

# Natural Environment Bill

## Part 1: Targets for Improving Biodiversity

### Scottish Environment LINK Feedback

April 2025

Scottish Environment LINK welcomes the ambition of the draft Natural Environment Bill and its approach to setting legally binding environmental targets. However, we have recommendations to further improve the Bill's effectiveness in halting and reversing biodiversity loss while ensuring robust accountability and delivery mechanisms.

#### Breadth and Scope of Targets

The approach taken in the draft Bill is to require Ministers to set targets on at least three topic areas - which we can summarise as habitat, species, and wider environmental conditions - while providing flexibility in how many targets are set under each heading. There is also a fourth "any other matter" topic providing further flexibility.

Given that biodiversity is inherently more complex than climate change, it is not practical or effective to reduce targets to a small number of simple metrics. Therefore, it is reasonable for the Bill to focus on headline topics, with more detailed metrics developed through secondary legislation. [LINK's 2023 report on nature recovery targets](#) advocated for a similar approach, albeit with a broader range of topics.

We would however make the following comments on the proposed topics:

- We welcome the inclusion of habitat targets. The current drafting allows for targets on the "condition or extent" of habitats. It is crucial that both habitat condition and habitat extent are addressed. To ensure this, we recommend separating these into distinct topics within the Bill.
- We similarly welcome the inclusion of a species target area, though have considerable concerns of the narrowness of how this is drafted. The definition of "threatened species" would potentially omit species that are of conservation importance. The species target(s) must address the recovery of widespread but declining species as well as those who are recognised as threatened. We recommend referencing the [International Union for Conservation of Nature \(IUCN\) Red List Criteria](#) for species classification, specifically the [IUCN Red List Categories and Criteria](#) (version 3.1), which provides a scientifically robust system for assessing the conservation status of species.
- The environmental conditions target area is appropriate, as is the "any other matter" power.



Scottish Environment LINK the voice for Scotland's environment



Registered office: 5 Atholl Place, Perth, PH1 5NE. A Scottish Charity No. SC000296

Scottish Environment LINK is a Scottish Company Limited by Guarantee and without a share capital under Company no. SC250899

- The Bill should include a target to increase ecological connectivity (a “national Nature Network”)
- The Bill would benefit from the inclusion of an additional topic area covering the reversal of biodiversity loss against a historic baseline informed by long-term ecological data. This could include a timeframe aligned with the most intact ecological conditions available in Scotland. Such an approach would ensure that targets are based on scientifically robust restoration goals rather than recent degraded states.

## Action Planning Cycle

Part 1 of the Bill introduces nature recovery targets as amendments to Part 1 of the Nature Conservation (Scotland) Act 2004. This repurposes the existing biodiversity duty and strategy (sections 1 & 2 of the 2004 Act) and their reporting requirements (section 2A) as mechanisms for achieving the new nature recovery targets. LINK supports this approach but believes there are ways to strengthen its effectiveness:

- The biodiversity duty remains weak in its current form. To ensure that all public bodies are required to act in order to meet the targets (rather than merely having regard to them), this duty should be strengthened. This is particularly important for public bodies other than the Scottish Ministers, as the current duty to ensure that targets are met (new section 2D(1)) applies only to the Ministers.
- While section 2B includes “supporting and measuring progress” in relation to the biodiversity strategy, it is unclear how or if the strategy must be developed to achieve the targets. To make this clearer, we recommend amending section 2(1) of the 2004 Act to specify that the strategy (and/or accompanying delivery plans) must set out the necessary actions to meet the targets.
- The current delivery plans, which accompany the Scottish Biodiversity Strategy, are non-statutory. Section 2(1) of the 2004 Act should be amended to require these plans, with a clear obligation to specify the actions needed to meet the targets. Additionally, the reporting and review requirements (sections 2A and new section 2E) should include provisions to ensure these actions are tracked and their implementation reported.

## Review and Reporting

LINK is pleased to see that Environmental Standards Scotland has been identified as the external body to review and assess the targets and provisions within the Bill. However, we have some key concerns:

- The Bill requires Scottish Ministers to seek and have regard to scientific advice (new section 2F) and includes provisions for monitoring and reporting (new section 2E). However, the Biodiversity Programme Advisory Group and NatureScot’s Scientific Advisory Committee, which provide scientific advice, are non-statutory bodies. Their existence and membership are determined by the Scottish Ministers and NatureScot, respectively. To safeguard independence and ensure robust oversight, we recommend clarifying that any report from ESS which includes recommendations for improvement or compliance should be treated as an “improvement report” under section 26 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, triggering the necessary improvement plan and scrutiny processes.
- We recommend that the State of Nature Reports be integrated into the scientific review process. These reports, endorsed by the Scottish Government and NatureScot, provide valuable cross-sector evidence and insights into biodiversity trends, species abundance, and distribution changes. Explicitly referencing these reports as a guiding dataset will ensure that policy decisions are informed by up-to-date, robust evidence. Additionally, the expertise of environmental NGOs should

be utilised in the scientific review process to ensure that conservation organisations contribute their extensive knowledge.

- We strongly recommend deleting new section 2G(4), which allows for the designation of a different body to carry out the review function through secondary legislation. ESS is the only statutory, quasi-independent body accountable to the Scottish Parliament with environmental law responsibilities. It is unclear how any transfer of this function to another body through secondary legislation would be consistent with the principle of independent review being set up by this Bill. Moreover, any potential scenario in which ESS might no longer be in a position to exercise this function would, necessarily, involve primary legislation (that is, amendments to the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021). This therefore appears to be a “just in case” provision - and one that risks undermining the Bill’s own principles. Any change to this function should be made through primary legislation, with appropriate consultation and parliamentary scrutiny, not least to ensure that the target-setting, monitoring and reporting functions remain subject to independent scrutiny.

We support the monitoring and reporting provisions outlined in new section 2E, but we believe the Bill could be strengthened further with an additional provision:

- If targets are not met or if progress is insufficient, we recommend introducing a provision for a "catch-up" report, like Section 36 of the Climate Change (Scotland) Act 2009. Such a report would set out the additional steps to be taken by the Scottish Ministers and relevant public bodies to ensure the targets are met. This would provide an important mechanism to hold the government accountable for timely action if progress towards targets is delayed.

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

**For more information contact:**

**Juliet Caldwell**

**Senior Advocacy Officer**

**Scottish Environment LINK**

**[juliet@scotlink.org](mailto:juliet@scotlink.org)**