implementing them, particularly for farming, will be contingent on the work underway to adjust the rural incentive regimes and payments. It will be important that biodiversity and climate resilience is considered fully in these revised frameworks.

Farming
Scottish Water is supportive of an integrated system of soil and water health though catchment management, but we would note that it is important to consider climate change resilience within this.

Forestry
Scottish Water recognise the role that forestry plays in promoting biodiversity, however care is required to ensure that forestry is developed in a manner that does not negatively impact on water resources, by focusing on sustainable planting and felling practices and giving due consideration to the intensive water demands of certain species and plantation types.

Riparian buffer zones may represent an opportunity for mutually beneficial environmental and water quality improvements.

Aquaculture
There is a recent shift in fisheries production from sea cages to on land tanks to minimise impacts on wild salmon. Consideration should be given to the extent to which this shift will pressure water resources on land, particularly in island communities.

Nutrients
Nutrient inflow can cause adverse eutrophication of water bodies leading to a deterioration in water quality. Nutrient control and land runoff is a key area for managing eutrophication, which may become more important with climate change.

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**

Unsure

The actions appear generally correct but in line with earlier responses we would note that 2030 is a short-term timeframe and with the wider work required to review rural payments etc it is important that a clear framework for action and ability to track delivery and outcomes is in place to help drive action.

2i	**Which actions do you think will have most impact?** **Please state the actions and explain the reasons for your response:**

The action *"increased uptake of high diversity, nature-rich, high soil-carbon, low intensity farming methods while sustaining high quality food production"*, coupled with the agricultural support framework is the most ambitious and hence may be the most impactful for delivering improvements across large areas of Scotland. Building climate change resilience into this will be important.	
Part A – Section Two: Scottish Biodiversity Delivery Plan – Chapter 5 **Objective 4: Protect and Support the Recovery of Vulnerable and Important Species and Habitats**	
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**
Scottish Water has no comment.	
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**
Scottish Water has no comment.	
2l	**Which actions do you think will have most impact?** **Please state the actions and explain the reasons for your response**
Scottish Water has no comment.	
Part A – Section Two: Scottish Biodiversity Delivery Plan – Chapter 6 **Objective 5 – Invest in Nature**	
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**

Unsure.

The proposals for a Biodiversity Investment Plan, scaling delivery of peatland action and to develop mechanisms to incentivise investment in nature are sensible and reflect the need for greater investment in nature.

Some of the measures noted out earlier such as improved peatland monitoring should help to better target the resources we have, and the development of metrics for biodiversity could support business cases for investment in biodiversity by setting out more clearly how investment may contribute to the delivery of the strategy.

Building biodiversity into existing codes such as woodland and peatland may be helpful in building assurance on biodiversity in these schemes and incentivise biodiverse woodland over productive woodland, but this will need to be reviewed alongside Scottish Forestry Grant Schemes.

The consultation notes the range of schemes that might support more investment (FIRNS, Peatland Action, Nature Restoration, Civtech Challenge, SMEEF etc). It would be helpful to review all public and private financing initiatives to provide guidance to those seeking investment and to ensure that investment is effective.

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** **Please explain the reasons for your response**

Unsure.

As noted in other responses 2030 is relatively near term and a clearer delivery plan would be needed to build confidence that 2030 could be met.

2o	**Which actions do you think will have most impact?** **Please state the actions and explain the reasons for your response**

Building confidence of investors through developing a good quality market for private investment in nature for both capital and maintenance funding could be key to making progress quickly.

