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**Stuart McMillan MSP**  
**Convener of Delegated Powers and Law Reform Committee**  
**Scottish Parliament**

Dear Stuart McMillan MSP,

I am writing on behalf of Scottish Environment LINK ahead of the Delegated Powers and Law Reform Committee's debate on 24th April to share our views on the Natural Environment Bill and to raise concerns about the powers granted under Part 2.

LINK welcomes the introduction of the Bill and supports its overarching aim of strengthening the legal framework for environmental protection and nature recovery in Scotland. This legislation presents a critical opportunity to put in place the tools and mechanisms needed to address the nature crisis, and we fully support its ambition.

Part 2 of the Bill seeks to provide Ministers with powers to amend and replace aspects of the Environmental Impact Assessment regime and the Habitats Regulations. These powers are designed, in part, to fill the gap left by the UK's exit from the EU. While we recognise the need to maintain a functioning regulatory framework post-Brexit, we have significant concerns about the breadth and open-ended nature of the powers proposed.

The Committee's recent report rightly raises concerns about the use of so-called "just in case" or broadly framed Henry VIII powers. We share those concerns in the context of Part 2. Such powers, if not clearly limited or accompanied by strong safeguards, could allow for significant changes to long-standing environmental protections without sufficient parliamentary scrutiny or public engagement.

Given the importance of the Environmental Impact Assessment and Habitats Regulations in safeguarding our natural environment, we believe it is essential that any reforms are carefully considered, transparent, and demonstrably maintain or enhance existing levels of environmental protection. To ensure this, it is important that the Committee examines whether the powers proposed under Part 2 are appropriately limited and whether adequate safeguards are in place to uphold accountability, ensure effective scrutiny, and maintain high environmental standards.

We urge the Delegated Powers and Law Reform Committee to consider Part 2 of the Natural Environment Bill, particularly the broad scope of powers granted to ministers. Scotland's environmental standards must be maintained and strengthened, rather than undermined, as we move forward with the implementation of this important legislation.

Yours sincerely,

Deborah Long  
Chief Officer of Scottish Environment LINK



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