



The Scottish Parliament
Pàrlamaid na h-Alba

Lorna Slater MSP
Minister for Green Skills, Circular
Economy and Biodiversity
Scottish Government

**Net Zero, Energy and Transport
Committee**

c/o Clerk to the Committee
Room T3.40
The Scottish Parliament
Edinburgh
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By email only

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29 September 2022

Dear Lorna,

Scotland's Biodiversity Strategy 2022 – 2045

The Net Zero, Energy and Transport Committee recently considered the Scottish Government consultation on a new biodiversity strategy. On 6 September, we heard from two panels of experts in the field of nature conservation, protection and restoration, on land and in water. I would like to thank all stakeholders who engaged with the Committee's work. Their knowledge and expertise were invaluable in helping us reach the views set out below.

Our main conclusions are that—

1. The Scottish Biodiversity Strategy should be renamed 'Scotland's Nature Emergency Strategy' to better reflect both the scale of the biodiversity crisis and the emergency response required.
2. The consultation paper for the Strategy provides a useful analysis of the current situation, discussing, sometimes in detail, the scale of the crisis we face. But when it comes to discussing outcomes, there is less detail on delivery and potential trade-offs. Biodiversity is a complex system, and we agree on the need for some flexibility. But we agree with stakeholders that a better balance is needed, with targets in the Strategy that are SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound). The Strategy needs to be clear about its baselines and define key terms.
3. The need for SMART targets and concrete actions is even more vital in the case of delivery plans to be issued under the strategy in order to establish a clear link to and direction of travel for those plans. Stakeholders were clear that delivery plans will be the "engine room" of the Strategy and that, without plans setting out clear and

comprehensible milestones for protecting our habitats and vulnerable species, and action that will be taken if the milestones are not being reached, then the Strategy risks failure.

4. There should also be more detail in the Strategy itself as to its governance, monitoring and evaluation, and how this will lead to its refinement and improvement.
5. The finalised strategy should set out concrete actions the Scottish Government will take to mainstream biodiversity across government departments and agencies, to ensure policy is aligned and maximise its delivery.
6. The Strategy should show a clear commitment to learn from best practice across the UK and internationally, for instance from New Zealand, whose policies on habitat restoration and species protection were seen as exemplary.
7. Stakeholders also made positive comments about the EU's 2030 biodiversity strategy and the Nature Restoration Law currently going through the European Parliament. Given the Scottish Government's commitment to keep pace with EU environmental law post-Brexit, the Scottish Strategy should set out clearly how it will ensure it follows EU law and best practice on biodiversity. We also ask the Scottish Government to clarify whether new EU regulation in this area will be "stress-tested" to check its applicability in a Scottish context.
8. There are long-term economic benefits in repairing lost habitats and restoring biodiversity. But there are also shorter-term costs that can be steep in some cases, as the draft Strategy acknowledges. Closing the funding gap will require imagination, a willingness to trial new approaches, and private sector involvement. We share stakeholders' disappointment as to a lack of detail in the draft Strategy as to how costs will be met and as to how the Scottish Government proposes to create a positive environment that will give potential investors confidence. We hope this can be addressed in the final draft.
9. The forthcoming UN Biodiversity Conference (COP 15) presents an opportunity to learn from best practice around the world and to share in global ambitions for biodiversity protection and restoration. The avian flu outbreak that ripped through internationally important seabird colonies in Scottish waters this summer has painfully brought home the need for international co-operation to address and, ideally, prevent anthropogenic biodiversity crises. We would welcome detail of how the Scottish Government intends to incorporate commitments made by Parties at COP15 into the strategy.

A new Strategy presents an opportunity for a fresh start, building on past successes but also learning from past failures, and we hope it succeeds. Stakeholders were clear past efforts to address habitat and biodiversity loss in Scotland have been patchy at best and that on some key indicators, Scotland continues to suffer losses in critical habitat and biodiversity.

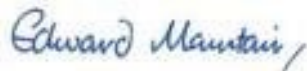
The draft Strategy is a good start but must contain more specific targets. It must also be accompanied by robust delivery plans which detail of how they will differ from past approaches that have not worked as they should. Finally, a future

Natural Environment Bill must provide legal back-up for commitments made in the strategy, include legal mechanisms to address delivery failures.

The annexe to this letter discusses these and other points in more detail.

We ask you to take these conclusions into account before finalising the Strategy. Once it has been published, we would welcome a response indicating whether, and if so how, they have been incorporated into the strategy.

