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Natural Environment (Scotland) Bill: consideration in advance of Stage 3

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This briefing summarises scrutiny of the Natural Environment (Scotland) Bill to date in advance of the Parliament's consideration at Stage 3. It sets out details of how the Bill was amended at Stage 2 and other significant developments or areas of debate.



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Contents

Summary and background	3
Part 1 of the Bill: Targets for improving biodiversity	5
How Part 1 was amended at Stage 2	5
Areas of discussion ahead of Stage 3	8
Part 2 of the Bill as introduced (removed at Stage 2) - power to modify or restate environmental impact assessment legislation and habitats regulations	11
Part 3: National Parks	13
How Part 3 was amended at Stage 2	13
Areas of discussion ahead of Stage 3	14
Part 4: Deer Management	17
How Part 4 was amended at Stage 2	17
New Part 4A: Building regulations: integral swift nest box (section 33B)	19
New Part 4B: Marine planning (section 33C)	20
New Part 4C: Gull numbers (section 33D)	21
New Part 4D: Scallop Shells (section 33E)	22
Part 5 amendments (including on grouse moor licensing)	23
Areas of further discussion (forestry, marine, salmon poaching, muirburn licensing and wildfire management)	24

Summary and background

This briefing looks at the Natural Environment (Scotland) Bill ahead of Stage 3 proceedings in the Scottish Parliament on 27 January 2026.

Background to the Bill

The Natural Environment (Scotland) Bill ('the Bill') was introduced on 19 February 2025. The Bill as introduced [can be found on the Scottish Parliament website](#) alongside its supporting documents which include

- A [Policy Memorandum](#)
- A [Financial Memorandum](#)
- A [Delegated Powers Memorandum](#)
- [Explanatory Notes](#)

The Bill as introduced

As introduced, the Natural Environment (Scotland) Bill included four main Parts which sought to:

- Set out the legislative framework for the setting, monitoring and review of statutory targets for improving biodiversity (**Part 1**);
- Provide Scottish Ministers with a new delegated power to modify or restate Environmental Impact Assessment (EIA) legislation and the Habitats Regulations (**Part 2**);
- Amend the statutory aims and powers of National Parks and provide Scottish Ministers with a power to set up a fixed penalty notice regime in relation to National Park byelaws (**Part 3**);
- Reform deer management legislation (**Part 4**).

A key driver for the Bill was to establish a legal framework for biodiversity targets, as part of the wider strategic framework for tackling the nature crisis. The Bill is also being used as a vehicle to implement changes in other areas following specific consultations or reviews.

The Policy Memorandum sets out that "Taken together, the provisions in this Bill aim to support the work already being undertaken by land managers, farmers, nature agencies, charities and the stewards of Scotland's land, to restore and protect the natural environment on which everyone in Scotland depends."

More detailed information on the Bill as introduced and policy background [can be found in the SPICe Bill briefing](#).

Scottish Parliament consideration of the Bill at Stage 1

The lead committee for the Bill is the Rural Affairs and Islands (RAI) Committee, which considered the general principles of the Bill at Stage 1 across a number of meetings in

2025 and [published its Stage 1 report on 30 September 2025](#), containing a number of recommendations across the four Parts of the Bill (and supporting the general principles of the Bill, notwithstanding those recommendations).

The RAI Committee's scrutiny at Stage 1 included taking evidence from three separate Scottish Government Ministers who are leading on different Parts of the Bill, as it crosses portfolios. The RAI Committee also issued an open call for views on the Bill between 14 March and 9 May 2025. Published responses [can be accessed online](#).

The Finance and Public Administration Committee [carried out a call for views on the Financial Memorandum for the Bill, and agreed to take no further action](#). The Delegated Powers and Law Reform Committee considered the delegated powers contained in the and published its Stage 1 report on 3 June 2025.

The Scottish Government [responded to the RAI Committee's Stage 1 report on 23 October 2026](#) setting out its response to the various conclusions and recommendations.

A [Stage 1 debate took place on 30 October 2025](#) to consider and decide on the general principles of the Bill ([which were agreed](#)).

Consideration at Stage 2

The Bill as amended at Stage 2 [was posted on the Scottish Parliament website on 11 December 2025](#).

Minutes of Stage 2 proceedings, which were held in the RAI Committee over four meetings in November and December 2025, set out which amendments were agreed to, amendments disagreed, amendments withdrawn, and provisions of the Bill agreed without amendment:

- [Minutes of proceedings on 19 November 2025 \(first meeting\)](#)
- [Minutes of proceedings on 26 November 2025 \(second meeting\)](#)
- [Minutes of proceedings on 3 December 2025 \(third meeting\)](#)
- [Minutes of proceedings on 10 December 2025 \(fourth meeting\)](#)

The following sections describe how the Bill was amended during Stage 2 proceedings.

It also summarises other key areas of the debate at Stage 2, for example where proposed amendments were withdrawn on the basis of the Scottish Government committing to give further consideration to a proposal or issue. The briefing does not detail all amendments that were put forward where these were not agreed.

Amendments agreed 'without division' indicates where Members unanimously agreed an amendment. Amendments agreed 'by division' indicates where a majority, but not all Members supported an amendment.

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Part 1 of the Bill: Targets for improving biodiversity

Part 1 of the Bill sets out a legislative framework for the setting, monitoring and review of statutory targets for improving biodiversity, as part of a [wider strategic Scottish Government framework for tackling the nature crisis](#) (including the Scottish Biodiversity Strategy and a Delivery Plan up to 2030).

