Consultation response

Nature Recovery Green Paper: Protected Sites and Species

May 2022
Introduction

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Our Environmental Law Sub-committee welcomes the opportunity to respond to DEFRA’s consultation on *Nature Recovery Green Paper: Protected Sites and Species*. We do not seek to answer the consultation questions but have the following comments to put forward for consideration.

General remarks

We note that the policy areas covered in the Green Paper, except for some of those in the marine environment, are devolved in Scotland and so we make only limited comment on this consultation. In this regard, we recognise that while Scotland will need to consider its own way forward in relation to species and site protection and there is no need for the legal structures to be the same across the UK, a degree of alignment or comparability is desirable firstly in relation to ensuring that international obligations (including those under the EU-UK Trade and Co-operation Agreement) are met, secondly to enable the efficient and well-regarded scientific work of the JNCC to continue without duplication, and thirdly because major developments, for example infrastructure and renewable energy developments, whether promoted under reserved or devolved powers, are likely to interact with protected sites and nature conservation issues across a wide and possible cross-border area. Accordingly, there may be a need for early consideration on both sides of the border of the impact of the different legal regimes, designations and levels of protection as policy and projects are developed.

The Green Paper does not contain sufficient detail about the proposals so as to be able to fully assess the impacts of the proposed changes, and in particular the breadth and level of protection that will be provided. We are generally supportive of the move towards consolidation and simplification of the law in this important area. We note, however, that simplification of the law does not, and should not, mean that a lower level of environmental protection will be afforded by the regime. As always, it is important that there are sufficient

resources to fully support the successful introduction of a new regime in this area, especially when many other aspects of the policy landscape (such as the introduction of biodiversity net gain in planning) mean that authorities may find their capacity to deal with biodiversity issues stretched.

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