



Rural Affairs and Islands Committee

Wednesday 19 November 2025

Session 6



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RURAL AFFAIRS AND ISLANDS COMMITTEE

32nd Meeting 2025, Session 6

CONVENER

*Finlay Carson (Galloway and West Dumfries) (Con)

DEPUTY CONVENER

*Beatrice Wishart (Shetland Islands) (LD)

COMMITTEE MEMBERS

*Alasdair Allan (Na h-Eileanan an Iar) (SNP)

*Ariane Burgess (Highlands and Islands) (Green)

*Tim Eagle (Highlands and Islands) (Con)

*Rhoda Grant (Highlands and Islands) (Lab)

*Emma Harper (South Scotland) (SNP)

*Emma Roddick (Highlands and Islands) (SNP)

Evelyn Tweed (Stirling) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Sarah Boyack (Lothian) (Lab)

Murdo Fraser (Mid Scotland and Fife) (Con)

Maurice Golden (North East Scotland) (Con)

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP) (Committee Substitute)

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)

Douglas Lumsden (North East Scotland) (Con)

Gillian Martin (Cabinet Secretary for Climate Action and Energy)

Edward Mountain (Highlands and Islands) (Con)

Mark Ruskell (Mid Scotland and Fife) (Green)

Lorna Slater (Lothian) (Green)

Mercedes Villalba (North East Scotland) (Lab)

CLERK TO THE COMMITTEE

Emma Johnston

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Affairs and Islands Committee

Wednesday 19 November 2025

[The Convener opened the meeting at 09:00]

Natural Environment (Scotland) Bill: Stage 2

The Convener (Finlay Carson): Good morning, and welcome to the 32nd meeting in 2025 of the Rural Affairs and Islands Committee. We have apologies from Evelyn Tweed, and we welcome Christine Grahame, who is joining the meeting as her substitute. Emma Roddick is attending remotely.

I invite Christine Grahame to declare any interests.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I have no interests that are relevant to the committee.

The Convener: Thank you. I am a bit hoarse this morning, as members will imagine—I can be forgiven after last night's excitement. I probably have the honour of being the first person to recognise in the *Official Report* Scotland's amazing victory last night. I hope that I will be able to get to the end of the amendments this morning without losing my voice. That was a bit indulgent, but I hope that members will forgive me.

The first item on our agenda is stage 2 consideration of the Natural Environment (Scotland) Bill. I welcome Gillian Martin, the Cabinet Secretary for Climate Action and Energy, who is supported by Scottish Government officials. I also welcome other members who will be participating in stage 2 proceedings this morning. The officials who are seated at the table are here to support the cabinet secretary but are not permitted to speak in the debate on amendments.

As we have a member who is participating remotely, I will briefly explain the procedures for hybrid stage 2 proceedings. If we lose connection at any point, we will suspend proceedings. Emma Roddick's camera will be kept on at all times, and Emma should raise her hand at the appropriate point for each vote.

Section 1—Targets for improving biodiversity

The Convener: Amendment 165, in the name of Beatrice Wishart, is grouped with amendments 53 and 195.

Beatrice Wishart (Shetland Islands) (LD): Good morning. Due to time constraints, I will generally speak only to my own amendments in each group.

The bill places new obligations on Scottish ministers. However, without a strengthened biodiversity duty, there is a risk of the delivery burden falling disproportionately on a small number of national bodies. My amendment 165 would amend the Nature Conservation (Scotland) Act 2004 to require public bodies to facilitate the delivery of the biodiversity strategy and statutory targets. By explicitly linking the biodiversity duty to the new statutory targets relating to nature and the Scottish biodiversity strategy, the amendment would ensure that the whole public sector is aligned behind the bill's implementation. That would reduce the risk of the bill becoming a top-down framework with no delivery mechanism, which would undermine the credibility of Scotland's targets and the ability to meet global commitments.

I move amendment 165.

The Cabinet Secretary for Climate Action and Energy (Gillian Martin): I will speak first to my amendment 53 and then turn to other members' amendments in the group.

Amendment 53 relates to the duty in part 1 of the Nature Conservation (Scotland) Act 2004 that requires every public body in Scotland to prepare and publish a biodiversity report every three years. The amendment will allow us to make an important change that will simplify the approach to biodiversity reporting and make it more meaningful. The amendment will insert a power into part 1 of the Nature Conservation (Scotland) Act 2004 to allow Scottish ministers to specify the relevant public bodies that the reporting duty applies to. Those changes will be introduced by secondary legislation, and I confirm that the Government intends the changes to be subject to public consultation.

The amendment will align the biodiversity reporting requirements more closely to those in the Climate Change (Scotland) Act 2009 by providing greater efficiency and a more streamlined process. It will also ensure that public bodies whose remit is largely unrelated to environmental matters or that do not manage land and therefore cannot contribute to the biodiversity duty in any substantive way, or can make only a minimal contribution, can be excluded from the duty to report. That could include some advisory non-departmental public bodies such as the national smart ticketing advisory board or parliamentary commissioners such as the Scottish Biometrics Commissioner.

The amendment will reduce unnecessary administrative burdens and, more importantly, will allow us to concentrate our efforts where they can have the greatest impact in the areas in which our biodiversity duty can truly make a difference. I therefore encourage members to support amendment 53.

Beatrice Wishart's amendment 165 aims to connect the fulfilment of the public sector biodiversity duty with our biodiversity strategy and targets. I can see the merit in the approach that Ms Wishart proposes, but I have concerns about ensuring that there are no unintended consequences for the ability of public bodies or office-holders to carry out their core functions. I therefore ask Ms Wishart not to press amendment 165 at this stage and to work with me ahead of stage 3 on a revised version of her amendment. If Ms Wishart presses amendment 165, I ask members not to support it, but I am willing to work with her ahead of stage 3.

Maurice Golden (North East Scotland) (Con): I will focus my remarks on my amendment 195 only. Amendment 195 is relatively simple and would make it explicit that any review or update to the documents listed in the amendment must have regard to each other.

The Convener: I call Beatrice Wishart to wind up and press or withdraw amendment 165.

Beatrice Wishart: Having heard the cabinet secretary's response, I am happy to withdraw amendment 165 and engage in further discussions before stage 3.

Amendment 165, by agreement, withdrawn.

The Convener: Amendment 103, in the name of Sarah Boyack, is grouped with amendments 36, 19, 20, 42 to 44, 21, 104, 105, 22, 34, 166 to 171, 23, 106, 45, 46, 173, 107, 108 and 175. If amendment 103 is agreed to, I cannot call amendment 36, due to pre-emption. Amendments 104 and 105 are direct alternatives, so they can both be moved and decided on, but the text of whichever is the last agreed is what will appear in the bill.

Sarah Boyack (Lothian) (Lab): Amendment 103 is important, because it would strengthen the bill. The bill states that the targets are

"to provide a means of supporting and measuring the progress being made in respect of the implementation"

of the Scottish biodiversity strategy and the biodiversity duty. However, amendment 103 would sharpen the ambition in the bill. Instead of simply supporting biodiversity, it would commit us to a clear goal of halting and reversing biodiversity loss in Scotland.

Amendment 103 seeks to ensure that the purpose of setting targets must be a stand-alone purpose—to halt and reverse biodiversity loss in Scotland—rather than being tied to the implementation of Scotland's non-statutory biodiversity strategy, which could be subject to change because the term "supporting" is vague and the term "halting and reversing biodiversity loss" is precise and outcome focused. By adopting amendment 103, the bill will send a strong message that Scotland is committed not just to supporting biodiversity but to halting and reversing the on-going biodiversity loss. I will move amendment 103.

Amendment 34 is about protected areas. It seeks to ensure that management measures are in place and are demonstrably effective in maintaining and restoring protected sites, and specifically marine protected sites and ecosystems. Protected areas, including marine protected sites, are the cornerstone of Scotland's nature recovery framework and represent some of our most important habitats. The bill focuses on broad ecosystem or species targets, but it does not explicitly track the condition of those sites.

Without a dedicated target, there is a risk that protected areas will remain in poor ecological condition even if overall biodiversity indicators elsewhere show improvement. Amendment 34 would ensure that the ecological quality and health of terrestrial and marine protected sites are directly measured and monitored. It would align the bill with Scotland's statutory commitment under European Union-derived international law frameworks and ensure that those critical areas are central to the delivery of nature recovery.

Many of those sites are in poor condition. Amendment 34 would make their restoration a statutory priority. Marine protected sites are especially vulnerable and need clear legislative backing. For MPAs to work as they were intended to, they need to be a strong, continuous priority throughout all environmental legislation. Adopting amendment 34 will make the bill stronger, more credible and more effective at safeguarding Scotland's most important natural features, whether on land or at sea.

Amendment 107 would require Scottish ministers to include within the bill's biodiversity targets framework a nature recovery target that is focused on fishing pressures. That would ensure that fishing impacts are explicitly treated as a key driver of marine biodiversity change. Ministers would need to report on progress toward the target, thereby linking fisheries management with the nature-duty cycle that is established in the bill. That approach is consistent with the duty in section 25 of the Fisheries Act 2020 to incentivise fishing methods that have a lower impact on the

marine environment. It gives power to individuals who rely on inshore fishing to make a living and to do so in a way that creates a sustainable future for the area. I thank the Scottish Creel Fishermen's Federation for its suggestions on both amendments 107 and 108.

Amendment 108 would also require Scottish ministers to include within the bill's biodiversity targets framework a nature recovery target that is focused on fishing pressures. It would ensure that fishing impacts are explicitly treated as a key driver of marine biodiversity change. Ministers would need to report on progress, thereby linking fisheries management with the nature-duty cycle that is established in the bill. That approach is consistent with the duty in section 25 of the 2020 act to incentivise fishing methods that have a lower impact on the marine environment. Such an approach also sheds light on inshore fishing methods that employ lower-impact gear, helping to ensure that inshore waters are being sustained and that gear does not surpass any safety limits. It is also a way of monitoring progress toward marine restoration targets. It is a win-win—it supports local fishing communities while supporting nature restoration.

Like Maurice Golden, I will not comment on every amendment in the group, as there are quite a few; however, I want to say that amendments 42 to 44 from my colleague Mercedes Villalba are very important. Between them, they would add "restoration of natural processes" to the list of topics for targets and would improve and help maintain the health of our ecosystems. Her other amendments in the group are also about habitats of conservation importance and about supporting action to prevent species extinction and halt species decline.

I will stop at that point, convener.

I move amendment 103.

The Convener: I call Lorna Slater to speak to amendment 36 and other amendments in the group.

Lorna Slater (Lothian) (Green): First, I note that, unfortunately, Sarah Boyack's amendment 103 conflicts with my amendment 36 in the drafting. That is a shame, because we are working with the same intention in the amendments. Perhaps we can work together to create amendments at stage 3 that do not conflict with one another and support the same aims.

The Scottish Government has already signed up to implement the commitments of the United Nations global diversity framework. One of those is the much-publicised 30 by 30 commitment—that is, to conserve 30 per cent of the land, sea and waters in Scotland.

Another of those commitments, which is much less talked about but which the Scottish Government has already made is to restore 30 per cent of all degraded ecosystems. The UN states that that commitment is to

"Ensure that by 2030 at least 30 per cent of areas of degraded terrestrial, inland water, and marine and coastal ecosystems are under effective restoration, in order to enhance biodiversity and ecosystem functions and services, ecological integrity and connectivity."

Amendment 36 would bring that prior commitment into legislation to encourage action on it. The amendment shines a light on the fact that the Scottish Government has already committed to that significant level of nature restoration. This is a chance to put that intention into legislation.

The Convener: I call Mercedes Villalba to speak to amendment 19 and other amendments in the group.

09:15

Mercedes Villalba (North East Scotland) (Lab): I have nine amendments in the group, which cover three areas. I put on record my thanks to the organisations that have engaged with me in drafting my amendments: the Scottish Rewilding Alliance, Scottish Environment LINK, the Chartered Institute of Ecology and Environmental Management, the Royal Society for the Protection of Birds and the Royal Society of Edinburgh. I also thank the Scottish Parliament's legislation team for its support in drafting the amendments at what must have been a very busy time.

The first set, amendments 19 and 20, relates to an area of concern raised in committee evidence at stage 1 and through the call for views. There is a crucial need to distinguish between habitat condition and habitat extent when discussing how best we can support habitats. Given that habitat condition and extent are distinct and are each in their own right significant areas of conservation importance, the reasoning is that they should be treated in the bill as separate targets. Amendments 19 and 20 seek to do that. The goal is to clarify and strengthen the bill's focus on measurable outcomes. If the Scottish Government cannot support the amendments as drafted, it would be helpful to hear from the cabinet secretary how she will address that issue ahead of stage 3.

My next set contains four amendments. As my colleague Sarah Boyack mentioned, they seek to add additional target topics to the bill. Namely, amendment 42 would add

"the restoration of natural processes";

amendment 43 would add

"the condition of marine and terrestrial ecosystems";

amendment 44 would add
“the status of keystone species”;
and amendment 22 would add
“the ecological connectivity of natural habitats”.

Amendment 42 relates to the restoration of natural processes and, by introducing a target topic on that area, it recognises that the health of our ecosystems depends on the proper functioning of natural processes. It seeks to explicitly add natural processes to the list of targets topics, which would enable secondary legislation to be introduced to create targets on that topic. The term “natural processes” would refer to any ecological cycles or processes that are hydrological, geological, atmospheric or that otherwise relate to flora and fauna. For example, it would include seed and pollen dispersal via wind, wildlife or water.

Ecological change and decline in Scotland are often related to disrupted natural processes such as the seed rain from the invasive non-native Sitka spruce, which dries out peatlands and leads to the release of previously stored carbon. As it stands, large swathes of Scotland’s land are being managed under conservation efforts, yet biodiversity continues to decline. Amendment 42 is ambitious in that it would shift the conversation from merely protecting our natural environment towards restoring Scotland’s biodiversity.

Similarly, amendment 43 would ensure that marine and terrestrial ecosystems are included in nature recovery targets. As my Labour colleague Sarah Boyack has highlighted in her amendments, urgency is needed in our actions to protect the marine environment. The alarming fact that less than 1 per cent of Scotland’s inshore waters are in recovery further highlights the need for the inclusion in the legislation of marine and terrestrial ecosystems. As a result of amendment 43, secondary legislation would set targets for the recovery of Scotland’s seas as well as land.

Amendment 44 is closely related to the previous two amendments in that it provides the opportunity for the Scottish Government to be ambitious in upscaling its work on ecologically threatened species. Keystone species are species that have a disproportionately large effect on ecosystems compared to their relative abundance in nature. It follows that if restoration and conservation efforts are focused on only threatened species, there is a danger that approaches for species that are not critically threatened may be delayed.

Habitat fragmentation is one of the leading drivers of biodiversity loss; therefore, improving ecological connectivity is a vital step not only in improving the resilience of our natural environment but in being ambitious in our legislation by looking

to restore our natural woodlands. Amendment 22 is intended to address that through the introduction of a dedicated target on connectivity. I know that Ariane Burgess has an amendment in a later group—amendment 47—which may seek to achieve something similar in that area, so I will listen to her contribution on that group with interest.

My final three amendments in this group seek to broaden the scope for species targets beyond those species that are classed as threatened. The goal is to promote conservation and restoration, thereby securing and safeguarding the recovery of Scotland’s natural environment in its entirety. Amendment 21 would amend the species target to refer to

“species including but not limited to threatened species”,

whereas amendment 105 would replace

“threatened species”

with

“species of conservation concern”,

and amendment 106 would provide a definition of “species of conservation concern”.

Amendment 104, in the name of Evelyn Tweed, and amendment 23, in the name of Mark Ruskell, seek to achieve a similar aim. I will listen to their contributions and the minister’s response before deciding whether to move my amendments.

Emma Roddick (Highlands and Islands) (SNP): I will speak to Evelyn Tweed’s amendment 104. The committee is aware that part 1 of the bill sets out the three target topics under which Scottish ministers must set statutory targets. As highlighted in the stage 1 report, it has become apparent that the second target topic—the status of threatened species—is being interpreted by some stakeholders to mean only species that are currently listed as endangered, which is a narrower interpretation than was intended.

As is noted in the policy memorandum for the bill, the intention is that

“The term ‘threatened species’ comprises species that are under threat now, species that have populations that are declining and species that may potentially be under threat in the future. The target topic intended to incorporate species at threat of extinction, species abundance and distribution, population size of exploited species, as well as genetic diversity.”

Amendment 104 therefore seeks to update the wording in new section 2C(1)(a) of the Nature Conservation (Scotland) Act 2004 to more accurately capture that wider definition of “threatened species” and provide reassurance. I am grateful to the cabinet secretary for working with Evelyn Tweed on the issue.

For those reasons, I encourage members to support amendment 104.

Beatrice Wishart: Amendment 166 would add a target topic of biodiversity restoration against a historic baseline. In Scotland, species abundance and habitat extent have declined over multiple decades. If targets are set relative only to current levels, which are already depleted, there is a risk of masking long-term declines and focusing on slowing loss rather than delivering recovery. Targets should build on a long-term sense of the scale of ecological loss. The biodiversity intactness index is an existing metric for that approach. Requiring a target for restoration against a historic baseline would reflect the scale of the recovery that is required.

