**A logo with blue and green leaves

Description automatically generated**

**Title: Audit and Risk Committee, Protected Areas Committee, Scientific Advisory Committee & Scientific Advisory Committee Expert Panel - Terms of Reference Review**

**Date: 13 March 2024**

| **Purpose:** | **Decision** |
| --- | --- |
| **How does this link with our corporate priorities of improving biodiversity or delivering nature-based solutions to climate change:** | The remit of the Board & Committees directly contribute towards corporate priorities by providing decision or discussion to progress the delivery of the Corporate Plan priorities. The Audit and Risk Committee (ARC) supports the Board & NatureScot, in its responsibilities for issues of risk, control & governance.  The Protected Areas Committee (PAC) advises NatureScot on the work it must do in relation to any Site of Special Scientific Interest, Special Area of Conservation or Special Protection Area to achieve corporate priorities. It also advises on protected areas policy.  The Scientific Advisory Committee (SAC) advises the Board & staff on scientific and technical matters, reviews the quality of NatureScot research, advises on the scientific basis for the notification of any Site of Special Scientific Interest in Scotland, & contributes specialist knowledge / wider advice via working groups & individually, supporting corporate priorities.  The Scientific Advisory Committee Expert Panel provide expert advice on scientific matters, review reports and other papers, and contribute to reviews, in support of corporate priorities. |
| **Summary:** | There is a periodic requirement for Committee Terms of Reference to be reviewed every 2 years.  All documents continue to adopt our approach to Openness and Transparency and align our policy with practice in terms of frequency of meetings, location, and timings.  The ARC Terms of Reference have had minor descriptive changes which are covered within this paper. The PAC and SAC Terms of Reference have been revised, as described in the paper. No changes are proposed for the SAC Expert Panel Terms of Reference. |
| **Actions:** | The Board is asked to consider the proposed amendments. |
| **Recommendations:** | The Board is asked to make the decision to endorse the revised Terms of Reference for the ARC, PAC and SAC/Expert Panel. |
| **Report Author(s):** | Sara Lewis |
| **Sponsor:** | Ian Gambles (for ARC Terms of Reference)  David Johnstone (for PAC Terms of Reference)  Pete Higgins (for SAC Terms of Reference) |
| **Appendices**: | Appendix 1 – ARC Terms of Reference  Appendix 2 – PAC Terms of Reference  Appendix 3 – SAC Terms of Reference  Appendix 4 – SAC Expert Panel Terms of Reference |

## Purpose

1. This paper has been prepared to present the recently reviewed Terms of Reference for the ARC, PAC and SAC to the Board for a decision to endorse. It also outlines the changes made in each document.

## Changes to ARC Terms of Reference

1. The following changes have been made in consultation with the Chair of the ARC and ARC members:

* Amended to reflect that it would be advantageous to hold meetings just prior to Board meetings, enabling a timely flow of information between the two. Members advocate two face to face meetings per year.

## Changes to PAC Terms of Reference

1. The following changes have been made in consultation with the Chair of the PAC and PAC members:

* 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 relating to 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.

**Changes to SAC and SAC Expert Panel Terms of Reference**

1. The following changes have been made in consultation with the Chair of the SAC and SAC members:

* Clarification added on membership of sub-groups.
* Added scope for two to three additional online meetings. These will be informal sessions including workshops for more in depth exploration of complex issues.
* No changes have been made to the Expert Panel terms of reference.

## Recommendations:

1. The Board is asked to make the decision to endorse the revised Terms of Reference for the ARC, PAC, SAC and SAC Expert Panel.

### **Appendix 1 – ARC Terms of Reference – Revised Feb 2024**



**AUDIT AND RISK COMMITTEE - TERMS OF REFERENCE**

1. The Audit and Risk Committee (ARC) of the NatureScot Board is constituted for the following purposes:

* 1. to advise the Board, and carry out any functions delegated to it by the Board, in matters of audit, risk management, financial accountability and other aspects of assurance which may arise; and
  2. to support and challenge the Accountable Officer in discharging her accountabilities to the Scottish Government in that capacity.

2. Broadly, the ‘[Standing Orders for Meetings of the Board of NatureScot](https://www.nature.scot/doc/naturescot-board-standing-orders)’ apply as appropriate to the meetings of the Committee. However there are some exceptions. These Terms of Reference formally record any specific differences in arrangements compared to NatureScot Board meetings.

