

Protection of Ramsar Sites in Scotland

Purpose: To outline weaknesses in the current approach and to consider options to strengthen provisions aligned with the preparation of National Planning Framework 4.

Summary

- There are currently 51 Ramsar sites in Scotland, supporting 284 Ramsar features (ie wetland habitat or bird populations).
- There is no specific legislative protection for Ramsar features in Scotland. Rather, the protection mechanism being either through underpinning designation as Sites of Special Scientific Interest (SSSI), or 'European Sites' (i.e. sites previously designated under the retained EU Habitat Regulations (Special Areas of Conservation (SAC) or Special Protection Areas (SPA)).
- The current policy provision for Ramsar features is set out in Scottish Planning Policy (2014) ('SPP 2014'). Drafting of National Planning Framework 4 (NPF4) is well advanced and it is due to be put before Scottish Parliament in Autumn 2021.
- Once adopted, NPF4 will replace both NPF3 and Scottish Planning Policy (SPP) 2014.
- The effective two tier policy protection for Ramsar features has been criticised over a number of years, particularly by the eNGO community, and is out of step with provisions in the rest of the UK.
- The other UK administrations provide policy protection to all Ramsar features as though they were European sites. This is made possible by their planning frameworks specifying that Ramsar sites should be treated the same as designated European sites for the purposes of the Habitats Regulations.
- REDACTED

There would appear to be several options for strengthening the policy protection for Ramsar features which are considered in more detail in the Annex A/Background section:

- Options 1&2 – Look to make provisions in legislation REDACTED
- Options 3-5 – Strengthen Policy Protection through NPF4 and/or other policy mechanisms

REDACTED

Upon agreement of the way forward, a submission will be prepared for the Minister outlining the approach to be taken and seeking approval for a public statement if the intention to revise Ramsar policy protection. Thereafter a detailed work plan with key milestones, roles and responsibilities will be developed to take forward to policy revision.

Recommendation

REDACTED

REDACTED

Biodiversity Team Policy Manager

NRD

Background

The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention') was adopted in Ramsar, Iran in February 1971 and came into force in December 1975.

Ramsar sites are identified and designated alongside the underpinning Site of Special Scientific Interest (SSSI) or Special Area of Conservation/Special Protection Area (European site) designations. For Scottish Ramsar sites this breaks down as:

50 features SSSI protection

228 features European site protection

6 features – protection of habitat for SPA (bird) features

As part of the designation process, an Information Sheet on Ramsar Wetlands (RIS) is prepared outlining the wetland habitat and/or internationally important wetland bird populations the site supports. The RIS is submitted to the Ramsar Secretariat by JNCC.

Although the main protection mechanism for European sites is the SSSI provision, the Habitats Regulations confers additional scrutiny of plans or projects which are likely to have a negative effect on the conservation interests of European Sites – known as Habitats Regulations Assessment (HRA). This can lead to an 'appropriate assessment' if significant adverse impact is judged likely. The Habitats Regulations prevent a plan or project from proceeding unless it can be ascertained that a proposal will not adversely affect the integrity of any European site, except under very limited circumstances.

The current policy provision for Ramsar features is set out in Scottish Planning Policy (2014) ('SPP 2014'), re-iterating the effective two tier protection provision. This policy is re-enforced in '[Implementation of Scottish Government Policy on Protecting Ramsar Sites](#)' – published in 2019. Currently paragraph 211 of SPP 2014 sets out that '*All Ramsar sites are also Natura 2000 sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.*' Additionally, SPP sets out wider planning policy on natural heritage matters.

Drafting of National Planning Framework 4 (NPF4) is currently at advanced stage, before being put before Scottish Parliament in the autumn 2021. Once adopted, NPF4 will replace not only NPF3 but also SPP 2014. NPF4 will have the status of the development plan for planning purposes. This is a change to the current position and will mean that its policies will have a stronger role in informing day to day decision making. The consultation draft NPF4 will align with all relevant SG policy applicable at the time, including current policy on RAMSAR.

Updating the Ramsar policy protection to clarify that all plans or projects effecting a Ramsar site should be considered through the European sites process will have a limited positive effect for biodiversity on the ground as the requirements for assessing the impacts on a SSSI sets a high standard. Nevertheless, this policy development would ensure that all Ramsar features are treated in the same way in the decision making process, thereby removing potential confusion for land managers and bringing Scotland in to line with the remainder of the UK. In order to give effect to this in Scotland, a number of further steps would be required, these are explored further below.