Ariane Burgess (Highlands and Islands) (Green): Greens have lodged a series of amendments on targets to improve the state of key habitats and species. Scotland has world-famous iconic species, and people travel from around the globe to view our wild places. We must do what we can to protect them.

Amendment 167 asks ministers to set a target for when Scotland's rainforest will be restored and its size doubled. The native woodlands of Scotland's west coast are the last remnants of temperate rainforest in the country. The high rainfall, relatively mild temperatures and clean air create the perfect conditions for an abundance of plants, mosses, liverworts and lichens. We are beginning to recognise the importance of restoring Scotland's rainforest. It is as important for biodiversity as the tropical rainforest. Amendment 167 seeks to replicate the goal that is set out in the Forestry and Land Scotland strategic approach plan for the rainforest. By placing that into legislation, there will be greater oversight of the steps that are taken by the Government and its agencies to deliver it.

Amendment 168 would require ministers to set targets in relation to the reintroduction of species—in particular, the Eurasian lynx. The reintroduction of missing native species is a key action to deliver nature recovery, so it is appropriate to include it as a target topic. The reintroduction of keystone species such as the Eurasian lynx would help to restore a balance to our ecosystems.

Lynx are forest-dwelling cats of about the size of a Labrador dog. They are thought to have become extinct in Scotland during the middle ages—around 1,000 years ago—due to habitat destruction, prey decline and hunting. They are not dangerous to humans, and mostly eat roe deer and other small species. Lynx would benefit Scotland's wildlife, helping to restore biodiversity and improve the health of our ecosystems through their influence on various ecological processes.

For example, their effect on the behaviour of some herbivores may allow for more natural regeneration in our woods.

Tim Eagle (Highlands and Islands) (Con): I have two quick questions. First, is there a concern that, when you talk about what things were like in the past, it is not always possible to go back to what we had, as time has moved on and the climate has changed? Secondly, what evidence do you have on what the impact of the reintroduction of lynx would be on agricultural and crofting communities in Scotland?

Ariane Burgess: Those are great questions, which I will go on to address.

The Kunming-Montreal global biodiversity framework 2022 calls for species recovery and reintroduction to restore ecosystem function. The reintroduction of lynx could boost Scotland's contribution to those global goals. Modelling shows that the Scottish Highlands have sufficient well-connected habitats to support a reintroduced population of lynx. During 2024, the lynx to Scotland project completed a national lynx discussion, bringing together representatives from a wide range of key stakeholder groups including farmer and landowner organisations, gamekeepers, foresters, tourism operators and conservationists. The process resulted in a shared agreement between all participants to continue to explore the possibility of reintroducing lynx in future. I encourage members to support amendment 168.

As we have heard from other colleagues in the room, the marine environment needs to be included more explicitly in the bill, which a range of my amendments propose to do. Amendment 45 makes that explicit, as it would require ministers to “set targets for at least 10 marine habitats.”

Amendment 46 is explicit that there should be

“separate targets for inshore marine habitats and offshore marine habitats”.

I urge members to support those amendments to ensure that the marine environment has parity with the terrestrial habitats when targets are being set.

Amendments 169 and 170 provide targets for the restoration of seagrass and kelp beds, as well as for increasing whale populations in Scottish waters. Seagrass and kelp are vital habitats that support many species and a great deal of work is taking place in our coastal waters to take forward the restoration process, so a target would be welcome. Healthy whale populations can indicate flourishing marine ecosystems. Given their place at the top of the food chain, they can survive only if the overall ecosystem is in a good state. There is now scientific evidence that they will help us with our climate change emissions by storing carbon.

Amendments 173 and 175 would require a target to be set to limit bottom-towed fishing gear in at least 30 per cent of Scotland's inshore waters. We need to reverse chronic economic decline in our inshore fisheries by rebalancing fishing away from the use of damaging bottom-towed gear towards more sustainable forms of fishing through a just transition. Better regulation of bottom-towed fishing should be one strand of that work, as it would result in greater protection of Scotland's seas and the recovery of nature and sustainable livelihoods. An inshore limit that covers at least 30 per cent of Scotland's inshore zone would have the best economic and environmental outcomes and mean that we have more protection, more fish and more jobs.

At the moment, there is no definition of demersal mobile fishing gear in Scottish law. My amendment 175 includes a definition as proposed by the Our Seas coalition. The definition would provide enough specificity while allowing a certain degree of flexibility for future proofing. My thanks go to Open Seas, the Scottish Rewilding Alliance and the Scottish Creel Fishermen's Federation for their support on those amendments.

Convener, should I also speak to Ross Greer's amendment?

The Convener: Yes—just continue.

Ariane Burgess: I am now speaking on behalf of Ross Greer. His amendment 171 would require a target to be set for the population size and the extent of our amazing native red squirrel population. Reds have been under pressure since North American grey squirrels were spread across the United Kingdom by the 11th Duke of Bedford in the 1890s. The red squirrel population has declined for decades, but recent conservation efforts have resulted in what could be the beginning of a turnaround.

The amendment specifies a target for the extent of the reds' geographical spread, as well as their population size, because at present the red population is quite heavily concentrated in certain areas, which puts them at risk from the spread of disease. Red squirrels are truly iconic as a Scottish species—80 per cent of the UK's total red squirrel population is here in Scotland. Recent efforts have shown that we can stop their slide towards extinction, but more action and accountability are needed if we are to reverse the damage that has been done over the past century.

09:30

Mark Ruskell (Mid Scotland and Fife) (Green): I am aware that a number of members have lodged amendments that seek to expand the provision to make targets beyond threatened species. My amendment is in the same space.

The bill says that ministers may make targets related to

“the status of threatened species”,

but we know that many species are on the edge of being threatened and that a changing climate might mean that unexpected species quickly become at risk. We all accept the need for a bit more flexibility than is in the bill as drafted, and a preventative approach would really help. Amendment 23 would broaden the target topic to cover

“any habitat or species, regardless of whether that habitat or species is rare or threatened.”

Reflecting on what members have said, I am aware that Evelyn Tweed has lodged an amendment on the matter, which Emma Roddick will move today. I assume that the Government will favour that amendment in this space, but I urge the Government to have a conversation with me, Evelyn Tweed, Emma Roddick and Mercedes Villalba ahead of stage 3 to see whether we can reach a consensus on the right way forward. I will not move my amendment today if others do not move theirs, and we could come back to the issue. We will hear from the cabinet secretary in a minute, but I accept that the Government's intent will probably be to look again at section 1, and a conversation on that would be helpful.

Sarah Boyack's amendment 103 is important, but there is a slight mismatch with Lorna Slater's amendment 36. I urge Sarah Boyack not to move her amendment but to have a discussion about how it fits in with the really important UN biodiversity goals that Scotland has signed up to, which are not yet adequately reflected in the bill.

In summary, a few more conversations need to be had between stages 2 and 3, and I urge members not to move towards a solution at this point.

Tim Eagle: I note my entry in the register of members' interests. I have a small farm in Moray, and I have been involved in environmental schemes and suchlike before.

I have a couple of points to make on some of Ariane Burgess's and Mercedes Villalba's amendments. It is important that we take communities with us when we talk about things such as species reintroduction. We are already seeing that they are coming into conflict, for example in parts of the Highlands and Islands in relation to sea eagles and beavers. I have lodged amendments, which I will speak to later, on how we review impacts where we have reintroduced species and how we compensate fairly for them to make sure that rural populations are taken on that journey. In the Scottish Parliament, we constantly talk about rural depopulation, and, although I do not wish to take away at all from the need to

restore biodiversity—I do not want to put such a message across—we absolutely need to take our rural communities with us on that journey and not leave them behind.

My second point is about inshore fisheries. Unless I am wrong, the Scottish Parliament is already doing a huge amount of work and consulting groups across Scotland on inshore fisheries. We will pre-empt all of that if we start putting massive changes into the Natural Environment (Scotland) Bill without taking those people on that journey with us. With regard to bottom trawling, which is already highly regulated, we need to allow that consultation to continue and work with those communities. I am sure that, at some point in the near future, the Government—whatever it might look like—will bring that issue back to us.

Edward Mountain (Highlands and Islands) (Con): Before I say anything about the amendments, I remind the committee of my entry in the register of members' interests. I am a farmer in Moray, farming about 500 acres that I own and about 500 acres that I rent.

I am privileged to have red squirrels on my farm, and I want to talk about that, but I will first discuss two amendments that I welcome, starting with amendment 169, in the name of Ariane Burgess. I would be delighted if the member could explain to me why killer whales were left off the list, which surprised me. They are an important species. It may be an oversight, and that could perhaps be brought back at stage 3.

The other amendment is amendment 171, on red squirrels, which was lodged by Ross Greer. I have a great hope that red squirrels will appear across Scotland. I see that Rachael Hamilton has lodged amendments 291 to 293 in group 5, which relate to red squirrels and their management. If red squirrels are to re-establish in Scotland, they will need a lot of protection. As I am sure the convener and members will know, Moray has been declared a safe haven for red squirrels, with the aim that the species will be able to expand out from there and that populations will regrow. I hope that nothing less than that will happen.

The problem is that there are limiting factors. I am glad to see that, if the proposed provision goes into the bill, the cabinet secretary will be responsible for introducing targets and methods to ensure that red squirrels spread out. It may be unpalatable to point this out but, in order to allow red squirrels to spread out, we will have to control two species, namely pine marten and goshawks, which both prey on red squirrels extensively and are both being introduced into land that is owned by Forestry and Land Scotland in Moray. That has resulted in the demise of red squirrels in an area

that has been classed as their safe haven. I hope that amendment 171 will be agreed to.

I have problems with amendment 168, and not only as a farmer. At this time of year, we are calving. Because of the change in climate, we are putting calves outside to ensure that they do not get the effects of pneumonia. That means day-old calves going outside, and they are a perfect target for lynxes. That would cause me immense problems, as it would for all farmers across Scotland.

Ariane Burgess: It is pointed out in my notes that quite a lot of work has been done on lynx introduction. The idea is to explore that possibility. I invite the member to have a look at the work that is being done by the lynx to Scotland partnership and perhaps to engage with the national lynx discussion, which has brought farmers and land managers together.

Edward Mountain: I am always happy to engage with other parties regarding species that may have a place in Scotland. I have already suggested that there may be problems, however, and I have a bigger problem. For the past eight years, I have fought hard with local interests on the reintroduction of wildcats to Scotland, which is the most exciting project that is being undertaken in the Highlands. I wish that they were as common as they were when I was a young boy—it was not unusual to see them. The problem is that the two species—lynx and wildcat—compete for territory, and no work has been done to determine what would happen to the wildcat population were lynx to be introduced.

I have carefully watched some of the discussion groups, and people say that the wildcats that we are introducing back into Scotland through the wildlife park at Aviemore are not fully certified as wildcats. However, they are as close to wildcats as we can get, I would think, at 70 to 80 per cent pure genetics. As I am sure the cabinet secretary is aware, to lose those genetics so as to introduce lynx may well result in the cabinet secretary and whoever introduces the lynx being liable to a charge of ecocide, should the Ecocide (Scotland) Bill be passed.

I will not speak to amendment 5, because I believe that I have already made my points in relation to it and I know that you are short of time, convener. Thank you for allowing me to speak to the amendments in the group.

The Convener: I put on the record that I am concerned about the introduction of targets and restrictions outwith the route that we have seen for co-design, particularly in the marine environment, where, as Tim Eagle stated, there is extensive work and engagement with industry and science to look at the best way forward for sectors such as

the trawling sector. It is dangerous that the bill is being used, and not only on marine issues, to accelerate the introduction of restrictions and targets outwith the recognised routes to make good legislation.

Gillian Martin: Before I address the group's many amendments individually, it would be helpful to set out my general approach to targets and why the bill is drafted in the way that it is.

Proposed new section 2 of the Nature Conservation (Scotland) Act 2004 sets out three target topics under which the Scottish ministers must set statutory targets. I want to make it clear that marine inshore waters—in fact, the marine environment in general—fall within the scope of the three target topics, as they are part of the natural environment. The marine environment has absolute parity with the terrestrial environment. The topics are deliberately broad and high level in order to provide the necessary flexibility to set out what will be robust targets and indicators in secondary legislation. In its stage 1 report, the committee said:

“the consensus amongst stakeholders that the proposed three topic areas in section 2C, alongside the flexibility to set targets in other areas relating to the restoration or regeneration of biodiversity, provides a robust framework for setting effective statutory targets.”

The setting of targets and indicators needs to be based on evidence and to take into account the advice of scientific and independent experts. As we made clear when we consulted on our proposals for statutory targets, the aim is to find a suite of targets that enables us to track the overall status of biodiversity. However, in doing so, we need to avoid the risk of setting statutory targets for everything. People have mentioned a range of species in the debate on this group. If we are specific, we end up having lists, but, as Mr Mountain pointed out, people will ask, “What about this species that isn't included?” The way in which I have set out the targets in the bill means that everything is included under one umbrella.

Although amendments relating to targets might be comprehensive and might reflect the complexity and interconnectedness of biodiversity, implementing them would be disproportionately bureaucratic and burdensome. Putting an excessive number of targets into legislation risks diluting public and political focus and weakening accountability. Accordingly, the approach to the bill that we have taken is to be comprehensive but proportionate and effective.

I add that the practical effect of introducing new target topics at this stage is that significant lead time would be required to develop necessary additional scientific advice, which would almost certainly delay the implementation of the targets themselves. On that basis, I ask the committee not

to agree to amendments 42 to 44, 22, 34, 166 to 171, 45, 46, 173, 107, 108 and 175.

I understand why Ms Villalba lodged amendments 19 and 20, but I am concerned that they would have the effect of narrowing the target topic by restricting it to habitats of conservation importance, which is not her intent. As it is currently drafted, the first target topic already encompasses habitat quality and extent, including that of protected areas, and, importantly, it takes into account habitats that are outside those protected areas. The term “conservation importance”, which is used in the amendments, would limit the scope of habitats in that target topic and, in turn, the available set of indicators that could be used to set targets against. On that basis, I ask the committee not to agree to amendments 19 and 20.

Mercedes Villalba: I want to clarify that the intent behind amendments 19 and 20 is to have distinct targets for condition and extent. I take on board what the minister said about the wording of “conservation importance”, but would she be happy to work with me ahead of stage 3 on the point about distinct targets for condition and extent?

Gillian Martin: I am willing to work with anyone ahead of any stage of the bill. As they are drafted, the amendments would have the unintended consequences that I have set out.

I do not know whether I would be able to work on something that added in such a distinction when that is already covered by what is set out in the bill, but I am happy to have a meeting with Ms Villalba ahead of stage 3 on anything that we could work together on to strengthen the bill. The three specific targets that I have set encompass absolutely everything that Ms Villalba has raised with her amendments, but I would be happy to meet her ahead of stage 3.

09:45

I turn to Sarah Boyack's amendment 103 and Lorna Slater's amendment 36. The strategic framework for biodiversity in Scotland includes the Scottish biodiversity strategy, delivery plans and targets, which have been designed to work together to address the biodiversity crisis in Scotland. The removal of the reference to the biodiversity strategy and the biodiversity duty is unnecessary and would jeopardise that integrated approach. I reassure Ms Boyack that, through the strategic framework, the targets will align to drive co-ordinated action across Government to achieve the goal of halting and reversing biodiversity loss.

Ms Slater's amendment 36 would add a specific reference to the restoration of degraded habitats.

That is absolutely an important consideration, and it is a key target in the global biodiversity framework. I recognise the importance of restoring degraded habitats in a global context. However, our focus should be on ensuring that we have an adequately broad framework that allows us to set targets for Scotland through secondary legislation, which in turn will help us to meet our wider international commitments. Although the bill does not make specific reference to the restoration of degraded habitats, that is included in our broad target topics. Having such a level of specificity in the bill would risk undermining the comprehensive framework that has been established and would prejudge details that are intended for secondary legislation.

For those reasons, I ask the committee not to support amendments 103 and 36. Excuse me, convener—I have a dry throat.

As Mr Ruskell has pointed out, Ms Tweed's amendment 104, Ms Villalba's amendments 21, 105 and 106, and Mr Ruskell's amendment 23 all essentially seek to do the same thing. I fully support the principle behind those amendments. However, of the three sets of amendments, I support Ms Tweed's amendment 104. We worked together on it, and I think that it best reflects the wider definition of "threatened species" that was set out in the policy memorandum for the bill.

On that basis, I ask members to support Ms Tweed's amendment 104, and I ask Ms Villalba and Mr Ruskell to not move their amendments. If Ms Tweed's amendment is agreed to but they feel that tweaks need to be made, I will be happy to discuss that ahead of stage 3.

Mercedes Villalba: I am happy not to move amendments 21, 105 and 106 on the basis that the minister said that she is happy to work with us ahead of stage 3. In response to my previous intervention, she said that she is always happy to work with members ahead of any stage. She might not be aware of this, but I requested a meeting ahead of stage 2 so that we could discuss and work on areas of agreement. I was not given a meeting until after today—I think that it is next week, or possibly the week after.

I know that the minister is not in charge of her diary, but I wanted to point that out. She obviously managed to have time to meet Ms Tweed, who happens to be in the same party as her. I know that that is how these things work, but there are members around the table who want to work constructively with the Government to bring forward proposals.