**Responsibilities**

3. The Audit and Risk Committee advises the Board and Accountable Officer on:

* The strategic processes for risk, control and governance to support the outcomes of the organisation and the Governance Statement;

* The accounting policies, the accounts, and the annual report of the organisation, including the process for review of the accounts, material levels of error identified, and management’s letter of representation to the external auditors;
* Reports by the external auditor on NatureScot’s annual accounts or other matters, including the achievement of value for money;
* The activity of internal audit, including the annual Audit Plan, and compliance with Public Sector Internal Audit Standards;
* The adequacy of management responses and subsequent actions to internal and external audit activity;
* The development and improvement of NatureScot’s arrangements for the attainment of its objectives and targets;

1. In accordance with any statutory requirements for the use of public funds.
2. Within the delegated authorities laid down by the sponsor department and the public body’s own rules on what matters should be referred to the Board of NatureScot.
3. In a manner maximising best value through ensuring the most economic and effective use of resources available.

* The management of specific risks or assurance issues which either the Accountable Officer, the Head of Internal Audit, the Chair of the Board or the Members of the Committee consider require oversight;
* Proposals for tendering for either internal or external audit services;
* Counter-fraud policies, whistle-blowing processes, Cyber Security and arrangements for investigations.

4. The Committee will also periodically review its own effectiveness and report the results of that review to the Board and Accountable Officer.

**Authority**

5. The Committee is an advisory body with no executive powers. However it is authorised by the Board of NatureScot to: approve the annual report and accounts on behalf of the Board of NatureScot; investigate any activity within its terms of reference; and to seek any information it requires from staff who are required to co-operate with the Committee in the conduct of its enquiries. Requests for work and reports will be channelled through the Accountable Officer. The Committee is authorised to obtain independent specialist advice if it considers this necessary.

**Membership**

6. The number and composition of the membership is approved by the Board of NatureScot. It comprises at least four non-executive members: the Chair being a NatureScot Board Member and other Members can be either Members of the Board of NatureScot, or independent external Members appointed to achieve an appropriate balance of skills and experience.

7. The Audit and Risk Committee will be serviced by the Executive Office. The Executive Office will work with staff across NatureScot to provide the necessary information to the ARC.

**Reporting**

8. The Audit and Risk Committee will report verbally to the Board after each meeting (normally quarterly). The ARC Chair will also provide the Board and Accountable Officer with a written Annual Report, timed to support finalisation of the accounts and the governance statement, summarising its conclusion from the work it has done during the year.

9. At any time during the year, should the ARC Chair wish to discuss any matters of ARC business with the Board then they will seek approval from the NatureScot Board Chair for an item to be included in the agenda of the Board meeting.

**Meetings**

10. The procedures for meetings are:

* The ARC will meet at least four times a year, two of which will be in person, and where possible be held just prior to Board meeting to enable a timely flow of information between Board and Committee. The Chair of the Committee may convene additional meetings as and when deemed necessary.
* A minimum of two Members plus the ARC Chair of the Committee will be present for the meeting to be deemed quorate. In the event of the Chair of the ARC not being available, the NatureScot Chair may appoint a temporary acting Chair.
* The Chair of the Board of NatureScot may, in exceptional circumstances, agree to the co-opting of an additional Board Member onto the ARC to ensure it is quorate for its meetings or to provide a specific skill set to assist Committee business.
* The Accountable Officer, Director of Business Services & Transformation, Head of Finance, Planning and Performance, Head of Internal Audit and the Planning & Performance Manager (Risk) will normally attend ARC meetings, along with other staff as appropriate. Representatives of external audit will normally attend ARC Meetings and will have the opportunity at least once a year to meet the Committee in private. The ARC can also meet with the NatureScot Head of Internal Audit in private.
* The Committee may ask any other officials of NatureScot to attend to assist with its discussions on any particular matters.
* The Committee may ask any or all of those who normally attend but who are not Members to withdraw to facilitate open and frank discussions of particular matters.
* The Board of NatureScot or the Accountable Officer may ask the Committee to convene further meetings to discuss particular issues on which they want the Committee’s advice.

