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Dear Finlay

SCOTTISH GOVERNMENT RESPONSE TO THE RURAL AFFAIRS AND ISLANDS COMMITTEE'S REPORT ON THE NATURAL ENVIRONMENT (SCOTLAND) BILL AT STAGE 1

I write in response to the Rural Affairs and Islands Committee's Stage 1 Report on the Natural Environment (Scotland) Bill ("the Bill"), and on behalf of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, and the Minister for Agriculture and Connectivity.

I would like to thank the Committee for its careful and detailed consideration of the Bill. As I said in my oral evidence before the Committee on 4 June 2025 there is an indisputable body of evidence that biodiversity, both globally and here in Scotland, is in jeopardy. As such, the Bill is necessary to ensure that we continue to develop, support and deliver the lasting outcomes for nature that we need to see, if we are to meet our ambition to restore and regenerate biodiversity across the country by 2045.

I am therefore pleased that the Committee has endorsed the general principles of the Bill. The Government's response in the Annex responds to each of the main recommendations in the report with the relevant paragraph numbers noted.

I hope that this response addresses the issues raised in the Committee's Stage 1 Report and is helpful in your further consideration of the Bill.

I look forward to debating the Stage 1 report on 30 October 2025 and to continuing to work with the Committee on this important Bill at Stage 2, should Parliament endorse the general principles at Stage 1.

Yours sincerely,

GILLIAN MARTIN

ANNEX

SCOTTISH GOVERNMENT RESPONSE TO THE RURAL AFFAIRS AND ISLANDS COMMITTEE'S REPORT ON THE NATURAL ENVIRONMENT (SCOTLAND) BILL AT STAGE 1

Part 1 – Targets

Duty to set statutory targets

31: The Committee notes some stakeholders' concerns about the workability of statutory targets, but members expect the process by which targets will be agreed will be inclusive and rigorous.

I agree with the Committee that the process by which targets are agreed should be inclusive and rigorous.

As I set out in my letter to the Committee of 26 June 2025 the Biodiversity Programme Advisory Group (PAG) are playing a key role in the 4-Step process to select targets. To further the scientific rigour of the process to select target topics, a sub-group of NatureScot's Scientific Advisory Committee has provided scrutiny of the process the Scottish Government has used to elicit expert advice from the PAG, and is providing a peer review function of the advice provided by the PAG in order to provide reassurance.

As I also set out in that letter, my officials are engaging, and will continue to engage, with a wide range of stakeholders who have an interest in or are likely to be impacted by the introduction of statutory targets. I am committed to keeping the Committee updated both on work to develop the targets and how we are engaging with stakeholders and members to ensure a partnership approach.

Target topics

46: The Committee notes the consensus amongst stakeholders that the proposed three topic areas in section 2C, alongside the flexibility to set targets in other areas relating to the restoration or regeneration of biodiversity, provides a robust framework for setting effective statutory targets. The Committee welcomes the Cabinet Secretary's consideration of how further clarity could be provided regarding the topic area of 'threatened species' and how it is defined. The Committee asks for an update on her thinking in the response to the Stage 1 report.

I welcome the consensus both from stakeholders and the Committee that the proposed target topics listed within the Bill provide a robust framework for setting effective statutory targets.

I have been reflecting on the points raised during the evidence sessions, and evidence submitted by stakeholders, and I am considering options for amending the provision to provide further clarity regarding the topic area of 'threatened species' and how it is defined.

47: The Committee also notes that the Scottish Government has delayed legislating for the two recommended topics areas relating to ecosystem health and citizen engagement until accurate metrics for measuring progress become available. Whilst the Committee understands the Scottish Government's reason for this decision, members believe a clearer timetable for this work would help maintain the focus on supporting biodiversity. The Committee asks for an indicative timetable for how work towards developing indicators for these topic areas will be progressed, and who will be responsible for this work, in advance of Stage 2.

As I have previously set out, there are two additional target topics: 'Ecosystem Health and Integrity' (EHI); and 'Citizens and society understanding, benefiting from and contribution to nature' (C&S), which the PAG assessed as having merit for consideration of the development of statutory targets. However, the PAG also acknowledged that there is currently not an established approach to assessing how targets made under these topics could be measured.

In relation to the EHI target topic, officials within the Scottish Government's Rural and Environment Science and Analytical Services Division have been working to progress the PAG recommendation to develop the Red List of Ecosystems indicator. The aim of this project is to identify, develop and incorporate systems indicators of EHI into the Red List of Ecosystems for Scotland, and the project is expected to be completed by the end of 2026. This work and research will help to progress this target topic with a view for possible inclusion as an additional target topic, which is again based on the best scientific advice.

The PAG recommended 'Citizens and society understanding, contribution to and benefiting from nature' (C&S) as a target topic. However, during their deliberations in early 2024 they were unable to reach consensus on suitable indicators. While there is agreement on the topic's value, there is currently no consensus on whether current proposed indicators, such as self-reported data from Scotland's People and Nature Survey and Scotland's Household Survey, are sufficient, although recommendations were provided on further areas of possible exploration.

As such, while the conclusion from this work remains that the C&S target topic has merit, further consideration of appropriate indicators is required and this is something that my officials and the PAG will explore further with stakeholders. The next round of stakeholder engagement is taking place in October and November 2025 and we look forward to hearing their views and for their continual input into the development of nature restoration targets.

49: The Committee has not considered the possible individual targets, or specific associated performance indicators, as part of its Bill scrutiny as it expects this to be the scrutiny focus when the targets are introduced by regulations. The Committee expects the scrutiny of the regulations to be a significant piece of work and that the relevant committee will devote the appropriate amount of time to this.

I note the Committee's comments. Should the Bill be passed, the Scottish Government will engage fully with the relevant parliamentary committee as they undertake their scrutiny of the proposed targets and performance indicators.

Data and performance indicators

57: The Committee welcomes evidence from experts suggesting that indicators for statutory targets can be developed in a robust and accurate manner if sufficient investment is made in adequate data collection methods and the wider community of organisations engaged in this work.

58: The Committee recognises the work the Scottish Government has done in this area, including in response to recommendations of the Scottish Biodiversity Information Forum. The Committee asks the Scottish Government for further details about how funding needs will be assessed from April 2026, and whether there are opportunities through the Bill to ensure the resourcing of biodiversity data infrastructure is sustainable.

We continue to develop our approach to monitoring and evaluation, which includes assessing existing activities to ensure that we are future proofing our approach. This will include consideration of any future specific funding needs as well as ensuring a long term, sustainable approach to resourcing of biodiversity data infrastructure.

