

Cabinet Secretary for Net Zero and Energy
Minister for Climate Action
Scottish Parliament
Edinburgh



Scottish
Environment
LINK

5 Atholl Place
Perth
PH1 5NE
T: 01738 630804
E: enquiries@scotlink.org
W: www.scotlink.org

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Dear Cabinet Secretary,

Thank you for your time last week. As we are all members of Scottish Environment LINK, we felt there would be benefit in following up collectively.

It was good to discuss progress and opportunities around the Scottish Biodiversity Framework and Delivery Plans and the upcoming Natural Environment Bill. We look forward to working with you on the Natural Environment Bill and have already shared LINK's report on [nature targets](#) with your officials. This outlines in detail how the framework bill and secondary legislation could deliver progress towards Scotland's commitment to the Global Biodiversity Framework targets. We said we would write to summarise the issues raised and add more detail given the shortage of time.

We discussed public perceptions around the importance of nature restoration. Our [Scotland Loves Nature](#) campaign is showing that there is a wide awareness of the issues facing nature in Scotland and reflects the constituency post bag issue you noted about the withdrawal of the Nature Restoration Funding. A recent survey showed that 76% of people living in Scotland are concerned and worried about the state of nature and 74% of people agreed that there should be legal targets to improve Scotland's environment. More detail on the survey results is available [here](#). Furthermore, Environmental Rights Centre Scotland case work reflects a very high demand for access to advice and mechanisms to hold industry and government to account when local environments are damaged: it is very clear that people across Scotland value nature and want to see more and better action to restore it. The Scotland Loves Nature campaign both reflects these concerns and provides the political momentum for Ministers to act.

We discussed the opportunity that a human right to a healthy environment provides in this regard and we are disappointed that this is not included in the next Programme for Government. We believe that embedding this right provides the mechanism for local communities to engage much more effectively in local planning decisions, as well as strengthening accountability of environmental law to address the climate and nature crises. International evidence has shown how governments have used the right to improve implementation and enforcement of environmental laws which has led to cleaner air and reduced greenhouse gas emissions e.g. in France, Portugal and Slovenia. States have also used the right to shield themselves from industry lawsuits challenging their pro-climate and environmental actions.

We warmly [welcomed](#) the commitment to the Natural Environment Bill and legally binding targets in the Programme for Government. Statutory targets for nature are one of the three essential elements to meeting the global targets and delivering the vision of the Scottish Biodiversity Strategy. The two

other elements are a plan of action and financing. The Scottish Biodiversity Framework and Delivery Plan is fundamental to coordinating action, provides a direction of travel set by vision and targets and sets out an iterative assessment of progress and recalibration of action needed.

Having consulted on the framework and delivery plan in 2023, publishing the framework and plan is now urgent as a huge step change in progress is needed by 2030. We welcome your commitment to mainstream biodiversity delivery across Government and we remain ready to support you and your Ministerial colleagues in that. Joint portfolio actions and Ministerial groups to identify actions to meet Net Zero and halt biodiversity loss will be vital for progress.

Joint portfolio action is particularly required to align public funding to meeting national targets. Specifically, this is through the Scottish Forestry Grant Scheme and the new rural support scheme, both of which are needed to support and deliver nature restoration, through rewarding delivery of Net Zero and Nature restoration and removing support for activities that counter those two aims. Public funding, including Nature Restoration Fund and Peatland ACTION, will also be vital in delivering the Delivery Plan's national programmes for ecosystem restoration and species recovery and must be seen to be leading in those endeavours. Such leadership is vital not only to fund public benefits of nature restoration that private financing may not support, but also to demonstrate government commitment to nature restoration and achieving net zero.

We discussed specific examples in lowland and marginal areas of Scotland in particular where significant cumulative habitat loss is being driven by afforestation and where the remaining areas of semi-natural habitats, the last enclaves of biodiversity in intensive agricultural landscapes are being destroyed, largely supported by public "environment" funding. Small measures could be taken to avoid this: Forestry companies working cross-border in the UK are not permitted to plant on priority habitats in England, but are allowed to do so in Scotland. We discussed the opportunity for the public forest estate, 10% of Scotland's land mass, to become a beacon for biodiversity and carbon sequestration and the opportunity it provides to lead on the European stage. Forestry and Land Scotland's developing Project Next 100 is a useful tool to assess trade-offs between biodiversity, carbon, timber production and access.

Current rural support payments through the Agri-Environment Climate Scheme do not support or target our most valuable priority habitats, but focus instead on a points system across a range of generic measures which are not targeted at areas, or protected sites, on farms where rare species and priority habitats occur. As a primary focus of a new rural support package, this would protect our last remaining areas of nature in farmed landscapes.