**Openness and Transparency**

* Access to the Open session meeting agenda will be available to the public 5 days prior to each meeting via [www.nature.scot](http://www.nature.scot/). Open Session meeting papers will be available to the public on request. Open session minutes will also be made available to the public on request, once confirmed as true and accurate records by the Chair and Committee members.
* Notice of planned attendance by the public to open session items must be provided 24 hours prior to any ARC meeting by e-mailing [Executive\_Office@nature.scot](mailto:Executive_Office@nature.scot). Members of the public cannot participate in discussions or decisions of the ARC during the meeting.

**Greening and Carbon Management**

11. Lower carbon ways of working include less work travel, making better choices of ways to travel, reducing paper use by issuing electronic versions where possible; and participating in recycling of waste. In the interests of reducing its carbon footprint NatureScot will utilise video/telephone conferencing equipment where it is available.

**Dignity at work**

12. NatureScot is an equal opportunities employer and is committed to treating every member of staff with dignity and respect. The individual and corporate responsibilities outlined in our Dignity at Work Policy extend to Committee members and incorporates duties under the Equality Act 2010.

**Review**

13. The terms of reference of the Audit and Risk Committee are reviewed every two years. These were last reviewed by the Committee on 06 February 2024, with the changes endorsed by Board on 13 March 2024.

**Appendix 2 – PAC Terms of Reference – Revised February 2024**

**TERMS OF REFERENCE - PROTECTED AREAS COMMITTEE**

1. The NatureScot Board has established a Protected Areas Committee.

**The role of the Protected Areas Committee**

1. TheProtected Areas Committee acts on behalf of the Board to exercise the functions of the Board in relation to protected areas decisions and advice to Scottish Ministers as set out in:
   * 1. The Nature Conservation (Scotland) Act 2004 for SSSIs;
     2. Section 2 of the Public Services Reform (Scotland) Act 2010;
     3. The Conservation (Natural Habitats &c.) Regulations 1994 [‘The Habitats Regulations’], for SACs and SPAs;
     4. The Marine (Scotland) Act 2010, for Marine Protected Areas;
     5. The National Parks & Access to the Countryside Act 1949 and the Wildlife & Countryside Act 1981, for National Nature Reserves.
2. In carrying out these functions, the main role of the Protected Areas Committee is to:
   * Consider scientific representations on the notification or denotification of a SSSI and decide whether to confirm, or not, the notification or denotification of a SSSI;
   * Confirm that the Scientific Advisory Committee has scrutinised the scientific evidence supporting European site[[1]](#footnote-1), MPA and other related protected area advice to Ministers, and that officials have adequately taken on board their advice;
   * Assess the risks associated with decisions or advice on protected area matters and the delivery of the ’30x30’ commitments (hereafter referred to as a*rea-based* conservation) and ensure that NatureScot has the appropriate steps in place to mitigate or manage them.

The Protected Areas Committee may also be called upon to hear representations in the case of an appeal for or against a notification or de-notification. The PAC may wish to take advice from the Scientific Advisory Committee in such cases.

1. The functions of the Protected Areas Committee are delegated from the full NatureScot Board. The Protected Areas Committee can, at any time, decide that an item of business warrants consideration by the full Board.
2. The Protected Areas Committee also has a role to provide strategic guidance on policy issues that impact on area-based conservation matters, both on land and at sea. In carrying out this role the Committee may commission reports or other documents from NatureScot staff or others, and may arrange workshops or other events to cover relevant topics.

**Responsibilities**

1. The Protected Areas Committee acts as a sub-Committee of the NatureScot Board, with its delegated authority. It has responsibility in the following areas of NatureScot’s work in relation to area-based conservation, these being:
   * Sites of Special Scientific Interest (SSSI)
   * Special Areas of Conservation (SAC)
   * Special Protection Areas (SPA)
   * Marine Protected Areas (MPA)
   * Other Effective area-based Conservation Measures (OECM)
   * National Nature Reserves (NNR)

It can also approve advice on behalf of the Board on wider area-based conservation matters.

**Sites of Special Scientific Interest**

1. The Protected Areas Committee is responsible for managing the process to deal with representations made as a result of:

* The notification of Sites of Special Scientific Interest (SSSI) under section 3 of the Nature Conservation (Scotland) Act 2004;
* Extensions to existing SSSIs under section 5 of the 2004 Act;
* Denotification of all or parts of existing SSSIs under section 9 of the 2004 Act;
* The "10 Year Rule". Under section 21 of the 2004 Act NatureScot is obliged to consider any valid scientific representation made by the owner or occupier of land within a SSSI if this is made at least 10 years after the original notification, or 10 years from any previous such referral.

