

Call for Views response



Response to Call for Views on the Natural Environment (Scotland) Bill to the Rural Affairs and Islands Committee

Committee

May 2025

Key statement

The Scottish Wildlife Trust welcomes the introduction of the Natural Environment (Scotland) Bill, although cautions against the potential for weakening of environmental protections.

We encourage the Committee to:

1. Recommend robust statutory targets in Part 1 of the Bill for nature restoration through a series of amendments and ask that they are tied to the ambition of the Scottish Biodiversity Strategy *“for Scotland to be Nature Positive by 2030, and to have restored and regenerated biodiversity across the country by 2045”* – a change from current drafting which ties targets to the implementation of the Strategy, a document which has no parliamentary sign off and can be easily amended.
2. Protect vital Habitats Regulations and Environmental Impact Assessments (EIAs) and amend Part 2 of the Bill to ensure integrity of these regulations is maintained – a change from current drafting which allows Ministers very broad powers to make significant reforms to environmental protections with very little scrutiny.
3. Expand modifications in Part 4 of the Bill for NatureScot to enable greater flexibility to intervene to reduce deer numbers in the public interest and move to a compulsory control scheme where nature restoration is the objective for deer management – a change from current drafting which risks causing potentially long delays to deer management progress.

Introduction to Scottish Wildlife Trust

Our response: For 60 years, the Scottish Wildlife Trust has worked with its members, partners and supporters in pursuit of its vision of healthy, resilient ecosystems across Scotland’s land and seas. The Trust successfully champions the cause of wildlife through policy and campaigning work, demonstrates best practice through practical conservation and innovative partnerships, and inspires people to take positive action through its education and engagement activities. The Trust also manages a network of over 100 wildlife reserves across Scotland and is a member of the UK-wide Wildlife Trusts movement.

Part 1 – Targets for improving biodiversity

Question 1: Are statutory nature targets needed in Scotland?

Our response: Yes.

The Government’s own Biodiversity Strategy states “We are at a critical juncture. Our failure to address the mutually reinforcing twin crises of biodiversity loss and climate change is already impacting on our economy, society and wider wellbeing.” While action on climate has certainly been accelerated and mainstreamed domestically and in governments around the world by setting climate targets, we need to see similar mainstreaming and prioritisation for nature. Otherwise, we risk the future of the economy, society and wider well-being, as the Government’s own strategy articulates.

Previous non-statutory attempts at targets did not work and it was our impression that beyond certain silos they were not taken seriously by wider Government. Therefore, we feel it is important that statutory targets for nature are set.

Question 2: Are you satisfied with the proposed topics for nature targets set out in the Bill?

Our response: Broadly yes, but we would agree with the Scottish Environment LINK proposed amendments. We also agree and support the rationale that nature is not a simple metric (as for example GHG equivalents might be).

In addition to the LINK comments, we are considering the merits of suggesting the addition of a specific topic in relation to the Natural Capital Asset Index (NCAI), which tracks changes in the capacity of Scotland's terrestrial ecosystems to provide benefits to people. The NCAI is a composite index made of a range of datasets looking at the amount and characteristics of different Scottish habitats. Four types of data inputs are used, including habitat extent, ecosystem service potential, Scotland's demand for different ecosystem services and measurements of habitat quality, along with three types of weighting processes. It is not a monetary value but is composed in a way which reflects the relative contribution of habitats to the wellbeing, or quality of life, of those who live in Scotland. The capacity of ecosystems to provide benefits fluctuates over time due to changes in habitat quantity and quality. The index has already been included as an economic indicator in the National Performance Framework.

We suggest adding this as it may be helpful to show the cross-cutting nature of these targets and have them linked to an economic indicator in the National Performance Framework, especially when a "whole Government approach" is needed.

The LINK comments – which we also endorse – are as follows:

- We welcome the inclusion of a target area focused on habitats. As drafted, this allows Ministers to set targets on "condition or extent" of any habitat. It is vital that the suite of targets covers both habitat condition and habitat extent, and the Bill could be amended to clarify this by separating these into separate topics.
- We similarly welcome the inclusion of a species target area, though have considerable concerns of the narrowness of how this is drafted. The term "threatened species" would potentially omit species that are of conservation importance. The species target(s) must address the recovery of widespread but declining species as well as those who are recognised as threatened. The definition of "threatened species" in the policy memorandum is positive and should be reflected on the face of the Bill.
- The environmental conditions target area is appropriate, as is the "any other matter" power.
- The Bill would benefit from the inclusion of an additional topic area covering the reversal of biodiversity loss against a historic baseline.
- The Bill should include a target to increase ecological connectivity (a "national Nature Network")
- The Bill should also include a target to improve the condition of designated features and 30 by 30 sites

Question 3: Do you have a view on the framework established in the Bill for how nature targets will be governed, including how targets will be set, monitored, reviewed and reported on?