Gillian Martin: That is not how these things work—I had meetings with Sarah Boyack ahead of stage 2. I apologise to Mercedes Villalba and will look into why she was not offered an earlier

meeting, because meeting members is very important to me. Anyone who knows me will know that, since becoming a minister in this Government, I have made every effort to meet members who want to get in touch with me and talk about their amendments. If members ask to meet me, I do not give any preference to members of my own party. I absolutely would have made time to discuss these amendments with Mercedes Villalba, and I am sorry that that did not happen in this case. After this meeting, I will find out why that did not happen, and I will meet her ahead of stage 3.

I turn to amendments 42, 43 and 44, which seek to add something to the bill that is already there. Targets relating to the restoration of natural processes, the condition of marine and terrestrial ecosystems and the status of keystone species can all be set under the target topics that are already listed in the bill. Amendment 43 refers to "the condition of marine and terrestrial ecosystems", which can adequately be captured in the broad and high-level definition of the target topic of "the condition or extent of any habitat".

Amendment 44 refers to "the status of keystone species", which can adequately be captured in the broad and high-level definition of the target topic of "the status of threatened species".

Amendment 42 refers to "the restoration of natural processes", which can adequately be captured in the broad and high-level definition of the target topic of enhancing "environmental conditions for nature regeneration".

Amendments 42, 43 and 44 are therefore unnecessary, so I ask members not to support them, as there is no need to do so.

On amendment 22, the target topics in the bill have been carefully selected through a robust, science-led approach and on the basis of advice from the biodiversity programme advisory group and NatureScot. The target topics included in the bill are meant to be wide and overarching and, as I have said, to allow a variety of targets to be set under each topic. We already have a target topic that will help to support the ecosystem connectivity for which amendment 22 seeks to provide.

We are not waiting for targets to be in place to take action. Connectivity is being addressed through existing commitments, such as nature networks and national planning framework 4. Although ecological connectivity was considered, it was ranked as a low priority due to the limited

quality and robustness of the available indicators. However, it sits under the three broad topics.

Amendment 34 seeks to add something to the bill that is already there. The first target topic is "the condition or extent of any habitat".

I reassure Ms Boyack that targets relating to the condition of designated natural features on protected sites and marine protected sites can be set under the first target topic. The programme advisory group will explore that as part of its four-step process of setting quantifiable targets.

Sarah Boyack: What will the timescale be for a decision on setting the target that you have just mentioned?

Gillian Martin: I will need to come back to the member on that, as it will depend on what is in the final bill. I will be able to give her an answer after the bill has been passed, once I have the timescales.

I turn to amendment 168, which seeks to recognise the role that the reintroduction of native species can play in nature restoration. As some members have indicated, there must be significant consultation on any proposed reintroduction to ensure that the views of those who would be most affected by any species reintroduction are fully taken into account. The Scottish Government does not intend to reintroduce lynx or any other large carnivorous species in Scotland because of the potential for negative impacts on agriculture and rural communities. We support the targeted reintroduction of other native species where appropriate, but we always consult on that.

In response to amendments 45 and 46, I reassure Ms Burgess that targets relating to marine habitats can be set under the current target topics. As I said, the biodiversity programme advisory group will explore that as part of the process for setting quantifiable targets. Amendments 45 and 46 duplicate what is already in the bill. Splitting targets by creating separate targets for offshore and inshore habitats fails to recognise the distribution of those habitats. Our aim is to manage our marine environment in a holistic manner, which is reflected in our current approach under the United Kingdom marine strategy.

Anything that is within the legal competence of the Scottish Parliament can be considered for the development of targets and indicators. For the marine environment, there is a complex mix of legislatively devolved, executively devolved and reserved powers across our inshore and offshore waters, which must be considered and taken into account when developing specific targets.

Amendments 107, 108, 173 and 175 deal with assessing or protecting inshore habitats from

fishing pressures, and they include a proposed blanket ban on mobile gear in 30 per cent of the inshore areas.

Special protection from pressures is already provided by the marine protected areas network. Some members have alluded to the fact that there is already a great deal of work going on in that area. Each site is assessed individually, based on its protected features. Appropriate measures are supported by evidence, including from our statutory advisers. Therefore, I urge the committee to resist amendments 107, 108, 173 and 175. Any proposal that singles out mobile trawl gear over static gear is not evidence based and could lead to significant socioeconomic impacts on large parts of the Scottish fishing fleet. All fishing gear has an impact on the marine environment, but we must take an evidenced-based approach to fisheries management.

The proposal to introduce a target of banning bottom trawling in 30 per cent of inshore waters pays no regard to the work that is under way to introduce proportionate fisheries management measures in inshore MPAs. I appreciate that some members have already alluded to the fact that measures must be evidence based and that there is a great deal of work going on in that area.

The Convener: I remind members that, if amendment 103 is agreed to, I will not be able to call amendment 36, due to pre-emption. I call Sarah Boyack to wind up and to press or withdraw amendment 103.

Sarah Boyack: This has been a really good debate on a series of incredibly well-intentioned amendments. The ambition to strengthen the bill is important, and I thank all the stakeholders who have been in touch and those who helped us to craft our amendments for today's proceedings. The question is what the bill will actually deliver once it is passed at stage 3. Therefore, the detail is important, and I will certainly reflect on some of the amendments in this group in advance of stage 3.

The aim of amendment 103, which was supported by the RSPB, Open Seas and the Scottish Rewilding Alliance, was to clarify matters and to enable future Governments by giving them a clear rationale for subsequent target setting. The ambition was to ensure that future Scottish Governments could not take a narrow interpretation without giving wider consideration to the true ecological impact. Like Lorna Slater, I am happy to work with colleagues in advance of stage 3, but I want to be clear that that is the ambition—to make the Scottish Government's drafting of the bill more effective.

Gillian Martin: I thank the member for allowing me to intervene to provide clarification. A draft

statutory instrument containing regulations setting a target for a matter relating to each of the topics must be laid before the Scottish Parliament within 12 months of section 1 coming into force. I just wanted to clarify that, because I did not have the detail in front of me earlier. That must be done within 12 months, but, obviously, I could not give the member a definitive time within that 12-month period.

Sarah Boyack: What we are trying to do here is to get moving on the issue, because a lot of work was done before the bill was introduced, so this is really about accelerating the process.

On my amendment 34, I have heard colleagues' comments. Again, it is about timing, and, again, I want to thank the RSPB, Open Seas and Scottish Environment LINK for their support. The aim of amendment 34 is to have a dedicated target. The worry is that, without a target, protected areas could remain in poor ecological condition, even if overall biodiversity indicators show improvement elsewhere. The aim is to align Scotland's statutory commitments under EU-derived and international frameworks and to ensure that such critical areas are central to the delivery of nature recovery, so it is an important amendment. I think that there is scope for discussions before stage 3, but I hope that the cabinet secretary accepts that we have lodged many of these amendments because people want to strengthen the bill.

On implementation, it will be critical that NatureScot is adequately funded so that it can lead on this work. There has been lots of talk about research and development and committees that will work together. Our statutory organisations will need to be properly invested in and supported, because there will be new ambitions in the bill that will require not only more work and more research but more implementation. That is critical.

10:00

I am prepared to discuss details of some of my amendments in advance of stage 3, but I hope that, given the discussion that was held at stage 1, committee members recognise that there is ambition to go further. That is absolutely critical for our biodiversity, onshore and offshore. Working together is critical. I take the points that Tim Eagle made; we also need to think about how we support the fishing industry. It is a case not simply of setting requirements but of working with those sectors that are keen to go further.

I will not attempt to comment on every amendment, but I think that there has been a positive debate on all the amendments. There is an ambition to go further, because, as Beatrice Wishart suggested, rather than long-term decline,

we want to see a nature-based recovery. That is the ambition behind many of our amendments.

The Convener: Are you pressing or withdrawing amendment 103?

Sarah Boyack: I will press it, because there has been huge support for it, but I accept that not everyone will vote for it today. On that basis, if it is not agreed to, I will still be up for discussions.

The Convener: The question is, that amendment 103 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

Abstentions

Burgess, Ariane (Highlands and Islands) (Green)

The Convener: The result of the division is: For 1, Against 7, Abstentions 1.

Amendment 103 disagreed to.

Amendment 36 not moved.

The Convener: Amendment 18, in the name of Mark Ruskell, has been grouped with amendments 174, 176, 177, 109, 178, 179, 24, 47, 48, 180 to 182, 111, 112, 14, 183, 184, 49, 186, 15, 113, 187 to 192, 114, 312, 50 to 52, 25, 16 and 309. If amendment 177 is agreed to, I cannot call amendments 109 and 178, due to pre-emption. If amendment 189 is agreed to, I cannot call amendments 190 to 192, due to pre-emption.

Mark Ruskell: My amendment 18 is a simple change to current wording, from ministers "may" set targets to ministers "must" set targets. If we are to give the nature emergency the attention that it deserves, setting targets cannot be optional and ministers must have a clear duty to set nature targets.

Similarly, my amendment 24 would require ministers to lay a statement that will set out how they intend to achieve their targets. That would give the Parliament more reassurance that plans are in place to meet the new targets. After all, targets are only as good as the plans to deliver them. I am cautious about setting too long a list of criteria to include, but I have sought to include those that would give a sufficient indication of the Government's intentions.

My amendment 49 would require ministers to publish catch-up reports if targets are missed, similar to what is required under the Climate Change (Scotland) Act 2009, in which ministers set out what additional steps they will take to catch up on a missed target. The credibility of nature targets in the bill depends on meaningful action, planning and scrutiny. Amendment 49 would strengthen accountability by ensuring that ministers must identify concrete measures to close delivery gaps, prevent drift and secure sustained progress towards recovery.

I acknowledge that Emma Roddick has similar amendments in the group. I will listen carefully to what she says and to the cabinet secretary's comments.

I turn briefly to other amendments in the group. Maurice Golden's amendment 182 would require Environmental Standards Scotland to have a role in reviewing the Government's progress to meet targets. I will be interested to hear about that.

Conversely, Mercedes Villalba's amendment 25 would allow ministers to transfer that responsibility away from ESS to another body in future. I am not entirely sure of the reasoning behind that, but I look forward to hearing about it.

Sarah Boyack's amendments look to establish a citizens assembly to inform target setting. I absolutely see the value of citizens assemblies; we have seen that with the climate change legislation. I have a slight concern about our leaving the science behind when it comes to setting targets, but a citizens assembly would be valuable when it comes to how we deliver those targets. Again, I will listen to Sarah Boyack's comments on that.

Finally, I urge members to support Ariane Burgess's amendments 47 and 48, which would require that targets be ecologically coherent and align with other Government strategies. I look forward to Ariane Burgess explaining those.

I move amendment 18.

Maurice Golden: My amendments 174, 176, 179, 180 and 181 are on the measurement of targets. The bill says that the Scottish ministers must specify the manner in which indicators or progress made on the targets are to be measured. That is akin to someone marking their own homework and is not in alignment with other target-setting legislation. For example, section 2B of the Climate Change (Scotland) Act 2009 provides for target-setting criteria for the climate change targets. My package of amendments replicates the target-setting criteria in the 2009 act and applies them to the bill.

My amendment 182 entrusts the evaluation of progress towards meeting the targets to

Environmental Standards Scotland and gives ESS the authority to evaluate whether targets have been met. That would require ESS to notify the Scottish ministers and the Scottish Parliament of that evaluation, while retaining the provisions for the Scottish ministers' accountability to the Scottish Parliament, as well as their ability to self-declare if a target is no longer achievable.

My amendment 188 would require the Scottish ministers to seek and have regard to the views of the relevant committee of the Scottish Parliament with respect to targets or topics.

Tim Eagle: My amendment 177 touches on a point that was discussed in the previous group. As drafted, the bill allows ministers, by regulation, to set targets that relate to the natural environment. It currently requires a number of Scottish statutory instruments containing regulations for setting such targets to be laid before the Parliament within 12 months of section 1 of the bill coming into force. Amendment 177 removes that requirement, because I do not believe that time should be the driving force here. Instead, we need to ensure that the targets that are set are well considered and are not driven by an arbitrary deadline. I am not trying to stop what we are trying to do; I am trying to ensure that, as I said was important earlier, we are taking communities with us. I completely agree with Mark Ruskell's point that targets are only as good as the plans to deliver them. That is the critical point that we need to get right, not a timeframe, which is why I have suggested that that be removed.

My amendment 183 is a drafting amendment relating to my amendment 184, which relates to the review that the bill requires ministers to carry out of how the targets that they create by regulations are operating. When carrying out a review, ministers must seek and have regard to views on the targets set under, and topics set out in, new section 2C(1) of the 2004 act, introduced by section 1(3) of the bill. Amendment 184 would mean that the people giving those views would have to include those who can represent the views of land managers. That would ensure that biodiversity targets are informed by practical, on-the-ground knowledge from land managers and community bodies, as well as scientific experts. I believe that that would make targets more deliverable, regionally relevant and supported by those responsible for implementation.

My amendment 187 relates to the process described in the bill for setting or amending targets or adjusting topics. Before making regulations, ministers must carry out some tasks, and my amendment adds to that list of tasks. Ministers will need to both seek and have regard to views from someone who ministers consider to be

representative of the interests of land managers, to ensure input from those delivering the targets.

Through both amendments 184 and 187 I am trying to ensure that the people on the ground who will ultimately implement the targets are involved in the decisions on what goes on higher up and form part of that target-setting process.

My amendment 189 also relates to the process for setting targets. Although the bill requires ministers to carry out a number of tasks, it allows ministers not to seek advice if the regulations they are making relate to a review of existing regulations. My amendment deletes that provision, because I believe that it is important that a consultation be conducted with affected parties if changes are being proposed.

My amendments 190, 191 and 192 are drafting amendments relating to amendment 187.

My amendment 312 requires that, when setting targets under section 1, ministers must have regard to the importance of local food production and domestic food security, support local food producers and consider the impact on future food security. It also makes sure that targets will not result in a decline in the beef and dairy herd numbers or encourage a reduction in red meat and dairy consumption.

Scotland's future food security faces a delicate balance. It is a case of ensuring that we have enough supply to match demand and avoid reliance on foreign imports. The fragility of the supply was emphasised by the Scottish Association of Meat Wholesalers earlier this year, which warned that beef supplies had reached a critical point. To ensure that we meet future food supply needs in Scotland, we need more cows, not fewer—around 80,000 more, according to Quality Meat Scotland. However, this year, farmers were faced with a worrying prospect when the Scottish Government's climate change adviser recommended a 30 per cent drop in meat consumption and a 30 per cent cut in sheep and cattle numbers in order to hit climate change targets by 2045.

Mark Ruskell: I hear the member's point, but I am struck by the number of farmers who want to reduce livestock numbers and perhaps invest in rewilding and woodland creation as part of a business. I am concerned that the member is in effect telling farmers and land managers what business decisions he would like them to take, rather than allowing land managers themselves to make balanced decisions about where their businesses go and about the role of biodiversity and nature recovery in those productive businesses.

Tim Eagle: That is a fair point, but that is not what I am trying to do. I am trying to make sure

that the Government is not forcing land managers or farmers to have to do those things. If an individual business chooses to cut its cattle numbers, that is for the individual business. What I am saying is that such targets should not be set. I acknowledge that the climate change adviser's suggestions have not been taken forward by the Scottish Government at this point, but I certainly do not think that we should be setting targets that force the decline in cattle or sheep numbers and then require us to import a huge amount of meat from abroad when we have high welfare standards in this country. Although I am pleased that the Scottish Government did not accept the proposal, I must still note that it had the potential to devastate hard-pressed rural businesses and threaten Scotland's food security. My amendment would require that, when setting the targets relating to the natural environment that are allowed by the bill, ministers must give consideration to the views of local food producers, our meat and dairy sector and the need to ensure that our future food security is protected.

Sarah Boyack: My amendments 109 and 178 are related, with amendment 178 being consequential to amendment 109. The two amendments work together to ensure that the monitoring and reviewing of biodiversity targets are addressed not simply under section 1 of the bill but throughout the entire bill and all the legislation that it entails. For the bill to work to address the nature and climate emergencies, it has to work in a joined-up way. My amendments would ensure that the laying of draft SSIs applies to the whole bill, not just to section 1.

My amendment 178 would require targets to be introduced within 12 months of royal assent, rather than waiting for the whole act to come into force. The aim is to push the Government, so that we get prompt movement to establish the framework that is necessary for delivery. If that does not happen and commencement decisions are staggered or deferred, the whole process could be delayed by months or even years. My amendment aims to close a loophole that could allow for delay.

We need prompt introduction of targets if the bill is to deliver timely action for Scotland's natural environment, because any delay could slow momentum in addressing biodiversity loss and reduce clarity for public bodies that are responsible for implementing the first cycle of targets. My amendment 178 would give legal certainty about what must be done and ensure that action can begin without unnecessary delay. The Scottish Government has said that the bill will support Scotland's ambition to halt nature loss by 2030. That is now not far away and any unnecessary delay in the introduction of targets would undermine that ambition.