See Annex 1 for further detail on SSSI processes and the role of the PAC.

**Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)**

1. SPAs were originally classified under the Birds Directive[[2]](#footnote-2), and SACs designated under the Habitats Directive[[3]](#footnote-3). These European sites continue in force through the Habitats Regulations. In Scotland the responsibility for designating SACs lies with the Scottish Government, using selection criteria based on Annex 3 of the Habitats Directive. SPA selection is based on UK guidelines, agreed by the UK Government and published by JNCC (“The Birds Directive Selection Guidelines for Special Protection Areas”). Scottish Ministers authorise NatureScot to consult on sites and are responsible for classifying sites following consultation.
2. NatureScot is required to advise the Scottish Government on the suitability of sites that are put forward as possible European sites. This advice should include an assessment of whether these sites are those that best satisfy the selection criteria. The Protected Areas Committee’s role is to consider and approve this advice to the Scottish Government.
3. In particular the Protected Areas Committee will be asked to confirm that staff have sought and adequately considered the advice on the Scientific Advisory Committee on the areas put forward. These areas will be selected on the basis of the most robust science available with appropriate boundaries and therefore represent the best sites for the proposed qualifying interests.
4. NatureScot’s role is to offer advice to Scottish Government so that they can take decisions about the sites to consult on. The Protected Areas Committee will not be required to assess any representations or comments from owners or occupiers of the land in question or from members of the public.

**Marine Protected Areas (MPA)**

1. The Marine (Scotland) Act 2010 creates powers for the Scottish Ministers to designate MPAs in Scottish territorial waters for ‘nature conservation’, ‘demonstration and research’ and ‘historic’ interests. Third parties can also put forward proposals to be considered alongside those developed by NatureScot and JNCC.
2. MPAs are a key part of the Scottish Government’s strategy for marine nature conservation and there is a duty on Ministers to designate sufficient new MPAs to ensure that the resultant network (which will encompass existing European Marine Sites and possibly also other types of areas which provide natural heritage benefits), fulfils obligations under OSPAR and the Marine Strategy Framework Directive.
3. The Scientific Advisory Committee marine sub-group reviews the MPA selection process applied by NatureScot and confirms that the principles of the selection guidelines, published by Scottish Government, have been followed. The detailed scientific cases for individual MPA proposals are quality assured and the data confidence assessments reviewed by a sub-group of the Scientific Advisory Committee. The Protected Areas Committee verifies that staff have adequately considered the advice of the Scientific Advisory Committee.
4. NatureScot’s role is to offer advice to Scottish Government so that they can take decisions about the sites to consult on. The Protected Areas Committee will not be required to assess any representations or comments from owners or occupiers of the land in question or from members of the public during the consultation.

**Other Effective area-based Conservation Measures (OECM)**

1. An OECM is defined by the IUCN as ‘A geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in-situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio–economic, and other locally relevant values’ (CBD). Their purpose is the same as that of Protected Areas - to provide long-term and effective conservation of biodiversity in the areas they cover - but the mechanisms for delivery are different. It is expected that OECMs will play an important role in Scotland achieving its 30 by 30 ambitions alongside protected areas.
2. The criteria and processes for identification, assessment and recognition of OECMs in Scotland, as well as governance mechanisms and NatureScot’s role will be developed and agreed with Scottish Government during 2024. In the interim the Protected Areas Committee will provide guidance on development of this work in line with responsibilities under paragraph 5.

**National Nature Reserves (NNRs)**

1. NatureScot has a statutory remit to declare and de-declare NNRs. This includes various administrative tasks including boundary changes. This is carried out under Section 19 of the National Parks and Access to the Countryside Act 1949 and Section 35 of the Wildlife and Countryside Act 1981. The NatureScot Board retains the responsibility for declaring new reserves or de-declaring existing ones. The PAC has delegated decision-making powers in relation to those administrative tasks such as boundary changes to existing NNRs.
2. These processes are initiated by a NNR manager/owner by a request to NatureScot. If no issues are perceived the Director responsible for NNRs will submit the proposal to the Committee for approval. The Committee can authorise the Chief Executive to sign the relevant declaration document, or decide to refer any contentious issues to the NatureScot Chair for a decision on whether a full Board discussion and decision is needed.