How Part 1 was amended at Stage 2

- **Topic areas for targets (section 2C) - clarification around 'threatened species'**

Section 2C of the Bill (as introduced) put a duty on Scottish Ministers to introduce legal targets relating to each of the following three topics, but also gave Scottish Ministers a power to introduce legal targets on "any other matter relating to the restoration or regeneration of biodiversity as they consider appropriate". The three topics in the Bill as introduced were:

- the condition or extent of any habitat;
- **the status of threatened species;** (emphasis added)
- the environmental conditions for nature regeneration.

An amendment lodged by Evelyn Tweed MSP was agreed (by division) which amended the wording of "threatened species" so that the topic area now reads, "the status of any species (including in particular those which are or may become threatened)".

The threatened species target topic area was an area of discussion at Stage 1. Stakeholders raised concerns with the RAI Committee that this topic area was too narrow (or could be interpreted narrowly in setting targets), and could result in targets not covering species that are of conservation importance, or exclude the monitoring of wider species trends. The Committee discussed this with the Cabinet Secretary for Climate Action and Energy. [The Cabinet Secretary recognised the concerns and said she was considering options for amending the provision](#) to provide further clarity regarding this topic area.

- **Requirement for statement when setting targets (new section 2CA)**

An amendment lodged by Mark Ruskell MSP was agreed (by division) adding a new section to Part 1 (section 2CA) which requires Scottish Ministers, when setting statutory biodiversity targets, to prepare a statement setting out various information (including the approach the Scottish Ministers intend to take to ensure that the targets are met, associated costs, timelines, how progress will be monitored, and what action will be taken if targets are not met).

[Mark Ruskell MSP said in introducing the amendment](#) that the proposed statements "would give the Parliament more reassurance that plans are in place to meet the new targets. After all, targets are only as good as the plans to deliver them". The Cabinet Secretary for Climate Action and Energy said that the Scottish Government could not support the amendment, because she did not think it would help us achieve more effective targets.

- **Addition of consultation requirement (section 2F(aa)) - amendment agreed**

Regarding the process of setting statutory biodiversity targets, section 2F of the Bill as introduced required Scottish Ministers, before making regulations to set targets (or to amend the topic areas for targets), to seek and have regard to scientific advice "from such persons as the Scottish Ministers consider to be independent and to have relevant expertise".

An amendment lodged by Alasdair Allan MSP was agreed at Stage 2 (without division) also requiring Scottish Ministers to "consult such persons as the Scottish Ministers consider may have an interest in, or otherwise be affected by, the regulations" before making such regulations.

The question of whether there should be a wider consultation requirement within the Bill was discussed in the RAI Committee at Stage 1 and [the Committee concluded in its Stage 1 report](#) that "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". The Scottish Government [set out in its response to that report that](#) "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" and the Scottish Government was mindful of the need to engage fully, but also committed to reflect on this further ahead of Stage 2 in relation to any amendments.

- **Independent review - requirements for publication of and response to Environmental Standards Scotland reviews (section 2G)**

The Bill as introduced established Environmental Standards Scotland (ESS) - Scotland's environment watchdog - as Independent Review Body in relation to statutory biodiversity targets, and required ESS to review progress reports prepared by Scottish Ministers in relation to the targets, and "submit" reports to Scottish Ministers detailing its review (section 2G(2)).

Amendments lodged by Emma Roddick MSP were agreed at Stage 2 (without division) which replaced the words "submit to the Scottish Ministers" with a requirement to instead "prepare and publish" these ESS reports, after sending a copy to the Scottish Ministers, and laying a copy before the Scottish Parliament.

A further amendment lodged by Emma Roddick MSP was also agreed (without division) requiring Scottish Ministers, as soon as reasonably practicable after such a report is published by ESS, to lay a statement before the Scottish Parliament setting out any action the Scottish Ministers intend to take as a result of that report.

This issue was considered at Stage 1 in the RAI Committee. [ESS told the Committee that](#) it opposed provisions that required its reports on nature targets to be submitted to the Scottish Ministers, who would in turn lay them before the Scottish Parliament and recommended its reports should be directly laid in the Scottish Parliament. The Committee supported this suggestion in its Stage 1 report, and [the Scottish Government responded that](#) it was "looking at options to amend the Bill to enable ESS to submit their reports to the Scottish Parliament rather than Scottish Ministers".

ESS had also suggested at Stage 1 that "there could also be a provision to ensure that, if we assess that things have gone off track, something will need to happen in response".

- **Amendments to the 'biodiversity reporting duty' on public bodies (section 1A)**

A Scottish Government amendment lodged by Gillian Martin MSP was agreed (without division) which amends [existing biodiversity reporting duties of public bodies under the Nature Conservation \(Scotland\) Act 2004](#) ('2004 Act')

This is not an area that was expressly covered by the Bill as introduced, however, the question of whether biodiversity reporting by public bodies could be made more effective and meaningful was discussed during Stage 1 scrutiny in the RAI Committee.

[Section 2A of the 2004 Act](#) requires every public body to prepare and publish a report every 3 years setting out the actions it has taken in pursuance of its duty under section 1 of the 2004 Act to, in exercising its functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions (the 'biodiversity duty').

The amendment agreed at Stage 2 removes the requirement for every public body to submit a report every 3 years, and instead gives Scottish Ministers delegated powers to, by regulations:

- Require specified public bodies or office holders to prepare and publish biodiversity reports linked to the biodiversity duty
- Set out the specific period for such reports (which must be at least once every 3 years)
- Specify particular information that must be included in a biodiversity report.
- Allow such reports to be integrated into other reporting requirements.

The Cabinet Secretary for Climate Action and Energy, Gillian Martin MSP said in lodging this amendment that it will allow public body biodiversity reporting to be simplified and be made more meaningful and streamlined, and "will also ensure that public bodies whose remit is largely unrelated to environmental matters or that do not manage land and therefore cannot contribute to the biodiversity duty in any substantive way, or can make only a minimal contribution, can be excluded from the duty to report".