Our response: Regarding Section 2(b) "Purpose of setting targets", we do not think it is sensible to tie the targets to the implementation of the Biodiversity Strategy, a document which has no parliamentary sign off and can be amended easily. Instead, we would suggest that they are tied to the ambition in that strategy (i.e. "*for Scotland to be Nature Positive by 2030, and to have restored and regenerated biodiversity across the country by 2045*").

We support the proposed approach and endorse the LINK response in this regard. It must be kept in mind that the process around target setting has not been ideal from a process perspective. The Government produced a

Biodiversity Strategy, a Delivery Plan and Biodiversity Investment Plan (collectively referred to by Government as the Biodiversity Framework) all before having statutory targets in place. There should be provision to review the Biodiversity Framework (i.e. the delivery we are all interested in) *after* the Act and targets have been set.

We would further emphasise that the lack of accountability and clarity surrounding the “Biodiversity Duty” outlined in the Nature Conservation (Scotland) Act 2004. There was no real obligation for public bodies to publish biodiversity reports, which should have clear deadlines and be collated and published centrally on the NatureScot website for ease of comparison and benchmarking.

Question 4: Is there anything else you would like to say about Part 1 of the Bill on nature targets?

Our response: Currently the Bill requires targets to be set within 12 months of Section 1 coming into force. If we assume that regulations will be brought forward in the next Parliament, this could allow the next Scottish Government to significantly delay the introduction of targets. We would suggest amending the Bill to account for this to protect against delays. We make this point as there are firm commitments in place for 2030 and further delay puts necessary ambition at risk. Setting the targets is not the outcome, delivery of the targets is the outcome and this will take time.

We think there needs to be tightening up throughout the Bill with regard to attention public bodies give the Biodiversity Strategy and Delivery Plans. Rather than “have regard to”, public bodies should be required to “facilitate the implementation” of the Strategy. As a parallel we have been pleased to see the improvement regarding mainstreaming biodiversity in the National Planning Framework 4, specifically changing “development proposals *should...*” to “development proposals *will*”. Language regarding biodiversity responsibilities must become more affirmative and definite across Government otherwise it will be largely ignored.

Part 2 – Power to modify or restate environmental impact assessment (EIA) legislation and Habitats Regulations

Question 1: Do you support the Scottish Government being granted powers to modify or restate EIA legislation and Habitats Regulations?

Our response: We are concerned that as currently drafted, this section of the Bill would grant Ministers very broad powers to make significant reforms to our most vital environmental protections with little scrutiny. Our concern is based on the fact that there could be people in Government (in this Parliament or in the future) who want to weaken these Directives and will look for ways to do that by using these powers.

Habitat regulations are essential for protecting rare and vulnerable habitats and species, and evidence shows they deliver significant biodiversity and climate change benefits. The EIA regulations provide fundamental protections, checks and balances. Ensuring the integrity of these regulations is protected, if making any changes, will be critical.

EIA Regulations

The IPBES (Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services) Global Assessment for Biodiversity and Ecosystem Services identifies development and changing use of land and seas as a primary driver of ecosystem decline. The EIA Regulations are one of our most useful tools to directly address this driver. The relatively recent NPF4 has some specific duties for Planning Authorities tied to EIA level projects regarding the requirement to only support development where it can be demonstrated “*that the proposal will conserve, restore and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention. Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity*”. We are concerned that undermining the EIA process will result in reduced requirements for developers in this regard.

If major reforms of the EIA process are to be brought forward, we would prefer to see these come through Primary Legislation. We do not believe the use of Henry the VIII powers is appropriate for such an important environmental protection.

Habitats Regulations

The Government and NatureScot are progressing with our internationally agreed commitment to 30x30 and at the heart of this is whether designated sites are given the same protection they afford to our most precious habitats and species. We are concerned that there are moves to undermine the habitat regulations, particularly when so much effort and good will is going into achieving the 30x30 target.

We do have issues with their implementation on some of our sites where things are changing due to climate change. We are also aware of other organisations and National Parks across Scotland who also have some issues. However, in our opinion this is more to do with strict interpretation by NatureScot and that existing regulations already provide flexibility.

We feel that the Habitat Regulations allow for the continued protection of designated sites whilst allowing pragmatic change, i.e. for reason associated with climate change, to take place.

As covered in more detail in the joint LINK submission there is already a process for de-notifying SSSIs, as we saw at Meanie Links where the decision to grant planning permission to a golf course resulted in the SSSI being so badly damaged it had to be de-notified.