Part A - Section Two: Scottish Biodiversity Delivery Plan - Chapter 7 **Objective 6: Take Action on the Indirect Drivers of Biodiversity Loss**	
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**
Yes Generally, the actions seem appropriate, and we would support the goals around mainstreaming and integrating biodiversity across government policy areas. This will be key to ensure biodiversity action is viewed as necessary as climate mitigation and adaptation action. Strengthening the connection of people with nature is important and could be further strengthened by linking to long term climate resilience (noting the intent to mainstream nature in Scotland's climate change adaptation plans). The action to "Develop a communication and engagement programme by 2024" seems challenging.	
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**
Unsure. 2030 is a short-term timeline for halting biodiversity loss, and whilst we would support the actions it will be important to focus on implementation and tracking the effectiveness of measures.	
2r	**Which actions do you think will have most impact?** **Please state the actions and explain the reasons for your response.**
Mainstreaming policy across government departments will be key to ensure biodiversity action is viewed as necessary as climate mitigation and adaptation action. Public bodies have had a biodiversity duty for a number of years. Further guidance to public bodies to support the actions and report on their progress as part of 3 yearly reporting requirements might be an effective way to make progress with this action.	

Part A - Section Three: Nature Networks Policy Framework	
3a	**Do you have any comments on the Nature Networks Framework?** **Please provide any comments**
We support the overall approach and agree that bottom-up networks are important but note that finance and resource provision need to consider both capital funding and long-term maintenance funding for nature assets.	
Part A – Section Four: 30 by 30 Policy Framework	
4a	**Do you have any comments on the 30 by 30 Framework?** **Please provide any comments**
We are supportive of the goals and themes set out for the 30 by 30 Framework. It would appear that Scottish Water fits with Theme 4 action "Land owning public bodies will manage their land to contribute towards 30 by 30". As noted in our response above we would be keen to engage with Scottish Government and with NatureScot to explore how this will work in practice.	
Part A - Section Five: Impact Assessments	
Strategic Environmental Assessment	
5a	**What are your views on the accuracy and scope of the environmental baseline set out in the environmental report?**
No comment	
5b	**What are your views on the predicted environmental effects as set out in the environmental report?**
No comment	
5c	**What are your views on the reasonable alternatives as set out in the environmental report?**
No comment	

5d	**What are your views on the proposals for mitigation and monitoring of the environmental effects set out in the environmental report?**
No comment	
Business and Regulatory Impact Assessment	
5e	**Do you think that any of the provisions in the Scottish Biodiversity Strategy or Delivery Plan will have any adverse effects on business? Yes/No/Unsure** **If yes, please provide any comments.**
Unsure The impact of long-term maintenance costs on businesses is a consideration that may impact the sustainability of the provisions. Consideration is required for the impact of prophylactic INNS control and changes to the purpose of the CAR regulations on water users.	
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.**
No comment.	
Fairer Scotland Duty Assessment	
5g	**Do you think that any of the provisions in the Scottish Biodiversity Strategy or Delivery Plan will have any adverse effects on socio-economic equality? Yes/No/Unsure** **If yes, please provide any comments.**
No comment.	
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.
No comment.	
Equality Impact Assessment	
5i	**Do you think that any of the provisions in the Scottish Biodiversity Strategy or Delivery Plan, will have any adverse impacts on people with protected characteristics? Yes/No/Unsure** **If yes, please provide any comments.**
No comment.	
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.**
No comment.	
Islands Communities Impact Assessment	
5k	**Do you think that any of the provisions in the Scottish Biodiversity Strategy or Delivery Plan, will have any adverse impacts on island communities?** **Yes/No/Unsure** **If yes, please provide any comments**
Unsure. Our island communities have a unique environmental and socioeconomic position. Many are located in areas which currently experience significant rainfall, however due to the small size of island catchments the flows during a dry period may by low and become more pronounced through climate change. Consideration of the water regulations must be given for the appropriateness of flow standards for this context in rivers with low flows and natural dry periods. Further, given they typically have multiple small catchments the availability of cross catchment transfers to provide communities with a sustainable water supply is particularly important. Consideration is therefore required to the impact that INNS	

regulations may have on island communities.	
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**
No comment.	
Child Rights and Wellbeing Impact Assessment	
5m	**Do you think that any of the provisions in the Scottish Biodiversity Strategy or Delivery Plan, will have any adverse impacts on child rights and wellbeing? Yes/No/Unsure** **If yes, please provide any comments**
No comment.	
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**
No comment	

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