The Cabinet Secretary also said that proposals for secondary legislation using this power would be consulted on publicly.

- **Addition of an 'environmental protection requirement' (section 1B) - intended for Part 2 of the Bill**

An amendment by Alasdair Allan MSP was agreed (by division) adding a new section 1B to Part 1 of the Bill, setting out an "environmental protection requirement", seeking to limit the use of delegated powers to where that does not "reduce the overall standards of environmental protection which are in effect at the time of the exercise of the power".

The policy intention of this amendment, [as apparent from the debate on the amendment on 26 November](#) was related to the use of the power in Part 2 of the Bill as introduced (the power to amend Environmental Impact Assessment legislation and the Habitats Regulations), not to constrain the use of delegated powers in Part 1 of the Bill.

However, as Part 2 of the Bill has been removed (as a consequence of Members agreeing to remove sections 2-4 of the Bill at Stage 2), the result has been that this provision has

been inserted into Part 1 of the Bill. It is unclear what the legal effect is of this amendment. An issue for consideration at Stage 3 is therefore whether section 1B will be removed or amended at Stage 3 (linked to the question of whether the Scottish Government will seek to re-introduce Part 2 at Stage 3, [discussed later in the briefing](#)).

Areas of discussion ahead of Stage 3

This section summarises areas where the Bill was not amended, but where indications were given that there may be further discussions about or consideration of an issue in advance of Stage 3, or policy commitments were made related to amendments that were debated.

- **Requiring public bodies to facilitate delivery of the biodiversity strategy and statutory biodiversity targets**

An amendment was moved by Beatrice Wishart MSP which would have required public bodies, in pursuing compliance with their statutory duty to further the conservation of biodiversity ([section 1 of the Nature Conservation \(Scotland\) Act 2004](#)), to also facilitate the implementation of the Scottish Biodiversity Strategy, and the meeting of statutory biodiversity targets.

[The Member said in moving the amendment that](#) "By explicitly linking the biodiversity duty to the new statutory targets relating to nature and the Scottish biodiversity strategy, the amendment would ensure that the whole public sector is aligned behind the bill's implementation. That would reduce the risk of the bill becoming a top-down framework with no delivery mechanism...".

[The Cabinet Secretary for Climate Action and Energy said](#) in response that the Scottish Government could see the merit in the proposal, but had "concerns about ensuring that there are no unintended consequences for the ability of public bodies or office-holders to carry out their core functions". She asked the Member therefore not to press the amendment and work with the Government ahead of Stage 3 "on a revised version" of the amendment.

The amendment was withdrawn on that basis.

- **Additional reporting duties for Environmental Standards Scotland**

An amendment (not moved) by Maurice Golden MSP would have required Environmental Standards Scotland (ESS) to conduct its own assessments of whether biodiversity targets are met and report on those, including providing recommendations for action where a target is not met. (the Bill as introduced requires Scottish Ministers to report on progress towards the targets at least every three years and requires ESS to review those reports).

[The Cabinet Secretary for Climate Action and Energy responded](#) that no consultation has been carried out with ESS on this proposal and asked the member to consider not moving the amendment, so that the Scottish Government could consult ESS and committed to keep the Member updated on that. The amendment was not moved.

- **Impacts of the spread or release of Invasive Non-Native Species**

A number of proposed amendments (which were ultimately not moved or withdrawn) by

Mercedes Villalba MSP sought to address environmental impacts of certain invasive non-native species (INNS). In particular, amendments sought to make changes to section 14 of the Wildlife and Countryside Act 1981 (and secondary legislation made under that section) with the aim of removing exemptions for common pheasant and red-legged partridge and Sitka spruce from restrictions which generally apply to the release of INNS, and limit the granting of exemptions under that section for solely economic or commercial purposes.

They would also have required Scottish Ministers to publish a non-native species management strategy in respect of any Order made under section 14 of the 1981 Act, providing an exemption from the offence of releasing that species. [The Member set out that](#) these amendments sought to tackle negative impacts of these species on the environment, for commercial reasons, and to ensure that the 'polluter pays principle' is applied to management of INNS.

[The Cabinet Secretary for Climate Action and Energy](#) said that:

- The Scottish Government was sympathetic to concerns about the self-seeding of Sitka spruce, but the proposed amendments as drafted could have a detrimental effect on the forestry sector and that non-native conifers are vital to the Scottish economy and the achievement of climate change targets.
- The Scottish Government is aware of concerns about the potential impacts of game bird releases, but is concerned that "we currently do not have a complete calculation of the number of game birds that are being released in Scotland. Without that information, it is very difficult to take an informed view on the potential impacts".
- The Scottish Government agrees there should be a robust process to manage the impacts of any non-native species exempted from section 14 of the 1981 Act, but "we must ensure that such a process is aligned fully with current legislation, is workable in practice and does not cause harm to Scotland's rural economy".

In light of the discussion, the Cabinet Secretary committed to giving "careful consideration to whether further research is needed to address the evidence gaps" in relation to impacts of gamebird releases and to "support informed discussion on sustainable game bird management in Scotland in the future".

In relation to the proposal for non-native species management strategies, the Cabinet Secretary said that if it is not intended that this would be applied retrospectively (to existing secondary legislation exempting non-native species), the Scottish Government would be prepared to work with the Member on redrafting the amendment for Stage 3.

- **Powers to access land to monitor and assess the presence of non-native species**

Similar amendments from Ariane Burgess MSP and Beatrice Wishart MSP (which were not moved) sought to enhance the powers of NatureScot to enter land for the purpose of monitoring or assessing species that are considered to be outside their native range.

