Scottish Natural Heritage – who we are and what we do

Scottish Natural Heritage (SNH) is a Government agency charged with conserving and enhancing the natural heritage of Scotland, facilitating its enjoyment and understanding, and promoting its sustainable management. Scotland’s natural heritage is its wildlife, habitats, landscapes and natural beauty, and includes the rocks, soils, landforms and waters on which these are based. This heritage, or natural capital, generates wealth for all, sustaining us and improving our health, lifestyles and culture. Our work focuses on protecting nature and thereby benefitting people.

The EU and the Environment

EU policy and action has been a key driver of environmental policy in the UK and the EU as a whole. Many environmental needs and problems are regional or global. By working together within a common legislative framework, the EU can claim to have influenced a number of key environmental achievements, including:

- A fall in greenhouse gas emissions and a rapid recent growth in the deployment of renewable energy.
- A significantly improved system of protection for species and habitats including the establishment of the world’s largest protected areas network.
- The foundations for addressing the mounting pressures on the marine environment in the form of a legislative framework which is starting to have an effect.
- Improvements on access to information, public participation and access to justice in environmental matters at EU level.
- The wide application of environmental impact assessment and strategic environmental assessment procedures (also adapted and used by the European Investment Bank as conditions for all infrastructure investment decisions inside and outside the EU).

SNH’s work and the EU

Our work is framed by EU institutions, from specific directives on nature to subsidies and other funding mechanisms, especially:

- We have lead responsibility in advising the Scottish Government on the ‘nature directives’ (the Birds and Habitats Directives, which underpin the Natura 2000 network of protected areas comprising Special Areas of Conservation (for habitats and species other than birds) and Special Protection Areas (for birds) and European Protected Species, and which give wider legal protection to endangered animals and plants throughout Europe.
The Habitats Directive also require that certain plans which are likely to have a significant effect on a Natura 2000 site must be subject to an a Habitats Regulation Appraisal comprising an ‘appropriate appraisal’ by the plan-making authority - for which SNH is a statutory consultee/adviser.

- Environmental Impact Assessment – requires a systematic assessment of the likely significant effects of a proposed development (including construction, agriculture, forestry) on the environment. SNH is a statutory consultee.

- Strategic Environmental Assessment – requires public bodies and some private companies (such as utilities) to assess, consult and monitor the likely impacts of their plans, programmes and strategies on the environment. SNH is one the three consultation authorities (together with SEPA and Historic Environment Scotland).

- Environmental Liability Directive – to give operators incentive to take measures to prevent causing significant environmental damage, and to ensure the ‘polluter pays’ for the costs of remediating any such damage. SNH is one of three competent authorities and has specific responsibility for cases of environmental damage to terrestrial biodiversity.

- Marine Strategy Framework Directive – to achieve ‘good environmental status’ of our seas by 2020 (for Scotland this means contributing to the ‘good environmental status’ of the Celtic Seas and Greater North Sea), including Marine Protected Areas and strategic planning.

- Water Framework Directive – requires all rivers, lakes, groundwater and coastal waters to be of good quality by 2020. Quality is expressed in terms of ‘good ecological status’ which leads on activities associated with this Directive including the interface with the Habitats Directives.

- Common Agricultural Policy, including agri-environment schemes and, more recently, the Scottish Rural Development Programme (SRDP) which now provides the largest source of financial incentives for positive management on protected areas.

- Common Fisheries Policy, including integration with EU environmental law, stock and ecosystem management and environmental provisions.

All EU legislation cited above has been transposed into national legislation; but the legal basis will refer to the EU legislation, so even if retained these and all regulations will require some amendment and/or changes to the underpinning Scottish legislation.

**Funding**

EU funding is important to our objectives on protected areas, species, access and greenspace. The main sources of EU funding we are currently utilising are:

- LIFE – three live projects worth £7.3m with £3.65m coming from EU (an average of c. 750K of EU funds per year) – habitats & species work.
- SRDP Agri-Environment Climate Scheme (AECS) (a total of £360m over 5 years) - works benefitting protected nature sites and priority species and habitats to implement the Scottish Biodiversity Strategy and Routemap.

- SRDP – AECS-IPA (Improving Public Access) Option (a total of £6m over 5 years) – countryside access improvements.

- SRDP ECAF (Environment Cooperation Action Fund) Scheme (a total of £10m over 6 years) for facilitating landscape-scale environmental projects by co-operating groups of land managers.

- ERDF (a total of £37m from 2016-2022) - Green Infrastructure Intervention.

Overall the value of the projects and schemes utilising EU funding that we are directly engaged is worth £105m. SNH’s contribution to these is £2.6m, the EU contribution is circa £50m (the balance is from other partners). SNH is leading four of these projects worth £58m, with £2m SNH funds.

There are significant partnership projects we are involved with that are dependent on EU funding as match for domestic sources such as Heritage Lottery Fund (HLF). In addition, there are a number of projects that are under development (some are currently being assessed and likely to be approved in the near future) that we are/were intending to utilise EU funding from a variety of sources including LIFE, European Maritime Fisheries Fund (EMFF) and Interreg. These projects have a cumulative total value of circa £30m utilising around £15m of EU funding.

Consequences of withdrawing from the EU

The Call for Evidence notes the considerable uncertainty about the terms of withdrawal. This makes it difficult to assess what the consequences might be for the environment. Much depends on which elements of existing EU Directives continue to have effect. Many of them implement international conventions to which the UK is a signatory, including e.g.

- the Bern Convention (Habitats Directive)
- the Bonn Convention (Birds and Habitats Directives)
- the Ramsar Convention (Birds Directive)
- the OSPAR Convention (Marine Strategy Framework Directive)

Overarching commitments such as the Convention on Biological Diversity are serviced by all of these conventions. There is no indication that the UK is planning to withdraw from these agreements. We are currently working on the assumption that, whatever the terms of the UK withdrawal from the EU, supporting legislation would still be required to enact these international commitments.

It is also our understanding that the financial support mechanisms outlined above (e.g. CAP, CFP, Structural Funds and other financial instruments) would cease to apply as soon as the UK left the EU. It is not yet clear what may replace them. Uncertainty during the period of any negotiation over exit will affect stakeholders willingness to engage with these programmes in the meantime.