Options for Strengthening Policy Protection for Ramsar Features

Options 1&2 – Provisions in Legislation

REDACTED

It is unlikely that such provisions would prove contentious, particularly in the context of a wider range of environmental measures.

Option 1 REDACTED

In this option, policy development would not be tied to the NPF4 timetable. Clear statement would be provided to coincide with NPF4 going to Parliament of the intention to update Ramsar policy protection. Opportunity would be sought to update NPF4 to reflect the new policy when in place.

Pros:

REDACTED

Cons:

REDACTED

Option 2 REDACTED

In this option, policy development would not be tied to the NPF4 timetable. Clear statement would be provided to coincide with NPF4 going to Parliament of the intention to update Ramsar policy protection through the Environment Bill and separately from NPF4.

Pros:

REDACTED

Cons:

REDACTED

Option 3-5 – Strengthened Policy Protection

REDACTED

Pros:

REDACTED

Cons:

REDACTED

Option 4 REDACTED

In this option, policy development would not be tied to the NPF4 timetable. Clear statement would be provided to coincide with NPF4 going to Parliament of the intention to update Ramsar policy protection. Opportunity would be sought to update NPF4 to reflect the new policy when in place.

Pros:

REDACTED

Cons:

REDACTED

Option 5 REDACTED

In this option, policy development would not be tied to the NPF4 timetable. Clear statement would be provided to coincide with NPF4 going to Parliament of the intention to update Ramsar policy protection separate from NPF4.

Pros:

REDACTED

Cons:

REDACTED



T: 0300 244 4000

E: REDACTED

Mr John Finnie MSP
REDACTED

31 May 2019

Dear John

Thank you for meeting with my officials on Wednesday. I wanted to follow that up with some further explanation of our intentions around Ramsar sites, particularly through Scottish Planning Policy (SPP) and the next National Planning Framework (NPF4).

Our long-standing policy position recognises that Ramsar sites are an important part of our unique environment in Scotland and provides them with a high level of protection through co-designation as Natura sites and/or SSSIs. REDACTED

The Bill will make some substantial changes which will strengthen the role and effect of national planning policy. The next iteration of the SPP will be incorporated into NPF4, and it will have an enhanced status as part of the statutory development plan – so be central to decision-making on planning applications. NPF4 and future iterations of the NPF will also be subject to a parliamentary approval process, so ensuring members will have meaningful input to its terms. We are ready to get started on NPF4 and will do so as soon as the Bill is complete and the new provisions for the NPF are clear.

Crucially, handling the review of how Ramsar sites influence planning decisions through the NPF4 will allow us an opportunity to consider, through wide public consultation, if any additional protections might be needed, within the broader regime of protected areas. That means we can also ensure we properly and fairly consider wider, potentially sensitive issues, such as any potential impact on land owners. This would be an opportunity to consider an approach that continues to provide appropriate protection of Ramsar sites and offers those affected the opportunity to put their own views forward.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



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I hope this reassures you that we remain committed to providing strong and appropriate protection to Ramsar sites and to exploring through the development of SPP and NPF4 whether any adjustment of the policy is needed. I would of course be very happy to talk this over with you if you like.

Kind regards

REDACTED

KEVIN STEWART

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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From: REDACTED
Sent: 18 August 2021 09:50
To: REDACTED @gov.scot>
Cc: REDACTED @gov.scot>; REDACTED @gov.scot>
Subject: FW: Catch up Biodiversity/NPF4
Importance: High

Good morning REDACTED
cc. REDACTED & REDACTED

Following on from our discussion with RSPB a few weeks ago, REDACTED, REDACTED and I met with REDACTED from the NPF team for a catch-up, which also covered the provision for Ramsar policy protection in NPF4 and the outcome of the SGP agreement re: nature networks (more to come on that separately). On Ramsar, unlike NPF3, there is a statement included about Ramsar, as follows:

All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

This has been checked and agreed by the legal folk in SGLD, so there is understandable reluctance to change it at this late stage.