**Procedures for advice to Ministers**

1. Some papers may be dealt with in closed session, in line with the [Guidance on the Standing Orders for Formal Meetings of the NatureScot Board](https://www.nature.scot/doc/naturescot-board-standing-orders). This is likely to apply when the Protected Areas Committee is asked to approve NatureScot’s advice to the Scottish Government on future European sites or MPAs. Staff should be in attendance to make a formal record of the decisions.

**Membership**

1. The membership is approved by the NatureScot Board. The Protected Areas Committee comprises a standing group of a Chair and at least 3 other Members who bring a mix of expertise covering a wide range of disciplines, all of whom are Members of the NatureScot Board.

**Meetings**

1. The Committee holds meetings as and when required according to the casework arising and this is likely to be no more than four times per year.
2. The Chair of the Committee may decide that some decisions will be made by correspondence, in line with the [Guidance on the Standing Orders for Formal Meetings of the NatureScot Board](https://www.nature.scot/doc/naturescot-board-standing-orders). This may be required in order to keep an SSSI notification process within the statutory timescale allowed, or where a procedural decision is required during the notification of an SSSI that is viewed as being uncontroversial.
3. The Standing Orders for meetings of the Board of NatureScot set out in the ‘Ways of Working Guidance’ apply as appropriate to the meetings of the Protected Areas Committee. In addition:

* NatureScot Directors may be in attendance at the meetings.
* The Protected Areas Committee is able to take advice from whoever it feels is appropriate.
* If a case is referred to NatureScot Board for the confirmation of a SSSI notification the Protected Areas Committee Members will be able to explain any issues and make recommendations as required.
* In the event of a hearing to discuss scientific representations with objectors, the decision of the Protected Areas Committee must be made only by those members present at the hearing. Staff should be in attendance at any decision making meeting to make a formal record.

1. In addition to the formal role of the committee set out above, members may be invited individually or collectively to participate in the development and thinking on area-based conservation work.

**Quorum**

1. The Quorum of the Protected Areas Committee is a majority (that is, more than half) of currently appointed members, including the person chairing the meeting. Where a meeting is unlikely to be Quorate, every effort will be made to reschedule the meeting to allow for a Quorum. Where a meeting, or an individual item of business (owing to Conflict of Interest declarations or any other reason) is not Quorate no decision will be taken. The Protected Areas Committee may either defer the decision until Quorum can be reached, or the item can be referred to the NatureScot Board for a decision.

**Openness and Transparency**

1. Access to the Open session meeting agenda will be available to the public 5 days prior to each meeting via www.nature.scot.  Open Session meeting papers will also be available to download from the website 5 days prior to the meeting. Open session minutes will also be made available on the website once confirmed as true and accurate records by the Chair and Committee members.
2. Notice of planned attendance by the public to open session items must be provided 24 hours prior to any PAC meeting by contacting the Director Support Team.  Members of the public cannot participate in discussions or decisions of the PAC during the meeting.

**Reporting**

1. The Protected Areas Committee will provide the Board with an annual report (an Information Paper) summarising its conclusions from the work it has done during the year. Should the Protected Areas Committee Chair wish to have a discussion with the Board at any time then they will seek the NatureScot Chair’s approval for a separate item on the Board agenda.

**Dignity at work**

1. NatureScot is an equal opportunities employer and is committed to treating every member of staff with dignity and respect. The individual and corporate responsibilities outlined in our Dignity at Work Policy extend to Board & Committee members and incorporates duties under the Equality Act 2010.

**Greening and carbon management**

1. In the interests of limiting its environmental impact, where possible NatureScot will utilise Video/telephone Conferencing equipment to reduce the need for attendees to travel to meetings.

**Secretariat**

1. NatureScot staff provide the secretariat to the Protected Areas Committee.

**Review**

1. These terms of reference are reviewed every two years or as necessary in the event of legislative or other changes as agreed by the Board. Date of adoption of revised Terms of Reference: March 2024

**Annex 1: Background to SSSI processes and the role of the PAC**

1. The key piece of legislation in relation to SSSIs is the Nature Conservation (Scotland) Act 2004. As noted in the terms of reference though, Section 2 of the Public Services Reform (Scotland) Act 2010 is also relevant. This is because the PAC fulfils the functions of the previous Advisory Committee on Sites of Special Scientific Interest (ACSSSI), whose duties transferred to the NatureScot Board in enactment of Section 2 of the Public Services Reform (Scotland) Act 2010. This relates solely to considering scientific representations in relation to Sites of Special Scientific Interest (SSSIs).
2. The process for the notification of new SSSIs and extending existing SSSIs including the Protected Areas Committee’s role is described below:

* Where NatureScot considers that land is of special interest by reason of any of its natural features then it must notify that fact to the interested parties. This duty is fulfilled by the Senior Leadership Team, which authorises staff to make the notification.
* There follows a period of at least 3 months during which the notified parties can make written representations to NatureScot.
* The Protected Areas Committee is responsible for assessing each representation and may decide to confirm the notification, with or without modifications. In contentious cases the Committee may alternatively choose to refer any such decision to the Board.
* The Committee’s assessment will involve seeking advice from staff and members of the Scientific Advisory Committee on the scientific merits of each representation and inviting objectors to discuss their representations with the Committee.
* The Protected Areas Committee can listen to any non-scientific objections, although these objections cannot over-ride the scientific case for notification. Socio-economic issues must be considered by staff when responding to applications from owners and occupiers to carry out operations requiring consent.
* ~~If a notification does not result in any representation on scientific grounds, the Protected Areas Committee may confirm it instead of the Board. The Committee may choose to refer any such notification to the Board if the consultation reveals significant non-scientific issues.~~
* The notification must be confirmed within 12 months of having been made or within 18 months if an assessment of any scientific representations has been required.
* At all stages the Protected Areas Committee has an important role to play in satisfying itself that the organisation’s policies and procedures in relation to SSSI notification have been followed.

1. The process for denotifying all or part of a SSSI is described below:

* Approval to formally denotify all or part of a SSSI is given to staff by the Director of Nature and Climate Change.
* The owners of the land to be denotified are given 3 months in which to make written representations to NatureScot. Any unresolved objections must be considered by NatureScot.
* The Protected Areas Committee is responsible for assessing each representation and deciding whether to confirm the de-notification. This will involve seeking advice from staff and the Scientific Advisory Committee on the scientific merits of each representation and inviting objectors to discuss their representations with the Committee. The Committee may choose to refer any such denotification to the Board if the consultation reveals any significant issues. The protected status of the SSSI will remain until the denotification is confirmed.
* The Director of Nature and Climate Change can approve the confirmation of the denotification if this does not attract any scientific representations. They may, at their discretion, refer significant cases to the Protected Areas Committee for the decision to be made.
* The denotification must be confirmed within 12 months of having been made or within 18 months if an assessment of any scientific representations has been required.

1. The process for the review of SSSIs under Section 21 of the 2004 Act (the “10 year rule”), and the Protected Areas Committee’s role is described below:

* Under section 21 of the 2004 Act NatureScot must consider any valid scientific representation and/or appeal made by the owner or occupier of land within a SSSI. This must have been made at least 10 years after the original notification, or 10 years from any previous representation. If this cannot be resolved by staff and the Director of Nature and Climate Change, the Protected Areas Committee is responsible for assessing any representation received and deciding on the appropriate course of action. This may include instructing staff to denotify all or part of the SSSI.
* Staff or the Protected Areas Committee should act to review the SSSI in a reasonable timescale and communicate this to the owner/occupier or their agent.
* The Committee’s assessment must be based on the case for retaining the designation against the SSSI Selection Guidelines. This will involve seeking advice from staff and members of the Scientific Advisory Committee or others where relevant on the scientific merits of each representation. The objector(s) can be invited to discuss their representations with the Committee.
* The Protected Areas Committee is responsible for assessing the evidence presented to it before coming to a view on the review, or passing on recommendations to the Board on how to proceed should the case be particularly contentious and the Protected Areas Committee deem it necessary to do so.
* The Protected Areas Committee can listen to any non-scientific objections, although these objections cannot affect the scientific case for decision on the review.

**Appendix 3 – SAC Terms of Reference – Revised February 2024**

**SCIENTIFIC ADVISORY COMMITTEE (SAC) TERMS OF REFERENCE**

**Roles and Responsibilities of the NatureScot Scientific Advisory Committee**

1. The NatureScot Board has established a Scientific Advisory Committee (SAC).
2. Appropriate research and sound evidence provide the basis for informed scientific advice on which many of the operational and strategic decisions or judgements of NatureScot depend. The SAC is an expert committee that has the role of providing or scrutinising scientific advice on which the NatureScot Board and staff base decisions. This role will reinforce NatureScot's scientific credibility and authority with partners and stakeholders.

