



The Scottish Parliament
Pàrlamaid na h-Alba

Net Zero, Energy and Transport Committee

Christina Cox
Chair
Heads of Planning Scotland

11 November 2025

Dear Ms Cox,

Ecocide (Scotland) Bill

The Scottish Parliament's Net Zero, Energy and Transport Committee is currently scrutinising the Ecocide (Scotland) Bill. The Members Bill, introduced by Monica Lennon MSP, would create a new criminal offence of "ecocide", defined as causing severe environmental harm either intentionally or recklessly.

The Scottish Parliament's Information Centre (SPICe) has produced a [briefing](#) explaining the Bill. The Committee also launched a call for views on the Bill. Responses are available on the Committee's [website](#). A summary of the evidence, produced by SPICe, is also available on the Committee's [website](#).

The Committee would welcome your views on how the Bill might affect the fulfilment of statutory functions of local authorities, particularly given their role in granting planning consents and enforcing environmental obligations at a local level. While the Bill is principally aimed at deterring and punishing the most serious cases of environmental damage, several aspects have potential implications for planning and development control. These include:

Consented or licensed activities: The Bill does not provide an explicit defence for harm caused by activities that have been consented or licensed by a public authority (e.g. through planning permission, a SEPA permit, or a NatureScot licence). There is no explicit defence provided either for the operator (who holds a licence, planning consent, etc) or for a regulatory body or planning authority who issues the consent or licence. The Committee has heard evidence comparing this to the Regulatory Reform (Scotland) Act 2014, where defences along these lines are provided for (section 40(2) and 40(6) of that Act). Should the Bill clarify whether, and under what circumstances, acts carried out under consents or licences might still expose individuals or organisations, including public bodies with planning or licensing functions, to criminal liability for ecocide?

Decision-making and liability: How would the possibility of criminal prosecution for ecocide influence or change the approach taken by planning authorities in assessing

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and approving applications, particularly for major developments that could have long-term or cumulative environmental impacts?

Threshold of harm: The Bill defines “severe environmental harm” as harm that has serious adverse effects *and is* either widespread or long-term (i.e. irreversible or not naturally recoverable within 12 months). Do you consider these thresholds sufficiently clear and workable in the context of planning assessments?

Cumulative impacts and course of conduct: The Committee has heard differing views on how the definition of ecocide in the Bill might be considered to apply to cumulative harm arising over time from a course of conduct, as well as to single catastrophic-type incidents. From a planning perspective, is it clear how the Bill might apply to incremental harm, and how might this impact your consenting functions? If not, how could this be clarified?

Enforcement and investigation: Section 9 of the Bill would extend investigatory powers under the Environment Act 1995 to cover the offence of ecocide, which may include local authorities as enforcing authorities. What implications might this have for your existing enforcement capacity, training, or coordination with SEPA and other agencies? In what circumstances do you envisage your organisation would be involved in responding to an ‘ecocide-type’ incident?

The Committee would be grateful if you could provide any views or evidence your organisation may have on these issues, including examples of how the Bill could interact with local planning, environmental assessment, or enforcement practice.

The Committee would be grateful for a response by **Friday 28 November**.

Yours sincerely,

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

Edward Mountain MSP

Convener

Net Zero, Energy and Transport Committee