

Call for Evidence

Response Document



Natural Environment (Scotland) Bill

The Rural Affairs and Islands Committee

9th May 2025

Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has over 8,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of:

- Scottish Environment Link
- Wildlife and Countryside Link
- Northern Ireland Environment Link
- Wales Environment Link
- Environmental Policy Forum
- IUCN – The World Conservation Union
- Professional Associations Research Network
- Society for the Environment
- United Nations Decade on Biodiversity 2011-2020 Network
- Greener UK
- Irish Forum on Natural Capital (working group member)
- National Biodiversity Forum (Ireland)
- The Environmental Science Association of Ireland

CIEEM has over 800 members in Scotland who are drawn from across the private consultancy sector, NGOs, government and SNCOs, local authorities, academia and industry. They are practising ecologists and environmental managers, many of whom regularly provide input to and advice on land management for the benefit of protected species and biodiversity in general.

This response was coordinated by Members of our [Scotland Policy Group](#).

Call for Evidence

Part 1

1. Are statutory nature targets needed in Scotland?

Yes.

CIEEM is supportive of legally binding nature recovery targets; we have inputted into the Scottish Environment LINK report [Nature recovery targets: Statutory targets to drive the recovery of nature in Scotland](https://www.scotlink.org/publication/report-nature-recovery-targets-statutory-targets-to-drive-the-recovery-of-nature-in-scotland/)¹.

The most recent State of Nature report² clearly shows the ongoing declines in a wide range of terrestrial, freshwater and marine biodiversity. We have had multiple strategies, plans and programmes but we are falling short on delivery. Clearly defined statutory nature targets can create a shared level of ambition and engender and drive delivery.

We are supportive of statutory nature targets within the Natural Environment Bill to drive change across all parts of government and society. Net Zero targets have resulted in climate change being mainstreamed across sectors. Likewise targets for nature restoration can drive action to halt and restore nature. In the secondary legislation for each target we would like to see explicitly assigned responsibility for leading delivery and key delivery partners, together with clear strategies for implementation, and timescales for delivery.

The inherent complexity of nature means that the scientific underpinning of the development of the targets is crucial. An ineffective target can be worse than no target at all and can lead to perverse outcomes.

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

Partly.

We agree that the Bill should establish the framework and high-level topics, but that the quantitative detail should be set out in the secondary legislation.

In terms of compulsory targets we would like to see:

- Habitat condition *and* extent; these are arguably two targets.
- Clear targets for improving the condition of protected areas and direct targets on 30 x 30.
- Species in their entirety (i.e. widespread but declining), not just threatened. Could consider utilising Species of Conservation Concern.
- Some degree of intactness, integrity and resilience of ecosystems.
- Reversing biodiversity loss against historical decline.

¹ <https://www.scotlink.org/publication/report-nature-recovery-targets-statutory-targets-to-drive-the-recovery-of-nature-in-scotland/>

² <https://www.nature.scot/doc/state-nature-scotland-report>

- Increasing nature connectivity, encompassing targets and specific actions for implementing, expanding, and enhancing Nature Networks.

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

The Bill needs an action planning cycle that links the nature targets to delivery, monitoring and accountability. The Nature Conservation (Scotland) Act 2004 already has provisions for the Biodiversity Strategy which should be amended to provide a clear link between this and action planning, reporting, and delivery of the targets as established by the Natural Environment Bill. The Biodiversity Duty requires public bodies and office-holders to “have regard to” the Scottish Biodiversity Strategy. This should be strengthened so all public bodies have to act to meet rather than simply have regard to. The Biodiversity Duty is only a part of Public Authorities duties amongst a whole series of other tasks and deliverables. Consideration should be given as to how this should be strengthened within the Natural Environment Bill.

We are supportive of Environmental Standards Scotland (ESS) proposed role of reviewing compliance. Environmental Standards Scotland already acts as an oversight/advisory body with a degree of statutory independence from the Scottish Government with growing in-house expertise on Scottish environmental law. Expanding the remit of Environmental Standards Scotland will require a proportionate increase in capacity and expertise.