We also note that Section 2(6) requires affirmative resolution for any proposal to increase an offence (2(6)(b)). This is one-sided, and we feel that it should require affirmative resolution to 'vary an offence by changing its scope including by increasing or reducing that offence or by removing it'.

Question 2: Do you agree with the purposes set out in the Bill for which powers to amend those regimes may be used?

Our response: No. As currently drafted, the purposes set out in the Bill are too broad and ambiguous, potentially allowing Ministers to make significant changes to Habitats and EIA regulations without maintaining or improving environmental standards. The lack of a non-regression provision and vague clauses could lead to weakened protections, which is reinforced by the Delegated Powers and Law Reform Committee's findings on the necessity of such powers.

Because the purposes are so broad, it is unclear if it will actually limit the ability of Ministers to make modifications to the Habitats and EIA regulations. This means we have little reassurance that Ministers in the future will limit changes to maintain and improve environmental standards, particularly if nature conservation is de-prioritised by future governments.

More specifically, we are concerned whether any of the provisions in Sections 3(c) to 3(f) could be used to undermine protection in some way. We would therefore prefer wording such as 'any amendments made for the purposes outlined in subsections 3(c), 3(d), 3(e) and 3(f) must not undermine the level of protection provided by the Regulations and must not conflict with the purposes set out in subsections 3(a) and 3(b).'

Question 3: Is there anything else you would like to say about Part 2 of the Bill on powers to modify EIA legislation and Habitats Regulations?

Our response: We encourage the Committee to consider a range of ways in which Part 2 of the Bill should be significantly improved, indeed there may be some merit in completely removing it. At the least we would want to see the introduction of a non-regression clause, applicable to all the purposes included in the legislation. We would

like to see Part 2 of the Bill reflect the importance of balancing environmental protections and ensuring they are not eroded, with the need to still allow Ministers flexibility.

In addition, we propose that Ministers should be required to seek advice from Environmental Standards Scotland on any proposed changes, and for this advice to be published in advance of regulations being laid.

Part 3 – National Parks

Question 1: Do you agree with proposed changes to the aims of National Parks in the Bill?

Our response: N/A

Question 2: Do you agree with new duties around the implementation of National Park Plans that are set out in the Bill?

Our response: N/A

Question 3: Do you support provisions in the Bill enabling the Scottish Government to make regulations for the issuing of fixed penalty notices for breaches of National Park byelaws?

Our response: N/A

Question 4: Is there anything else you would like to say about Part 3 of the Bill on National Parks?

Our response: Due to capacity constraints the National Park elements of the Bill are not able to be a priority focus area for the Scottish Wildlife Trust. For our views on the proposed new National Park, please see our [consultation response here](#).

Part 4 – Deer management

Question 1: Do you agree with the proposed changes in the Bill to the statutory aims and purposes of deer management?

Our response: Yes. The proposals are based on the recommendations of the independent Deer Working Group accepted by Scottish Government and are broadly in line with last year's *Managing deer for climate and nature* consultation. We particularly welcome the new focus on nature restoration / habitat improvement, rather than only focusing on the prevention of damage. Scotland's unnaturally high deer numbers are consistently identified as a major barrier to achieving conservation and climate objectives. A more flexible approach to deer management and legislation which addresses the impact of deer in preventing restoration and natural regeneration of important habitats has been needed for many years.

Question 2: Do you have any comments on Section 11 of the Bill regarding NatureScot representation on advisory panels?

Our response: No.

Question 3: Do you agree with the proposed changes in Section 12 which changes how frequently NatureScot reviews compliance with the code of practice for deer management?

Our response: We expect a new Deer Code to be produced and to reflect the new deer legislation as soon as possible after enactment. We also support regular reports on compliance with the Deer Code, other aspects of implementing improvements to deer legislation, and meeting enhanced cull targets to the Scottish Parliament on either an annual or bi-annual basis. On this basis we agree with the proposed changes, however we think routine reporting to the Scottish Parliament on sustainable deer management progress could be enhanced.

Question 4: Do you support the new ground for intervention by NatureScot for the purpose of nature restoration, as set out in the Bill?

Our response: Yes. We are very supportive of the introduction of nature restoration as grounds for intervention. These new powers of intervention by NatureScot for the purpose of nature restoration are key if we are to see meaningful improvements to the condition and extent of habitats such as peatland and ancient and semi-natural native woodland. When in a healthy state, these ecosystems have the potential to support a rich and unique array of wildlife, and their protection, enhancement, expansion and connectivity is critical to halting and reversing the decline of biodiversity across Scotland. Bringing deer densities down to ecologically sustainable levels is of paramount importance to restoring the health of Scotland's ecosystems and these new powers are a step in the right direction towards achieving this. Also of critical importance will be the resources allocated to NatureScot to allow them to use their powers effectively and a willingness by NatureScot staff to act when necessary.

