



22 September 2023

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

Dear Ms Slater,

Thank you very much for your time on 14th September and for the discussions on the Scottish Biodiversity Strategy (SBS), Natural Environment Bill and deer management. We ran out of time to discuss the NPF4 Guidance and biodiversity enhancement and the consultation on environmental governance, so we have included the detail on these topics here.

Scottish Biodiversity Strategy

LINK welcomes the publication of the consultation and the direction of travel to halt and restore nature loss. The tests LINK will be measuring against the strategy will be in relation to detail around the ecosystem restoration programme, species recovery programme and how SMART the targets are.

The consultation is lengthy and technical which may deter the general public from responding. Following on from recent backlash on environmental policies, we discussed the importance of engaging communities in the development of the framework. As requested, LINK suggests engaging with existing community forums such as Regional Land Use Partnerships, the 2050 Climate Group and communities involved in the new National Park process.

We discussed three key areas where collaborative working will be needed to support SBS delivery:

- Upland herbivore management and the transition to sustainable land use practices.
- Supporting Scottish Government's move towards a modernised system of deer management.
- Species such as badgers, beavers and white-tailed sea eagles and their interactions with agriculture.

Natural Environment Bill

We are pleased to hear that the Scottish Government is still aiming for the Natural Environment Bill to be introduced in 2024.

Prior to the publication of LINK's report, [Nature recovery targets: Statutory targets to drive the recovery of nature in Scotland](#), we have been in regular contact with the Scottish Government Bill team to offer our support and input to the process of developing the nature targets. We look forward to continuing this communication as the Bill develops.

LINK will be responding to the forthcoming 30x30 consultation and welcomes the direction of travel on the draft framework. We highlighted that whilst LINK members have been engaged in the co-design process for the framework, there has been less stakeholder engagement on the potential legislative proposals. We therefore welcome any opportunity to engage in this development process. Ensuring 30x30 maximises its contribution to nature's recovery is a key priority for LINK and we are keen to support the Scottish Government in a co-design process that ensures communities are well sighted and engaged with the development of this target.

Deer Management

We highlighted the publication of our report [Saving Scotland's Rainforest: managing the impact of deer](#). LINK will continue to highlight threats to this globally important habitat and campaign for action to restore as well as pointing to deer management reform. We are pleased that you continue to advocate for the restoration of Scotland's rainforest.

We discussed the shared disappointment at the decision by the Rural Affairs and Islands Committee to not support the removal of the seasons for male deer. This blocks one part of a package of measures from Scottish Government towards a modernised system of deer management. For decades, there has been a growing consensus that we need strong action to reduce deer numbers to protect our natural heritage, curb damage to crops and forestry, reduce road accidents.

Four out of five political parties included in their 2021 Scottish election manifestos a commitment to implement the recommendations of the independent Deer Working Group. It is disappointing, therefore, that at the very first hurdle, a key recommendation of the Group has been voted down. As discussed, LINK plans to contact all political parties to highlight this.

We touched on venison markets. There will shortly be a letter coming to you jointly from LINK and the Association of Deer Management Groups under the Common Ground initiative with some proposals for the venison market.

In light of the proposed review of NatureScot's species licensing functions, LINK believes that NatureScot should continue to have this responsibility. However, the system needs more consistency and must be checked against legal obligations under EU Birds Directive, which requires lethal control of species to be a last and not first resort.

NPF4 Guidance & Biodiversity Enhancement

It is now over 6 months since the adoption of NPF4 and the introduction of planning policy 3 which requires almost all development to deliver biodiversity enhancement. This change is a great opportunity for planning and development to contribute to tackling the nature crisis. We are still waiting to see how this is delivered in practice, but it seems clear that there is currently a very patchy and inconsistent approach across the country, this is in part due to lack of guidance to support the policy.

LINK would like to know whether the link between biodiversity enhancement and strategic funding of strategies such as the SBS, and the roll out of Nature Networks, is being made elsewhere? In this context, LINK is aware that the concept of a Strategic Biodiversity Enhancement Fund is being raised

in various fora, and that the Onshore Wind Sector Deal appears to leave the door open to this possibility in relation to onshore wind developments specifically.

We note the recent publication of SRUC's Report on Approaches to Measuring Biodiversity in Scotland and announcement that NatureScot will shortly commence work to develop an adapted biodiversity metric suitable for use in supporting delivery of NPF4 policy 3b. It would be helpful to understand how this relates to Scottish Government Guidance on the delivery of biodiversity enhancement and whether a metric approach has been decided as the preferred assessment method. We suggest organising a trilateral meeting between LINK, yourself and the Local Government Empowerment and Planning Minister to discuss this further.

We agreed to add this to the agenda at our next catch up.

Review of the Effectiveness of Environmental Governance Consultation

LINK will be responding to the Scottish Government's consultation on the Review of the Effectiveness of Environmental Governance. LINK is highly disappointed with the scope of the consultation, as the report indicates the Scottish Government's view that no further action needs to be taken on improving environmental governance and presents insufficient evidence to explain this thinking. We do appreciate the supplementary information that was recently published on Environmental Courts, however overall we still feel that the consultation and process have fallen well short of an effective review of environmental governance. We have raised these points with the relevant officials, however we wanted to make you aware of our concerns as we feel that this is a significant missed opportunity to ensure that Scotland's system of environmental governance is fit for purpose for delivering Scottish Government's environmental objectives - including the welcome and ambitious proposals in the Biodiversity Framework consultation.

We would hope that, having reflected on concerns such as those above and the consultation responses received, the Scottish Government will not consider the issue of environmental governance 'closed' on the completion of the current consultation. Rather, LINK and its members would welcome a further discussion and, ideally, some process that would allow a more in-depth (and participatory) analysis of the pros and cons of an environmental court or tribunal (including a full assessment of the range of options for the establishment of such a body). Such an assessment was what the majority of responses to the 2016 consultation called for and it was what was hoped for in this consultation. Nevertheless, a process of this nature would better inform future decision-making rather than simply concluding the current process with no further action.

Once again, thank you for your time. If you require further information on any of the issues we have raised, we would be delighted to supply that.

Yours sincerely,

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