There also needs to be a clear strategy for enforcement to be undertaken by ESS that goes beyond just reviewing progress. This should include a clear statement of the controls against, and sanctions in the event of, non-compliance or failure to meet targets. The penalties/redress for failing to meet targets should be a significant deterrent. In terms of the ESS review report it is important to ensure that the improvement report process within the Continuity Act is enacted so that Parliament has to take action if targets are not met.

It is unstated who will be giving the scientific evidence but there is a specific requirement of Ministers to seek and have regard to scientific advice. We would like to see further details on how scientific evidence underpinning the targets will be sought. CIEEM members are well-placed to contribute their expertise as professional ecologists and environmental managers. It is essential to the targets’ success that they reflect the state of Scotland’s biodiversity and the underlying pressures, rather than ‘easy’ targets that can easily be — or are already being — met while failing to drive the change needed to address the biodiversity crisis.

There needs to be provision for regular review of the statutory targets to ensure that the targets remain relevant and evidence-based, especially with changing environmental conditions and drivers of change. Reviewing statutory targets will allow adaptation where monitoring informs this, and as the evidence base for designation of targets increases.

We strongly agree with the proposed approach that Scottish Ministers will be required to seek external expert advice, with input from an Independent Review Body, before any adjustments to targets are made and that this process is transparent.

There needs to be a tighter definition of timescale. Part 1 2F - requirement to prepare a report for review once in each 10 year period - but does not state timescales for when this needs to be laid before parliament and published within. Subsequent periods start from the date of publication which will have significant repercussions there are delays between starting the review and its publication.

There needs to be more clarity on the monitoring and evaluation processes before CIEEM can comment on whether these are adequate.

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

There need to be clear links between the Scottish Biodiversity Strategy (SBS) delivery plan actions and the Statutory Nature targets in the Natural Environment Bill, which are part of the Bute House Agreement and mechanisms in place to update the delivery plan actions in line with the Natural Environment Bill. Otherwise, there could be disparity between the delivery plan actions and the statutory targets which will lead to confusion.

There is an ongoing challenge that government departments largely work in silos, there needs to be better cooperation across government departments to allow biodiversity policies to be integrated across government to the extent that climate change is. Statutory nature targets as part of the Natural Environment Bill will help drive this change.

Part 2

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

No.

We have made our opposition to these proposed powers clear in our response to the consultation held in March 2024³.

The Habitats Regulations have provided us with some of the most fundamental protections for nature for decades now, legally tested and found robust in helping to protect valuable habitats. Any change to these legal frameworks without clearly identifying the scope and extent of those powers causes concern over whether robust procedures and protections will continue to be safeguarded.

³ <https://cieem.net/wp-content/uploads/2024/05/CIEEM-Response-Environmental-Impact-Assessment-regime-and-Habitats-Regulations-enabling-powers-final.pdf>

The Habitats Regulations/Directive have been rigorously reviewed on three separate occasions, and been found to be effective and fit for purpose on each occasion (The 2012 Defra review of the Habitats Regulations (Spelman Review⁴), the Government Red Tape Initiative of 2018⁵, and the EU's REFIT review of the Nature Directives in 2016⁶)."

The breadth and depth of powers proposed to amend the EIA regulations and Habitats Regulations in Scotland is significant and poorly-justified, with "amend" being specifically defined as including "revoke" or "repeal". Furthermore, there are no safeguards such as non-regression or alternative guaranteed protections. CIEEM is particularly concerned about the definition of 'amend' in this respect. If the intention is really for Scotland to remain aligned to the EU then this Bill does not do that and this needs to be addressed. CIEEM would like to see a non-regression clause added to the Bill and we would like the Committee to review this. We have highlighted the importance of the principle of non-regression and its critical role in protecting against weakening of environmental protections in previous consultation responses, including to the consultation on Environmental Principles and Governance in Scotland⁷.

There is a lack of clarity on how changes will be approved - i.e. whether through affirmative procedures or negative procedures. We are therefore concerned that important changes could be made without parliamentary scrutiny and with reduced opportunity for public comment and consultation. Significant reforms to EIAs and HRAs should be pursued through primary legislation. It is inappropriate for major reform to be undertaken through the use of Henry VIII powers. The Delegated Powers and Law Reform Committee published a report on their Inquiry into Framework Legislation and Henry VIII powers on the 25th March 2025 which includes the finding: "The Committee considers powers allowing flexibility 'just in case' are unlikely to meet the test for the necessity of the power, and as such, be considered inappropriate." These findings have important implications for Part 2 of the Bill. Any proposed changes to the Habitats Regulations and the EIA Regulations should be clearly defined and subject to consultation before being laid out in primary legislation. Significant changes should not be enabled through such unfettered powers with minimal protection against regression.