[Beatrice Wishart MSP](#) said that the background to her amendment was concerns about impacts of the introduction of red-legged partridges to Shetland, and that NatureScot's ability to monitor these species is constrained where access permissions are refused or delayed, which slows response times and increases management costs. Ariane Burgess MSP said that issues have arisen, for example, in an Orkney project to remove stoats on the islands to protect bird populations where it has not been possible to gain voluntary

access to land to access and trap invasive species in some parts of the project area.

[The Cabinet Secretary for Climate Action and Energy](#) said the Scottish Government needed more time to consider the proposals carefully, including to make sure that any additional power is proportionate and appropriate. She also referred to a forthcoming review by ESS on Invasive Non-Native Species and said it would also be prudent to await any recommendations as a result of that review. On that basis, she asked the Members involved not to move these amendments and engage further ahead of Stage 3.

Part 2 of the Bill as introduced (removed at Stage 2) - power to modify or restate environmental impact assessment legislation and habitats regulations

Part 2 of the Bill as introduced (sections 2-4) would have given Scottish Ministers the power to, by regulations, modify (i.e. amend, revoke or repeal) or restate Environmental Impact Assessment (EIA) legislation and the Habitats Regulations - legal frameworks that underpin environmental protection, species protection and impact assessment processes in Scotland for land and territorial waters out to 12 nautical miles. Further information and background on Part 2 is set out [in the SPICe Bill briefing](#).

Amendments by Mark Ruskell MSP were agreed (by division) which removed sections 2, 3 and 4 from the Bill, **effectively removing Part 2 from the Bill**.

Part 2 of the Bill was a key source of debate at Stage 1, with stakeholder concerns raised about the need for the power, broad scope of the power and how it may be used in practice, in particular whether the power could be used to weaken environmental protections. The RAI Committee [made a number of recommendations on Part 2 in its Stage 1 report](#) and suggested different options for addressing stakeholder concerns including the potential to narrow the power and introduce a 'non-regression' provision in relation to environmental standards.

At Stage 2, a number of alternative amendments were debated which sought to apply limits or 'safeguards' to the use of the power in section 2. The Cabinet Secretary for Climate action and Energy recognised the concerns raised and accepted that some action was necessary in relation to Part 2. [She said on 26 November 2025:](#)

“ I recognise and accept the concerns that have been raised by the committee and a range of stakeholders. The power in part 2 of the bill is too broad—I accept that—and it could potentially be used to dilute environmental protection, which I want to avoid.”

The Cabinet Secretary sought to address these concerns by indicating the Scottish Government's support for amendments lodged by Alasdair Allan MSP and Emma Harper MSP (the latter of which related to which parliamentary procedure should be used to scrutinise any secondary legislation introducing using the power).

Alasdair Allan MSP's proposed amendment sought to address the substantive issue around the breadth of the power and potential for it to be used to weaken environmental protections. The amendment set out an "Environmental protection requirement" which provided that, "any exercise of the powers contained in this Part must not reduce the overall standards of environmental protection which are in effect at the time of the exercise of the power."

However, following the passing of Alasdair Allan MSP's amendment, Members went on to agree amendments which, collectively, removed sections 2, 3 and 4 from the Bill, effectively removing Part 2 from the Bill completely.

As Part 2 of the Bill has been removed, a key issue for consideration in advance of Stage

3 is whether the Scottish Government will seek to re-introduce the Part 2 power (and if so, in what form), given the concerns raised at Stages 1 and 2.

Part 3: National Parks

National Parks in Scotland are created and governed by the National Parks (Scotland) Act 2000 ('the 2000 Act'). Part 3 of the Bill makes a number of amendments to the 2000 Act (and some minor amendments to other legislation), in particular by amending the statutory aims and powers of National Parks, and providing Scottish Ministers with a power to set up a fixed penalty notice regime in relation to National Park byelaws.

How Part 3 was amended at Stage 2

- **Amendment of new statutory aim relating to wellbeing and 'prosperity' of individuals and communities**

Section 5(2) of the Bill as introduced included a new statutory aim for National Parks to promote sustainable development activity which improves the "health, wellbeing and prosperity of individuals and communities within the area".

A Scottish Government amendment was agreed (by division), altering the wording of this new aim to promoting sustainable development activity "which improves the health and wellbeing of individuals and the prosperity of communities within the area".

At Stage 1, [some evidence taken by the RAI Committee had queried the wording of this provision](#), relating to whether improving the "prosperity of individuals", as well as communities, was an appropriate aim for a National Park.

In [speaking to the above amendment, the Cabinet Secretary for Rural Affairs, Land Reform and Islands said](#) that she had listened to the views of stakeholders and the amendment sought to clarify "that the policy intention is to promote people's health and wellbeing and community prosperity".

- **New requirement for a National Parks policy statement (new section 5A)**

An amendment by Tim Eagle MSP was agreed (by division) which inserts a new section 1A into the National Parks (Scotland) Act 2000 following the National Park aims, requiring Scottish Ministers to prepare and publish a National Parks policy statement every ten years.

The policy statement must in particular set out the Scottish Ministers' policy direction in relation to and vision for National Parks (and associated proposed outcomes), and also how new and existing duties on public bodies in relation to National Parks are expected to operate.

The Cabinet Secretary for Rural Affairs, Land Reform and Islands said that the Scottish Government was happy to support this amendment, stating "Having reflected on the recent process that we have been through to look at the proposal for a new national park, I appreciate that some people said that they would have found it helpful to have a clear understanding of the Scottish Government's vision for national parks and the role that they play."

- **Amendment to Schedule 3 of the National Parks (Scotland) Act 2000 (consistency amendment relating to other changes to statutory aims)**

Paragraph 3 of Schedule 3 of the National Parks (Scotland) Act 2000 provides that a National Park authority may provide, or arrange for the provision of information, educational services and facilities, for the purpose of promoting understanding and enjoyment of "the special qualities of the National Park" by the public.