My amendment 111 is linked to my amendment 112 and creates a catch-up mechanism for missed targets. Nature and biodiversity restoration require a catch-up mechanism to ensure urgent action and avoid targets being missed. We know that we have missed biodiversity targets and we have seen climate targets being missed. The amendment would ensure that, when targets are missed, there is a mechanism that means that they are not forgotten. It would implement a catch-up mechanism that would require the Scottish ministers to put in place extra measures to meet a target before setting a new one. That could be a one-year period before a target is replaced, during which additional steps are taken to meet the target. Funding, enhanced use of existing powers and addressing bureaucratic challenges could be options for steps that could be taken. Introducing that catch-up mechanism would encourage urgent action to address targets that might otherwise be missed by a Government.

My amendment 112 is consequential to amendment 111 and is in place to hold ministers to account. There would have to be a meeting within a year focusing on when the target was expected to be met and why it was not.

10:15

My amendment 14 is linked to my amendments 15 and 16. If we reflect on the current discussions about the importance of meeting our environmental and nature conservation objectives, it is really important that people are involved in that process and that they are consulted. Citizens assemblies link incredibly well to deliberative democracy models. They give time for and legitimacy to informed debate and participation and I hope that they help policymakers and Government understand public preferences on complex issues. You can see the impact that citizens assemblies had in Ireland with the debates on LGBT marriage and on abortion—they brought people together and led to subsequent referendums.

As Mark Ruskell commented, since section 32A of the Climate Change (Scotland) Act 2009, there has been an argument that citizens assemblies should become more of a statutory requirement. Scottish Environment LINK's recent work demonstrates the importance of the environment to voters. It is about how we encourage people and enable them to get involved in that debate, beyond just the vote. It is about involving people over time, and that is what citizens assemblies are about.

My amendment 15, on having regard to the citizens assembly, is really important. It is important that we involve people in the process and that they have the opportunity to be consulted.

My amendment 16 is quite lengthy, but it sets out the process of establishing a citizens assembly that would enable us to ensure that people were involved. A citizens assembly would help to create legitimacy, resolve conflicts and drive action for restoring ecosystems right across Scotland.

We know that we need radical action. Giving people a structured platform to learn about ecological science, to debate competing perspectives and to produce informed recommendations, would enable the Government to be supported with fair but fast action for nature. Even in today's discussion, we have heard of different interests in rural Scotland to support marine action. Again, it is about accountability and holding power to account; having things passed by a citizens assembly ensures action.

I thank the organisations that have supported and worked with me on the amendments, which are absolutely critical—Scottish Environment LINK, Open Seas, the Scottish Rewilding Alliance and RSPB Scotland. There is support among key stakeholders. The amendments would ensure that the ambitions in the bill are implemented, which is why I have lodged them and why I have worked with organisations to get them drafted. They are really important.

I will listen to comments from other colleagues and the cabinet secretary but I hope that people understand that the ambition behind my amendments is to bring people together—not just to pass a piece of legislation but to make it transformative and inclusive, and to use that democratic platform.

Ariane Burgess: Given the keenness that we have around the table to address the restoration of nature—30 per cent of land by 2030—I am seeking to introduce biodiversity targets under the new sections of the 2004 act on setting, reviewing and reporting on targets.

My amendment 47 would require the Scottish ministers to take a more holistic approach when setting targets, ensuring that they are aligned with existing Government frameworks and policies. Targets would have to be ecologically coherent, meaning that they would be representative, connected and well managed. NatureScot has used that concept and published a report on the definition of ecological coherence. The amendment would also require ministers to use a wholescape approach, essentially recognising that land and sea are interconnected habitats, as well as the range of cultural and economic activities that take place between them.

My amendment 48 would require ministers to have regard to existing Government frameworks and policies so that policies are aligned across departments and agencies.

Beatrice Wishart: My amendment 186 states that the Scottish ministers cannot remove any target topics. It would ensure that no future Scottish Government could weaken the legislation by removing topics that have been decided on and which require addressing through the targets.

My amendment 309 would bring section 1 into force on the day after royal assent, rather than leaving the date of its coming into force to the discretion of the Scottish ministers. Leaving the decision on when to bring it into force to the political preferences of the day could risk delays to measures to improve Scotland's biodiversity. Mandating action by bringing the section into force on the day after royal assent reflects the need for action in the context of the climate and biodiversity emergency, as targets are only as good as the actions that are taken to deliver on them.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): I will speak to my amendments 113 and 114. New section 2F of the 2004 act, introduced by section 1(3) of the bill, sets out the process for setting or amending targets. I am aware that the committee has an interest in those targets, and its stage 1 report highlights recommendations for improvements to be made regarding the need

“to consult and have regard to expertise from specific sectors of the economy with a key role in delivering biodiversity targets.”

I thought that those points were important enough to address, and that it was crucial that the provisions in this section include a consultation requirement. Accordingly, my two amendments seek to address those issues.

My amendment 113 would add a requirement for the Scottish ministers to consult any persons interested in or impacted by the targets before laying regulations that set, amend or remove statutory targets. My amendment 114 would ensure that any pre-commencement consultation can count towards fulfilling that requirement. I believe that my amendments would strengthen transparency and stakeholder engagement in developing biodiversity targets. They reflect the need to consult sectors that are critical to biodiversity delivery, and to build on the expertise and independent advice that is being sought for biodiversity targets. For all those reasons, I will move the amendments.

Emma Roddick: My amendments are small but important. The bill as it is drafted places a duty on Environmental Standards Scotland to submit to the Scottish ministers a report on the outcome of reviews and assessments that are carried out under new section 2G(1)(a) and (b) of the 2004 act, inserted by section 1(3) of the bill.

During the stage 1 evidence session, Environmental Standards Scotland suggested

that, as an independent body that is directly accountable to the Parliament, it would be more appropriate for it to lay any reports that it made under new section 2G directly in the Parliament, rather than before the Scottish ministers. The committee, in its stage 1 report on the bill, recommended that the Scottish Government should enable ESS

“to lay its reports under section 2G directly in the Scottish Parliament”.

My amendments 50 and 51 reflect the committee's recommendations to amend the bill to that effect, so I encourage the committee to support them.

Mercedes Villalba: Amendment 25 is my only amendment in the group. I lodged it following concerns that were raised at stage 1 by groups such as the Chartered Institute of Ecology and Environmental Management and Scottish Environment LINK regarding the potential consequences of measures that could result in reduced transparency and uncertainty around statutory targets—namely, the provision in the bill that the

“Scottish Ministers may by regulations amend this section to specify a different person”

—other than ESS—

“to carry out the assessing, reviewing and reporting functions conferred.”

That is in new section 2G(4) of the 2004 act, introduced by section 1(3) of the bill. Amendment 25 seeks to remove that wording; it is intended to underscore the vital role of Environmental Standards Scotland and the crucial role that it plays in independent oversight and enforcement of environmental law.

The targets that the bill creates will be meaningful only if there is an independent body through which the Government and relevant public authorities can be held accountable for meeting them. There is concern, therefore, regarding the provisions on the reassignment of functions that are currently granted to ESS.

It will be helpful to hear from the minister on that today in order to ensure that there will be no weakening of oversight, nor any reduction in transparency. There can be no question as to the fact that the bill should strengthen, not weaken, the scrutiny of Government and how it achieves its targets. As it stands, however, I am not persuaded that allowing the reassignment of those functions achieves that.

I am sympathetic to a number of other amendments in the group, which have already been discussed, in particular Emma Roddick's amendments 50, 51 and 52 and Mark Ruskell's amendments 24 and 49. I believe that those

amendments share the underlying principle of my amendment, in that we must have a serious conversation about transparency and accountability in relation to our environmental targets.

The Convener: As no other member wishes to speak, I call the cabinet secretary.

Gillian Martin: As I highlighted in relation to the previous group of amendments, our approach to developing targets has been science led, taking into account the best available evidence to develop a set of targets that are capable of adapting to ecological and climate uncertainties. Robust scientific advice and adequate consultation are essential if we are to develop a suite of ambitious but deliverable targets. Flexibility is key, given that targets must evolve as evidence and technology advance, and as such, the bill must enable an agile approach while ensuring parliamentary scrutiny.

I do not consider amendment 18, in the name of Mark Ruskell, to be necessary. Proposed new section 2C(2) of the 2004 act, as inserted by section 1 of the bill, provides that

“Scottish Ministers must exercise the power under”

proposed new section 2C(1)

“so as to ... set at least one target in respect of each of the topics described in paragraph (a) of that subsection”.

That must be done within 12 months of section 1 of the bill being commenced.

As currently drafted, the bill already requires ministers to lay draft regulations setting out at least one target for each of the target topics included in the bill. As ministers already have a duty to set targets in relation to specified topics, I ask Mark Ruskell not to press amendment 18.

Amendments 176 and 179 to 181 all seek to require additional criteria to be taken into account when setting targets. The bill already makes it clear that targets are a means of supporting our biodiversity ambitions, as clearly articulated in our biodiversity strategy. They are also to be developed through seeking appropriate scientific advice, and, as amendment 113 proposes, there will be consultation before any targets are set.

I think that that, collectively, provides an appropriate framework for ensuring that targets are ambitious but achievable, and that such an approach takes the right considerations into account. What I want to avoid, at all costs, is the imposition of additional requirements that would make it harder to introduce targets in a timely fashion. We heard during stage 1 that we are in a nature emergency, and it is crucial that we progress the targets as quickly as reasonably possible.

Biodiversity is complex, and the committee will be aware that there is no single global metric for nature restoration as there is for climate mitigation. Measuring biodiversity is complex, and it is essential that we take a science-led approach to setting and developing those targets.

On Maurice Golden’s comments and the comparison that he made with the 2009 act, I appreciate that there is climate change legislation with a set of target-setting criteria, but that is entirely appropriate for that type of legislation, which is very prescriptive in setting out the approach that must be taken to achieving those targets. A more flexible approach is needed in respect of biodiversity targets, because there is no one apex measurement of diversity, and it is much more difficult to measure the outcome of nature restoration activities in the same linear fashion that emissions reductions are measured.

Amendment 174 would remove the requirement for Scottish ministers to specify indicators for measuring targets. Indicators are essential for transparency and accountability and for showing how progress will be assessed. That approach was consulted on, and it was widely supported both by stakeholders, and at stage 1. The committee, in its stage 1 report, stated that:

“stakeholders emphasised the importance of indicators and data collection to ensure statutory targets were robust.”

Removing that requirement would weaken the framework and make it harder for the Parliament and stakeholders to scrutinise delivery. That is not what any of us wants, so I urge members not to support amendment 174.

10:30

Amendment 177 removes the requirement for ministers to lay draft regulations for setting targets within 12 months of commencement. That provision was in the bill from the outset to ensure urgency and accountability. I understand Mr Eagle’s argument with regard to rushing things, but we have to set deadlines; after all, we are in a climate emergency, and we must be robust in setting those targets, which must be timeous, too.

Amendment 189 removes a provision aimed at reducing administrative complexity and avoiding ministers having to seek expert advice on matters that they have already sought advice on. That is a sensible approach, and there is no merit in including a requirement for duplication and the delay that would come with that. I hope that the committee agrees that the amendment is not necessary or reasonable, and I ask the member not to move it.

Amendments 24, 47 and 48 are in a similar vein to amendments in the previous group and all place additional requirements on ministers in relation to

either the considerations that must be made or the evidence that must be sought when setting targets. The framework that we have established, in which targets have a clear and unambiguous purpose, and need to be set with appropriate scientific advice taken into account, is appropriate and proportionate. I do not recall concerns in that respect being expressed in the stage 1 evidence. I cannot support amendments 24, 47 and 48, because I do not think that they will help us achieve more effective targets, and I ask the members in question not to move them.

Amendment 47, specifically, seeks to introduce a further set of requirements in respect of targets, which risks confusing and diluting the existing provisions. Ecological coherence and a landscape-based approach will be front and centre of the actions needed to deliver on targets, but such considerations are properly dealt with in secondary legislation, in which we will set out the detail of targets. Again, I ask the member not to move amendment 47.

On amendments 109 and 178, lodged by Sarah Boyack, and amendment 309, lodged by Beatrice Wishart, I said at stage 1 that consultation will be a key part of developing our targets. Having reflected on what I heard during the committee's evidence-taking sessions, I am content that that requirement has been specifically included, and I support amendment 113 in achieving it.

However, it is important to be clear about timescales. In order to carry out appropriate consultation, we need to engage with a wide range of stakeholders and those who are interested in the targets. It takes time to do that properly, and we then need to ensure that we adequately reflect on the outcomes of the consultation and consider how what we have been told should shape our approach. It is not feasible to do that properly and to have regulations ready for the Parliament within 12 months of royal assent. As the committee is well aware, there is also the small matter of an election in between, which will take time out of that process.

I assure the committee and stakeholders that it remains this Government's intention to introduce nature targets as soon as practicably possible, but the amendments are inappropriate as they might result in rushed targets rather than targets that have been carefully considered and are informed by the meaningful public consultation that members have all said they want. This is too important to get it wrong.

Amendment 182, in the name of Maurice Golden, would impose an additional requirement on Environmental Standards Scotland. However, no consultation has been carried out with ESS on this proposal. Given the practical impact that it would have on its resourcing and finances, I ask

the member to consider not moving the amendment, so that I can consult ESS and keep the member updated on that. It is important that ESS is involved in discussions on whether it wants such an additional requirement.

I am supportive of amendments 111 and 112 in principle, but I think that they require some modification to ensure that they fit with our proposed approach to monitoring target outcomes, so, if she is amenable, I would like to work with Ms Boyack ahead of stage 3 to ensure that the provisions operate as she intends.

Amendments 14 to 16 propose that a citizens assembly be established prior to setting targets. I recognise the important role that citizens assemblies can play in our policy development, but I would prefer our focus to remain on the development of an ambitious suite of targets, taking into account appropriate expert advice. I am concerned that allowing the citizens assembly to be established first would just delay the introduction of targets.

I do understand why the member has lodged the amendment—it is right that the people of Scotland have a say in the development of the targets. However, Alasdair Allan's amendments 113 and 114 require that, before laying the regulations to create biodiversity targets, Scottish ministers consult anyone who might be impacted or interested. His amendments allow for public participation in the setting of targets, but in a proportionate and straightforward way.

Sarah Boyack: I thank the cabinet secretary for her comments about citizens assemblies. Is there an issue with getting the timing right? Would she support amending not the ambition of having citizens assemblies but the timing of having them, so that we could make it work? After all, involving people in the process will be critical to ensure that they understand the targets and can see how they are being pulled together.

Gillian Martin: What Sarah Boyack has put forward is a bit too prescriptive. Alasdair Allan's amendment 113 allows for a range of public consultations—basically, we can do anything that we want under that umbrella. If we were to prescribe a citizens assembly, it would be disproportionate to what should be put in statute here. That said, I am happy to have that discussion.

Tim Eagle: Alasdair Allan's amendment 113 is very similar to my amendments 184 and 187 and what I am trying to do with them. I narrow the scope to landowners, whereas the scope of Alasdair Allan's amendment 113 is wider. For the record, however, would it include landowners, too? I think that it tries to include everybody who might come into that sphere of—

Gillian Martin: People who are “affected by” or “have an interest” in the matter is the wording, I believe. Alasdair Allan’s amendment allows for a range of different types of public consultations that would be proportionate to what we are doing here.

Mercedes Villalba: On the scope of Alasdair Allan’s amendment, will there be any requirements or conditions for anyone who is affected or has an interest? Could anybody in the world have an interest?

Gillian Martin: Anyone in the world?

Mercedes Villalba: Yes, according to the amendment as drafted.

Gillian Martin: The broadness of the terms of Alasdair Allan’s amendment is obvious, but he might want to speak to that himself.

Mercedes Villalba: You say that it is obvious. It might be so, but my understanding is that legislation has to be taken as it is written. As drafted, would the amendment allow for anyone who has an interest, anywhere in the world, to be consulted?

Gillian Martin: I am content with the scope of Alasdair Allan’s amendment. What we do in Scotland is of interest to people overseas, so if anyone in the world wants to talk about our biodiversity targets, I do not see amendment 113 precluding them from doing so. However, we will prioritise the citizens of Scotland in taking forward any of the results of consultation.

The Convener: I believe that Alasdair Allan wants to intervene.

Alasdair Allan: The amendment talks about consulting

“such persons as the Scottish Ministers consider may have an interest in, or otherwise be affected by, the regulations”.

Obviously, it would be up to the Government to interpret that, but I think that the scope is pretty broad. It would have to be somebody either interested in or “affected by” the matter in hand.

Gillian Martin: On amendments 183, 184, 187, 188 and 190 to 192, provisions in proposed new sections 2E and 2F of the 2004 act, as inserted by section 1 of the bill, require ministers

“to seek and have regard to”

independent

“scientific advice”

when carrying out a review of targets and before making regulations to amend targets or target topics. The amendments would add requirements to take into account the views of land managers or their representatives and parliamentary committees in the review of targets. I have noted the views expressed during stage 1 on the need

for greater consultation, which is why I am happy to support Alasdair Allan’s amendments. I appreciate the comments that Tim Eagle has made in that regard.