Much of the justification given for the proposed powers would be better achieved via updated guidance or minor amendments rather than making changes to Regulations. See also further information on existing powers in Habitats Regulations 9D and 11 in answer to Part 2 Q.2; ministers already have the power to adapt and amend the site network, including de-listing sites if a qualifying interest is no longer present, and this is not affected by the 'sunsetting' of the Continuity Act.

⁴ <https://assets.publishing.service.gov.uk/media/5a79926f40f0b642860d920f/pb13724-habitats-review-report.pdf>

⁵ <https://www.biodiversityinplanning.org/wp-content/uploads/2018/12/RTI-November-2018-Report-FINAL.pdf>

⁶ https://commission.europa.eu/system/files/2017-01/swd-2016-472-final_en.pdf

⁷ <https://cieem.net/wp-content/uploads/2019/05/CIEEM-response-to-Environmental-Principles-and-Governance-in-Scotland-FINAL-submit.pdf>

We would like the Committee to investigate why Part 2 of the Bill is required, the underlying reasons and scrutinise what the Government proposes to do with these additional powers.

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

No.

The powers as laid out are ostensibly intended to simplify and increase flexibility, but there is no acknowledgement of the flexibility in the existing regulations and therefore no explanation of why additional powers are needed. For Habitats Regulations the key existing powers are laid out in Regulation 9D and Regulation 11. Regulation 9D details reasons for designating sites to maintain a coherent network:

“The Scottish Ministers must, in co-operation with any other authority having a corresponding responsibility, manage, and where necessary adapt, the UK site network, so far as it consists of European sites in Scotland, with a view to contributing to the achievement of the management objectives of the UK site network.”

Regulation 11 further clarifies the power to de-list sites where necessary. Therefore, the powers already exist but the powers have not been utilised.

Whilst Schedule 3 of Part 3 sets out the specific reasons for making changes, there could be occasions where there is a difference of opinion as to what would constitute ‘preserving, protecting or restoring biodiversity’ (3(a)(ii)) in a particular case. This could be important in terms of HRA. Ecosystem functioning and health should be included.

Clauses 3e and 3f need to be removed as they are so broad as to allow almost any change to operation of the law. As it stands, the clause allows powers to potentially revoke or repeal EIA and Habitats Regulations. A change as drastic as that should require primary legislation.

Clause 3(d) in relation to ‘technology’ is extremely vague and not justified.

In terms of protected areas, there has always been the option to change what the site is protected for. Examples can be found among publicly available EIAs, such as those for A9 proposals on Transport Scotland’s website. The Project History section of that website shows clearly that EIA Regs were used from Stage 2 (route options assessment) onwards (Stage 1 came under SEA) and this fed into the final choice of routes taken forward for detailed design and EIA of each section of the A9 Dualling programme⁸. The process is long rather than complex, and the length of time befits such a nationally important project with many engineering and safety considerations

⁸ <https://www.transport.gov.scot/projects/a9-dualling-perth-to-inverness/programme-details/#64699>

to address besides EIA and HRA. See an example non-technical summary of one of the EIAs for further details⁹.

So there is already the flexibility within the Habitats Regulations to make the amendments to what a site is designated for in the face of climate change. We don't need these powers, the Regulations are currently underutilised.

In recent meetings with officials they have said that flexibility in the legislation is needed to adapt to climate change. However, the decline or loss of a species is often caused by a combination of factors that include and can relate to, but are not limited to, climate change. These can interact to affect species numbers, particularly of migratory species. Furthermore, change in habitats or species can be temporary, including in situations where causal factors can be identified and addressed, thereby averting the need to change the qualifying interests of a site.

If there is a need for a change in the qualifying interests of a site, that should be addressed through existing designation and denotification processes. That is already provided for in SSSI legislation; it would be reasonable to make that provision for European sites too.