A Scottish Government amendment was agreed (without division) which substitutes "National Park area's natural and cultural heritage" instead of "the special qualities of the National Park". The Cabinet Secretary for Rural Affairs, Land Reform and Islands, Mairi Gougeon MSP set out that this was a minor consequential amendment, to provide consistency between Schedule 3 and the amendments being made to statutory purposes in the main body of the Act.

- **Addition of powers to enter land in order to issue a fixed penalty notice**

Section 9 of the Bill gives powers to Scottish Ministers to, by regulations, make provision for and in connection with the issuing of Fixed Penalty Notices (FPN) for offences against National Park byelaws. A Scottish Government amendment to section 9 was agreed (by division), providing that such regulations may confer powers to enter land (other than dwelling-houses) for or in connection with the issuing of an FPN.

Areas of discussion ahead of Stage 3

- **Statutory aims of National Parks in relation to socio-economic goals**

Tim Eagle MSP and Sarah Boyack MSP lodged a range of amendments which would have added further new statutory aims for National Parks, covering various areas of a socio-economic nature (including promoting the creation of jobs, the supply of affordable housing and the development of the local economy).

The Cabinet Secretary for Rural Affairs, Land Reform and Islands asked the Members not to press the amendments, stating that she considered that the elements covered in the amendments "are already encapsulated in the fourth aim, which is "to promote sustainable economic, social and cultural development of the area's communities". However, she said that these areas are also "really important elements of ensuring that we have thriving communities in our national parks", and that she was willing to have further discussions about this in advance of Stage 3.

- **Adding a definition of cultural development to the National Parks Act**

An amendment by Sarah Boyack MSP (not moved) would have added a definition of "cultural development" to the National Parks (Scotland) Act 2000, as "the development of arts, cultural heritage and creativity, including the Gaelic language, cultural organisations and the creative industries".

Cultural development is included in the Bill as a new aim for National Parks, but is undefined.

In speaking to the amendment, [the Member said](#) that including the proposed definition was important, because "we think about national parks in terms of nature and beautiful landscapes, but we also need to think about cultural heritage and history, which are important".

The Cabinet Secretary for Rural Affairs, Land Reform and Islands agreed with the aim of the amendment but asked the Member not to move it, to allow more time to consider the drafting of the definition.

- **Process for designating a 'reporter' for proposals for a new National Park**

Where proposals are being considered for a new National Park, section 3 of the National Parks (Scotland) Act 2000 allows Scottish Ministers to require either NatureScot or "any other public body appearing to them to have expertise relevant to the National Park aims" to consider a National Park proposal and report back to Ministers (that body is then called 'the reporter').

Mark Ruskell MSP had lodged an amendment which would, instead, allow Scottish Ministers to appoint any independent person or persons as reporter, where that person has expertise relevant to the National Park aims, and knowledge of National Park policy.

Mark Ruskell MSP said in speaking to the amendment that "ministers should have the flexibility to appoint whichever person or body they believe to be the most appropriate", and that NatureScot could take a slightly different role in those cases where it is not the reporter.

The Cabinet Secretary for Rural Affairs, Land Reform and Islands said that she had carefully considered this proposal, particularly in the light of the recent consideration of a potential new National Park Galloway and Ayrshire. She asked Mark Ruskell MSP not to move the amendment in order to have further discussions ahead of Stage 3.

- **Provision of more information on a National Park proposal**

[Section 2\(3\) of the National Parks \(Scotland\) Act 2000](#) sets out existing requirements for what must be provided as part of a "National Park proposal", by Scottish Ministers, which would then be considered by the reporter and consulted on.

Existing requirements are that a National Park proposal must be in writing and must set out, "in general terms", both (a)the area which it is proposed should be designated as a National Park, and (b)the functions which it is proposed the National Park authority should exercise.

An amendment (not moved) by Sarah Boyack MSP was debated which would have modified section 2(3) of the 200 Act, removing the words "in general terms" referred to above, and further requiring a National Park proposal to include both a draft of the designation order (including all required supporting documentation), and an accessible explanation of the proposals set out in the draft designation order.

[The Member said that the purpose of this amendment](#) was to "remove vague wording" and "to strengthen clarity and public confidence in new park proposals", also stating "there are lessons to be learned on how we build support for our existing and new national parks".

[The Cabinet Secretary for Rural Affairs, Land Reform and Islands said](#) that she understood the rationale for the amendment, noting that "During the recent consultation process on the designation of a new national park, some parties said that they would have liked greater clarity on what national park designation would mean in practice".

However, she said that a "major concern" about the proposed amendment 129 was that it would have required "a blueprint for a new national park, including the boundary, functions

and governance structure" to be presented "without the benefit of consultation and co-design with local communities and stakeholders".

She therefore asked the Member not to move the amendment and to work with her ahead of stage 3 "to discuss a possible alternative, such as a requirement for ministers to seek expert advice on the rationale for designating a national park in an area before a formal proposal is made by ministers".

Part 4: Deer Management

Deer management in Scotland is principally regulated by the Deer (Scotland) Act 1996. The Bill makes extensive amendments to that Act, including changes to the aims and purposes of deer management, the system of authorisations, and the wider framework of regulatory controls.

How Part 4 was amended at Stage 2

- **Amendments to control agreements under the Deer (Scotland) Act 1996**

Section 15 of the Bill amends section 7 of the [Deer \(Scotland\) Act 1996](#), which provides the framework for control agreements between NatureScot and landowners or occupiers for the purpose of deer management.

An amendment agreed by division at Stage 2 (Amendment 136) introduced a statutory timescale into this process. As introduced, the Bill required NatureScot to prepare a draft control agreement once it had formed a view under the relevant provisions, but did not specify when this should occur. The amendment requires NatureScot to prepare a draft control agreement no later than three months after forming that view, providing greater certainty and ensuring timely engagement with landowners and occupiers.