On amendments 49 and 52, I heard the concerns that were raised during stage 1 and, for the reasons that Emma Roddick has set out, I urge the committee to support amendment 52. It will ensure that Parliament is provided with important information on how ministers propose to act in response to the Environmental Standards Scotland report to be laid under proposed new section 2G(2) of the 2004 act, as inserted by section 1 of the bill. I urge Mark Ruskell to consider not moving amendment 49, as I think that the issues that he wishes to cover in that amendment are adequately dealt with in amendment 52.

Amendment 186 seeks to remove ministers’ ability to remove a target topic from proposed new section 2C of the 2004 act. For targets to be effective, they must be able to adapt as the evidence base changes and as overall knowledge and the technology develop; indeed, that principle was clearly supported by the committee and stakeholders in relation to the framework of the bill.

Targets and topics must be underpinned by relevant and current scientific evidence and independent advice. It might be that a particular topic is no longer relevant, in which case it would be inappropriate to have a duty to set a target for it—and, of course, biodiversity itself is moveable and evolving. Moreover, any proposal to remove a target topic would be subject to parliamentary scrutiny under the affirmative procedure. I just do not think that it is appropriate to restrict the power of ministers to amend target topics in that way; I know that that is not Beatrice Wishart’s intention, but we need to reflect on the flexibility that will be required, and so I cannot support her amendment 186.

I am pleased to support amendments 113 and 114. I have listened to the concerns expressed by the committee and stakeholders about the lack of mandatory consultation, and I have made my points on that matter.

Amendments 50 and 51 are small but important amendments. Environmental Standards Scotland suggests that, as an independent body that is directly accountable to Parliament, it would be more appropriate for it to lay any reports made under proposed new section 2G of the 2004 act, as inserted by section 1 of the bill, and I agree with that.

On amendment 25, proposed new section 2G(4) of the 2004 act is a precautionary measure designed to future proof the legislation, should

ESS's structure or functions change, or should another body be established that would more appropriately perform the role. If that provision were removed from the bill, it would potentially make it difficult to remove ESS as a designated review body in future circumstances without primary legislation, which would mean that we would be back here again.

Mercedes Villalba: Are you saying that you envisage the provision in the bill being used only if Environmental Standards Scotland, for some reason, no longer existed or became a different organisation? Is that why that provision is there? If ESS existed and were functioning well, you would not envisage any need to appoint a different body to carry out its functions.

Gillian Martin: I am trying to avoid doing things in primary legislation, which would be onerous for the Parliament, that could be done using secondary legislation. If ESS's structure or functions were to change—I am not saying that it would not exist—or if another body were to be established in future that could more appropriately fulfil its role, we would not be required to introduce primary legislation to give that body that responsibility.

Mercedes Villalba: My concern is that, under the bill's provisions, there seem to be no restrictions on who the person or body could be. At the moment there is ESS, which is clearly defined and independent. It seems that, under the bill, anyone could be appointed as an alternative, according to the preferences of Scottish ministers at the time. That provision therefore does not seem to be quite strong enough.

I am happy not to move amendment 25 today, but we could have a conversation ahead of stage 3 about strengthening the provisions in this area, to ensure that the body will always be independent and will always have its important scrutiny function.

Gillian Martin: ESS was established during the previous parliamentary session, I think, and the provisions that Ms Villalba mentions with regard to its independence are already in statute. I am happy to write to her about those provisions, which ensure the body's independence. It was set up through work done in the previous session and through primary legislation, but I can certainly meet Ms Villalba to talk it through further.

On amendment 312, I would just say that there is no choice between sustainable food production and nature restoration—they are inextricably linked and co-exist. Livestock have a key role to play in delivering for biodiversity and the climate. We recognise the importance of the livestock sector, and, in stark contrast to policy in the rest of the UK, we continue to provide it with a broad

range of support schemes and to demonstrate our support for a thriving livestock farming sector. I make it crystal clear that the Scottish Government has no policy of reducing livestock numbers. As Tim Eagle correctly pointed out, we did not take that advice from the Climate Change Committee with regard to our climate change plan, and we will not be actively reducing livestock numbers.

10:45

The Convener: The Scottish Government might not have a policy to reduce cattle numbers, but does it have a policy of maintaining them?

Gillian Martin: That question is probably best put to Mr Fairlie. I imagine that he will be able to furnish Mr Carson with a range of measures that he has taken to allow the livestock sector to thrive.

Decisions on livestock numbers are for individual farm businesses to make, driven by a range of factors, including market returns. The biggest threat to the sector comes from reserved policy areas such as free trade deals, which expose our Scottish livestock sector to unfair competition. It is vital that any targets that are introduced are workable and have been subject to engagement and consultation to ensure that there are no unintended consequences, including for the agricultural sector and our wider economy. I appreciate the sentiment behind Tim Eagle's amendment 312 and his reasons for lodging it, but I would ask him not to move it.

The Convener: I call Mark Ruskell to wind up and to press or withdraw amendment 18.

Mark Ruskell: I am not going to attempt to sum up the discussion, but I will offer just a few points. Clearly, we are in a nature emergency as much as we are in a climate emergency. I recognise that the question of setting nature targets is different from that of setting climate targets, but I feel that there is a lot that we can learn from the existing climate change frameworks and the legislation that we have in place, including what has worked well and what has not worked so well in delivering action on the back of stretching targets.

What we have learned from the climate debate is that there is an absolute need to engage with stakeholders and the public on action. The science of climate change is irrefutable, and I think that the science on the nature emergency should be irrefutable, too. If good science shows that species and habitats are in decline and that we need to invest in recovery, that information is what should be used to set the targets. However, I now understand that Sarah Boyack wants to bring a citizens assembly to the table to look at how we would interpret nature targets, take action on them and get consensus on what we might call the "how" of nature restoration. That will be important,

as will the timing, and the idea perhaps needs a bit more reflection between stages 2 and 3.

When I moved an amendment to the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 to require there to be a citizens assembly, the Government said at the time, “Oh no, it’s okay. We’ll just have a general requirement for consultation.” That is very similar to what the cabinet secretary has said today. At the time, though, we did not feel that that was enough, and the Parliament agreed to an amendment that required such an assembly to be set up. The amendment and what has come out of it have been beneficial.

I do not think that support for Sarah Boyack’s amendment 15 precludes support for what Alasdair Allan is trying to achieve with amendment 113. I feel that it is very important that we have consultation, as well as a wider assembly.

Tim Eagle has tried to emphasise the importance of land managers, and that is part of it, but I feel that what Alasdair Allan has suggested in amendment 39 makes sense. Of course, we will want to listen to land managers who are investing in natural capital. There are estates near to where I live that are reducing herbivore numbers, both deer and livestock, and they are doing so, because it is a business decision. We should always—always—listen to business. That is very important.

As for other areas of the framework, we have discussed what catch-up plans could look like. Various amendments have been lodged on that issue, and I think that it would be better if the Government were open to discussing the possible options for such plans ahead of stage 3 with the members who have lodged those amendments. However, if the advice is that we should vote on the issue today, that is, clearly, where we will end up.

On the setting of targets, I note that amendments changing “may” to “must” are well used in this Parliament. I will be pressing amendment 18, because I feel that there is a need not just to set one target, or at least one target, but to move forward comprehensively on the nature emergency. It is important that we give the bill real strength of purpose, and that we underline that, so I will press amendment 18.

The Convener: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 18 disagreed to.

The Convener: Does Mercedes Villalba wish to move amendment 19?

Mercedes Villalba: On the basis that I will have further conversations with the cabinet secretary ahead of stage 3, I will not move amendment 19.

Amendments 19 and 20 not moved.

Amendment 42 moved—[Mercedes Villalba].

The Convener: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 42 disagreed to.

Amendment 43 moved—[Mercedes Villalba].

The Convener: The question is, that amendment 43 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 43 disagreed to.

Amendment 44 moved—[Mercedes Villalba].

The Convener: The question is, that amendment 44 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 44 disagreed to.

Amendment 21 not moved.

The Convener: I remind members that amendments 104 and 105 are direct alternatives. They can both be moved and decided on, and the text of whichever is the last agreed to is what will appear in the bill.

Amendment 104 moved—[Emma Roddick].

The Convener: The question is, that amendment 104 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)

The Convener: The result of the division is: For 7, Against 2, Abstentions 0.

Amendment 104 agreed to.

Amendment 105 not moved.

Amendment 22 moved—[Mercedes Villalba].

The Convener: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 22 disagreed to.

Amendments 34 and 166 not moved.

Amendment 167 moved—[Ariane Burgess].

The Convener: The question is, that amendment 167 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 167 disagreed to.

Amendment 168 moved—[Ariane Burgess].

The Convener: The question is, that amendment 168 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 1, Against 8, Abstentions 0.

Amendment 168 disagreed to.

Amendment 169 moved—[Ariane Burgess].

The Convener: The question is, that amendment 169 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 169 disagreed to.

Amendment 170 moved—[Ariane Burgess].

The Convener: The question is, that amendment 170 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 170 disagreed to.

Amendment 171 moved—[Ariane Burgess].

The Convener: The question is, that amendment 171 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 171 disagreed to.

The Convener: As it is almost 11 o'clock, I will suspend the meeting for 10 minutes for a comfort break.

10:58

Meeting suspended.

11:12

On resuming—

The Convener: We continue our consideration of amendments at stage 2. Amendment 172, in the name of Douglas Lumsden, is grouped with amendments 185, 193, 194, 197 to 200, 205, 210, 305, 306 and 308.

Douglas Lumsden (North East Scotland) (Con): I will speak to amendment 172 and others in the group in my name. Our natural environment is under attack by something that we are choosing to do under the banner of clean energy. It is the biggest greenwashing campaign that there has been, and we must listen to campaign groups. I listen to their views and concerns every week, but it is shameful that they are met with a wall of silence from the devolved Government. This week, Angus Council objected to the Kintore to Tealing monster pylon routes and sent Scottish and Southern Electricity Networks homeward to think again about its plans. I hope that the Scottish Government will not ignore that view.

My amendments focus on the very real concerns of rural communities over the impact that monster pylons, battery storage and substations are having on them. The overindustrialisation is alarming, and the cumulative impact is often overlooked.

In the interests of time, I will speak broadly to all the amendments but will pick out specific points that overlap throughout my amendments. The committee will note the broad theme that runs through them, which is community consultation, transparency in decision making, alternative

solutions to energy transmission and the protection of biodiversity.

Amendments 172 and 185 ask for clarity in ensuring that monster pylons are only one method of transmission that is explored and would require an exploration of the impact of electricity infrastructure on biodiversity. Pylons can have a huge impact on surrounding areas of distinct natural significance and plant life as well as disrupting local bird populations, and that needs to be fully understood before such projects can progress.

Amendment 193 calls for a statement to be published on an assessment of underground and subsea alternatives, looking at not only cost but biodiversity, net impact, resilience and landscape, and explaining any decision to proceed with overhead lines, should that be the decision that is taken. The amendment is vital to ensuring transparency and understanding for local communities and to giving them the confidence that all options have been considered and that the justification for decisions is open and understood by all. That does not happen at present.

Amendment 210 gives further protections to national parks in this area, designating them as no-go corridors for overhead lines.

11:15

Amendment 306, which is the most substantial of my amendments, focuses on requirements on the planning authority to properly consult and take regard of the views of local communities. Clear approval must be sought and given for any transmission project that leads to significant community disruption or natural environmental impact. Those would include energy generation projects of more than 50MW, energy transmission projects, and large-scale battery storage systems. Applicants would have to provide a comparative assessment that covered life-cycle costs, biodiversity net impact, impact on local landscape, resilience, and impact on agriculture, soil and plant biosecurity.

Amendment 306 would also ensure that emergency planning was considered prior to permissions being given, with a requirement for an emergency plan and input from the Scottish Fire and Rescue Service. Regulations would be subject to the affirmative procedure and would therefore come under the watchful scrutiny of MSPs, who, in turn, are accountable to their constituents and communities.

I will give the example of Rothienorman in the north-east of Scotland. Most members will not have heard of that place, but I believe that Rothienorman has six battery storage applications hanging over it, the largest of which is for 500MW.

I have visited the site. It is huge, and it will change the landscape considerably. Local residents have genuine safety concerns. There has already been a fire at a smaller battery site in the area, and locals fear that something could happen at the larger site, leaving them vulnerable. We cannot leave emergency planning until after an event happens. Amendment 306 puts that emergency planning at the start.

Through my amendments, I hope to introduce scrutiny of and accountability for energy transmission projects, allowing communities, emergency planning services, local councils and the Parliament involvement with the on-going development of large infrastructure projects. My amendments would provide guarantees that communities are consulted and listened to, that national parks are protected, that biodiversity and the impact on plant life are measured and protected, and that all options are considered—not just monster pylons, by default, as the cheapest option.

We must ensure that energy infrastructure is fit for purpose, protects our natural environment and listens to our local community. My amendments would ensure that those protections are on the face of the bill, and I hope that the committee will support them.

I move amendment 172.

Alasdair Allan: As we are not in the chamber, this is not a rhetorical question but a genuine one. Could you explain a wee bit about how your amendments interact with things such as the Electricity Act 1989 and other reserved areas? Do they interact in any way?

Douglas Lumsden: I have concluded my opening remarks, but I can easily address that question in my summing up.

The Convener: You can intervene on Alasdair Allan to give your response, if you are so minded.

Alasdair Allan: Do you want to intervene on me? [Laughter.]

Douglas Lumsden: I am sorry—could you repeat your question?

Alasdair Allan: I was asking—and it is not a rhetorical question—whether you could say a bit more about how or whether your amendments impact in any way on reserved areas such as the Electricity Act 1989.

Douglas Lumsden: I do not believe that they cause a problem to the act. What I have laid out is about giving communities a greater say; it has taken their views into account and we should not try to shirk that in any way.

Gillian Martin: Douglas Lumsden has lodged a number of amendments for the bill that relate to

electricity infrastructure, as he did during stages 2 and 3 of the Land Reform (Scotland) Bill, which was recently taken through the Parliament. Many of his amendments—if not all of them—have the same fundamental issues. Throughout them all, Douglas Lumsden is trying to shoehorn in a set of issues that are wholly outside the purpose of the bill. The Natural Environment (Scotland) Bill is about introducing a framework for biodiversity targets, together with other measures that will enable us to support the delivery of Scottish Government biodiversity goals. The amendments that Douglas Lumsden has lodged have not been raised with me in the context of this bill, nor have the issues been considered by the committee.

Many of the amendments also lack legislative competence. I must make the committee aware that a substantial number of the issues connected to energy infrastructure that the amendments cover are reserved to the UK Parliament. Alasdair Allan has just pointed to the Electricity Act 1989, which is one piece of legislation that the amendments would conflict with. The powers to do the things that Douglas Lumsden is asking for in a great deal of the amendments would lie in Scotland only if all energy powers were devolved to the Scottish Parliament and Government or if Scotland was a nation state with all the powers of one. There are further concerns as to whether the amendments conflict with existing statutory obligations under the Electricity Act 1989 and questions of consistency with UK and Scottish Government energy policies.

The legislative framework that covers energy infrastructure is complex and largely reserved to the UK Government. Stage 2 of the Natural Environment (Scotland) Bill is designed to improve biodiversity, so it is simply not the right place to address energy infrastructure matters. I will go through each of the amendments in turn to address the issues.

Tim Eagle: I have two quick questions. First, you seem to doubt whether Douglas Lumsden's amendments should be here, but my understanding is that they have every right to be debated and discussed. What he has proposed is perfectly legal and permissible in the bill.

Secondly, and more importantly, do you at least recognise that one of Douglas Lumsden's points is that the targets that are set in the bill, particularly on bird life, might be impacted by, for example, wind turbines? Some of the evidence that we have seen and heard has suggested that there might be quite a significant number of bird strikes on wind turbines.

Gillian Martin: When it comes to any infrastructure, there is a potential impact on biodiversity and the environment. That is why we have rigorous environmental impact assessments,

whether they be for energy infrastructure, house building, road building or any infrastructure that requires planning permission. I do not doubt Douglas Lumsden's right to lodge amendments, but I merely point out that energy infrastructure is not a part of the Natural Environment (Scotland) Bill. I also point out that the powers to do anything on electricity infrastructure, which is the purpose of the amendments, lie with the UK Government. It is legitimate for me to make that point.

As I set out earlier, we have followed a robust, science-led approach to developing statutory nature targets. Amendments 172, 185, 193 and 194 all appear to try to insert requirements that relate to energy infrastructure into the biodiversity targets framework, which risks confusing and diluting the important provisions that are aimed at tackling the nature crisis.

Amendment 172 seeks to add an additional topic to section 2C(1). The three target topics that are already included have been recommended by the experts in the programme advisory group based on careful scientific consideration. The amendment, which addresses the impact of electricity infrastructure on biodiversity, falls outside the scope of statutory biodiversity targets for the purposes of conservation. The target topic—enhancing environmental conditions for nature—will look at the pressures that inhibit thriving biodiversity so that nature has the best conditions to recover.

Douglas Lumsden: The cabinet secretary does not seem to think that I should have lodged such amendments to the Natural Environment (Scotland) Bill or the Land Reform (Scotland) Bill. Where does she suggest that I should seek safeguards to protect against some of the incidents that we see and to address people's concerns?