There is agreement on the vital need for public, private and philanthropic investment to deliver our strategic outcomes for nature restoration. However, I do not consider that legislative provision is necessary nor would be effective for securing sustainable future funding for resourcing of biodiversity data infrastructure. NatureScot and the Scottish Government are committed to the overarching aims of the Scottish Biodiversity Investment Forum review and have invested, particularly via the Better Biodiversity Data project, in the development of a national approach that will help support, and provide long-term security, of recording at regional and local levels. We are committed to supporting the collection, management and use of biological data to support decision-making, to drive action to reverse biodiversity declines, and to help deliver the outcomes of the Scottish Biodiversity Strategy as we transition to a more sustainable national approach that the Better Biodiversity Data project aims to deliver.

In my letter to the Committee of 26 June, I set out that we are currently undertaking consultation with experts to identify appropriate indicators to use for the targets, but that the required monitoring of biodiversity is an ongoing programme of work, much wider than simply providing data to support reporting on statutory targets.

We continue to work with NatureScot to build on the significant monitoring already taking place across Scotland to develop a strategic approach to the selection of indicators for monitoring biodiversity. The aim of this process is to ensure that the indicators we use to track progress are fit for purpose i.e. are robust, provide timely data and are cost effective.

My intention is that properly established monitoring and evaluation; governance, and independent scrutiny from ESS, should work as a more effective means to ensure the appropriate investment is secured by delivering actions required to achieve the ambition of the Biodiversity Strategy.

Timeline for introducing Targets

64: The Committee accepts it is important that the Scottish Government takes the time to ensure statutory targets can be introduced effectively, including developing a set of

indicators and data collection mechanisms capable of assessing progress against. At the same time, the Committee recognises the need for urgency in tackling the nature emergency, especially as significant delays could impact the delivery of Scottish Government's ambitions to halt biodiversity loss by 2030. The Committee believes its concerns could be meaningfully addressed if the Scottish Government, when responding to this report, sets out a clear timetable for introducing statutory targets.

I recognise the Committee's concerns and request for clarity on the timetable for introducing the statutory targets. At this stage, I am unable to provide specific dates, as these will depend on the completion of the Parliamentary process and the finalisation of the provisions. However, in order to ensure that targets are introduced in a timely manner, the proposed section 2C(3), inserted into the Nature Conservation (Scotland) Act 2004 ("the 2004 Act") by section 1 of the Bill, states that regulations setting a target for each target topic must be laid before the Scottish Parliament within 12 months of section 1 of the Bill coming into force. Should the Bill be passed, the intention is to commence all the provisions in Part 1 of the Bill as soon as practically possible, after Royal Assent has been granted. I will endeavour to keep the Committee and all those interested in these targets informed of the overall progress in delivering targets.

Procedure for setting targets

66: The Committee agrees that target-setting regulations made under proposed section 2C should be considered under the affirmative parliamentary procedure.

I note the Committee's agreement that regulations setting the targets under proposed section 2C should be subject to the affirmative procedure. I also welcome the Committee's recognition of the additional requirements on Ministers to seek scientific advice, which provide an enhanced level of scrutiny.

Duties in relation to meeting Targets

70: The Committee believes it is vital that the Bill establishes an effective and meaningful mechanism to come into operation in any instances where the statutory targets are not achieved or considered to be significantly off track. The Committee shares the concerns of some stakeholders that the Bill should go further in ensuring robust ministerial accountability for targets across Government, and creating a method for early intervention, similar to the monitoring framework in place for climate change targets, when it appears that insufficient progress is being made. The Committee asks for further details to be provided in response to this report about how the Scottish Government would anticipate responding to a missed target, or where an assessment demonstrates a target is significantly off-track.

I would hope to not be in such a position, however as set out in proposed section 2D, inserted into the 2004 Act, the provisions describe what Scottish Ministers must do if they believe that a target is no longer possible to meet or is not met.

It requires that Scottish Ministers must lay before the Scottish Parliament a statement which sets out "their view as to why the target was not met, or as the case may be, is no longer possible to meet, and the steps they intend to take as a consequence of the target not being met or their belief it is not possible to meet it."

In addition, Scottish Ministers must "as soon as reasonably practicable, lay before the Scottish Parliament a draft of a Scottish statutory instrument (or drafts of Scottish statutory instruments) containing regulations under proposed section 2C(1) inserted into the 2004 Act which revoke the target and set a new one.

The reporting and reviewing process, detailed in proposed section 2E inserted into the 2004 Act, coupled with the roles of the Independent Review Body and scientific experts, along with Parliamentary oversight, all helps to ensure that Ministers are accountable for progress on meeting the targets.

The targets, along with the Strategic Framework for Biodiversity, will ensure that biodiversity is embedded across Scottish Government policy, supported by strong leadership, resourcing and prioritisation. This approach will guide the development and implementation of actions through the evolving Delivery Plans. The governance, monitoring and evaluation of the targets and Delivery Plans are interlinked in continuous review cycles, and will ensure that the actions undertaken to meet the targets and achieve the visions and aims of the Scottish Biodiversity Strategy will be effective and responsive.

Process of reviewing, reporting on and adjusting statutory targets

82: The Committee notes concerns that a ten-year period for the first review of statutory targets may not allow for sufficient accountability in the initial implementation of the new legislation and framework, especially in the context of the 2030 goal to halt nature loss. The Committee suggests that a six-year review period, to align with the Biodiversity Strategy cycle, might alleviate some of the concerns levelled by stakeholders and asks the Scottish Government to consider this point ahead of Stage 2. The Committee also asks the Scottish Government how it will ensure alignment of these review periods in the future, so they operate coherently as a whole.

I note the Committee's suggestion regarding the review period and its alignment with the Biodiversity Strategy cycle. Proposed section 2E(1) inserted into the 2004 Act states that Ministers must "*not less than once in each 3-year period*, *prepare a report*" and "*not less than once in each 10- year period carry out a review*". This provides an opportunity to allow flexibility on when reporting and reviews are carried out, to best align other cycles of reporting and undertake additional reports or reviews, if required. However, I will give this matter further consideration ahead of Stage 2 and will reflect on how best to ensure coherence between review periods in the future.

83: The Committee believes that it is essential targets are evidence-based and underpinned by robust data. We are, therefore, supportive of provisions in the Bill to require the Scottish Government to seek and have regard to scientific advice when drawing-up and assessing statutory targets. However, if targets are to be achievable, realistic and formulated effectively, the Committee believes scientific advice must also be combined with knowledge from farmers, land managers and other businesses with a practical and detailed understanding of how targets can be properly implemented. The Committee believes, therefore, that the Bill could be improved at Stage 2 to better reflect the necessity for the Scottish Government to consult and have regard to expertise from specific sectors of the economy with a key role in delivering biodiversity targets.