We will continue to highlight the issues around the significant levels of public funding in agricultural support and forestry which continue to subsidise biodiversity loss and counteract ecological processes that, if protected, build resilience into the environment through climate adaptation.

We share your frustration on the announced cuts to the Nature Restoration Fund and we welcome your commitment to repay those cuts on maintained NRF budgets next year to Local Authority budgets and National Park budgets, where important nature restoration projects have been cancelled or cut back as a direct result of this decision. It is essential to the success of the Biodiversity Strategy and nature targets that public investment, already too small on its own, is maintained to support immediate and urgent action, to showcase opportunity and ecological outcomes and encourage wider investment.

Private finance also has a role to play but this should be understood as supplementary to public funding, not as a replacement for it. LINK has published a fiscal options [paper](#) outlining possible ways of raising additional money for nature restoration and we discussed the options around wayleave payments at the meeting. There is a clear role here for the Biodiversity Investment Plan (BIP) to provide the structure and mechanisms to ensure private finance complements public investment and delivers real ecological benefit, avoiding recent ecological disasters in the Cairngorms, for example at Kinrara and the Far Rahlia estates. We have provided detailed comments on the BIP draft.

We welcome the First Minister's insistence that 'planetary health' is one of his priority areas and see this as the opportunity to mainstream biodiversity as well as net zero across the whole of government. A key test of this commitment will be to protect NRF and funding for environment and nature agencies.

We discussed the state of protected areas in Scotland and noted that site condition monitoring has been under review or in hiatus for ten years or so. Consequently, we now no longer have up to date or reliable data of the condition of our protected areas. We support a more proactive approach from Naturescot in updating site condition survey data and initiating a programme of protected site enhancement. This would require additional funding but some realignment of the new rural support scheme would be a significant help. This is a core task if we are to halt biodiversity decline in Scotland.

We briefly touched on the potential that a human right to a healthy environment offers to nature restoration as well as local community empowerment (see above), and hope the passage of the Natural Environment Bill can mark the way for incorporating this right in the future. We also noted that, following the Environmental Governance Review undertaken last year, a statement is still to be laid in parliament. We expect that it will acknowledge Scotland's failure to meet the Access to Justice requirements of the Aarhus Convention by 1 October deadline and to outline what actions will be taken to address this.

We ran out of time to cover the important matter of marine issues. We wished to raise with you the Scottish Government consultation earlier this year on a new approach to licensing marine restoration projects. We agree that the licensing system needs to change to support biodiversity enhancing restoration projects and would point out that the marine licence is only one piece of the complex regulatory system that stands in the way of rapidly scaling up restoration to meet the challenges of the biodiversity crisis. Given the confirmation of the Natural Environment Bill, will the changes proposed in the consultation still be going ahead? When can we expect a Scottish Government response to the consultation?

Related to this is our concern that the Scottish Seabird Conservation Strategy has been repeatedly delayed. 70% are in decline and with another 5 species, where Scotland has significant proportions of the European population, added to the Red List this year. Seabirds are also being impacted by offshore developments off the East and North coasts. The scale of impact could be reduced by moving developments further offshore and avoiding feeding hot spots. Investment to mitigate and compensate for unavoidable impacts is vital but not yet at the scale required. We need the strategy, commitment to action and resourcing for seabirds. We welcome development of National Marine Plan 2, and have been inputting, but are concerned that delivery has been delayed further. It is also crucial that resources to deliver the aquaculture vision are urgently provided. The Scottish Government could also explore the issuing of Blue Bonds to help further fund the Blue Economy

Vision, welcome though the £14 million announced in April by the Cabinet Secretary for Rural Affairs, Land Reform and Islands from the Marine Fund Scotland was.

Thank you for your time. You indicated that you would value another meeting with LINK member CEOs. The LINK team will be pleased to work with your officials to organise that and help reach member CEOs from across the LINK membership.

Yours sincerely,

Deborah Long, CO Scottish Environment LINK
Aedan Smith, Head of Policy RSPB Scotland
Calum Duncan, Head of Policy and Advocacy, Marine Conservation Society
Calire Daly, Head of Policy and Advocacy WWF Scotland
David Balharry, CEO John Muir Trust
Rebecca Lewis, Head of Scotland, Buglife
Stuart Housden, Chair Scottish Seabird Centre
David Field, CEO Royal Zoological Society of Scotland
Jeff Waddell, Head of Nature Conservation, National Trust for Scotland
Ian Jardine, Trustee, Scottish Wildlife Trust
Charlotte Maddix, Trees for Life
Shivali Fifield, CO Environmental Rights Centre for Scotland



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