**Remit**

1. The remit of the SAC is as follows:

* **Advice**: As requested by NatureScot Board and staff, provide advice on scientific matters (natural and social science); contribute to the development of NatureScot's research and strategic evidence portfolio within the context of the Corporate Plan; advise on novel and contentious proposals and projects; and respond to requests from the Board in relation to wider scientific issues raised by the public and/or scientific community.
* **Peer Review**: In consultation with the Director/Deputy Director of Nature and Climate Change, review the quality, timeliness and relevance of NatureScot internal and commissioned research, and report its findings to the Board and/or to senior staff as appropriate;
* **Review**: Review the scientific basis for the notification of an SSSI, and any consents, when requested to do so by the Protected Areas Committee including all cases in which NatureScot is obliged to consider representations made by interested parties, and to advise the NatureScot Board as appropriate; and
* **Other contributions**: Contribute in light of an individual member's specialist knowledge, to in-depth investigations of particular topics as required by the NatureScot Board or when requested by the Director/Deputy Director of Nature and Climate Change.

**Reporting lines**

1. The SAC is a Committee of the NatureScot Board and reports directly to it. An annual report will be made to the Board on the work of the Committee.

**Membership**

1. The membership of the SAC is approved by the NatureScot Board. The Committee comprises up to seven members: the Chair will be drawn from the NatureScot Board. The other members (up to six in number) are appointed through open recruitment from outwith NatureScot. The Committee should have a balance of experience and knowledge that covers the breadth of NatureScot science (in the widest sense) requirements. Appointments are normally for three years, with the possibility of re-appointment subject to performance and need, of up to a maximum of eight years.

**Meetings**

1. The SAC holds plenary meetings twice a year, and on such other occasions as required by its Chair and the NatureScot Board, depending on the agreed work programme. If specialist advice is required on particular topics rather than wider issues such as marine topics, species/land-management interactions, protected areas proposals wind farm developments, or an individual SSSI),it is not expected that the full Committee needs to meet.
2. The quorum of the SAC is a majority of currently appointed members of the Committee (that is, more than half), including the person chairing the meeting.
3. The SAC may wish to delegate specific activities, including provision of advice, to a sub-group. Such groups would be expected to have no fewer than two members of the SAC, with one member chairing the group. Sub-group members can also be drawn from the SAC Expert Panel and invitations can be made to other individuals, where necessary, to supplement the expertise of the SAC and Expert Panel.
4. The SAC may, if required, engage an external specialist advisor to assist in the assessment of representations made to a SSSI notification and broader areas of work.
5. The SAC may request the SAC Chair and Director/Deputy Director of Nature and Climate Change to maintain a panel or list of experts on whose expertise and knowledge they may draw; subject to “registerable interests” as set out in NatureScot’s “standing orders and ways of working” Guidance. People invited to be on this ‘SAC Expert Panel’ will only receive remuneration if and when they are asked to provide a service to the SAC.
6. The ‘Standing Orders for meetings of the NatureScot Board’ set out in the Ways of Working Guidance apply as appropriate to the meetings of the SAC.
7. In the interests of limiting its environmental impact, where possible NatureScot will utilise video/telephone conferencing equipment to reduce the need for attendees to travel to meetings.
8. Where necessary, the SAC may hold additional online meetings (two to three a year). These will be informal sessions including workshops for more in depth exploration of complex issues.

**Openness and Transparency**

1. The SAC meetings generally include both closed (to address ‘official sensitive’ matters) and open sessions. Access to the Open session meeting agenda will be available to the public five days prior to each meeting via www.nature.scot.  Open Session meeting papers will also be available to download from the website five days prior to the meeting. Open session minutes will also be made available on the website once confirmed as true and accurate records by the Chair and Committee members.

1. Notice of planned attendance by the public to open session items must be provided 24 hours prior to any SAC meeting by contacting the Nature and Climate Change Directorate Support team. Members of the public cannot participate in discussions or decisions of the SAC during the meeting.

**Remuneration for additional time allocated to an SAC member**

1. In some circumstances an SAC member may be asked to work more than ten days per annum. Where this is the case, the Director/Deputy Director of Nature and Climate Change and the Director Support Manager will liaise with Executive Office. This is subject to Guidance in the chapter ‘Remuneration for Board and Committee Members’.