I am pleased that the Committee is supportive of the provisions in the Bill that require the Scottish Government to have regard to scientific advice when drawing-up and assessing statutory targets but I also note your comments that farmers, land managers and business should also be consulted. As I set out earlier in this response, my officials are already engaging with a wide range of stakeholders who have an interest in or are likely to be impacted by the introduction of statutory targets. I am very mindful of the need to ensure we engage fully, particularly with those who will play an essential role in helping us deliver our biodiversity ambitions, such as farmers and land managers.

However, I will reflect further ahead of Stage 2, on whether there is any need for an amendment to better reflect this commitment.

Independent review of statutory requirements

91: The Committee notes that there were some questions from stakeholders about how ESS's existing enforcement functions would apply in relation to statutory nature targets, and whether those represented sufficient 'sanctions' in the case of failure to meet statutory nature targets. The Committee requests that the Scottish Government, in advance of Stage 2, consider these concerns and set out in detail what enforcement options, including existing powers conferred under the Continuity Act, would be available to ESS as part of its new monitoring responsibilities.

While the Bill sets out specific duties for ESS to undertake, it is still at the discretion of ESS to determine the manner in which it undertakes these duties, and any other duties it deems to be appropriate to undertake to fulfil its functions as set out in the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 ("the Continuity Act"). Therefore ESS have existing powers to conduct investigations if they believe that a public authority, including the Scottish Government, is not on track to meet targets, such as issuing improvement reports or compliance notices.

Section 26 of the Continuity Act provides ESS with powers to issue improvement reports if it considers that a public authority, has failed to comply with, make effective, or implement or apply effectively, environmental law. Such a report will set out the alleged failures and recommended measures that must be taken, either by the public authority or by Scottish Ministers, in order to comply with environmental law or improve the effectiveness of environmental law or how it is implemented or applied. Scottish Ministers must respond to this report with an improvement plan setting out the measures that they intend to take to implement recommendations, timescales and, if they do not intend to implement recommendations, the reasons for doing so. This plan must be laid before the Scottish Parliament.

Section 31 provides that ESS can issue a compliance notice to a public authority if ESS considers that the public authority, in exercising its regulatory functions, is failing to comply with environmental law or has failed to comply with the environmental law in circumstances that make it likely that the failure will continue or be repeated; and its failure to comply with environmental law is causing, or has caused, environmental harm or a risk of environmental harm. The compliance notice requires that the public authority to whom it is issued take steps, set out in the notice, in order to address its failure to comply with environmental law. Where a public authority fails to comply with a compliance notice, ESS can report the matter to the Court of Session. The Court of Session can then make any enforcement orders it considers appropriate or deal with the matter as if it were a contempt of court.

Furthermore, under section 38 of the Continuity Act, ESS may make an application for judicial review in relation to a public authority's conduct (whether or not it has issued a compliance notice or prepared an improvement report in respect of that conduct) or intervene in court proceedings if ESS considers that the conduct constitutes a serious failure to comply with environmental law and it is necessary to prevent, or mitigate, serious environmental harm.

92: The Committee supports ESS's suggestions for how its functions can be clarified and strengthened, such as by establishing a mechanism whereby ESS can independently instigate a review of targets, and enabling it to lay its reports under section 2G directly in the Scottish Parliament, and notes the Cabinet Secretary's intention to discuss this further with ESS. The Committee requests an update on the Scottish Government's engagements with ESS regarding its responsibilities ahead of Stage 2.

There is regular and on-going engagement between the Scottish Government and ESS regarding the Bill. I am looking at options to amend the Bill to enable ESS to submit their reports to the Scottish Parliament rather than Scottish Ministers.

However, as detailed in my response above, ESS has existing powers and functions in legislation in which they can independently conduct investigations under the Continuity Act, if they felt that Ministers were not on track to meet targets.

Financial implications for ESS

96: The Committee notes the Scottish Government's statement in the financial memorandum that it is "not possible to accurately estimate the ongoing costs to ESS associated with the provision in the Bill", especially in the context of the decisions yet to be taken regarding the details of ESS's role as an independent review body. The Committee notes, however, the resource estimates provided and recognises the ongoing costs to ESS will become clearer when the targets are set. This uncertainty around costs has limited the Parliament's ability to consider fully the financial implications of Part 1. The Committee expects that updated information on the resource implications for ESS would be brought forward when the regulations are laid.

97: The Committee agrees that, for ESS to carry out its role as an independent review body, it must have the capacity and resources to do so effectively

I agree that for ESS to carry out its role as an Independent Review Body, it must have the capacity and resources to do so effectively.

This is why we have set out within the Financial Memorandum for this Bill estimates of what it is anticipated the costs to ESS will be. However, as the Financial Memorandum set out *"it is not possible to accurately estimate the ongoing costs for ESS associated with the provisions in the Bill as those costs will depend on the final detail of the nature restoration targets to be laid in regulations, the quality of the available data to assess progress on those targets, the level and detail of the scrutiny applied by ESS on an ongoing basis, the length* *and complexity of each report prepared by Scottish Government, and the extent to which the Scottish Government has fulfilled its duty in achieving the targets, monitoring and report on them."*

However, there are established processes and commissions in place to forecast on a yearly basis the work of ESS and opportunities to include forecasts for additional work. In making those forecasts ESS will be expected to recognise the need to seek to work as effectively and efficiently as possible in fulfilling their new responsibilities.

Other issues for Part 1

100: The Committee notes a legislative gap relating to nature targets on the offshore marine environment and asks the Scottish Government for clarity about how this could be addressed.

Statutory targets for improving biodiversity can only be included in Scottish Parliament legislation where the Scottish Parliament has legislative competence to set targets. The devolution arrangements for marine environment matters are a complex mix of legislatively devolved, executively devolved and reserved powers. In general (apart from a few exceptions, for example the reserved matters of oil and gas, defence and pollution), the Scottish Parliament has legislative competence for marine environment matters within the Scottish inshore region (0-12 nautical miles), therefore the Scottish Parliament could set statutory targets for that area. However, the Scottish Parliament does not generally have legislative competence for the offshore region (12-200 nautical miles).

There are some exceptions to this general rule, for example the regulation of sea fishing or some marine licence matters such as the issuing of licences for deep sea bed mining.

It is important to note that Scottish Ministers already have a statutory duty to develop policy within a legislative framework relevant to targets (to achieve Good Environmental Status) for the Scottish inshore and offshore marine environment through the UK Marine Strategy Regulations (2010). The Scottish Government is determined to ensure nature restoration targets are as effective as possible in addressing biodiversity loss in the marine environment, including for the offshore marine area, and my officials continue to work through all options in this regard.