[Rhoda Grant MSP](#) said that this and associated amendments were to introduce clear timescales and to add transparency in that regard. [The Minister for Agriculture and Connectivity](#) suggested that while he understood the intention behind the amendment, he did not support it as section 7 control agreements are voluntary. He stated: "NatureScot will look to secure voluntary deer management and work with landowners and occupiers to reach agreement on what it will look like. That can take time, because collaboration and the process are not linear. Therefore, it is not practical to oblige NatureScot to give notice within three months."

- **Amendment to the definition of “shotgun”**

Amendment 71 was agreed by division and amended the the 1996 Act by replacing a fixed statutory definition of “shotgun”, which had been tied directly to section 1 of the Firearms Act 1968, with a regulation-making power for the Scottish Ministers, subject to consultation.

This change responded to concerns raised during scrutiny that reliance on the Firearms Act definition could have unintended consequences for deer management. [The Minister for Agriculture and connectivity](#) stated: "My amendment 71 seeks to address concerns raised by NatureScot regarding the definition of “shotgun” that the bill inserts into the Deer (Scotland) Act 1996. The current definition, which is drawn from the Firearms Act 1968, may inadvertently allow the use of certain firearms to shoot deer without authorisation, despite their being shotguns in practice."

The amendment allows Ministers to define “shotgun” for the purposes of the Act in a more tailored way, such as including weapons that function as shotguns but fall outside the definition of shotgun used in the 1968 Act.

- **Expansion and restructuring of occupiers’ and grazings committees’ rights to**

control deer

A group of amendments (37, 38 and 39) were agreed by division, which together revised the legal framework governing occupiers' rights to control deer. Amendment 39 replaced section 26 of the 1996 Act with a new and expanded provision and inserted a new section 26ZA, extending similar powers to grazings committees. The revised provisions broaden the circumstances in which deer may be taken or killed to include not only the prevention of damage to crops and livestock, but also damage to woodland and to the natural heritage or environment more generally. The amendments clarify who may carry out deer control, require written authorisation, preserve close season protections, and introduce a requirement for certain authorised persons to be approved as fit and competent by NatureScot. The new section 26ZA addresses a previous gap by providing grazings committees with a clear statutory basis to authorise deer control on common grazings.

Amendments 37 and 38 made technical changes to ensure that regulation-making powers elsewhere in the Act continued to operate effectively in light of the new sections 26 and 26ZA.

- **Changes to cull returns and data collection**

Amendments 72 and 73 made technical changes to section 17A of the 1996 Act to support deer management data collection. The amendments clarify that regulations may require additional information to be included in cull returns beyond the required information on numbers of deer by species and sex, and ensure that planned cull returns may cover a period of up to five years. They also clarify that cull returns may relate to deer that are taken as well as killed.

[The Minister for Agriculture and Connectivity said](#) that the amendments would "allow for the implementation of two key recommendations from the deer working group [...] . As is set out in our response to those recommendations, the Scottish Government agrees that gathering a broader range of data will improve our understanding of wild deer populations, their impacts and their densities."

- **Introduction of a statutory review requirement**

Amendment 74 introduced a new statutory requirement for the Scottish Ministers to review the operation and effectiveness of the changes made to the Deer (Scotland) Act 1996 by Part 4 of the Bill. The amendment requires Ministers to prepare and publish a report within ten years of the relevant provisions coming into force, assessing their effectiveness against objectives relating to environmental protection and restoration, the statutory purposes of deer management, and deer welfare. The review must involve consultation with NatureScot and other appropriate stakeholders, and the resulting report must be laid before the Scottish Parliament.

[The Minister for Agriculture and Connectivity stated](#): "Amendment 74 will strengthen the bill by embedding a clear commitment to review and reflect on the operation of the changes to the 1996 act. It will ensure not only that the deer management provisions are implemented, but that their operation and effectiveness will be monitored."

New Part 4A: Building regulations: integral swift nest box (section 33B)

An amendment by Mark Ruskell MSP was agreed (by division) which inserted a new Part 4A and section 33B into the Bill, which requires Scottish Ministers to introduce regulations under section 1 of the Building (Scotland) Act 2003 to make provision for the installation of an average of one integral swift nest box per dwelling or unit greater than 5 metres in height.

The provision requires Scottish Ministers to introduce such regulations within 12 months of Royal Assent. Regulations must require the installation of integral swift nest boxes in line with best practice guidance (meaning British Standards BS42021:2022), except where such installation is not practicable or appropriate.

In [speaking to the amendment](#), Mark Ruskell MSP said:

“ We are seeing a decline in the number of common swifts: the population has fallen by two thirds since 1995. That decline is due to a range of reasons, but perhaps the biggest one is that swifts simply do not have nesting sites any more. We have been very effective at renovating and retrofitting houses and improving building standards, which is important to tackle climate change and make our homes more energy efficient. However, partly as a result of that, we have squeezed out a home for nature from our homes. It is important that we tackle the nature emergency and the climate emergency. How can we resolve the situation? Amendment 41 is a very simple amendment. It would require something called a swift brick to be mandated to be introduced into all new buildings over 5m in height. What is a swift brick? It is a brick with a hole in it, and it costs about £30. It is already reflected in British building standards, and my amendment reflects that standard. It offers a ready-made solution to the crisis.”

The Cabinet Secretary for Climate Action and Energy had argued that whilst the Scottish Government was sympathetic to the aims of the amendment, it was not necessary as Scottish Ministers have existing powers to introduce regulations in this area.