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

Issues with Habitats Regulations often arise from misinterpretation, misapplication and lack of knowledge – and this includes regulators as much as developers. Some of the issues are in large part due to the well-documented lack of capacity amongst competent authorities including Local Planning Authorities (LPAs) as found in the CIEEM survey on capacity and expertise in LPAs¹⁰.

As mentioned in response to question 1, updated guidance for planning authorities — for example, DPEA guidance — would be a more appropriate way forward, rather than legislative changes.

In Part 2, paragraph 5, of the draft Natural Environment Bill there should be a more explicit statement of who would be consulted prior to making any change to the regulations. There may be differences between who Scottish Ministers consider to have an interest and those that do have an interest in the regulations. Given that the aim is to achieve favourable conservation status of habitats and species over their range, and that biodiversity and the health of the natural environment affects every citizen of Scotland, it could be argued that we all have an interest in any change to the regulations – not just those organisations that Scottish Ministers deem to be affected (para 42 of the explanatory notes to the legislation).

⁹ <https://www.transport.gov.scot/media/33943/a9-dualling-kinraig-to-dalraddy-orders-final-environmental-statement-non-technical-summary-01-november-20.pdf>

¹⁰ <https://cieem.net/survey-of-scottish-local-planning-authority-capacity-highlights-risk-to-delivery-of-npf4/>

Any changes arising through use of these powers wouldn't relate to reserved matters. That means, potentially, we could end up with two different regimes. This could be particularly acute for some types of project e.g. onshore wind, which depending on scale could be consented through either the Scottish planning regime subject to one form of EIA &/or HRA or the S36 of the Electricity Act, subject to a different form of EIA/HRA. This would add a great deal of complexity.

In the last section (3(a)), it is not clear why reference is made to 'standards' as this is not something currently used in EIAs or HRAs.

Part 2, paragraph 4, would enable any restatement of the regulations to use words or concepts that are different from those used in the legislation. The term 'significant' has different meanings depending on whether it is being used within an EIA or an HRA context. Its use within HRA as a trigger for appropriate assessment is a very low bar and has been defined by the courts as 'being capable of having an effect' – rather than implying a particular scale/magnitude of effect. It is believed that this may have arisen as a result of translational differences as the equivalent term in other languages of the Directive provides support for the trigger being that a project/plan may have 'consequences' for a European site. This contrasts with use of the term in EIA, where a significant effect is one that needs to be drawn to the attention of the decision maker (and may, in turn, be qualified by terms such as 'very significant' or 'low significance'). Whilst this dual definition, depending on the legislative context, can cause confusion, we would be strongly opposed to any changes that would result in a downgrading or diluting of the terminology for HRA, which could lead to a reduction in the requirement to trigger an appropriate assessment. The trigger for appropriate assessment is already poorly understood by some and often incorrectly applied, issues which are underpinned by lack of skilled capacity. It is very important that the tests for and scope of the Habitats Regulations are not conflated with the aims and purposes of EIA as they relate to ecological features.

The Habitats Regulations allow adverse effects on site integrity only where there are imperative reasons of overriding public importance (IROPI). In such cases, compensatory measures are required. In the case of habitats, this can mean the creation of new (or management of existing degraded) habitat outwith the boundary of the affected SAC. This habitat is meant to be of high quality to replace or compensate that which is damaged or lost. It is meant to contribute to the favourable conservation status of that feature and should, therefore, be of SAC quality. It should also be in place and achieve that value **before** the existing habitat is lost. At the very least, the compensatory habitat should be designated as SAC.

To date, there have only been a couple of cases in Scotland where compensatory measures have been required as outlined in this NatureScot guidance on European Site casework, "One such case was the upgrading of the Fort William to Mallaig A830 trunk road through Glen Beasdale SAC, mentioned in section 5.5 (last bullet point). In this case the road improvements resulted in a loss of approximately 7.9ha of qualifying oak woodland within the SAC, equal to around 2.5% of the total area of qualifying oak woodland habitat within the site and just under 1.6% of the total site area. An area of compensatory habitat was identified adjacent to, and now included

within, the SAC, covering approximately 14ha. Much of this area did not previously support oak woodland of qualifying standard. The agreed compensatory measures have management prescriptions to address the main problems, including damage by deer and invasive rhododendron, to bring the habitat up to qualifying standard”¹¹ (see 8.5. Compensatory measures). This requirement could be considered in the exceptional circumstances where IROPI is in place.