<u>Part 2 –Power to modify or restate EIA/Habs Regs</u>

In relation to Part 2 of the Bill, I have responded to the Committee's individual recommendations below, but I wanted to take the opportunity to set out my initial reflections now that the Stage 1 evidence sessions have concluded.

As I set out in my evidence to the Committee, the Scottish Government is fully committed to protecting our environment, indeed that is why Part 1 of the Bill will put targets for improving biodiversity on a statutory footing. However, in order to meet our ambitions to tackle the twin crises of climate change and nature loss, we must have the necessary tools. The 1994 Habitats Regulations and legislation that forms the EIA regime are key frameworks underpinning important environmental protections and assessment processes in Scotland, on land and at sea. My intention with the proposed power in Part 2 of the Bill is to address the legislative gap left as a consequence of EU exit and to complement the other existing (but limited) powers which are already available. This will provide the flexibility needed to adapt to future requirements, while ensuring that the legislative frameworks continue to effectively underpin environmental protection and assessment processes in Scotland.

Given the limitations of the existing powers on the statute book, there is a risk that without the bespoke power within Part 2 of this Bill, the 1994 Habitats Regulations and EIA regime may be "frozen in time" and each time the government is required to make a change to the legislation, an appropriate Bill would need to be found. This risks creating an environmental protection regime in Scotland that is static and lacking the agility that we think will be required to urgently respond to the crises that we are facing. Requiring the use of primary legislation every time an amendment was required to the legislation would be unduly burdensome and disproportionate.

However, I have heard and fully understand the Committee and stakeholder's concerns that the power, as currently drafted, is too wide and that views have been expressed that the power could enable future governments to dismantle the existing environmental protection regime in Scotland: as I hope I made very clear when I gave evidence to the Committee that is not the policy intention behind taking these powers.

There is a balance to be struck between having the power to provide the flexibility needed to operate in a changing climate and to meet our ambitions for climate and nature, while ensuring that our commitment to environmental protection is maintained and sufficient parliamentary scrutiny is maintained.

It is clear from the Committee's report and the feedback I have had from stakeholders that Part 2 of the Bill does not yet strike quite the right balance. It is therefore my intention to bring forward amendments that will seek to tighten the provisions in Part 2 in order to allay these concerns.

My officials and I have been engaging closely with stakeholders on this matter and will continue to do so ahead of Stage 2 to help inform the amendments that I will bring forward. I would also be happy to meet with members to hear their thoughts on what they think would be helpful by way of amendments to ensure we are providing the required reassurance.

179: The Scottish Government has reiterated its view that its existing powers, including Regulation 9D, are insufficient to enable it to make changes to the Habitats Regulations. At the same time, however, the Committee understands, and shares, stakeholders' – such as ESS, JNCC and the Law Society – concerns that the proposed power is broad and open ended. The Committee agrees that more clarity must be provided by the Scottish Government to explain the reasons for this, especially in the context of the Scottish Government's intention to undertake "a more fundamental review and reform of the legislative framework covering nature conservation, including protected areas".

As I and stakeholders noted during the Committee's evidence session, the UK's exit from the EU has, regrettably, created a legislative gap with regard to the Habitats Regulations and EIA legislation. I believe a bespoke power could fill the legislative gap that has been created at the point of EU exit, and that ensure the 1994 Habitats Regulations and the EIA regime remain fit for purpose over time. In its Stage 1 report on the Bill, the Delegated Powers and

Law Reform Committee (DPLRC) noted that it has seen similar enabling powers in other policy areas that were heavily influenced by EU law and were content, in principle, with the proposed new power stating that:

> *"…the committee finds the power acceptable in principle and is content with the choice of procedure"*

In setting out their reasoning the DPLRC states:

"Most of the legislation listed was made under the power in section 2(2) of the European Communities Act 1972, which gave Ministers the power to implement EU obligations. The power in section 2(2) ceased to be available upon "IP completion day" on 31 December 2020. Now that the power in section 2(2) is no longer available, a new enabling power is required to allow that body of legislation to be amended going forward. Whilst there are some domestic powers which could be used to amend the habitats regulations and EIA regime, they can only be exercised for specific, or limited purposes and do not provide the flexibility that may be required to keep the legislation up-to-date and fit for purpose. Furthermore, some of those powers are due to sunset.

"Since Brexit, the Committee has seen similar enabling powers in Bills in policy areas which have been heavily influenced by EU law. For example, section 2 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 gave the Scottish Ministers the power, by regulations, to modify Common Agricultural Policy legislation, which would previously have been amended under the power in section 2(2)."

At the same time, I acknowledge the concerns raised regarding the breadth of the proposed power raised during Stage 1 evidence. As I noted above, I am actively considering how the scope of the power might be amended to address those concerns, while still ensuring it remains workable, and sufficiently flexible, to respond to an unpredictable future in which we are facing a twin climate and biodiversity crises.

In relation to regulation 9D (Reg 9D) of the Habitats Regulations, specifically, this regulation contains an obligation on Scottish Ministers to manage, and where necessary adapt the UK site network with a view to contributing to the achievement of its management objectives. The initial Scottish Government position was that Reg 9D could not be used to do things like reduce site boundaries, declassify sites or remove features from sites, due to a lack of specific powers in the Habitats Regulations to allow this and the absence of provisions setting out how these actions should be undertaken. However, after further consideration, and discussion with Defra colleagues, the Scottish Government accepts that whilst it has not been used in practice, there may be an implied power to comply with this duty despite the lack of specific legal provision in the Habitats Regulations. This means that the Scottish Government may be able to issue guidance, setting out a process to be followed to adapt the UK site network, where this is necessary to contribute to the achievement of the management objectives. Alternatively, the proposed power in the Bill could be used to introduce greater legislative clarity on how these actions should be undertaken through the creation of provisions.

However, adapting the site network in response to a changing climate, was only one of the examples given by the Scottish Government to justify the taking of this power. Regulation 9D is specific to this example of the UK site network, and would not permit Ministers to amend the Habitats Regulations, or indeed the EIA legislation, in any of the other ways that were set out in the Policy Memorandum. Moreover, the power in Part 2 will allow Scottish Ministers to tailor Scottish domestic legislation to Scottish requirements, updating provisions to reflect current legislative frameworks, and provide the flexibility to align with UK approaches where appropriate.