As you know, from our discussion with RSPB, the concerns raised were that Scotland was falling behind the rest of the UK in the strength of the policy protection for Ramsar sites/features. Looking at the equivalent NPF in England, contains the following provision:

Para. 180 When determining planning applications, local planning authorities should apply the following principles:

(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

Para 181 The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential

Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

I haven't seen the current draft of NPF4 but would assume that there is similar provision for SSSI and European sites already in there, so I would assume that the proposed Ramsar wording in the current draft covers off the policy protection which RSPB were concerned about.

Are you happy for me to go back to REDACTED and the team confirming we are content with the current wording?

I look forward to hearing from you.

Take care

REDACTED

Please note that during Covid-19 restrictions I will be working from home.

REDACTED | Biodiversity Team Policy Manager | Natural Resources Division | Scottish Government
He/his

From: REDACTED @gov.scot>
Sent: 17 August 2021 16:41
To: REDACTED @gov.scot>; REDACTED @gov.scot>
Cc: REDACTED@gov.scot>
Subject: FW: Catch up Biodiversity/NPF4

REDACTED/REDACTED,

This is just to put you both in touch with one another as our resident 'experts' on RAMSAR policy wording.

For REDACTED's benefit, in our meeting earlier we discussed that, on the basis of SGLD advice, wording in the draft NPF4 currently reads *All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.*

Any suggested changes to that wording would need discussed with SGLD colleagues, hence the priority given to any further comments on this aspect of the draft NPF4.

REDACTED

From: REDACTED @gov.scot>
Sent: 17 August 2021 16:25
To: REDACTED @gov.scot>; REDACTED @gov.scot>; REDACTED @gov.scot>; REDACTED @gov.scot>
Cc: REDACTED @gov.scot>; REDACTED @gov.scot>
Subject: RE: Catch up Biodiversity/NPF4

Thanks all for your time.

Quick summary of actions:

- REDACTED to share revised NPF4 draft
- REDACTED to further develop nature network policy and what lines should be included in NPF4 - before end of August
- REDACTED / REDACTED: Think about handling lines on what we mean by embedding nature networks, signalling a pathway to nature networks i.e LBAPs, positive outcomes for biodiversity - by end of September
- REDACTED - review wording on Ramsar sites – immediate

Thanks again

REDACTED

From: REDACTED @gov.scot>
Sent: 17 August 2021 13:55
To: REDACTED @gov.scot>; REDACTED @gov.scot>; REDACTED @gov.scot>; REDACTED @gov.scot>
Cc: REDACTED @gov.scot>; REDACTED @gov.scot>
Subject: RE: Catch up Biodiversity/NPF4

REDACTED – thanks and perfect.

Under item 1 it will be good to discuss with you handling of the commitment to ‘*embedding nature networks in NPF4*’ per the SGP ask.

REDACTED

From: REDACTED @gov.scot>
Sent: 17 August 2021 12:43
To: REDACTED @gov.scot>; REDACTED @gov.scot>; REDACTED @gov.scot>; REDACTED @gov.scot>
Cc: REDACTED @gov.scot>; REDACTED @gov.scot>
Subject: RE: Catch up Biodiversity/NPF4

Hi all,

We have a catch up at 3.30 today

Below a few suggested agenda items it would be helpful to cover

1. NPF4 comments and next steps
2. PEFB – implementation/LBAPs
3. NPF4 – Ramsar sties
4. Nature networks/ 30 x 30
5. AOB

-----Original Appointment-----

From: REDACTED @gov.scot>
Sent: 05 August 2021 15:53
To: REDACTED @gov.scot>; REDACTED @gov.scot>; REDACTED @gov.scot>; REDACTED @gov.scot>
Cc: REDACTED @gov.scot>; REDACTED @gov.scot>
Subject: Catch up Biodiversity/NPF4
When: 17 August 2021 15:30-16:15 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.
Where: Microsoft Teams Meeting

Adjusting the time as REDACTED has a clash.