**Dignity at work**

1. NatureScot is an equal opportunities employer and is committed to treating every member of staff with dignity and respect. The individual and corporate responsibilities outlined in our Dignity at Work Policy extend to Committee members and incorporate duties under the Equality Act 2010.

**Time recording**

1. If any Member feels there is a need to work additional time, or that circumstances are such that they are unable to fulfil the full number of contracted days, then they should discuss this with the Deputy Director/Committee Chair. The Deputy Director/Committee Chair will subsequently advise Executive Office. NatureScot will only ask for Work Recording forms to be completed by Members to support a claim for time over and above their normal contracted days.

**Performance appraisal**

1. The Chair will carry out an informal performance appraisal with each SAC member each year. Any relevant developmental needs will be identified, and action taken to meet these. Written appraisal reports will be produced at the start of the third year of a member’s term of office and discussed with the SAC member.

**Support services**

1. The administrative and the scientific servicing of the SAC are undertaken by the Nature and Climate Change Directorate.has the primary role, with staff (led by the Principal Adviser on Science), in providing the appropriate scientific material and advice to the SAC Members In addition, it may be appropriate for a member of the Director Support Team to act as the scientific secretary to the SAC and its review groups. More information about these services can be provided on request.

**Review**

1. The terms of reference of the Scientific Advisory Committee are reviewed every two years. The last review was in February 2024, and the changes were endorsed by Board in March 2024.

**Appendix 4 – SAC Expert Panel Terms of Reference – Revised February 2024**

**Scientific Advisory Committee ‘Expert Panel’ - Terms of Reference**

**Roles and Responsibilities of the SAC ‘Expert Panel’**

1. The role of a panel member may cover any, or all, of the following, on request from NatureScot:

* **Advice**: provide necessary advice on scientific matters, especially in relation to novel or contentious work. This advice may be sought over the life-cycle of a project (start-up to final reporting).
* **Peer Review**: to review the quality of NatureScot research reports.
* **Research Theme Review**: contribute to in-depth investigations of specific research themes that underpin NatureScot’s programmes of work. These reviews are designed to ensure that NatureScot’s advice is based on robust science and draws on expertise from appropriate sources. Some of this work involves working as a member of a SAC sub-group (which always has two Scientific Advisory Committee members, and may involve experts outwith the Committee/Expert Panel).

**Remuneration**

1. Members of the Expert Panel will receive a day rate (pro-rata) when asked to provide any of the services in paragraph 1 above. In addition, NatureScot will cover reasonable expenses (including travel, accommodation, childcare and carer expenses) incurred as a result of the work. NatureScot rates will apply.

**Membership**

1. Membership of the Expert Panel is not a guarantee of work, as contributions will be dictated by operational requirements at any given time. Panel members will be approached in advance and asked if they can contribute to a particular issue within their specific area(s) of expertise. Occasionally, contributions may be sought at short notice.
2. Membership will usually be for three years (with the possibility of extension of appointment, with the maximum overall duration of service no more than eight years). NatureScot will review the work of the Panel member annually, and reserves the right to terminate membership if work from the member is not required or is not contributing to the requirements under paragraph 1.

**Dignity at work**

1. NatureScot is an equal opportunities employer and is committed to treating every member of staff with dignity and respect. The individual and corporate responsibilities outlined in our Dignity at Work Policy extend to Committee/SAC ‘Expert Panel’ members, and incorporates duties under the Equality Act 2010.

**Environmental Impact**

1. Where Expert Panel members are contributing to an SAC sub group, they are likely to be asked to attend sub group meetings. In the interests of limiting its environmental impact, where possible NatureScot will utilise video/telephone conferencing equipment to reduce the need for attendees to travel to meetings.

**Support services**

1. Recruitment to the Expert Panel is managed by the Executive Office. Secretariat support of the SAC and the Expert Panel is undertaken by the Director Support Team - Nature and Climate Change. More information about these services can be provided on request.

March 2024

1. Prior to leaving the EU these sites were known as Natura sites [↑](#footnote-ref-1)
2. Directive 2009/147/EC (the codified version of Directive 79/409/EEC) on the conservation of wild birds [↑](#footnote-ref-2)
3. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora [↑](#footnote-ref-3)