179 (cont'd): Alternatively, the scope of the power should be narrowed to make the specific changes required now (for example, clarifying a process for amending the features or boundary of a designated site) and address the wider issue at a later date. That could be achieved through a narrow, targeted delegated power for specific areas or through specific changes in the Bill.

While a more narrowly targeted approach to the Bill has previously been considered, I do not believe a narrow, targeted delegated power would be sufficient. Although it could address the immediate need, such as clarifying the process for amending the features or boundary of a designated site, it would not accommodate the broader range of anticipated future uses. This includes managing sites effectively for biodiversity beyond the named habitats/species for the sites, particularly in the light of rapid change driven by climate change. Moreover, in order to be responsive and adapt to dynamic circumstances, regular adjustments may be required. Therefore, it may not be appropriate or possible to make such changes via primary legislation. A broader amending power is therefore considered necessary to ensure the legislation remains flexible and future-proof, allowing us to respond effectively to evolving environmental and policy needs.

However, I have listened carefully to the concerns raised by stakeholders and by the Committee and, as noted, I will be bringing forward amendments at Stage 2 to address concerns that the power, as drafted, is currently too wide and there are not sufficient safeguards in place to guide how this power is used.

180: Another option would be for the Scottish Government to amend the 2021 Continuity Act to remove the sunset clause from the keeping pace power to enable it to continue to use this power and maintain alignment with EU policy and law. Given the statement in the financial memorandum that the Scottish Government has "not committed to using this power in the short term", the Committee does not expect these suggestions to have significant policy implications. They would also give the Scottish Government the opportunity to undertake a thorough review of the operation of the EIA legislation and Habitats Regulations, as suggested by some stakeholders, and explore what could be achieved through existing powers and guidance (in line with the precautionary principle), before taking a decision about seeking such broad regulation-making powers in the future. The Committee believes this would address many of the concerns raised about Part 2, particularly around the purpose and scope of powers.

The UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 ("the Continuity Act") allows us to keep pace with the EU. However, it is a narrow power and there may be circumstances, such as evolving international standards on climate change or biodiversity, where Ministers may wish, or be required, to amend the EIA and/or Habitats regimes quickly and in a bespoke way. In these circumstances, we would not have the power to change aspects of our EIA and/or Habitats regime in the absence of the powers provided under the Bill. Therefore, impeding Ministers' ability to respond at pace to evolving international standards , particularly in areas such as climate change, as every change, even very minor, to the EIA regime and Habitats Regulations would only be made through primary legislation.

To provide a recent example of where Scottish Ministers could have amended specific EIA legislation in response to international requirements, if they had the power to do so, is the Biodiversity Beyond National Jurisdiction ("BBNJ") Agreement. The UK Government last month introduced the BBNJ Bill, which includes a power for the Scottish Ministers to amend our EIA Regulations for the purposes of implementing obligations under the international BBNJ Agreement (Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction). In this instance, we are reliant on the UK Government to include a specific power in a UK Bill, in the absence of powers to amend our devolved EIA regime, therefore enabling the UK Government to legislate on devolved matters. Without the proposed power in Part 2 of the Bill, Scottish Ministers do not have an existing enabling power that may be relied upon to make changes to our EIA regime in line with international obligations. Another example is the Covid pandemic, where we were required to make urgent and unforeseen amendments to the marine works EIA legislation. This temporary legislative change in 2020 was achieved using the now lost power in section 2(2) of the European Communities Act 1972. Without the powers in the Bill, we are arguably in an exposed and vulnerable position, lacking the flexibility to respond effectively through bespoke amendments to our EIA and Habitats regimes.

However, as noted above, I am actively considering amendments that would address the Committee's concerns.

181: In terms of safeguards in the Bill, the Committee notes the Cabinet Secretary's reasons for not including a non-regression provision. Given the breadth of scope of the powers, however, the Committee believes that some additional safeguards are necessary. The Committee notes the non-regression provisions contained in equivalent UK legislation. The Committee recommends that section 3 is amended to give the first purpose – to maintain or advance standards – primacy; no changes should be made to the EIA legislation or Habitats Regulations in secondary legislation which does not maintain or advance standards and protections in Scotland's natural environment.

I note the Committee's recommendation regarding additional safeguards and the primacy of maintaining or advancing standards. I will give this matter further consideration ahead of Stage 2 and I will bring forward amendments providing additional safeguards.

183: Noting the potential breadth and significance of some regulations which could be made under this power, the Committee believes that, should Part 2 be retained, the Bill needs to be amended to provide greater clarity about when the affirmative procedure would be used. The Committee believes that having the option to question the Scottish Government on its use of procedure, or invite a Minister to give evidence, is not a sufficient safeguard in terms of the choice of procedure. The Committee also believes that, for regulations providing for very significant policy changes, the super-affirmative procedure – thus allowing greater parliamentary scrutiny – should be used

As set out in the Delegated Powers Memorandum, the approach taken in the Bill reflects that some of the changes which could be made under this power are expected to be very minor and technical in nature. However, I note the Committee's comments on this point and will give the matter further consideration ahead of Stage 2.

184: Finally, and noting the significant concerns raised by most stakeholders, there were mixed views within the Committee regarding whether Part 2 in its current form is required or whether it should be revised.

I note the Committee's mixed views regarding Part 2 of the Bill in its current form and the need for further amendments and I will bring forward amendments at Stage 2 with the aim of allying these concerns.

Part 3 – National Parks

Support for wider or other legislative reforms to national park legislation

187: Another change made in Part 3 is to provide that any future national parks will automatically become "access authorities" on designation, rather than having to be done separately.

193: Although the Committee's inquiry focused on the provisions of the Bill, the Committee notes calls for an independent or parliamentary review of the overall operation and effectiveness of national parks

196: The Committee recognises that the proposals brought forward in the Bill on national parks are distinct from the process of considering further designations and has sought to approach its scrutiny of the proposals in that context. The Committee suggests that any independent or parliamentary review of national parks includes a review of the designation process for new national parks

As the Cabinet Secretary for Rural Affairs, Land Reform and Islands has previously set out, the Scottish Government has no current plans to conduct an independent review of the two existing National Parks in Scotland. This is because National Park authorities operate openly and transparently and they are accountable to their boards and to the Scottish Government. The Scottish Parliament may also scrutinise the Parks' performance directly as it does with other public sector bodies. National Park authority boards contain a mixture of Ministerially appointed, locally elected and local authority nominated members which adds a level of local accountability.

National Park authorities are required to produce a five year National Park Plan, which their Corporate Plans are aligned to. These Plans, including the aims and objectives within them, are signed off by Scottish Ministers. National Parks regularly report to their boards on performance against the aims and objectives within their Plans. Delivery is monitored, evaluated and reviewed at regular official-level meetings between the Scottish Government and National Park authority Convenors and Chief Executives. Additionally, Park authorities are required to report on their delivery and performance through their Annual Report and Accounts which are laid before Parliament.