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To: Cate.Turton@gov.scot REDACTED@nature.scot
Cc: REDACTED@gov.scot REDACTED@nature.scot REDACTED@gov.scot
REDACTED@nature.scot
Subject: Policy Protection for Ramsar Sites
Attachments: Biodiversity - Ramsar - Options for Strengthening Ramsar Policy Protection
Alongside NPF4 - 30th August 2021.docx

From: Cate.Turton@gov.scot >
Sent: 09 September 2021 12:59
To: REDACTED@gov.scot >; REDACTED@nature.scot
Cc: REDACTED@nature.scot>; REDACTED@gov.scot >; REDACTED@nature.scot>; REDACTED@gov.scot >
Subject: Policy Protection for Ramsar Sites

Hello Cate & REDACTED
cc. REDACTED, REDACTED, REDACTED & REDACTED

The reason for getting in touch is to alert you to the recent interest which has been shown in the policy protection for natural features on Ramsar sites, in part prompted by the drafting of National Planning Framework 4 nearing completion in the expectation that it will be put before parliament in the autumn. The crux of the issue is that current the policy protection for Ramsar features is that protection is afforded by the relevant legislation, depending on whether the feature is also a SSSI or European feature. REDACTED.

REDACTED. Unfortunately, there is not time within the current NPF4 process to get the required policies in place to address the issue, so the attached Options Paper explores alternative approaches and makes recommendation for a way forward. Nick, there are potential resource implications in this for NatureScot REDACTED.

I would be grateful if you could review the Options paper and let me know whether you agree, or not, with the recommended way forward.

I hope this all makes sense? Please do not hesitate to get back to me if you want to discuss this issue further.

Take care

REDACTED
[Please note that during Covid-19 restrictions I will be working from home.](#)

REDACTED | Biodiversity Team Policy Manager | Natural Resources Division | Scottish Government
He/his

From: REDACTED
Sent: 08 November 2021 15:39
To: REDACTED @nature.scot>
Cc: REDACTED @nature.scot>
Subject: RE: Ramsar citation update

Hello REDACTED
cc. REDACTED

Thanks for your note and great to hear of the progress with publication on Sitelink 😊 REDACTED stood REDACTED and me up on Friday 😊

I may be able to help with the naming conventions – and REDACTED should know more if you need it. Right at the beginning of SCM there was a recognition that names used for features were all over the place, so DASU (as was or a predecessor) along with specialists and Areas trawled through citations, etc and agreed the Standardised Naming List for all protected areas – these were then embedded in MIDAS and formed the basis for SCM. I suspect SSSI names were chosen for Ramsar features (even when underpinned by SAC/SPA) so that there was consistency across the suite and we didn't get ourselves in to the situation where the same habitat (and to lesser extent spp) on different sites were described in different ways.

In terms of the removal of spp, I don't think we need formal notification of what they are and where – just assurance that you have an audit trail of the rationale should there be challenge down the line.

Whilst on Ramsar, for your information – REDACTED has today approved the approach to reviewing/strengthening policy protection for Ramsar features alongside other 30x30 requirements and agreed lines to take in terms of maintaining the status quo within NPF4. All came down to the wire as NPF4 due to go to Parliament either this week or early next!

I think that's all from me for now.

Take care

REDACTED
Please note that during Covid-19 restrictions I will be working from home.

REDACTED | Biodiversity Team Policy Manager | Natural Resources Division | Scottish Government
He/his

From: REDACTED@nature.scot

Sent: 08 November 2021 14:19
To: REDACTED @gov.scot>
Cc: REDACTED @nature.scot>
Subject: Ramsar citation update

Hi REDACTED

I'm not sure whether you and Ben had a catch up on Friday morning as planned.

Just for info, we published all of the bird-only Ramsar citations on Sitelink on Friday. However a last minute intervention about how Ramsar habitat names are referred to on citations and in Midas has meant that we have had to look again at this – it seems that we have used SSSI habitat names in Midas but no one can remember why. Once I get to the bottom of this we will get the rest published, hopefully this month.

The issue with how rare some of the protected plants really are has been resolved. There are around 5-6 species referred to in Ramsar citations and Departmental Briefs as rare/threatened/vulnerable that are now considered to be more widespread than originally thought. Others that are 'least concern' globally are still nationally rare etc and so worth keeping on Ramsar citations. Do you want a list of which species can be removed from which Ramsar site for SG records?

REDACTED

REDACTED | **Operations Manager – Protected Areas & Nature Reserves**

NatureScot | Great Glen House | Leachkin Road | Inverness | IV3 8NW | **t:** 01463 725300

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