Question 5: Do you agree with modifications set out in the Bill for the operation of deer management plans, control agreements and control schemes?

Our response: Not completely, we believe that these modifications could go further. We believe that it should be possible for NatureScot to move straight to a compulsory control scheme where nature restoration is the objective, otherwise face potentially long delays in the required deer management measures being carried out. We would like to see the facility for more urgent action by NatureScot to intervene and definition of circumstances when they must intervene to reduce deer numbers; these circumstances might include when deer densities are above 10 per sq km; to enhance protected areas subject to deer damage; and to protect peatland restoration investment. We support these measures being applied also in areas developed by environmental NGOs for landscape scale conservation projects; for National Nature Reserves; and to enhance key protected areas such as SSSIs and SACs. We also think that communities, environmental NGOs and other affected land managers should have a clear mechanism for calling on NatureScot for deer management intervention where there is evidence of damage to their nature restoration plans, together with a formal response process by NatureScot.

We also feel that a system of cull approvals should be brought in, in line with Deer Working Group recommendation 97. This would give NatureScot the facility to sign off deer cull levels by landowners and to increase them if necessary.

In summary, NatureScot need more flexible and workable powers to intervene to reduce deer numbers in the public interest; to protect public investment in native woodland establishment and peatland restoration; and to reduce human impacts such as Lyme disease and road traffic accidents.

Question 6: Do you agree with the proposed changes to investigatory powers for NatureScot as set out in Section 21 and Section 22 of the Bill?

Our response: Yes.

Question 7: Do you have a view on proposals in the Bill for changes to the authorisations issued by NatureScot for: (a) the culling of deer during the closed seasons; (b) the culling of deer at night; (c) the use of vehicles to drive deer

Our response: We were in favour of shortening the close seasons for female deer as proposed in last year's deer management consultation. This amendment has not been taken forward in this draft of the Bill. We are aware of the concerns of the gamekeeping community around shooting pregnant hinds and orphaning young. However, we believe that maximising the amount of time in a year that female deer can be culled would be beneficial for making meaningful reductions to deer densities. We believe that any amendments to close seasons should be based on scientific evidence of breeding periods for each species and that there should be an emphasis in deer stalker training on good practice for shooting female deer.

Question 8: Do you support a new offence of shooting a deer with a shotgun, along with a corresponding ability for NatureScot to authorise the activity in appropriate circumstances?

Our response: Yes. Deer welfare should be a key consideration.

Question 9: Do you have any comments on Section 28 and 30 of the Bill in regard to the register of authorised persons and requirement to be fit and competent for certain authorisations?

Our response: We agree with these proposals.

Question 10: Do you agree that a new offence should be created for a person failing to report the taking or killing of stray farmed deer?

Our response: Yes. The straying of deer from farmed escapees presents some health risk to wild deer populations through disease transfer so it is important that this situation is monitored through reporting of killed farm deer which can then be subject to health screening.

Question 11: Do you agree with provisions which remove the need for venison dealer licences?

Our response: Yes. We have no objections to the removal of the need for a venison dealer license. However, we don't believe that this is the biggest barrier to small-scale local venison supply. We believe that, in order to increase the supply of local venison to local people at affordable prices, there is a need to explore and address the other barriers that exist, for example the need for community larders.

Question 12: Is there anything else you would like to say about Part 4 of the Bill on deer management?

Our response: The Scottish Wildlife Trust has long called for reform to the deer management processes in Scotland, the use of statutory powers by NatureScot to enforce deer management for the purposes of nature restoration, and for landscape-scale, ecosystem-based approaches to bringing deer densities down. On our reserves, we strive to keep deer at ecologically sustainable levels where possible and are in favour of collaborative community involvement.

We think there should be a requirement on NatureScot to produce a national deer management dashboard informed by best deer management data and aligned with the Forestry and Land Scotland wildlife management dashboard. NatureScot should also have a legal obligation to publish Habitat Impact Assessment data and other relevant information to support sustainable deer management and to create public open-ness and transparency. We also support annual or bi-annual reporting by NatureScot to the Scottish Parliament on progress with sustainable deer management delivery and informed by the best available data.

Our responses here align and were drafted in coordination with SE LINK's position on Part 4 of the Bill on deer management.

General/ aspects not in the Bill

Question 1: Are there any areas not addressed by the Bill that you believe should be included? If so, what are they?

Our response: N/A

References

[Natural Environment \(Scotland\) Bill - Scottish Parliament - Citizen Space](#)