The Scottish Government is also not currently planning to review the designation process for new National Parks but following the Scottish Government's decision not to proceed with the designation of a new National Park in Galloway and Ayrshire, the Scottish Government is reflecting on the recent process and giving consideration to the recommendations in the reporter's report for ways in which existing arrangements in Galloway and Ayrshire could be strengthened. It would, of course, be open to future governments to consider the Committee's recommendations relating to reviewing the designation process for new national parks.

As the Committee has noted, Part 3 of the Bill amends the Land Reform (Scotland) Act 2003 ("the 2003 Act") to enable any future National Park authority to become the "access authority" for its area, should this be considered appropriate. The reason for this is that the 2003 Act gives legal authority for the two existing National Park authorities in Loch Lomond and the Trossachs and Cairngorms to uphold access rights and manage access in their areas, however it does not provide for any possible future National Park to become an access authority for its area. It is worth clarifying, however, that any future National Park would not automatically become the access authority for its area. Provision would have to be made for this, either through the designation order (which is subject to public consultation and parliamentary approval) or through secondary legislation at a later date.

Balancing or re-balancing the aims of National Parks

220: The Committee notes both national park authorities' (NPAs'), and other stakeholders', broad agreement with the Bill's proposals to modernise the legislation relating to national parks' aims. The Committee also notes that most evidence suggested the proposed reforms to national park aims would likely result in minimal changes to how NPAs function.

The Scottish Government notes the Committee's comments and the broad agreement among stakeholders regarding the Bill's proposals to modernise the legislation on national park aims. Whilst the Bill updates the language of the National Park aims, the essence of the existing aims remains unchanged. The purpose of the new subsection is to ensure that the legislation accurately reflects and underpins the work being undertaken by the National Parks, in line with the priorities set out in their National Park Plans and in accordance with the nature conservation and climate change duties that already apply to Park authorities.

221: The Committee considered the role NPAs have in balancing their broad range of aims when undertaking their functions, especially when preparing and implementing their national park plans. Some stakeholder groups expressed significant concern that the revised aims would not go far enough in protecting rural communities' needs, such as housing, or sectors' interests, such as forestry or agriculture. The Committee asks the Cabinet Secretary how these issues would be addressed by the amended aims

The Scottish Government has noted the concerns expressed about the importance of protecting rural communities' needs. The Scottish Government wants to ensure that we have sustainable and thriving rural communities in our National Parks. That is why the fourth statutory aim of National Parks – to promote sustainable economic, social and cultural development of the area's communities - is so important. The fourth aim captures a range of issues such as affordable housing and sustainable transport as well as sectoral issues such as the promotion of sustainable and regenerative agriculture and forestry.

The overall purpose of National Park authorities is to ensure that the National Park aims are collectively achieved in a coordinated way and this includes promoting the sustainable economic, social and cultural development of communities within our National Parks. This collective approach to achieving the aims is evident in the National Park Partnership Plans in both Loch Lomond and the Trossachs and Cairngorms National Park. For example, the Cairngorms Partnership Plan[1] sets out actions designed to ensure that more people have access to affordable housing and sustainable transport in the National Park. It also sets out actions to support woodland expansion and work with farmers to reduce their carbon footprint, enhance biodiversity and support sustainable food production.

Similarly, the Loch Lomond and the Trossachs Partnership Plan[2] outlines the actions required in order to achieve more sustainable and regenerative land use and management within the National Park that delivers greater benefits for all. This includes delivering timber production whilst expanding and improving a resilient and sustainable forest network. It also includes delivering sustainable and regenerative agriculture. The Partnership Plan also sets out actions to enhance low carbon mobility and to ensure that new housing meets the needs of local communities by facilitating an increase in affordable housing.

Duty to facilitate implementation of national park plans

241: The Committee notes the NPAs' and environmental NGOs' support for the strengthened duty to facilitate the implementation of national park plans and supports the strengthened duty as an important tool to deliver national park plan objectives. Concerns were shared with members, however, about how this would operate in practice, in particular the resource implications for the public sector bodies to whom the duty would apply and the impact on private land managers or owners. The Committee also notes the wider consultation process NPAs must follow when drafting their plans and expects this statutory process will ensure they collaborate effectively to produce national park plans which will protect the land, and its communities, in partnership with other public sector bodies to ensure the plans and their objectives are realistic and achievable.

The strengthened duty on public bodies operating within National Parks to support the execution of National Park Plans is not anticipated to generate additional costs or resource implications for those public bodies. Currently, the manner in which each public body has regard to the implementation of a National Park Plan will be specific to the body and the circumstances, but it usually involves the way in which the public body uses its capacity, resources and strategic approach to help implement the National Park Plan. This may, at times, include financial contributions from public bodies that are recognised within the National Park Plans as delivery partners for actions within these Plans.

The Scottish Government does not anticipate the new requirement for public bodies to facilitate the implementation of National Park Plans to result in any changes to the way in which National Park plans and actions are agreed with delivery partners. The Park authority prepares National Park Plans (and actions within them) and agrees them through a process of consultation with relevant delivery partners including local authorities and other public bodies operating within the National Park. There will be no change to this approach as a result of the Bill. Park authorities cannot unilaterally decide to include actions within Park Plans for public bodies with which they have not consulted.

[1] Cairngorms National Park | Partnership Plan
[2] NPPP-2024_RGB.pdf

Additionally, this duty does not displace responsibilities that are the primary remit of a body. Rather, having regard to the National Park aims and facilitating implementation of National Park Plans must form part of the consideration but it is recognised that they would need to be balanced against other duties and considerations.

Whilst the strengthened duty does not apply to private landowners, National Park authorities have a lot of experience of convening public and private landowners and land managers within National Parks in order to foster collaborative working and to help ensure that the collective actions within the National Park Plans are implemented.

Fixed Penalty Notices

262: The Committee supports the proposals to give the Scottish Ministers powers to set up a fixed penalty regime to enforce NPA byelaws to enable NPAs to utilise better the protections offered by byelaws. The Committee notes, however, points raised by stakeholders about how the fixed penalty regime would work in practice and the impact on park rangers, whose role has previously focused on education rather than enforcement. The Committee also notes the call from the Law Society that any fixed penalty regime for NPAs should be consistent with others already in place elsewhere in Scotland, and from local authorities that they should be closely consulted on any byelaws and fixed penalty regimes in their areas.