Yours sincerely,

A handwritten signature in blue ink that reads "Edward Mountain".

Edward Mountain MSP
Convener
Net Zero, Energy and Transport Committee

Annexe

General views on the strategy

1. The Committee heard that the strategy should have a title reflecting the scale of crisis we face, nationally and globally. ‘Scotland’s Nature Emergency Strategy’¹ was suggested².
2. Stakeholders also queried the approach of setting out high level outcomes in a strategy, with specific delivery plans following in future. They commented that high-level outcomes often seemed vague, with a lack of comprehensive, specific information on actions for individual habitats and species to be covered by the strategy³.
3. While the Committee acknowledges the intent to provide detail via delivery plans, witnesses told us the strategy should specify, via SMART (Specific, Measurable, Achievable, Relevant and Time Bound) targets⁴ backed by evidence⁵, how outcomes will be accomplished and how success will be measured. High level outcomes were seen as inscrutable⁶ without associated specific actions and targets. A lack of clear direction could also put funding at risk⁷. Stakeholders also called for delivery plans to be SMART⁸, coherent with other policy⁹ and to demonstrate an intrinsic understanding of biodiversity, and its contribution to success in other policy areas¹⁰.
4. Vagueness of language used in the outcomes was also highlighted, with terms such as ‘significantly’, ‘substantially’, ‘regenerated’ and ‘healthy’¹¹ requiring qualification.
5. Suggestions for targets and policy outcomes were proposed¹² and we recognise the scale of the issue could mandate a high number of targets. Protections for comprehensive lists of species and habitats¹³ and specificity about activities to be undertaken¹⁴ were proposed, as part of an ecosystem-scale approach, including an ecosystem restoration programme¹⁵ and

¹ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 19 and 22 and written submission from [RSPB Scotland](#).

² Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 23

³ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 30, 37

⁴ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 21, 5, 6, 20, 21, 26, 27 and written submissions from the [Woodland Trust](#), [RSPB Scotland](#) and [Marine Conservation Society](#).

⁵ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 23

⁶ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 38

⁷ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 23

⁸ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 5, 6, 20, 26 and 27

⁹ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 20

¹⁰ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 20

¹¹ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 38 and written submissions from the [Woodland Trust](#) and [Scottish Wildlife Trust](#).

¹² Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 3 and the written submission from the [Marine Conservation Society](#).

¹³ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col

¹⁴ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 14, 30 and 37

¹⁵ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 14

measures to ensure consistent delivery across Scotland¹⁶. Omissions of species where Scotland hosts most of the world's population¹⁷ were noted.

6. The Committee recommends the title of the strategy should be 'Scotland's Nature Emergency Strategy' to reflect the scale of the crisis.

7. The Committee recommends the final strategy must provide comprehensive SMART targets for delivery of high-level outcomes proposed in the consultation paper. Key terms must be defined in relation to these targets. Targets must include comprehensive and specific information on the ecosystems, habitats and species to be restored and protected, as well as identifying and justifying omissions.

8. Stakeholders provided us with suggestions for specific targets for various habitats and species. The Committee commends these proposals to the Scottish Government for consideration and, recognising the scale of the issue may require a high number of targets, requests details of how the Scottish Government intends to work with stakeholders to develop the comprehensive approach requested.

Governance and Accountability

9. Stakeholders thought previous strategies and targets had failed because of a lack of commitment to implementation and funding.¹⁸ The consultation paper highlights the importance of a leadership, governance and a monitoring framework to support the assessment and delivery biodiversity policy. It commits to "an independent body to monitor and report on progress"¹⁹. It was proposed Environmental Standards Scotland have the remit and capacity for undertaking this enforcement work²⁰. Stakeholders told the Committee successful performance monitoring requires—

- SMART targets²¹;
- Sufficient resources²²;
- Legislative enforcement powers²³ and guidance to support compliance²⁴;
- Upskilling of those required to undertake the work across all sectors²⁵;
- Clear understanding of the sources of information²⁶; and
- Cultural shift to ensure monitoring and evaluation is a learning exercise;

10. Stakeholders welcomed the Scottish Government's recognition of mistakes or policy failures in previous strategy delivery and the commitment to learn lessons, in addition to implementing a new governance structure²⁷. The Committee believes the strategy should be explicit in how it will achieve this

¹⁶ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 32

¹⁷ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 37

¹⁸ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 4

¹⁹ Scottish Government (2022). [Scottish Biodiversity Strategy: A Consultation](#)

²⁰ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 11 and 35

²¹ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 4, 11 – 13 and 34 – 35, and the written submission from the [Marine Conservation Society](#).

²² Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 12 and 13

²³ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 13

²⁴ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 12

²⁵ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 12

²⁶ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 12

²⁷ Scottish Government (2022). [Scottish Biodiversity Strategy: A Consultation](#)

and how approaches will change in light of lessons learned.

11. The Committee welcomes the commitment to a monitoring framework and recommends this should be specified in the strategy, including the necessary SMART targets and body responsible for governance and evaluation. It should also be clear how this differs from the approach to delivering the previous biodiversity strategy and targets.

Policy Coherence and Mainstreaming of Biodiversity

12. Stakeholders said that the Strategy needed to set out in greater detail²⁸ how the Scottish Government would mainstream biodiversity across departments and agencies²⁹. They agreed that having a flourishing natural environment benefits governmental decision-making overall³⁰, increasing the amount of good choices open to government in myriad areas of policy. The Committee heard calls—

- For a “whole of society approach”³¹ and well-funded community involvement, learning lessons from previous attempts³²;
- For more support to protect biodiversity to be provided to those already involved in land stewardship, such as crofters³³;
- For organisations, communities and individuals invested in biodiversity to support other sectors in ascertaining what needs to be done³⁴;
- For avoidance of competing policy and subsidies, such as nature restoration and agriculture³⁵ and fisheries³⁶, and potential conflicts between two strands of the same strategy³⁷;
- For the Scottish Government to consider how wider habitat management and improvement, such as native woodland³⁸, might improve biodiversity and ensure policy was complementary³⁹; and
- For biodiversity targets to align and contribute to other policy⁴⁰

13. We welcome the Scottish Government’s acknowledgement of a need to learn lessons from previous strategy delivery⁴¹ in the consultation but does not explain how mainstreaming will be achieved as part of its new biodiversity strategy⁴².

²⁸ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 18, 31, 40 and written submission from the [Scottish Wildlife Trust](#).

²⁹ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 4, 5, 18, 28 and 29, and the written submission from the [Marine Conservation Society](#).

³⁰ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 3, 4,

³¹ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 7

³² Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 15

³³ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 7

³⁴ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 7

³⁵ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 15

³⁶ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 39

³⁷ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 29 and 36

³⁸ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 3, 4

³⁹ Written submissions from [Woodland Trust](#), [Scottish Wildlife Trust](#) and [Marine Conservation Society](#).

⁴⁰ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 4, 5, 7, 8 and 43 and written submission from the [Scottish Wildlife Trust](#).

⁴¹ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 14

⁴² Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 5

14. **The Committee recommends the Scottish Biodiversity Strategy should be explicit in how it will achieve mainstreaming of biodiversity into public policy. This should include specific reference to the other policies and strategies which must have a coherent approach to biodiversity.**

15. **The Committee requests detail of the involvement of citizens in the consultation processes the Scottish Government has undertaken in preparing the ideas in the consultation and how this compares to consultation undertaken with people in preparing climate change plans.**

Best Practice for Biodiversity Policy

16. Stakeholders highlighted examples of international and domestic best practice approaches to nature conservation and strategies for protection and restoration of biodiversity. The approach in New Zealand⁴³ was repeatedly praised, along with other examples from around the world⁴⁴ and within the UK⁴⁵.

17. The European Union's biodiversity strategy and resultant regulations were praised for going further than global thinking on restoration⁴⁶ and consultative development, and as having strong links to agricultural strategy. This was contrasted with the UK approach, described as "weak" and the Scottish Government's commitment to keep pace with EU law was noted⁴⁷.

18. **The Committee recommends the Scottish Government considers the international and domestic examples presented to the Committee.**

19. **The Committee also recommends the strategy and delivery plans are explicit in how any targets set out in them compare with equivalent targets set by the EU, in light of the Scottish Government's commitment to keep pace with the EU on environmental protection.**

Finance and the Budget

20. Stakeholders called for sufficient resources to support the strategy. The Committee notes the consultation paper sets out an ambitious approach⁴⁸ which is a welcome first step, but there remains a significant lack of detail as to how this approach will function in practice.

21. Innovative approaches to funding building on successes such as the Peatland Action Programme⁴⁹ were proposed, including private finance⁵⁰. Examples shared with the Committee included proposals for a Rainforest Restoration Fund⁵¹ and imaginative use of research funding in South Africa to form partnerships promoting existing knowledge about "nature, biodiversity

⁴³ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 9 and 33- 34 and written submission from the [Scottish Wildlife Trust](#).