Our objections to Part 2 of the Bill arise from the risk that the powers, as currently proposed, could be used to change this important legislation for the worse. Measures to dilute the legislation or more closely align it with EIA would, in our view, be a retrograde step.

Resourcing of LPAs and other regulators to allow them to appropriately apply the regulations in their decision making would be more effective than changing the regulations themselves. Hence, consideration must be given on how to upskill and add capacity across the board to increase effective decision making.

Part 3

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

Although modest, we welcome the proposed modernisation of the aims of National Parks which reflect a greater awareness of their potential role in addressing the twin nature and climate emergencies faced by Scotland.

In particular, we welcome the insertion of ‘management’ in the second (b) of the four national park aims. However, we echo Scottish Environment LINK’s (ScotLINK) suggestion that the addition of ‘cultural’ in the fourth aim (d) be reviewed or more clearly defined to better reflect the intention to support ‘creative’ activities, since ‘cultural’ can be interpreted more broadly to include, for example, muirburn.

We welcome the addition of “restoring and regenerating biodiversity in the area”, and “mitigating and adapting to climate change” in the new subsection (2) of the bill which outlines what is encompassed by the aims.

We support ScotLINK’s suggestion to reword 2(f) to “promoting sustainable development activity which improves the overall health, wellbeing and prosperity of people within the area” (from, “the health, wellbeing and prosperity of individuals and communities within the area”). It is ambiguous in its current format and could be interpreted as giving precedence to the wealth of individuals which is not in keeping with the intentions of the wellbeing economy.

We welcome the retention of section 9(6) of the National Parks (Scotland) Act, the Sandford or National Park principle, which gives more weight to the first National Park aim in situations where there are conflicts between aims. The Sandford principle

¹¹ <https://www.nature.scot/doc/european-site-casework-guidance-how-consider-plans-and-projects-affecting-special-areas-conservation#9.1+Purpose>

should extend to all public bodies operating in the parks, not just the National Park Authorities.

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

We welcome the duty for other public bodies operating within a National Park to facilitate implementation of Park Plans as a more active requirement since, at present, a public body could note the contents of a National Park Plan yet carry out activities that work against or weaken the implementation of the plan. It must be made clear that state agencies such as Forestry & Land Scotland, Scottish Water, NatureScot and SEPA need to recognise the difference required from them in the way they operate within national parks. So it is not just taking direct actions on their lands, but also their grant-giving powers, funding and resourcing, licensing powers, etc., within the National Parks. Other bodies need to be part of the process of setting National Park Plans and given directions and duties to act, not just take regard to. Early engagement in the development and direction of the National Park Plan will empower a sense of ownership and long-term commitment. Clear wording, expectations and trust building between stakeholders is paramount, plus clear recognition of the added value.

We would like to see a similar strengthening of the proposed duty to give “due regard” to the National Park aims to, for example, “seek to further the aims of”. We note that a similarly strengthened duty for Protected Landscapes has already been introduced in UK law via the Levelling Up and Regeneration Act 2023.

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

We understand that the provisions are intended to streamline enforcement and reduce the burden on legal services. However, in their response, ScotLINK highlight are a number of potential issues that can arise from this and we share their call for further clarity in relation to these which should also be set out in the guidance:

- Hitherto, engagement with the public in National Parks (mainly carried out by rangers) has taken the form of one-to-one conversations, public education, and information distribution, with enforcement only there as a final backstop. If enforcement is made faster and less-onerous, this may take precedence over other approaches that can be more efficient and appropriate for maintaining good public relations.
- If, as we understand is the case, enforcement powers are only to be exercised by rangers directly employed by the National Park authority and not by rangers employed by NGOs or estates, this would embed — in effect and public appearance — a two-tier ranger service.

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

Part 4

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

Yes. Overall, the proposals in the Bill seem positive and to implement recommendations of the Deer Working Group. CIEEM supports measurable and attainable measures to get deer numbers down to environmentally sustainable levels. A key element of ecosystem restoration is reducing deer numbers.

