

PE1812/Q

Scottish Government submission of 1 March 2021

CONSIDERATION OF PETITION PE1812: [Protect Scotland's remaining ancient, native and semi-native woodlands and woodland floors](#)

Thank you for your letter of 29 January 2021, about the Committee's consideration of the petition detailed above and the request for further information. I have set out below the Scottish Government's responses to the questions in your letter.

1. Scottish Land & Estates point out that the Scottish Biodiversity Strategy target requires that 60% of native woodland are in satisfactory condition by 2020. Did the Scottish Government meet that target, and if not, how does it intend to do so.

Scottish Land and Estates submission of 27 November 2020 stated that they believed ancient woodlands were already afforded high levels of legal protection, but indicated that improving woodland condition, a strategic driver in Scotland's Forestry Strategy and a target in the Scottish Biodiversity Strategy, required greater focus and positive support.

The two Scottish Biodiversity Strategy targets that relate to native woodland condition are to i) increase the amount of native woodland in good condition (upwards from 46% as identified by the Native Woodland Survey of Scotland) and ii) Restore approximately 10,000 ha of native woodland into satisfactory condition in partnership with private woodland owners through Deer Management Plans.

Progress reporting against the first target is completed through the [Delivering Favourable Condition](#) programme. The Scottish Government established the Delivering Favourable Condition Partnership to target resources, through an Action Plan, to improve the condition of designated areas. The aim is that improvements will be achieved within 3 years of an area's inclusion in the Action Plan. The partnership is led by NatureScot and includes involvement from the public and private sector.

Scottish Forestry and NatureScot are working together targeting woodland features currently in unfavourable condition. The proportion of Scotland's protected woodland sites in favourable or recovering condition at 31st March 2020 was 64.3%.

Scottish Forestry have a number of grants that support bringing woodland back into favourable condition such as livestock exclusion, protecting designated sites and SSSI's, controlling invasive non-native species and deer management. Scottish Forestry will continue to work with landowners and organisations to improve on this target. For example by working closely with Trees for Life to support their Caledonian Pinewood Restoration project and supporting the Alliance for Scotland's Rainforest to improve the condition of Scotland's rainforest.

Progress reporting against the second target is led by NatureScot. In their report [Assessing Progress in Deer Management - NatureScot report to Scottish Government 2019](#), restoration of native woodlands delivered through the Deer Management Group assessment process had not been quantified. Their key

assessment to show progress against this target was for management groups to manage herbivore impacts'. It was concluded that more Deer Management Groups were setting objectives relating to native woodland condition and were actively considering how to deliver on these objectives, for example by exploring grant availability.

Scottish Government commissioned a review of deer management in Scotland by the independent Deer Working Group. The report, which was published on 29 January 2020, made a number of recommendations. Scottish Government are giving careful consideration to the report's findings before publishing a response.

2. NatureScot's points on the specifics of where woodland is poorly protected, and whether the Native Woodland Survey of Scotland could more accurately map woodland.

NatureScot's submission of 27 November 2020 stated that overall natural woodland is well protected against felling and removal, but poorly protected against persistent damage leading to loss of area, condition and richness similar to above. NatureScot suggested that due to the scope of the NWSS it may be able to help with identifying native woodlands that are in poor condition.

The Native Woodland Survey of Scotland (NWSS 2014) was the first consistent and authoritative national survey of Scotland's Native woodland. It identified 311,153 hectares of native woodland (22.5% of the total woodland area of Scotland) and a further 13,383 ha of nearly-native woodland. The survey reported that 46% of native woodland in Scotland was in good condition. The Scottish Biodiversity Strategy set a target to increase this. As detailed in the answer above progress reporting against this target is completed through the Delivering Favourable Condition working group.

The NWSS identified the two key threats to the condition of Scotland's native woodlands as: a) invasive and non-native plants, in particular *rhododendron ponticum*; and b) grazing by sheep and deer.

Action to tackle these threats includes: a) the publication of [An Approach to Controlling Invasive Rhododendron in Scotland](#) and [Guidance for Delivering Invasive Non-Native Plant Control Projects](#) to better focus control efforts and maximise available grant support; and b) the delivery of [Scotland's Wild Deer: A National Approach, Including 2015–2020 Priorities](#) by land managers and public bodies. These activities are supported through funding under the Scottish Rural Development Programme. As above, Scottish government also commissioned a [review](#) into deer management by the independent Deer Working Group, and are giving careful consideration to the report's findings before publishing a response.