New Part 4B: Marine planning (section 33C)

An amendment by Sarah Boyack MSP was agreed (by division), inserting a new Part 4B and section 33C into the Bill, which seeks to strengthen the consideration of climate mitigation and adaptation in the designation of Nature Conservation Marine Protected Areas (MPAs).

The existing process for designating Nature Conservation MPAs is set out in [section 68 of the Marine \(Scotland\) Act 2010](#). The legislation empowers Scottish Ministers to designate a Nature Conservation MPA for the purposes of conserving marine flora or fauna, and conserving marine habitats, or features of geological or geomorphological interest.

Under section 68(7) of the 2010 Act, in considering whether to designate an area, the Scottish Ministers may have regard to the extent to which doing so will contribute to the mitigation of climate change.

New section 33B of the Bill amends section 68(7) of the 2010 Act, so that Scottish Ministers must have regard to the extent to which doing so will contribute to both climate adaptation and the mitigation of climate change.

The [Cabinet Secretary for Climate Action and Energy](#) said that the Scottish Government supported this amendment as "giving equal weight to adaptation is a sensible approach that is in line with Scottish Government policy when protecting biodiversity, and both mitigation and adaptation are absolutely critical to our efforts to tackle the twin crises".

New Part 4C: Gull numbers (section 33D)

An amendment by Douglas Ross MSP was agreed (by division), inserting new Part 4C and section 33D into the Bill, which requires NatureScot (legally called Scottish Natural Heritage) to conduct an annual survey on the number of gulls in Scotland and publish a report on the results. The survey must count the number of gulls in both urban areas and coastal areas.

[Speaking to the amendment, the Member said](#) that whilst gull numbers may be reducing in coastal areas, which is their natural habitat, they are increasing in urban communities, and that the Scottish Government does not have the information required to make decisions about gull management and to support licensing decisions in relation to gull control.

In responding to this amendment (as part of a wider debate about gull management amendments), the Minister for Agriculture and Connectivity, Jim Fairlie MSP, said that the Scottish Government was already putting in place a gull population data methodology for a national and urban gulls survey, but that an annual survey was not needed and would be very difficult to do.

New Part 4D: Scallop Shells (section 33E)

An amendment by Finlay Carson MSP was agreed (by division) inserting a new Part 4D and section 33E into the Bill, which requires Scottish Ministers to consult on and introduce regulations to provide that, in certain circumstances, clean, tissue-free shells of King scallops and Queen scallops should not be treated as waste or animal by-products under specified legislation.

In speaking to the amendment, [the Member said that](#) it seeks to address a practical and environmental challenge faced by Scotland's shellfish sector, where clean scallop shells are regulated as waste or animal by-products, creating an unnecessary regulatory burden and disposal costs, and preventing their use in ways that "support biodiversity, climate resistance and Scotland's circular economy ambitions"(e.g. for soil improvement, habitat restoration, erosion control and aquaculture).

The Cabinet Secretary for Climate Action and Energy said that whilst sympathetic to the aim of the amendment in the context of the potential contribution to a circular economy, the Scottish Government could not support the amendment at that point and would wish to further discuss it in advance of Stage 3. She said this was because "there is a regulatory framework with SEPA that already allows a waste item to be moved out of the waste stream and used for other purposes", and that she was not of the view that creating a duty on ministers to make regulations was necessary to achieve the intended outcome.

Part 5 amendments (including on grouse moor licensing)

Part 5 of the Bill includes Miscellaneous and General provisions. Two amendments were agreed to Part 5 during Stage 2 proceedings.

- **Amendment to the law on grouse moor licensing, relating to the area of the licence (section 33F)**

A Scottish Government amendment was agreed (by division), which inserts a new section 33F into the Bill, which changes how the area to be licensed for grouse shooting is to be determined within the grouse moor licensing framework.

The licensing of the killing or taking of grouse was introduced in Scotland via [the Wildlife Management and Muirburn \(Scotland\) Act 2024](#), which amended the Wildlife and Countryside Act 1981, creating a framework for the issuance of 'section 16AA licences' by NatureScot.

In existing law, section 16AA (4)(c) of the 1981 Act (inserted by the 2024 Act) requires that an application for a section 16AA licence must, amongst other things, "specify the area of land to which the licence is to relate".

The amendment agreed changes the wording in section 16AA(4)(c), requiring that the application must "describe the area of land to which the applicant proposes the licence should relate". It further inserts a new subsection 16AA (5A), empowering NatureScot (the licensing authority) to "propose a different area to which the licence is to relate from that described in the application", and if unable to reach agreement with the applicant on the area, to refuse the application.

Under the existing law, NatureScot may modify, suspend or revoke a section 16AA licence if it is satisfied that the licence holder, or a person involved in managing the land to which the licence relates, has committed a "relevant offence" ([a wildlife or animal welfare offence as specified in the Act](#)) "on the land". The amendment replaces the wording "on the land" so that section reads "has committed a relevant offence that supports or benefits the activities permitted by the licence" i.e. a relevant offence need not have taken place on the specified licensed area.

It further provides that NatureScot may not modify a licence to identify a different area of land to which the licence relates from that which was identified when the licence was granted without the agreement of the licence holder.

The Cabinet Secretary for Climate Action and Energy said in relation to this amendment, that its intention was to "ensure that the Scottish Government achieves the original intention of the grouse licensing scheme" that was introduced by the 2024 Act, by making sure that "relevant offences committed outside the licensed area can still lead to suspension or revocation of a licence, closing a loophole that undermines enforcement".

NB/ For more information and background, there are links to correspondence between the Scottish Government and the RAI Committee on the issues relating to this amendment [under the Stage 2 tab under 'Stage 2 correspondence' on the Bill webpage](#).