Gillian Martin: The Electricity Act 1989 is UK Government legislation that sets the regulations that are associated with electricity infrastructure. As I pointed out in the opening part of my response, many of the issues that Mr Lumsden intends to raise with the amendments relate to UK legislation, and I am happy to go through every amendment and point out which parts. The regulations are set in the UK, and we must follow them in Scotland. While Mr Lumsden's party was in power, the UK Government had ample opportunity to address those issues.

I agree with Douglas Lumsden that communities should have more say about what happens in their area. Since I entered the Government, I have appealed over many years to the previous and the current UK Government to make it mandatory to consult on community benefits and how those benefits could be put into communities. The previous Government was not interested in doing

that. I have managed to make some headway with the current Government, and it has been consulting on that. Therefore, we have to work with the UK Government to do a lot of the things that Douglas Lumsden wants to do.

The Convener: There are obviously areas in which the responsibility sits with the UK Government. However, consider the processes for consenting or planning permission. There is an example in Dumfries and Galloway, where the Kendoon to Tongland reinforcement project power upgrade—the KTR—went to a public inquiry. The reporter recommended that the application be refused but the Scottish Government overturned that recommendation. There is a responsibility for the Scottish Government to recognise local objections. Objections are not all about community benefit; they can also be about the visual impact on our natural environment. Where would that be addressed?

Gillian Martin: I will not get into individual planning decisions, but it is important to remember that the UK Planning and Infrastructure Bill is relevant to Scotland. My general point is that what happens in relation to consenting and the Scottish Government is all intertwined with reserved legislation, including the Planning and Infrastructure Bill and the Electricity Act 1989.

Sarah Boyack: Will the cabinet secretary clarify the role of issues involving environmental impact assessments in relation to planning decisions that go to the Scottish Government? That is a key point when picking up some of the issues that are referenced in the amendment. I want there to be clarity on the record about the kind of issues that need to be looked at.

Gillian Martin: Sarah Boyack makes an important point. There is already provision in law for environmental impact assessments to be done, which will include detail on biodiversity loss or any other kind of environmental impact from any infrastructure. She helpfully supported my earlier point that it is not just electricity infrastructure for which there has to be an environmental impact assessment; it is any planning decision. Whether it is about something that happens in the sea, underground, overground or in the air, any planning decision has to have environmental impact assessments associated with it. I thank Sarah Boyack for pointing that out.

Amendment 172, which would address the impacts of electricity infrastructure on biodiversity, falls outside the scope of statutory biodiversity targets for the purposes of conservation. The target topic, enhancing environmental conditions for nature, will look at the pressures that inhibit biodiversity from thriving so that nature has the best conditions to recover.

Amendment 185 would add a new and specific reporting requirement in relation to energy choices. That would risk distracting from the purpose and focus of the important reporting requirement, which is to ensure that ministers are being appropriately held to account in meeting our biodiversity targets.

Amendment 193 is particularly unclear. It seems inappropriate for the targets that will be set under the new section 2C(1) to make any provision in relation to infrastructure. The biodiversity targets are intended to be entirely unrelated to any decision making on overhead electricity transmission lines. Infrastructure obviously interacts with biodiversity in a lot of ways, whether that be in the marine environment, underground or above ground. However, by focusing on specific planning and engineering considerations rather than taking a holistic approach to biodiversity, the amendment risks distracting from improving the natural environment as a whole.

Amendment 194 would impose a corresponding obligation on Environmental Standards Scotland to report on whether the requirements that are set out in the new part that would be inserted by Mr Lumsden's amendment 306 have been met for any target that relates to energy infrastructure. For the same reasons that I gave for amendment 193, I cannot support amendment 194.

11:30

I turn to amendments 197, 200, 198 and 199. Section 3 sets out the purposes for which the Scottish ministers may exercise the power to make regulations under section 2. Those purposes are essential to ensure that our environmental assessment frameworks will remain robust, aligned with obligations and adaptable to future needs.

Amendments 198 and 199 seek to extend the purposes in relation to energy infrastructure consenting, and they are linked to amendments 197 and 200.

Amendment 197 seeks to add a specific alternative test as a duty at an inappropriate stage and it is duplicative of existing environmental impact assessment requirements. That relates to the point that Sarah Boyack has just highlighted with me. Furthermore, amendments 197 and 200 seek to introduce a new requirement for the Scottish ministers to publish additional information in relation to electricity infrastructure assessments and to show proof of compliance before granting consent.

Amendment 197, once again, includes reserved matters over which the Scottish ministers do not have legislative competence but, instead, exercise executively devolved functions. It remains unclear

whether the consent that is referenced in Mr Lumsden's amendments refers to ministers' approval of regulations under part 2 of the bill or to consent under the Electricity Act 1989 relating to the Scottish ministers' devolved functions. That ambiguity highlights the complexity of the electricity infrastructure regime. Any changes to that intricate regime, where there is a mix of reserved and devolved functions, must be carefully considered by both Parliaments, rather than being introduced in a bill relating to biodiversity. There are reserved implications that have not been considered.

It should also be noted that the relevant regulations, including the Electricity Act 1989 and the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, are outwith the scope of part 2 as they are not relevant environmental impact assessment regulations for the purposes of section 4. Furthermore, they relate to reserved matters and they cannot be amended by the bill. We only have the power—through the recent Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 2025—to amend the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in making regulations for environmental outcomes reports. That is a fact that anyone who is involved in energy policy would know.

The habitats regulations that apply to the applications and electricity infrastructure that are covered by amendments 197 to 200—specifically, the UK-level Conservation of Habitats and Species Regulations 2017—also relate to reserved matters and they are not within the scope of part 2 of the bill. They cannot be subject to the powers in part 2, as that would be outside legislative competence. The purpose of part 2 is not to amend the complex legal regime that underpins the Scottish ministers' consenting functions in relation to energy generation and associated infrastructure, which are largely underpinned by UK Government laws and regulations.

Amendment 305 seeks to require the Scottish ministers to prepare an alternative assessments code for electricity infrastructure, which would set out how underground and subsea alternatives to overhead transmission lines and related above-ground infrastructure are to be assessed against cost, biodiversity net impact, resilience and landscape.

Amendment 306 seeks to introduce community consent requirements and comprehensive assessment obligations for major energy infrastructure, alongside enhanced safety measures for battery storage and a statutory compensation fund for affected communities.

As I have noted, the legislative framework that covers energy infrastructure is complex, with a

mixture of UK Government and Scottish Government legislation. Stage 2 of the bill is not the right place to address those matters and the amendments are therefore not competent. Notably, the generation, transmission, distribution and supply of electricity are reserved matters to the UK Government and cannot be amended by this bill or, indeed, any other bill that is laid in the Scottish Parliament.

Amendment 205 seeks to amend section 5, which modifies the aims of national parks. The effects of that amendment would be to add an additional aim of national parks for

“prohibiting ... new overhead lines or large-scale battery ... storage systems in ... or adjacent to, a National Park, unless underground or sub-sea installation is not ... feasible”

in the devolved context. The generation, transmission, distribution and supply of electricity are reserved matters to the UK Government and cannot be amended by this or any other bill in the Scottish Parliament. We would need UK legislation or for those powers to be wholly devolved to the Scottish Parliament in order to make the provision that amendment 205 proposes.

Amendment 210 seeks to amend sections 11 and 12 of the National Parks (Scotland) Act 2000, which set out the procedure for developing national park plans. The amendment appears to have the intention of giving elements of national park plans statutory weight by requiring planning authorities to refuse permission for overhead lines in areas designated by those plans as no-go corridors,

“unless there is an exceptional justification for doing so.”

As I have said in relation to other amendments, the generation, transmission, distribution and supply of electricity are reserved matters to the UK Government and cannot be amended by this or any other bill in the Scottish Parliament.

The Convener: I call Douglas Lumsden to wind up and press or withdraw amendment 172.

Douglas Lumsden: I am disappointed but not surprised by the cabinet secretary's response. When it comes to engaging with community groups that are impacted by the energy infrastructure, it is clear that the Scottish National Party Government has pulled up the drawbridge a long time ago.

The aim of amendment 172 is to bring more openness and transparency into the whole system, because community groups are angry. We are seeing the overindustrialisation of our countryside, with all the biodiversity loss that it brings. Communities feel that that is not right and not fair. We are concreting over and harming the natural beauty of our countryside and destroying

our farmlands. We must do all that we can to protect our countryside, and these amendments were trying to do that.

I get the point that energy is reserved, but that should not prevent the devolved Government from having a view and putting safeguards in place. Although energy is reserved, the Scottish Government, through planning, is able to block nuclear power, for example. A lot of the amendments mention the impact of the energy infrastructure; there is nothing stopping the Scottish Government from detailing that impact. It might be a reserved matter, but the Government seems to want to stick its head in the sand and say that it is not its responsibility. If the Government were on the side of communities, it would put these safeguards in place.

Christine Grahame: I am not persuaded that the proposed bill is the statute to put these provisions in. However, I assure the member that I have put in objections, as has the South of Scotland Golden Eagle Project in the Tweed valley, against the environmental impact of pylons and so on. So far as one can do so under devolved powers, I and communities are doing that.

Douglas Lumsden: I have also put in objections. However, I think that this is the right place for the provisions. The biodiversity loss from a lot of these energy infrastructure projects is massive. Our countryside is changing—surely, that is what the bill is about and we should be able to put these safeguards in place to try to stop that biodiversity loss.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): The major pylon infrastructure project across the Borders, which Christine Grahame cited, is causing much angst among residents of the area. One of the key concerns that they have is that the Scottish Government overturned planning application decisions in 99.9 per cent of situations. If that continues and the amendment is not accepted, what other measures or means are there for constituents to have their concerns heard in this place?

Douglas Lumsden: I agreed with the cabinet secretary when she mentioned that there should be a mandatory consultation process at the beginning. However, the Scottish Government is trying to strip away the automatic right to a public inquiry from local authorities, which would be a route for local voices to be heard, and which is true devolution—for example, this week, Angus Council objected to the plans of the developer, who, I hope, will go away and drop them or do something different, because there are clear, overwhelming objections in that area. That is why

communities need to be listened to, and I feel that this set of amendments does that.

A huge issue exists just now as more and more of these developments take place. What we have so far is not the end—looking at the National Energy System Operator's plans beyond 2030, there will be more and more. Moreover, more and more are coming because we do not have an energy strategy yet—we do not know where all the offshore and onshore wind should be, whether there is still a presumption against oil and gas or whether all this stuff is needed. It would be good to have an energy strategy so that we could see exactly what is coming but, in its absence, let us have these amendments.

I press amendment 172.

The Convener: The question is, that amendment 172 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 172 disagreed to.

Amendment 23 moved—[Mark Russell].

The Convener: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 23 disagreed to.

Amendment 106 not moved.

Amendment 45 moved—[Ariane Burgess].

The Convener: The question is, that amendment 45 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 45 disagreed to.

Amendment 46 moved—[Ariane Burgess].

The Convener: The question is, that amendment 46 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 46 disagreed to.

Amendment 173 moved—[Ariane Burgess].

The Convener: The question is, that amendment 173 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)

Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

Abstentions

Grant, Rhoda (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 1, Against 7, Abstentions 1.

Amendment 173 disagreed to.

Amendment 107 moved—[Sarah Boyack].

The Convener: The question is, that amendment 107 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 107 disagreed to.

Amendment 174 moved—[Maurice Golden].

The Convener: The question is, that amendment 174 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 174 disagreed to.

11:45

Amendment 108 moved—[Sarah Boyack].

The Convener: The question is, that amendment 108 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 108 disagreed to.

Amendment 176 not moved.

Amendment 175 moved—[Ariane Burgess].

The Convener: The question is, that amendment 175 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

Abstentions

Grant, Rhoda (Highlands and Islands) (Lab)

The Convener: The result of the division is: For 1, Against 7, Abstentions 1.

Amendment 175 disagreed to.

The Convener: I call amendment 177, in the name of Tim Eagle, which has already been debated with amendment 18. I remind members that if amendment 177 is agreed to, I cannot call amendments 109 and 178, because of pre-emption.

Amendment 177 moved—[Tim Eagle].

The Convener: The question is, that amendment 177 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 177 disagreed to.

Amendments 109, 178 and 179 not moved.

Amendment 24 moved—[Mark Russell].

The Convener: The question is, that amendment 24 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 5, Against 4, Abstentions 0.

Amendment 24 agreed to.

Amendment 47 moved—[Ariane Burgess].

The Convener: The question is, that amendment 47 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 47 disagreed to.

Amendment 48 moved—[Ariane Burgess].

The Convener: The question is, that amendment 48 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 48 disagreed to.

Amendments 180 to 182 not moved.

Amendment 111 moved—[Sarah Boyack].

The Convener: The question is, that amendment 111 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 111 disagreed to.

Amendment 112 moved—[Sarah Boyack].

The Convener: The question is, that amendment 112 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 112 disagreed to.

Amendments 14, 183, 184 and 49 not moved.

Amendment 185 moved—[Douglas Lumsden].

The Convener: The question is, that amendment 185 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 185 disagreed to.

Amendments 186 and 15 not moved.

Amendment 113 moved—[Alasdair Allan]—and agreed to.

Amendment 187 not moved.

Amendment 188 moved—[Maurice Golden].

The Convener: The question is, that amendment 188 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 188 disagreed to.

The Convener: I call amendment 189, in the name of Tim Eagle, which has already been debated with amendment 18. I remind members that if amendment 189 is agreed to, I cannot call amendments 190 to 192, because of pre-emption.

Amendment 189 moved—[Tim Eagle].

The Convener: The question is, that amendment 189 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 189 disagreed to.

Amendments 190 to 193 not moved.

Amendment 114 moved—[Alasdair Allan]—and agreed to.

Amendment 312 moved—[Tim Eagle].

The Convener: The question is, that amendment 312 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)

Against

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harper, Emma (South Scotland) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 3, Against 6, Abstentions 0.

Amendment 312 disagreed to.

Amendment 194 not moved.

Amendments 50 to 52 moved—[Emma Roddick]—and agreed to.

Amendments 25 and 16 not moved.

Section 1, as amended, agreed to.

After section 1

Amendment 53 moved—[Gillian Martin]—and agreed to.

The Convener: Amendment 54, in the name of Mercedes Villalba, is grouped with amendments 55, 56, 12, 31, 40, 41, 157, 267 to 270, 284 to 286, 291 to 293, 302, 35 and 35A.

Mercedes Villalba: I will speak to amendment 54 and the three other amendments in my name in the group.

I again put on record my thanks to a number of organisations, in particular the RSPB, the RSE and Scottish Environment Link, for their support in drafting my amendments. I also thank the Scottish Parliament's legislation team again for all their help.

Amendments 54, 55 and 56 should be read and considered in combination with one another, as they all seek to address and shine a light on the extent of environmental damage that is caused by invasive non-native species.

Amendment 54 directly addresses the exemption of conifers from the Wildlife and Natural Environment (Scotland) Act 2011 by ministerial order.

Amendment 55 seeks to address the exemption for the non-native red-legged partridge. I am aware that Lorna Slater has lodged a similar amendment, which I look forward to hearing the detail of. I am of course sympathetic to its principles.

The Sitka spruce and the red-legged partridge are exempt for the simple reason that they deliver commercial profit to private shareholders. In essence, amendments 54 and 55 seek to rectify the damage caused by putting our natural environment up for sale. Amendment 56 would ensure that our natural environment can never be for sale.

12:00

Amendment 12 follows that principle, in that it creates a statutory requirement for proper management of invasive non-native species through the polluter pays principle. I believe that the public support the principle that groups that are responsible for environmental damage due to the introduction of invasive non-native species should bear responsibility for the costs of eradication. That should not only relate to

intentional pollution; it should also apply to accidental pollution, such as that from the seed rain of Sitka spruce. When vast swathes of Scotland's environment are being degraded in the name of commercial profit, it is only right that the financial cost of the conservation and restoration required as a result of that ecological vandalism be the responsibility of the commercial profiteers. If the status quo remains, the public pay not only once, through subsidising already profitable private business, but twice, as the public must also pay for the clean-up of environmental degradation resulting from elements of the businesses concerned, as is the case with the clean-up of Sitka spruce seed rain on peatland.

I did not have the opportunity to discuss the drafting of my amendments with the cabinet secretary in advance of lodging them, and I recognise that it is unlikely that she will recommend to members that they support them today. However, I hope to hear an acknowledgement from her that the current exemptions for commercial purposes are causing additional cost to the public purse for environmental conservation and that the issue needs to be addressed.

I move amendment 54.

Mark Ruskell: As committee members will be aware, it is important that the loophole concerning land covered by a licence for grouse shooting is resolved and that the licensing schemes established under the Wildlife Management and Muirburn (Scotland) Act 2024 operate as Parliament intended them to. Members will be aware that I lodged similar amendments to amendment 31 at stages 2 and 3 of the Land Reform (Scotland) Bill. Since then, I have had constructive conversations with the Cabinet Secretary for Rural Affairs, Land Reform and Islands, and I very much welcome the Government amendment in the name of the Minister for Agriculture and Connectivity, Jim Fairlie, which I believe will be moved in this group. I believe that that is the correct approach and that it has the confidence of stakeholders, with the legislation finally being amended to sort out that particular issue. I thank the Scottish Government for lodging that amendment.