263: **With this in mind, the Committee asks for details of how the Scottish Government intends to support NPAs in establishing their fixed penalty regimes, including what, if any, formal guidance it will provide in order to assist with formulating their approach to enforcement.**

The enabling powers in the Bill would allow Scottish Ministers to set out the detailed Fixed Penalty Notice regime in regulations. The regulations would need to set out a range of things including:

- a list of byelaws that would be subject to the fixed penalty notice regime
- the persons authorised to issue the fixed penalty notices
- the amount of fixed penalty
- the effect of paying or failing to pay the fixed penalty within the payment period and,
- details of any procedure for challenging or appealing the fixed penalty notice.

As set out in proposed section 26A(5)(q) being inserted into the National Parks (Scotland) Act 2000 by section 9 of the Bill, the intention is for guidance to be prepared and published on the fixed penalty notice regime (including when prosecution is more appropriate). The Bill also includes a requirement for Scottish Ministers to consult persons they consider to be interested in or affected by the fixed penalty notice regime including relevant local authorities - on the detail of the regime before making regulations.

Currently, in Loch Lomond and the Trossachs National Park, where authorised officers can issue fixed penalty notices for certain byelaw breaches under the Environmental Protection Act 1990, authorisation is given to people through a Scheme of Delegation and all staff that are authorised to issue fixed penalty notices are given appropriate training. This training is repeated on a yearly basis. It is the intention that a future fixed penalty notice regime for National Park byelaws would follow a similar process whereby a Scheme of Delegation would be put in place and training and guidance for rangers would be provided as well as associated public communication campaigns.

Cairngorms National Park authority does not yet have any byelaws in place, however, the Scottish Government has recently approved the introduction of a new seasonal fire management byelaw in Cairngorms National Park from 1 April 2026. As is the case in Loch Lomond and the Trossachs National Park, the enforcement of byelaw breaches could include the use of verbal warnings, warning letters and reports to the Crown Office and Procurator Fiscal Service as well as the ability to issue fixed penalty notices through the proposed regime. The National Park authority intends to work with Police Scotland, the Scottish Fire and Rescue Service and other partners to prepare for the introduction and robust enforcement of the byelaw through enhanced patrols at key sites, an extensive training programme and guidance for rangers and through a targeted wildfire communications campaign.

Part 4 - Deer Management

Aims and purposes of deer management – to include "to safeguard the public interest"

285: The Committee agrees with the section 10 addition of safeguarding the public interest to the statutory aims and purposes of deer management. The Committee also agrees that it would be useful for NatureScot to provide a definition of how it would interpret the public interest when exercising its duties and that this definition should reflect the different landscapes where deer are managed. The Committee agrees the Deer Code would be the most appropriate document for a definition to be set out. The Committee would welcome the draft revised deer code being ready for consultation as soon as practicable.

The Scottish Government is pleased to note that the Committee supports the addition of safeguarding the public interest to the statutory aims and purposes of deer management and that it agrees with the Scottish Government's position that the Deer Code is the most appropriate document to set this definition out.

As NatureScot set out in their letter to the Committee of 29 May 2025 they are committed to working with key stakeholders from Deer Management Round Table (DMRT) membership to co-design the revised Code of Practice, with the aim of having a draft for wider consultation next spring shortly after the expected conclusion of the Natural Environment (Scotland) Bill. The final draft Code must be submitted by NatureScot to Scottish Ministers for approval and must be laid before, and approved by resolution of, the Scottish Parliament.

NatureScot representation on advisory panels

291: The Committee heard evidence which supported changes which would allow NatureScot to participate as a full member of advisory panels in order to improve the panels' efficiency. However, we also heard concerns that a conflict of interest may arise from NatureScot's role as a regulator responsible for enforcing deer management measures. In its response to this report, the Committee asks the Scottish Government for further information about how the governance arrangements of any advisory panels would address these concerns

This was a recommendation made by the Deer Working Group, which the Scottish Government accepted in our response to their report. Scottish Ministers have oversight in the appointment of Deer Panels, and this would continue to be the case. The membership of each panel will be decided on a case by case basis, and the Scottish Government recognises that there may be some circumstances where it would not be appropriate for NatureScot to sit on a panel. It is not an expectation that NatureScot will sit on all panels, the intention is to simply allow them to do so where appropriate. The Minister for Agriculture and Connectivity believes that this ensures that adequate governance arrangements are in place.

Grounds for intervention for nature restoration

312: the Committee recognises the concerns from the deer management sector about the lack of detail around how the new ground for intervention would be used. It is critical that the Scottish Government does not erode the trust and consensus that has been carefully built within the deer management sector in recent years. The Committee notes, and welcomes, the Scottish Government's illustrative examples of when the proposed new ground would be used and the Minister's statement that he did not expect a noticeable increase in section 8 orders. The Committee notes the criteria for the use of the proposed new ground of intervention would be detailed in the deer code, which is laid in Parliament and subject to parliamentary scrutiny before it may come into effect. This will provide an opportunity for the successor committee to take a view on whether the revised Deer Code has adequately addressed the concerns raised to this Committee.

The Minister for Agriculture and Connectivity welcomes the Committee's comments. The Scottish Government recognises the importance of continuing positive engagement with the deer management sector. As set out to the Committee on 4 June 2025, we expect the new grounds for intervention for nature restoration to be a necessary backstop where a lack of deer management is preventing or reducing, or is likely to prevent or reduce, the effectiveness of work, a project or natural process that preserves, protects, restores, enhances or otherwise improves the natural heritage or environment, and is for, or contributes to, a relevant target, strategy or plan relating to the environment, climate change or biodiversity that applies in Scotland.

The Scottish Government recognises the huge amount of work which takes place to manage deer populations across Scotland each year and will continue to engage with stakeholders through the use of incentives and other support measures to support both deer management and the venison market. The Scottish Government and NatureScot will also be working in partnership with stakeholders during the development of the revised Deer Code to ensure the views of those on the ground are taken into account. Should the Bill be passed, the Scottish Government and NatureScot will engage fully with the relevant parliamentary committee as they undertake any scrutiny of the revised code of practice.

Authorisations for particular activities

333: The Committee agrees with the proposals relating to extending the register of persons competent to shoot deer to include those authorised to undertake specific activities which require authorisations from NatureScot. The Committee notes, however, that this will mean a change for some deer management practitioners, such as non-certified stalkers, and that calls for 'grandfather rights' and referee schemes have been made. The Committee calls on the Scottish Government to set out how it would support these practitioners through the transition. The Committee encourages its successor committee, when it considers the secondary legislation implementing these sections, to follow up on these support measures.