- **Procedure for approving Improvement Plans produced by the Scottish Government (following an Improvement Report from Environmental Standards Scotland) (Section 34A)**

A Scottish Government amendment was agreed (without division) inserting a new section 34A into the Bill, which modifies the procedure for the approval of 'Improvement Plans' in the Scottish Parliament.

Improvement Plans are produced by the Scottish Government under a procedure set out in the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, where Environmental Standards Scotland has triggered this through publishing an Improvement Report, highlighting an issue in relation to a public authority's compliance with, implementation of or enforcement of environmental law, or where the effectiveness of environmental law may be improved.

The [Cabinet Secretary for Climate Action and Energy explained that](#) this was a "minor, technical amendment that aims to clarify existing provision in response to a concern that was raised by parliamentary officials" by addressing an ambiguity in the process regarding whether the approval process should follow a negative or an affirmative procedure, ensuring that they are subject to the affirmative procedure, thus requiring the Parliament to "actively approve the plan".

Areas of further discussion (forestry, marine, salmon poaching, muirburn licensing and wildfire management)

- **Further discussions on forestry**

A number of amendments proposed by Mercedes Villalba MSP relating to forestry were not moved or withdrawn on the basis of further discussions before Stage 3. Those related to different areas of forestry policy including measures to increase urban afforestation, diversify woodland creation and ensure uptake of native species, recognise natural regeneration alongside planting for woodland creation, and tackling seed spreading of non-native forestry onto adjacent land, including peatlands.

The [Cabinet Secretary for Rural Affairs, Land Reform and Islands agreed with the principle or aims of a number of those amendments](#) but asked the Member to not move or withdraw them to allow for further discussions, for example setting out that in some areas requirements are set out in the UK Forestry Standard, or similar policy aims are being pursued through other means.

- **Review of sentencing for marine offences**

An amendment by Maurice Golden MSP (not moved) would have required Scottish Ministers to undertake a review of sentencing in relation to marine offences within 12 months of the Bill receiving Royal Assent. The Member set out the aim for this amendment to support improvements to enforcement and improve compliance in relation to marine offences.

The [Cabinet Secretary for Rural Affairs, Land Reform and Islands set out](#) that the Scottish Government has already committed to conducting a fisheries penalty review as part of its 10-year fisheries management strategy during the next session of Parliament.

The Cabinet Secretary said that the deadline set out in the proposed amendment was unrealistic, as a penalties review will be complex and needs meaningful engagement, and scoping work would be needed to undertake to determine reasonable timeframes. However, she committed to working with the Member ahead of stage 3 “to see whether we can come to an agreement on a more realistic plan”.

- **Wildfire management and local authority powers**

A number of amendments were debated that related to managing wildfires.

An amendment by Emma Roddick MSP (moved and subsequently withdrawn) would have given powers to Scottish Ministers to make regulations for a fixed penalty notice regime in order to enforce local authority byelaws aimed at the prevention of wildfires. The [Member set out that](#) the amendment came about through conversations with the Highland Council, following the development of wildfire byelaws by the Cairngorms National Park Authority and views that a similar approach was also needed in areas outwith the National Park.

The Minister for Agriculture and Connectivity set out that the Scottish Government supported the intention behind the amendment but the Bill was not the right place for that change, as more detailed work needed to be done in this area before proposing legislative changes. He also referred to ongoing wider work on a wildfire strategic action plan, which will look across prevention, preparedness, response and recovery, and this work will “consider whether any legislative changes would be required to support the actions within it”.

However, the Minister offered to meet with the Member to discuss the issue further ahead of stage 3, in order to “fully consider the most appropriate approach to tackling the issue”.

- **Muirburn licensing in relation to wildfires**

An amendment by Beatrice Wishart MSP (not moved) sought to make changes to the legal framework for the licensing of muirburn for the purposes of wildlife management (set out in the [Wildlife Management and Muirburn \(Scotland\) Act 2024](#)). It sought to:

- remove the presumption in favour of other methods of vegetation control e.g. cutting and grazing if those methods are more practicable than muirburn, which the Member said may not be appropriate in the context of wildfire management
- replace the test of necessity (for the granting of a muirburn licence) with that of appropriateness, as evidencing that muirburn is necessary for the specified purpose “constitutes a very high legal bar”
- put beyond doubt that training is a valid purpose for making muirburn under licence from NatureScot, by adding it as a stand-alone licensable purpose.

The Minister for Agriculture and Connectivity responded that the Scottish Government supports the intention behind the inclusion of training, but that under the wording of the amendment, training would not be linked to an approved training course. Regarding the other changes, the Minister referred to the need for the muirburn licensing scheme to strike the right balance between protecting peatlands from both the potential negative consequences of muirburn and the devastation of wildfires, and to ongoing work by NatureScot looking at the science around muirburn, the outcomes of which should be available early 2026. The Minister asked the Member not to move the amendment to allow for conversations between Stages 2 and 3.

- **Strengthening penalties in relation to salmon poaching**

Emma Harper MSP lodged a range of amendments (withdrawn or not moved) which sought to strengthen financial penalties and offences in relation to salmon poaching.

The [Cabinet Secretary for Rural Affairs, Land Reform and Islands](#) set out that the Scottish Government supported the motivation behind the amendments "in order to bring particular offences into line with other wildlife crime and to enable certain financial penalties to be issued on a per-fish basis". However, she said that:

“ as drafted, the amendments apply only to the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, when there is actually a range of legislation on salmon poaching offences covering the River Tweed, the River Esk and, indeed, the rest of Scotland. Given that the amendments do not extend to cover the equivalent offences that are set out in other regulations, agreeing to the amendments would mean that there would be significant disparity in penalties for offences in relation to salmon across the different rivers in Scotland.”

The Cabinet Secretary asked the Member not to press the amendments in order to address that issue and to develop amendments that were workable for Stage 3.

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