Amendment 41 brings up a new issue for this Parliament, although it has been debated a lot at Westminster. I hope that we can make progress on the matter here at Holyrood, in the Scottish Parliament. I am referring to the plight of swifts. The bill does some big things—it sets targets for nature recovery—but it also has the potential to do some small but very important things to protect nature. As members will be aware, swifts are incredible birds. We welcome them every year when they return from Africa. They are very much

part of our communities, with those incredible wheeling displays.

Thinking back to my childhood, I reflect that I am not seeing so many swifts any more—I am not seeing them return in great numbers—and that is backed up by the statistics. We are seeing a decline in the number of common swifts: the population has fallen by two thirds since 1995. That decline is due to a range of reasons, but perhaps the biggest one is that swifts simply do not have nesting sites any more. We have been very effective at renovating and retrofitting houses and improving building standards, which is important to tackle climate change and make our homes more energy efficient. However, partly as a result of that, we have squeezed out a home for nature from our homes.

It is important that we tackle the nature emergency and the climate emergency. How can we resolve the situation? Amendment 41 is a very simple amendment. It would require something called a swift brick to be mandated to be introduced into all new buildings over 5m in height. What is a swift brick? It is a brick with a hole in it, and it costs about £30. It is already reflected in British building standards, and my amendment reflects that standard. It offers a ready-made solution to the crisis. It is a ready-made solution for swifts that are returning from Africa and that literally have nowhere to nest and nowhere to breed. The amendment would also benefit other species. We know that swift bricks would benefit eight species of birds, including four that are critically red listed.

As I said, a similar amendment was put forward as part of the consideration of the Planning and Infrastructure Bill for England and Wales but, unfortunately, despite a lot of interest at Westminster and a lot of cross-party support over a number of years, it failed to get over the line just a couple of weeks ago. Here at Holyrood, we have an opportunity to cut through some of the politics and do the right thing—to put in place a simple, small but important measure for those birds, which are part of our communities and, undoubtedly, are one of our most iconic species.

Tim Eagle: I will pull your two amendments together. I can get behind you, potentially, in that we can help the swift population by installing those nest boxes, which are not expensive. However, when it comes to what you said about game birds, do you not recognise that the management practices that go along with game birds have huge benefits to birds such as swifts, and various other farmland birds, through the ground cover and so on that we provide and the diversity of grass species and wild bird seed that can be put into the ground?

Mark Ruskell: The committee has spent a long time debating the licensing scheme for grouse moors, and land managers have to bring in important considerations about how they enhance certain species. Amendment 31 is about tidying up an obvious loophole in the Wildlife Management and Muirburn (Scotland) Act 2024.

What I am bringing forward in amendment 41, about swifts, is a simple measure. It is not about difficult issues of land management, such as land management plans, or decisions that land managers have to make; it is about a brick—one brick—in our homes, that could give nature a home.

I can think of all the issues and tricky debates that have taken up the committee's time, but this one is obvious. New houses have to be built to high building standards, have good insulation values and be airtight. That is squeezing out those birds, and the result is that they do not have a home. Put in a 30-quid brick—make that mandatory as part of building standards—and we will by and large solve that problem.

I reflect on the issues by saying that of course the debates on the grouse management legislation have been hard, but the idea in amendment 41 is really easy, and I hope that we in this Parliament can get to a consensus on it—if not today then between stages 2 and 3—which, unfortunately and sadly, Westminster has failed to do. It is a very simple thing for those birds.

Lorna Slater: I do not intend to move amendment 40, in favour of Mercedes Villalba's amendment 12.

It is significant that members from three Opposition parties have lodged amendments concerning the release of pheasants. The RSPB estimates that 31.5 million pheasants are released in the UK annually. Pheasants are tropical birds but, because of explicit exemptions in the Wildlife and Natural Environment (Scotland) Act 2011, no licence is needed by anyone, anywhere, to release any number of pheasants into Scotland without any concern for the spread of disease such as avian flu, impacts on native species or the wellbeing of the birds.

Tim Eagle: Obviously, everyone is allowed their point of view, but I have a concern about the suggestion that pheasants are the problem when it comes to avian flu, given that thousands of geese come to Scotland every winter. Avian flu is being spread through huge amounts of wild bird populations. Pheasants in themselves are not the cause of the spread of avian flu. I want to be clear on that point.

Lorna Slater: Pheasants contribute to the spread of avian flu.

In order even to relocate a red squirrel—something that the members round this table are keen on—you would have to have a licence and 40 pages of paperwork showing that the animal is not diseased, that it is being put in a correct location and that you have considered its wellbeing. However, you can release dozens, hundreds or thousands of tropical birds in Scotland without any consideration of whether they are diseased, whether you are looking after their welfare or whether the release is appropriate to the environment.

I am not saying that we should stop pheasant releases—although, personally, I think that that would be a good idea. I am proposing that they be licensed as we license the release of beavers and as we would license, if we ever got there, the release of lynx—because we want to know who is releasing what into Scotland's environment.

The Convener: Is it not the case that the real impetus behind the amendment has nothing to do with health or the natural environment, and that it is about the Green Party's fundamental opposition to country sports? The removal of country sports and lots of other things that the Greens do not find to be palatable would be just another nail in the coffin for indigenous people in rural Scotland. The amendments on the issue have nothing to do with bird health at all; they are about removing the ability of gamekeepers to do their jobs and bringing an end to country sports.

Lorna Slater: If that were to be the case, I would have included other ground-nesting and game birds in the amendment, but it is about pheasants only. That is because pheasants are not native to Scotland and are not part of our natural ecosystem. If we are releasing tropical birds into Scotland, we should at least know where they are being released, who is releasing them and what impact they are having on the environment. It is suspected that they have an impact by eating the eggs of native reptiles such as the adder, which contributes to reductions in the number of those reptiles. It is also suspected that pheasants contribute to an increase in the fox population, which menace farmers around the country.

However, research has not been done to show how much impact pheasants have, because there has been silence from the gamekeeping lobby. They say, "We'll not look at pheasants, and we'll present that there's no problem." However, the 31.5 million pheasants that are being released into the UK each year—[*Interruption.*] Just let me finish my line.

Those 31.5 million pheasants have more biomass than all the native birds of the UK combined. There are more pheasants by mass than all the native birds in the UK. That is absurd;

there is no way that they are not impacting the environment, although I accept that we need to collect data on that.

Rachael Hamilton: Would the member licence feral pigeons?

Lorna Slater: No one is releasing or relocating feral—

Rachael Hamilton: I mean for shooting.

Lorna Slater: The issue is about humans releasing and relocating animals. You need to have a licence to release a beaver, relocate a red squirrel or release a lynx or another new animal into the environment. You should need a licence to release pheasants into the environment. That is all—a licence.

Tim Eagle: I cannot remember when it was, but the Cairngorms national park did a study that found that the numbers of pheasants were actually pretty low. The number has significantly dropped off from where it was. Does the member recognise that some studies have been done on the issue, which show that what she is saying is not entirely accurate—sorry, I need to change my words there. Does she recognise that some studies show that the number of pheasants is not as big a problem as it could be?

Lorna Slater: That is great—I am glad that we are reducing the potential impacts of pheasants. However, that is still not an argument against licensing. Why treat that one tropical bird species differently from every other animal species on planet earth that might be released into Scotland? We should know how many pheasants there are, who is releasing them and where, and we should know the impact that they are having on our environment. We do not know those things.

The Convener: I am confused, because you suggest that there is an issue while, in the same breath, you suggest that no research has been done. However, there has been research that suggests that the release of game birds in Cairngorms national park is at a low density and is well managed. On the one hand, you suggest that there is no evidence; on the other hand, you say that we should legislate. However, there is evidence, and it shows that the impact is low. On that basis, why do we need to legislate?

Lorna Slater: I am not familiar with the evidence that Tim Eagle cited, but it sounds as if it is specifically about the Cairngorms national park. We are considering legislation for the whole country. The sheer quantity of game birds and pheasants that are being released in Scotland is enormous. If the numbers in Scotland are proportionate to those in the UK, the mass is more than all our native bird species put together. There should absolutely be some urgent research on the

impact of that, but it is extraordinary and unusual that pheasants are specifically exempted in the Wildlife and Natural Environment (Scotland) Act 2011. There is no reason for that one species to be exempted other than that gamekeepers want to be able to shoot them for sport. Consideration was not given to how those pheasants are impacting the environment. Consideration should be given—by licensing.

Mark Ruskell: I keep hens—I have three in my garden—and I need to register that in a poultry register, specifically because of concerns about bird flu. However, there would be no regulation in relation to bird flu at all if I were to release hundreds of pheasants into the environment. Does the member think that that is a bit odd?

Lorna Slater: My understanding is that people who keep pheasants have to register that on the poultry register. That is because, while they are being kept in pens for breeding, pheasants are domesticated. As far as I know, the poultry register is not well kept and is not up to date, and that needs to be worked on. However, once the pheasants are released, they become wild animals. That is specific to game birds. It is true for other types of game birds that are kept in that way, including native ones. If someone is going to relocate a wild animal or introduce one to Scotland, they need a licence. All other species of animals require licences so that we know how many there are and where. That is what I am proposing in relation to pheasants.

12:15

The Convener: You said:

“If the numbers in Scotland are proportionate to those in the UK”.

You are suggesting that we legislate on the matter, but you do not even know whether the UK figures show that there is a problem in Scotland. It seems strange that you are suggesting that we legislate but you do not know the basis for that.

Lorna Slater: The best numbers that I have are from the RSPB, which says that 31.5 million pheasants a year are released into the UK. That figure is not disaggregated for Scotland. I assume that the figure for Scotland is proportionate, because that is the best evidence that I have. However, that is irrelevant to the point that the release of pheasants should be licensed. I am not at this point suggesting that we stop pheasant releases altogether. We would need more data to evidence that.

My understanding is that, when the bill that became the Wildlife and Natural Environment (Scotland) Act 2011 was being debated, the evidence suggested that pheasant releases should be licensed, and that was proposed, but an

exception was carved out in a negotiation with the gamekeeping industry. That should be reconsidered.

It is significant that members of three Opposition parties—the Scottish Green Party, Scottish Labour and the Scottish Liberal Democrats—have lodged amendments about pheasants. It is time to do something about this. Mercedes Villalba and I have proposed licensing through removing the exemption in the 2011 act, while Beatrice Wishart has proposed specific restrictions. The Scottish Government has some options and it must take a serious look at pheasant releases if it is to have any credibility on biodiversity.

The Convener: I understand that the cabinet secretary has a proposal, which has been backed by the rural industries, to look at the extent of game bird releases in Scotland. Would it not be better for her to take that forward and, if necessary, to legislate on the back of that, rather than our bringing in legislation for which there does not appear to be any solid evidence?

Lorna Slater: I would like to hear from the cabinet secretary on that point. I am unclear why the exemption was granted in 2011. It was certainly not granted on environmental grounds, but the gamekeeping lobby won that exemption. I would like to hear from the cabinet secretary what the Scottish Government's intentions are on pheasants.

The Convener: I call Murdo Fraser to speak to amendment 157 and other amendments in the group.

Murdo Fraser (Mid Scotland and Fife) (Con): I want to move on from swifts and pheasants to talk about the other end of the bird family, which is the eagle population—not Tim Eagle, but the golden eagle. Specifically, I want to talk about why Stanley, the sad golden eagle, is sad and why I want the committee to make him happy.

Christine Grahame: You have my attention.

Murdo Fraser: Thank you, Christine.

Amendment 157, which is the only amendment that I have lodged to the bill, deals with a specific issue that has been raised with me by constituents. It seeks to amend section 16 of the Wildlife and Countryside Act 1981 to permit NatureScot to grant licences to allow the taking of mountain hares for the purpose of falconry. I lodged the amendment on behalf of my constituents Barry and Roxanne Blyther, who run a business called Elite Falconry in Fife.

As members might be aware, there are very few falconers in Scotland—there are no more than a few dozen—and it is very much a niche activity. However, the matter is very important to those who participate in the business and sport of

falconry. My amendment seeks to address what I think was an unintended consequence of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020, which includes the protection of mountain hares.

Members who were in Parliament at that time might recall that, when the bill passed through Parliament, a late stage 3 amendment was accepted to include mountain hares among protected species. Because that was introduced at stage 3, there was no appropriate opportunity to allow proper consultation and discussion on the implications of that.

Had that been permitted, an unintended consequence would have become obvious: the impact on the sport and activities of falconers. The consequence of the change to the law in 2020 is that someone who flies birds of prey that swoop down and kill a mountain hare, which is in their nature to do, over moorland is guilty of an offence. That makes it very hazardous for falconers to do that activity where mountain hares might live, so they are severely restricted.

Therefore, the purpose of amendment 157 is to permit NatureScot to license falconers so that they can continue their activity on moorland, where mountain hares might be, without the fear of being prosecuted. When issuing such licences, NatureScot would be required to consider the welfare of mountain hares and their population numbers in the normal way, so the amendment is not about writing a blank cheque and putting the mountain hare population at risk.

Members might be aware that the issue has been assiduously pursued by my constituents through the Citizen Participation and Public Petitions Committee. They might recall that Jackson Carlaw, the convener of that committee, hosted Stanley the sad golden eagle in the parliamentary garden. I recall, as other members will do with some amusement, the terror on Jackson Carlaw's face as he stood in the close vicinity of the golden eagle. That committee supported the petition and urged the Scottish Government to change the law in the area.

My sensible proposition will allow NatureScot to license falconers to continue their activities on moorland. It would not have any serious impact on the mountain hare population given the numbers involved. We would allow falconers to conduct their business without fear of prosecution. I hope that colleagues on the committee who are sympathetic to golden eagles and falconers will grant their support and make Stanley the sad golden eagle a happy golden eagle instead.

The Convener: Appropriately, I call Tim Eagle to speak to amendment 267 and other amendments in the group.

Tim Eagle: I am happy to be Tim the sad eagle if members back my amendments.

Amendment 267 would introduce a review of the introduction of species. It would require ministers to establish a review to consider the impact of rewilding, species introduction and non-native species introduction. It would require ministers to consult those who have been affected by such activities and prepare and publish a report.

A species reintroduction review is urgently needed because the experience of farmers, including those on the west coast of Scotland, shows how imbalanced current approaches have become. The return of beavers has brought well-known ecological benefits, but in many areas it has also created flooding, blocked drains and destroyed productive farmland, which has left farmers to absorb the cost with limited support. Likewise, the expanding population of white-tailed sea eagles has had a severe impact on livestock, with lambs being taken every year and crofters facing emotional and financial strain.

Those issues are real, documented and growing. We are seeing heartbreak for farmers every year and little to no action being taken.

Rhoda Grant: Will you take an intervention?

The Convener: I am finding it difficult to hear. Could members keep their conversations as low as possible, particularly when someone sitting right next to them intervenes?

Christine Grahame: I beg your pardon.

Rhoda Grant: I have some sympathy with amendment 267, but I am puzzled as to why it does not apply to deer or pheasants, which also cause a nuisance. I would have been tempted to vote for the amendment had it not been for the proposed subsection that would exempt them.

Tim Eagle: I will come back to that point in a second because I want to address the cabinet secretary about it.

A proper review would not oppose reintroductions but ensure that they are managed responsibly through clear assessments of local impact, meaningful consultations with those who live and work on the land and workable mitigations and compensation schemes that would be put in place. Without that balance, reintroduction risks undermining rural livelihoods rather than supporting the thriving, sustainable countryside that Scotland wants to achieve.

Building on the findings of recent reviews, amendment 268 would create a clear and reliable compensation scheme for rural businesses impacted by—

Mark Ruskell: Will you take an intervention?

Tim Eagle: Absolutely.

Mark Ruskell: I am thinking about the situation in Mull, where a number of farm businesses have benefited from the white-tailed eagle's reintroduction. The island has had a huge amount of wildlife tourism, which has enabled some farmers to diversify and offer experiences on their farm, and more tourists have come in as a result. Economic impact studies have shown that millions of pounds have come into the Mull economy partly as a result of the white-tailed eagle's reintroduction.

How would the compensation scheme deal with the benefit that the white-tailed eagle has brought to Mull? I declare an interest as species champion for the white-tailed eagle.

Tim Eagle: Gosh—it is all about eagles this morning.

I have been on Mull a few times and the matter has not come up, but I recognise that there might be some tourism benefits from the reintroduction of such species. That is why I have said clearly that I am not opposing species reintroduction. I was in the Western Isles over the summer and, as I went down through the Uists, I had pretty much the same conversation with crofters over and over again about how traditional agricultural practices were being hurt by white-tailed eagles. Interestingly, however, very few crofters said, "I just want to kill them all." They all said, "We just need help and support where our businesses are being damaged."

This is the point that I was about to come on to. Scotland currently operates a limited support scheme for losses to sea eagles and for certain beaver-related impacts. I mention those because I think that they are relevant—and we could expand the scheme to other species. Farmers and crofters repeatedly report that the scheme is slow and bureaucratic and does not come close to covering the real costs of long-term disruption. My amendment 268 would take the matter further by ensuring that, where reintroduced or recovering species create genuine, evidenced losses, those who steward the land are properly supported.