The Minister for Agriculture and Connectivity notes this recommendation and is engaging with stakeholders to develop approaches which support the transition to increased training and registering requirements. The Scottish Government will continue to work with stakeholders through groups such as DMRT as well as consider establishing a specific group to consider the new register. The details of this scheme will be set out in secondary legislation, and it is our intention to carry out full consultation with stakeholders on the scheme prior to that legislation being made and laid before Parliament. As stated above, the Scottish Government fully recognises the role that both professional and recreational stalkers play in managing deer populations and is cognisant of ensuring that we work with the sector to reduce barriers to deer stalking and deer management alongside the need for those undertaking deer management to be trained to appropriate standards.

Repeal of Venison Dealer Licence

346: **Given the deer management sector's concerns about maintaining traceability of wild venison, and noting the consensus around the potential role the NatureScot app could play in this respect, the Committee suggests the current licence scheme is maintained until the app has been fully tested and rolled out across Scotland. The Committee calls on the Scottish Government and NatureScot to establish a definitive nationwide launch date for the app to accelerate progress towards a replacement system. The Committee asks Food Standards Scotland to set out how it would manage the traceability of wild venison without the venison dealer licence. The Committee also asks the Scottish Government to respond to this point before Stage 2.**

The Scottish Government notes the Committee's recommendation. Officials forwarded on the Committee's recommendation to Food Standards Scotland who provided the following response:

"*Food Standards Scotland (FSS) is confident that the traceability of wild venison can be effectively maintained should the Venison Dealer Licence (VDL) be repealed, through the application of existing regulatory and operational frameworks.*

Wild venison is already subject to assimilated EU food safety and hygiene legislation, which requires food business operators (FBOs) to be able to trace and follow a food, feed, food-producing animal or substance intended to be, or expected to be incorporated into a food or feed, through all stages of production, processing and distribution. The regulations also require FBOs to have systems and procedures, such as record keeping, that allow traceability information to be made available to competent authorities.

FSS also promotes adherence to established best practice guidance, including the Wild Game Guide and Wild Deer Best Practice Guide, which provide clear details for carcass handling and hygiene, and supports the development and national rollout of NatureScot's deer management app. This app would improve the existing regulatory and operational framework to ensure public health and safety by providing improved access to traceability information.
In addition, FSS works with local authorities to ensure FBOs are registered or approved accordingly and subject to the relevant inspections.

These existing and future potential measures provide a robust system for ensuring food safety and traceability, even in the absence of the VDL."

With regard to the Committee's recommendation that the VDL scheme should be retained until NatureScot's deer app is available nationally, it is important to understand that the VDL does not function as a method of gathering information nationally on deer management in Scotland. NatureScot are continuing to develop the deer app, and we are supportive of that app being used by deer managers across Scotland. A national deer app such as this would very much improve the information we have on deer management. However, the Scottish Government does not consider it necessary for this to be in place before the VDL can be revoked. Revoking the VDL would not create an information gap that does not already exist.

347: The Committee encourages the Scottish Government to continue to support the wild venison sector, especially by exploring opportunities to expand consumption through local supply chains and public procurement. The Committee agrees support for community larders is essential to support the wild venison sector, especially if the venison dealer licence scheme is repealed and access to the market is broadened as a result.

The Minister for Agriculture and Connectivity notes the Committee's recommendation. There are a number of pilot incentive schemes currently in operation, led by NatureScot and the Cairngorms National Park Authority which financially support deer managers to control numbers of deer in specific parts of Scotland in response to the climate and nature emergencies.

The two pilot incentive schemes led by NatureScot operate in Central Scotland and South Loch Ness. The schemes in development in the Cairngorms National Park aim to deliver an increased red deer hind cull by trialing new incentives and looking at ways to support local venison.

Our Good Food Nation plan sets six outcomes to reach our food policy aims. The second of these outcomes relates to our natural environment:

> *"Scotland's food system is sustainable and contributes to a flourishing natural environment on our land and in our waters. It supports our net zero and climate adaptation ambitions and plays an important role in maintaining and improving animal health and welfare and in restoring and regenerating biodiversity."*[3]

[3] The Proposed National Good Food Nation Plan

We will work through the Good Food Nation plan to maximise opportunities for venison to enter the food chain. This will include building on work exploring the use of wild venison through public procurement. There are initiatives already taking place such as the use of venison in schools in Islay and Jura through the Wild Jura Venison Project. We will work across the public sector to pursue the addition of venison to menus wherever possible.

Furthermore, the Scottish Government is supporting a scheme which is being administered by the Scottish Agricultural Organisation Society (SOAS) to support improved processing capacity and supply chain development. Applicants can receive grant funding of up to 50% funding towards the cost of improvements for carcass handling and chilling infrastructure.

Our intention is to utilise the learnings taken from these pilot schemes and expand schemes to further support deer management and wild venison markets.

Tenant Farmers

350: The Scottish Tenant Farmers Association wrote to the Committee after members had concluded evidence gathering to highlight its concerns regarding the impact of deer on tenanted farmland. It states that tenant farmers' right under the 1996 Act to take deer on improved land, ie cropping land and improved grassland, is limited because, "during the open season for female deer, they are more likely to be found on unimproved land where tenants have no right to take deer". The Association highlights the DWG's recommendation – which was not provided for in the Bill – that the statutory rights of occupiers (which includes farm tenants) should be amended to apply to the occupiers of any land type, not just improved land. The Committee did not have an opportunity to raise this with stakeholders and the Minister but highlights it in its report for the Parliament's information. The Committee asks the Scottish Government to reply to this issue in its response to this report

The Scottish Government is aware of the concerns raised by tenant farmers and crofters with regard to the rights of occupiers of land to manage deer. As you have noted the Deer Working Group made a recommendation intended to expand the rights of tenants. As set out in the policy memorandum to the Bill, the Scottish Government carefully considered the recommendation to expand occupiers' rights to shoot deer and concluded that the current statutory provisions under the Deer (Scotland) Act 1996 strike an appropriate balance. While we have taken forward targeted improvements to occupiers' rights in specific circumstances, we did not consider it justified to extend these rights to other land types such as golf courses or nature reserves, where shooting rights are not ordinarily held.

However, given the concerns raised, the Minister for Agriculture and Connectivity is open to exploring this suggestion further. Scottish Government officials met recently with both the Scottish Tenant Farmers Association and the Scottish Crofting Federation to discuss the matter and the Minister for Agriculture and Connectivity will continue to explore the issue further with stakeholders, ahead of Stage 2. The Minister for Agriculture and Connectivity will of course also listen carefully to anything that members say on this issue during the Stage 1 debate.