⁴⁴ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 33

⁴⁵ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 7, 9 and 33

⁴⁶ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 30

⁴⁷ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 9, 26 and 30

⁴⁸ Scottish Government (2022). [Scottish Biodiversity Strategy: A Consultation](#)

⁴⁹ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 14

⁵⁰ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 15 and 16

⁵¹ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 14

and climate change”⁵².

22. It was estimated costs of successful biodiversity restoration could be approximately £15-20 billion as part of a multi-year programme of investment⁵³, to include not just capital works but also ongoing management and revenue funding⁵⁴.

23. It was proposed spending across all portfolios should be used to deliver the strategy⁵⁵ and it was thought current funding allocations could be used more effectively (for example, in relation to deer management)⁵⁶. It was suggested spending on nature and biodiversity restoration should be seen as an investment and this would deliver savings and benefits in other areas⁵⁷. It was also suggested long term change would require long term funding certainty for different ecosystems⁵⁸.

24. The Committee recommends the Scottish Government should include detail of the role of private sector companies in funding biodiversity infrastructure and how this will operate alongside public sector funding.

25. The Committee recommends the delivery plans to follow the strategy should contain financial information including the budget allocated to policies and proposals (including from which portfolio the budget will come), and the savings and benefits these will deliver elsewhere.

UN Biodiversity Conference (COP 15)

26. The publication of a new Scottish Biodiversity Strategy is an opportunity for Scotland to be visionary and world leading ahead of forthcoming UN Biodiversity Conference (COP 15) in December 2022⁵⁹.

27. Stakeholders told the Committee it was imperative COP15 instilled a sense of urgency for the protection and restoration of biodiversity⁶⁰ and delivered international SMART targets⁶¹ demonstrating parity between biodiversity and climate change crises⁶². There were calls for a “global biodiversity framework to pinpoint how we can take transformative action”⁶³ and a need to learn from past failure⁶⁴.

28. The Committee urges the Scottish Government to optimise the opportunity of COP15 taking place this year and recommends the

⁵² Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 10

⁵³ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 4, 13, 14 and 35 and written submissions from the [Woodland Trust](#), and [Scottish Wildlife Trust](#).

⁵⁴ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 35

⁵⁵ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 15, 17, 18, 19

⁵⁶ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 16

⁵⁷ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 17 and 19

⁵⁸ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 35

⁵⁹ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 6

⁶⁰ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 5

⁶¹ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 5, 6 and 32

⁶² Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 5

⁶³ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 6

⁶⁴ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 6 and 7

Scottish Government provide detail of how it intends to incorporate commitments made by Parties at COP15 into the strategy.

Natural Environment Bill

29. Stakeholders welcomed the prospect of a Natural Environment Bill with statutory nature restoration targets⁶⁵ and called for this to progress as a matter of priority. It was seen as an opportunity to address existing gaps in legislation and policy, and stakeholders presented a range of proposals for inclusion in the bill⁶⁶.

30. The EU was seen by stakeholders as having shown leadership on how to enshrine ambitious targets into new legislation. The EU's proposed Nature Restoration Law was identified as a clear blueprint for Scotland to follow and stakeholders strongly urged the Scottish Government to ensure the Natural Environment Bill is keeping pace with EU standards and targets in relation to nature restoration⁶⁷ including alignment with the target of ensuring 20% of all land and marine habitats to be in active restoration by 2030⁶⁸.

31. Scottish marine legislation was described as world leading but it was suggested ambitions on paper had not been delivered in practice⁶⁹ and should not be allowed to "drift"⁷⁰. The Committee believes the strategy should also mitigate against this in forthcoming legislation and be explicit on the consequences of not meeting targets.

32. Stakeholders said it was essential to have a robust strategy for tackling invasive, non-native species⁷¹, with the New Zealand approach heralded as good practice.

33. The Natural Environment Bill must provide legal back-up for commitments made in the strategy, include legal mechanisms to address delivery failures. The Committee seeks confirmation of whether the forthcoming Natural Environment Bill will keep pace with the EU Restoration Law.

⁶⁵ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 26, 42 and 43

⁶⁶ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 26

⁶⁷ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 43

⁶⁸ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 30

⁶⁹ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 29 and 34

⁷⁰ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 39

⁷¹ Net Zero, Energy and Transport Committee, [Official Report](#), 6 September 2022, Col 3