Scottish Forestry makes full use of the Native Woodland Survey of Scotland data in conjunction with Site Condition Monitoring data collected by NatureScot for Protected Areas, to determine the condition of woodland features and identify those that require improvement through both invasive non-native plant control and reducing deer browsing impacts.

3. The support for the inclusion of protection of woodland in the forthcoming NPF4 from the John Muir Trust and Heads of Planning Scotland.

Our planning system is changing and we recently published the National Planning Framework 4 Position Statement, which sets out the Scottish Government's current thinking on the issues that will need to be addressed when preparing Scotland's fourth National Planning Framework.

The position statement is clear that our spatial strategy will strengthen our approach to protecting and restoring the health and quality of Scotland's natural environment. We will ensure that our approach to planning supports Scotland's role in responding

to the twin global crises of biodiversity loss and climate change, including by strengthening policies designed to protect and restore Scotland's biodiversity and natural assets and to improve their long term resilience to the impacts of our changing climate. This includes considering strengthening policy on woodland protection and creation in association with development, aligned with new provisions on forestry and woodland strategies, as one of the priority policy changes to support the outcome for better, greener places.

4. The opportunity presented by Brexit to increase the protection of ancient woodlands in line with the action taken by the EU and whether existing legislation could be improved in the context of Brexit related work, as raised by the Strathclyde Centre for Environmental Law and Governance.

The high level [Statement of Intent on biodiversity](#) that we published in December 2020 reiterated that Scottish Ministers have committed through our Environment Strategy Vision and Outcomes, and in legislation through the Continuity Bill, to maintaining or exceeding EU environmental standards where appropriate and practicable to do so.

The UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 provides for Scots law to keep aligned with EU law and explicitly states that one of the key purposes of the power is to maintain or advance standards in relation to environmental protection. The Continuity Act upholds the core guiding principles on the environment, and maintains environmental governance, through the establishment of a new environmental governance body, Environmental Standards Scotland. A draft policy statement, regarding the use of the discretionary power to align with EU law, will be brought forward for consultation early in the new Parliamentary session.

The Scottish Government has made clear its commitment to the environment is more than keeping pace with the EU. It is also about this Government continuing to work closely with all our international partners to ensure global and local action is taken to protect and address the twin crises of climate change and biodiversity loss. There may be opportunities to align through other legislative provisions, without exercising the power under the Continuity Act, for example through existing domestic powers, or via Primary legislation. The discretionary power ensures, however, that there are no gaps in our ability to legislate effectively as a result of EU withdrawal.

In preparing our new Scottish biodiversity strategy, we will take close account of the EU Biodiversity Strategy, once finalised, and the new global biodiversity framework, goals and targets to be agreed at the Convention on Biological Diversity's 15th Conference of Parties (CoP15). The Statement of Intent announced our intention to publish a new, high-level, policy-focused Scottish Biodiversity Strategy no later than 12 months after CoP15. The new strategy will stand alone, replacing both the 2004 strategy and the 2020 Challenge, emphasising and responding to our new understanding of the increased urgency for action to tackle biodiversity loss.

This will also enable us to build on the 2004 'Vision to 2030' set out in 2004 to reflect the 2030 goals to be agreed at CoP15 and the CBD's 2050 vision of living in

harmony with nature. Notwithstanding our intention to publish a new strategy, it also remains essential to maintain a focus on continuing to deliver, and enhance wherever possible, biodiversity improvements under the auspices of our current strategy and Route Map and using the contribution made by partners across the public, private and third sectors. This work will use delivery mechanisms which continue to be in place through 2021 and in some cases beyond. We have committed that in developing a new biodiversity strategy to reflect the post-2020 global biodiversity framework, we will work closely with our stakeholders. We will devise innovative solutions and partnerships which bring new voices into the debate, enabling us to drive delivery further.

Our Statement of Intent also announced that we will extend the area protected for nature in Scotland to at least 30% of our land area by 2030, and that we are commissioning advice from NatureScot on how best to achieve this – and on whether we can go even further, given that we have already achieved 37% protection of Scotland’s marine environment – including through identification of Other Effective area-based Conservation Measures (OECMs).

I hope and trust that the information outlined above will provide the Committee with the information it needs.