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

As Scotland's nature agency and the public body responsible for deer management, it is important that NatureScot be represented on advisory panels.

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

We agree with the proposed changes, however, we support ScotLINK calls for a requirement for regular reporting to the Scottish Parliament on compliance with the deer code i.e. on an annual or bi-annual basis.

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

Yes. These grounds reflect the importance of deer management for the delivery of our nature restoration and net zero targets, not just the prevention of damage.

There is a need for greater urgency and the bill should support NatureScot moving straight towards compulsory intervention measures for nature restoration.

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

Yes. CIEEM supports the introduction of amendments which allows NatureScot to use existing powers (e.g. control agreements and control schemes) to intervene where insufficient deer management is impeding projects or natural processes which serve to improve, or restore, the natural environment.

NatureScot has used its compulsory intervention powers under section 8 of the Deer (Scotland) Act 1996 only once, and very recently, after failure to secure a voluntary agreement (Loch Choire estate in April 2025¹²). While voluntary control orders under

section 7 have been used more frequently, they have rarely achieved the desired outcomes, even in the long-term.

It is therefore apparent that control schemes need to be made workable, with clear timetables for action, and reporting to Ministers so as to ensure the purpose of nature restoration is met.

A definition of circumstances when NatureScot must intervene to reduce deer numbers would support urgent action, for example, when deer densities are above 10 per sq km.

Communication from communities, environmental eNGOs and other affected land managers, will be important for timely identification of areas of high pressure from deer. It is therefore important that there is a clear mechanism for contacting NatureScot for deer management intervention.

We would like to see the introduction of a formal national cull approval scheme administered by NatureScot (recommendation 97 of the Deer Working Group report). NatureScot should have the facility to sign off deer cull levels proposed by landowners, and to increase them if necessary, in order that sustainable deer management occurs across Scotland's landscape.

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

Yes.

7. Do you have a view on proposals in the Bill for changes to the authorisations issued by NatureScot for:

- a. the culling of deer during the closed seasons
- b. the culling of deer at night
- c. the use of vehicles to drive deer

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

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

Deer culling is skilled work that should be carried out by competent individuals; we therefore support these sections.

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

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

We welcome the repeal of the requirement for venison dealers to be licensed as this will remove a barrier to sustainable deer management.

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

CIEEM feels that the bill should recognise the importance of deer management towards supporting the delivery of our net zero goals. High deer densities and associated browsing is having an adverse impact on our nationally important peatlands, undermining other key government targets.

General/aspects not in the Bill

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

Invasive non-native species (INNS) are a significant driver of biodiversity loss in Scotland, impacting native species through predation, competition, disease transmission, and habitat alteration. The Convention on Biological Diversity (CBD) recognizes INNS as one of the top five drivers of biodiversity loss globally. We therefore believe that INNS should be included in the Natural Environment Bill with clear targets and actions:

- Commitment for a national control plan for invasive species with clear targets, including early warning and rapid response plans for the arrival of new high-risk non-native species, which have the potential to become invasive under a changing climate.
- INNS control should be embedded in the operations of all organisations that own and manage land. Too often, control of invasive species falls between the various authorities, landowners etc.
- There also needs to be a legal duty that underpins the biodiversity duty. Additional access powers for NatureScot and/or specified bodies should be considered with regard to INNS eradications.
- Tackle re-seeding of non-native tree species in particular Sitka spruce but also Norway spruce and Lodgepole pine onto natural and semi-natural habitats including peatlands and naturally regenerating woodland sites. Applying the 'polluter pays principle' in which industry pays for removal and biosecurity, as in the EU IAS Regulation Articles Polluter Pays section needs to be applied. If not, Sitka spruce removal will consume future conservation budgets.
- Eradication of *Rhododendron ponticum* at whole catchment/regional scales to allow tree regeneration and restoration of native ground flora in Atlantic oakwoods.
- There will be an increasing spread of marine INNS, particularly with warmer seas. Pacific oysters represent a threat of becoming invasive in Scotland if spread from oyster farms or transportation. This has become a significant issue in parts of the UK and should be monitored closely.

Key legislative mechanisms that could be introduced through the Bill to mitigate the increasing impact of INNS on Scotland's biodiversity should be considered.