

# Title: Protected Areas Committee (PAC) Annual Report 2023-2024

**Date: 14 May 2024**

| **Purpose:** | Decision |
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| **How does this link with our corporate priorities of improving biodiversity or delivering nature-based solutions to climate change:** | The work of the Protected Areas Committee (PAC) is relevant to both improving biodiversity and delivering nature-based solutions to climate change. |
| **Summary:** | This paper presents a summary of PAC activities from April 2023 to March 2024.  The PAC met six times during this period:  24 May 2023  29 June 2023  12 October 2023  16 November 2023  11 December 2023  20 February 2024  All of these meetings were in closed session to allow the Committee to discuss matters in confidence. |
| **Recommendations:** | Board are asked to endorse the contents of the paper reflecting the work undertaken by the PAC during the past year. |
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| **Sponsor:** | David Johnstone |

## Purpose

1. This paper has been prepared to update the Board on the activity of the PAC since the last annual report. This update covers the period from April 2023 to March 2024. The previous Annual Report was submitted to the Board in June 2023.
2. Over the past twelve months the PAC has focussed on:
   1. Caithness & Sutherland Peatlands – extension to protected areas
   2. Bargeny Hill SSSI designation
   3. Highly Protected Marine Areas
   4. 30x30 and Nature Networks framework
   5. Protected Areas Legislative reform – Natural Environment Bill
   6. Reviewing Terms of Reference – Future role of the PAC

## New Committee Members

1. No changes to the PAC membership took place over the last twelve months. David Johnstone continued as Chair with Prof Jaboury Ghazoul, Dr Jill Robbie, Nikki Yoxall and Aoife Martin continuing as committee members.

## Caithness & Sutherland Peatlands - extensions to protected areas

1. The PAC met to consider the proposal to extend two SSSIs, including hearing the representation from the landowner of both sites and reviewing photographs from a site visit attended by NatureScot staff, the PAC Chair and the landowner’s agent. The Committee considered all the evidence presented, noting that ongoing restoration work would be covered by Peatland Action. The objection received was of a socio-economic nature and so could not affect the decision on the notification.
2. The PAC agreed to recommend to the Board that the extensions of both sites should be confirmed. The Board subsequently confirmed the extension to both sites.

## Bargeny Hill SSSI designation

1. Bargeny Hill is an area of species-rich grassland which was identified as a possible SSSI. NatureScot started the notification of the site in 2023 and one of the two owners objected to the notification, including submitting a survey they had commissioned of the site.
2. The PAC requested independent advice on the condition of the site. This was carried out in July 2023 by Professor Pakeman of the James Hutton Institute. The Chair of the PAC accompanied him on the site visit and met the owner who was objecting to the notification. The advice from Prof Pakeman was that, although damage had occurred to the grassland after notification, it was possible to restore it.
3. The PAC met to consider all the evidence in connection with the case and to hear the representation from the owner objecting to the notification. Following this, the Committee agreed to recommend to the Board that the notification of the site be confirmed. The Board accepted this recommendation.

## Highly Protected Marine Areas

1. The cabinet secretary made an announcement in June 2023 to not proceed with HPMAs but move towards Enhanced Marine Protection. The committee were brought up to date on the work around this, including the Scottish Government consultation and responses. A strong outcome from the analysis of responses was the collective support for the protection of the marine environment but concern over the HPMA process. NatureScot staff continue to work with Marine Directorate and stakeholders on marine protection.

## 30x30 and Nature networks framework

1. NatureScot has been commissioned by Scottish Government to deliver work on Nature Networks and 30x30. These frameworks have been developed and put out for consultation.
2. The committee discussed the criteria for site selection around both 30x30 and Nature Networks. The committee noted there was still confusion around OECMs (Other Effective area-based Conservation Mechanisms). NatureScot staff advised the PAC that they are taking a co-design approach to developing criteria and policy for OECMs. It was suggested that the PAC may be able to support efforts to engage with hard-to-reach groups in relation to the development of this policy.

## Protected Areas Legislative reform – Natural Environment Bill

1. An update on the Protected Areas Reform was given to the committee in February 2024. Scottish Government was considering consulting on a number of legislative reforms for Protected Areas. These legislative changes would be made through the proposed Natural Environment Bill. NatureScot staff provided advice to Scottish Government on these proposals.

## Reviewing Terms of Reference – Future role of the PAC

1. The committee met in February to review and discuss the terms of reference for the PAC. The PAC agreed to recommend to the Board the following key changes:

* Expanding the role of the PAC to cover actions necessary to deliver the work under 30x30, including responsibility for advising on ‘Other Effective area based Conservation Measures’ (OECMs).
* Addition of responsibilities delegated from the Board relating to decision making powers over boundary changes to existing NNRs, as agreed by the Board in October 2023.
* Clarifying the wording in the terms of reference in relation to confirmation of SSSIs and denotification. Proposing in future that the PAC may decide to confirm notification of SSSIs in all cases (including where scientific representations have been received) but maintaining the ability for the PAC to defer the decision to the Board in contentious cases.
* Updating the references to legislation underpinning European sites.
* Specifying that the terms of reference can be updated more frequently than every two years, to take account of changes (including to legislation) that may come about.

1. The revised terms of reference were approved by the Board in March.