In both amendments 267 and 268 I am trying to strike the balance that I think rural Scotland needs between meeting the ambitions in the bill and ensuring that small, rural and, often, family businesses are not harmed to the extent that we exacerbate rural depopulation. If the cabinet secretary is minded to discuss that with me in more depth prior to stage 3, I would be happy not to press the amendments today.

The Convener: I call Beatrice Wishart to speak to amendment 269 and other amendments in the group.

Beatrice Wishart: The purpose of amendment 269 is to give Scottish ministers the power to restrict releases of non-native game birds where those releases risk damaging flora, fauna or the wider environment. It would enable ministers to specify where and when such restrictions apply, based on evidence of environmental harm.

Releases of non-native game birds can cause significant impacts on habitats, species and ecosystem function, particularly in sensitive areas, including island ecosystems. The birds also carry disease, including highly pathogenic avian influenza and they can transmit the pathogens to native wildlife. Several mass mortality events in Scotland in recent years that were caused by HPAI involved game birds being reared and released into the natural environment. That is a serious threat to native wildlife.

Current legislation does not provide sufficient regulatory tools to address situations where such releases are causing, or are at risk of causing, environmental damage or require disease control. Amendment 269 would provide a proportionate, evidence-based mechanism that would allow ministers to intervene only where necessary and only in defined areas and time periods. It would ensure that Scotland's invasive non-native species framework is able to respond to recognised ecological and disease pressures while maintaining clarity for land managers and the shooting sector.

The aim of amendment 270 is to amend section 44 of the Nature Conservation (Scotland) Act 2004 to give NatureScot explicit powers of entry to land for the purpose of monitoring or assessing species that are considered to be outside their native range.

The amendment would add a new entry power to section 44 of the 2004 act, in proposed new subsection (1)(ka), that would allow NatureScot to confirm the presence or absence of highly mobile invasive non-native species. Highly mobile INNS such as certain mammal or bird species can spread rapidly and can cause significant ecological harm if they are not detected.

The Convener: I think that pheasants are the target of the member's amendment. Does she appreciate that keepers are already required to use the kept bird register, a disease control mechanism that would address some of the issues? My fear is that others might be using licensing as a way to prevent further country sports—which are incredibly important, given that something like £167 million goes into the economy and directly into conservation measures as a result of country sports.

12:30

Beatrice Wishart: The aim is not to prevent country sports. I became aware of the introduction to Shetland of red-legged partridges, which is a non-native species. That is why I have lodged the amendments.

NatureScot's ability to monitor these species is constrained where access permissions are refused or delayed, which slows response times and increases management costs. Amendment 270 would provide the practical access that is needed for early detection, accurate assessment and timely intervention—key principles of effective non-native species management. Strengthening monitoring powers supports Scotland's obligations under the non-native species code of practice and the precautionary approach that is embedded in biodiversity law.

The Convener: I call Rachael Hamilton to speak to amendment 284 and other amendments in the group.

Rachael Hamilton: Amendments 284 to 286 offer various approaches to improving the protections for the ancient wild goat herd in Newcastle and Langholm. These amendments were prompted by discussions with my constituents in Newcastle, including the Wild Goat Conservation Trust, which has raised serious concerns about the preservation of its local herd. In February, plans to cull 85 per cent of the herd were announced—an action carried out during the breeding season, causing significant distress to the community. That ad hoc and unscientific approach poses an existential threat to the herd. The goats are not only ecologically important but of significant cultural and heritage value. I remind the committee that 13,000 local residents signed a petition calling for the goats' protection.

The goats have inhabited the moorlands between Newcastle and Langholm for centuries. They are fully wild and form part of the delicate ecology of those protected uplands. However, despite their importance, wild goats have no legal protection in Scotland. The Government has stated that it has no plans to provide full legal protected status for primitive or feral goats. The lack of protection has left that specific herd vulnerable and its future increasingly uncertain.

Section 9 of the Wildlife and Countryside Act 1981 gives the animals that are listed in schedule 5 protected status and makes it an offence to intentionally or recklessly kill, injure or take any wild animal listed in it. Amendment 284 would give the wild goat protected status by adding it to schedule 5 of the 1981 act.

As an alternative, amendment 285 would provide for the protection of wild goats and their

habitat through the designation of a site of special scientific interest in Langholm and Newcastleton. That would not go as far as creating an offence but would outline the fact that wildlife, including goats, might be a consideration and are just as distinct as any other sub-population that is protected. The burnet moth is an example of that approach.

Amendment 286 would provide ministers with a regulation-making power to provide protection for Langholm and Newcastleton wild goats.

Amendments 291 to 293 were drafted following discussions with the Central Borders Red Squirrel Network, which aims to stop the decline of red squirrel populations in the Scottish Borders by containing or significantly slowing the progress of squirrel pox in the south of Scotland, and to improve conditions for viable red squirrel populations across Scotland. The population of grey squirrels, which is listed as one of the 100 worst invasive non-native species by the International Union for Conservation of Nature, is approaching 3 million, and the red population has fallen to around 287,000, with 75 per cent found in Scotland. My amendments aim to inform management interventions and to provide greater protections for red squirrels.

Amendment 291 would require a review of the squirrel pox virus, including the impact of the virus on red squirrels, the spread of the virus across Scotland and what action must be taken to tackle that. The amendment would allow for the review to be delegated to local authorities and NatureScot to work together to consider what action needs to be taken.

Amendment 292 would establish a red squirrel awareness campaign to promote awareness of the preservation and control of red squirrels and would require that ministers engage with relevant stakeholders when designating and implementing such a campaign.

Amendment 293 would require Scottish ministers to undertake a review of whether legislative change is required to further separate the provision for non-native species and non-native plants under the 1981 act. This amendment aims to separate the invasive grey squirrels from plants in terms of non-native species specification, with the aim of differentiating more explicitly the impacts of managing non-native animals and non-native plants.

Mercedes Villalba: I thank the member for taking my intervention, which actually concerns her earlier amendments relating to goats, if that is okay—I was not quick enough to come in then. I was trying to follow what you were saying, and I am unclear as to the mechanisms that your amendments would leave for the management of

goat herds. As far as I am aware, there are no natural predators, and it appears that your amendments would make it impossible to manage herds of non-native feral goats. Are the goats that you are referring to non-native?

Rachael Hamilton: The goats themselves are not feral—they are wild goats, which is why they are so unique. Their uniqueness is that they have been here for centuries. According to the conservation group, those British primitive goats are descended from goats that were brought to the British Isles by neolithic herdspeople more than 4,000 years ago. They are unique.

That is why this is so important. The conservation group is not against ensuring that older goats be controlled, because they must be. That is just the nature of things since the land sale has happened—Ms Villalba will be aware that Oxygen Conservation purchased some of the land, and Richard Stockdale has been making comments to that effect on some of Ms Villalba's amendments. The conservation group is not against the control of goats, because they must be controlled, but it is supportive of the right method. My amendments would just give those goats a protected status, which would not have an impact on their control.

Moreover, other options exist to protect the habitat of the goat in relation to the regulation-making powers that the Scottish ministers could have. The cabinet secretary has options here, and I am sure that she will give us her opinion on how the three amendments that would ensure protection could be made possible.

Mercedes Villalba: I appreciate your saying that the goats are wild and that they descend from goats that have been here a long time, but I heard you acknowledge that they are not a native species and that management and culls are necessary, but I have not heard why that needs to be brought into primary legislation. Are there not any pre-existing methods to control the species?

Rachael Hamilton: My short answer is that the Langholm and Newcastleton goats are non-native, as you have said. As such, they would be able to be listed in schedule 5. The conservation group and I have looked at the amendments carefully because I had lodged amendments to the Land Reform (Scotland) Bill, but they were not agreed to. We have looked at the issue intensely to work out how to get the amendments through to offer protection or to give the cabinet secretary or the ministers regulation-making powers to designate certain sites.

It is not about not controlling the goats but about ensuring that they are protected so that they are not indiscriminately wiped out as 85 per cent of the

goat herd was, as I have stated. I hope that that answers the member's question.

Ariane Burgess: I was just looking at the detail of your amendment 291 on red squirrels—I apologise for taking you back again. It is great that you want to look into protecting red squirrels, as do many of us. Paragraph (3) of the amendment says:

"The Scottish Ministers may delegate their duty to conduct a review to—

(a) local authorities".

I also note that paragraph (4) of the amendment would require the allocation of

"additional resource to local authorities",

which is great. You have considered that it will cost more to do that work, and I am aware that local authorities are extraordinarily challenged in many ways in relation to biodiversity issues.

Can you provide me with information about where the people to do that work would come from across the 32 local authority areas? Local authorities are quite challenging places in which to operate these days, and people would be needed on the ground to do that type of work.

Rachael Hamilton: Saving Scotland's Red Squirrels, the red squirrel conservation group, pointed out that, at present, its members are voluntarily going out to trap grey squirrels and humanely dispatch them to ensure that we control the spread of the squirrel pox virus. The virus is becoming a serious problem in the south of Scotland. I cannot remember the last time that I saw a red squirrel in the region; only small defined areas still provide a habitat for red squirrels without the presence of the grey squirrel population that is seriously wiping them out. The conservation group's key point was that the situation is now getting to the stage at which it needs support to enable it to continue the good work that it has already been doing voluntarily.

If we are serious about preserving biodiversity and species that are native to Scotland, we really need to look at resources. That does not mean to say that I have to change my amendments or make reference to the financial memorandum because the proposal would cost a lot of money—it is simply about bringing in NatureScot to support local authorities to make an assessment. It is more about the assessment, and local authorities already have the ability to do that. For example, they have officers who go out to look at situations involving seagulls. That has happened in Eyemouth, in my region—there was a designated individual who worked alongside NatureScot.

I thank the member for her intervention, but I do not see what would be required as being onerous or creating a huge financial burden.

To go back to the amendments, I have one comment on Jim Fairlie's amendment 35. My final amendment in the group—amendment 35A—seeks to amend the minister's amendment by deleting lines 11 and 12. Currently, the applicant for the licence will specify the land to which the application relates, and lines 11 and 12 of the minister's amendment allow NatureScot to propose a different area to which the licence should relate.

I have lodged my amendment 35A because I believe that Jim Fairlie's amendment is wrong. As my amendments recognise, the Scottish Government has already said that it will not amend the muirburn licensing scheme that was established in the 2024 act, so how can it justify amending the licences that come under section 16AA of the 1981 act?

Article 1 of protocol 1 to the European convention on human rights, on the protection of property, means that a public authority cannot place restrictions on anyone's property without very good reason. If the minister's amendment were to be agreed to and NatureScot imposed a licence on someone's entire property, is the Government content that that would not breach protocol 1? Perhaps the cabinet secretary can address that concern.

The minister's amendment could also mean that an entire landholding would be subject to the extension of licences to cover the whole landholding. That was already considered in the debate on the bill that became the 2024 act. When the licences took effect, NatureScot unilaterally deviated from the 2024 act, defining "land" as the entire landholding. NatureScot—this is important—later recognised that that was an error in law, after a leading King's counsel deemed the decision *ultra vires*. NatureScot then realigned the application process so that it was within the law.

There are deterrents in place to avoid illegal shooting to ensure the effective deterrence of raptor crime, and NatureScot included a new condition to ensure that licences can be revoked if relevant crimes are being committed by relevant people outside the land to which the licence itself relates.

Finally, in August 2025, NatureScot told the BBC:

"We haven't seen raptor persecution where we have had to act in the case of grouse moor licensing, which is good, but we continue that monitoring and compliance arrangement with Police Scotland and others to make sure that that is the case."

I strongly oppose amendment 55, amendment 40—which Lorna Slater said that she was not going to move anyway—and the amendment in the name of Beatrice Wishart.

With regard to the last of those, I do not think that it is reasonable that NatureScot would monitor and assess the issue where land managers are already doing so. It is completely unnecessary, and slightly worrying.

12:45

Beatrice Wishart talked about control of disease. Land managers already look at implications, and it is important to note that there is currently a kept bird register, along with robust avian influenza protection orders. There is no evidence that those diseases are transmitted between game birds. I therefore do not see that Beatrice Wishart's amendment is relevant.

I was going to intervene on Mercedes Villalba, but I missed the chance to do so. I think that her amendments would have an impact on the survival of songbirds, because the land is currently being managed by land managers who are operating game shoots. Game shooting is worth a huge amount—£760 million—to the Scottish economy, and many jobs in the rural economy are reliant on it.

Mercedes Villalba: On a point of clarification, the member seems to think that my amendments are targeting all game shooting, but they are focused in particular on invasive non-native species.

Rachael Hamilton: I get that, and obviously “game” has a wide definition. However, specifically with regard to common pheasants or red-legged partridge, game shooting is part of that, and it is worth a huge amount—£760 million—even if we break that down and look at the amount that relates to pheasant shooting in comparison with other game-shooting activities. To be honest, most of the red deer are controlled by Forestry and Land Scotland, which is not part of the shooting aspect.

Mercedes Villalba: I would be grateful if the member could point me towards any reports or evidence on the breakdown of the economic impact in relation to native versus non-native species. My understanding is that game shooting does take place with native species. Is the member saying that no shooting would be possible if we did not allow non-native species to be introduced?

Rachael Hamilton: That is irrelevant to my point. I am making the point that 4,000 jobs are reliant on game shooting in Scotland—

Mercedes Villalba: Of non-native species.

Rachael Hamilton: It is not non-native species in all game shooting.

As I said to the member, it is irrelevant whether we break that impact down; the member should have done that in the first place in order to prove that her amendments would have less of an impact than the loss of £760 million to the Scottish economy. Game shooting is important to rural tourism and rural jobs, and the member has set out an ideological position—I am really surprised that Labour and the Greens are coming from that point of view. Those amendments would, in effect, ban pheasant shooting.

The Convener: I call Ariane Burgess to speak to amendment 302 and other amendments in the group.

Ariane Burgess: My amendment 302 relates to access to monitor and assess non-native species. It would amend existing legislation on species control orders when dealing with invasive non-native species. I thank RSPB Scotland for its assistance with the amendment.

The Wildlife and Natural Environment (Scotland) Act 2011 updated the law on management and control of invasive non-native species, and those updates were warmly welcomed by environmental stakeholders. However, in practice, the use of species control orders has been problematic and could benefit from additional improvement through the bill before us.

Issues have arisen in locations where major species eradication projects are under way—for example, the Orkney native wildlife project to remove stoats on the islands to protect bird populations. In that project, and in others like it, project teams employ a variety of humane trapping and capture methods to remove the invasive species. Those projects also work closely with, and are sometimes funded by, NatureScot and the Scottish Government. Projects also have voluntary agreements with most landowners, whether they be public or private, to enable project officers to access and trap invasive species across the expanse of the project area.

The Orkney project has covered more than 900 landholdings. So far, it has taken more than five years to secure access agreements across the project area.

However, there are times when it is not possible to enter into a voluntary agreement, for a variety of reasons. In some cases, that can undermine the success of the project. If the project teams cannot access the land that the invasive target species, such as the stoat, have moved to, their numbers cannot be controlled. Rapid action is needed to control populations of highly mobile species such as stoat.

Securing agreements can be time consuming, and delays risk jeopardising the success of the whole project. Amendment 302 would allow for

project staff to access areas without a control order to assess the extent of the damage caused by invasive species, as defined by NatureScot. It would allow access to the land simply for surveying purposes; it would not allow officers to take any other actions.

The intention is to strike a balance between property rights and dealing with fast-moving developments involving invasive species, allowing staff to access land to assess the damage so that a further course of action can be planned.

The Convener: Before we continue, for time management purposes, I note that my intention is for us to stop before we move on to part 2 of the bill, which is about the power to modify or restate environmental impact assessment legislation and habitats regulations. We will conclude this group, then we will stop.

Gillian Martin: I will speak to amendments 12, 54, 55 and 56 collectively. I acknowledge the concerns that stakeholders and the committee have expressed about invasive non-native species. I am aware that INNS are one of the key drivers of biodiversity loss, as identified by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, and ambitious targets are set out in the global biodiversity framework to tackle that. I am also mindful of the concerns that have been expressed about the species that have been exempted from the provisions in section 14 of the Wildlife and Countryside Act 1981.

Stakeholders have highlighted the potential impacts of the common pheasant and red-legged partridge on our native biodiversity, as well as the risks that those species pose in relation to the spread of avian influenza. Stakeholders have also spoken about the effects of the self-seeding of Sitka spruce on sensitive habitats such as peat bog.

Given those concerns, I absolutely understand why Mercedes Villalba has lodged her set of amendments. I agree entirely that having in place a robust process to manage the impacts of any non-native species that are exempted from section 14(1) and (2) of the Wildlife and Countryside Act 1981 makes sense. However, we must ensure that such a process is aligned fully with current legislation, is workable in practice and does not cause harm to Scotland's rural economy.

Lorna Slater: My intervention follows on from Rachael Hamilton's earlier point. According to Scottish Land & Estates, there are around 439,500 jobs in rural Scotland, which means that the 4,000 gamekeeping jobs that Rachael Hamilton noted represent less than 1 per cent of our rural jobs.

Given that such a huge amount of land is given over to only 4,000 jobs, there is a question to be

asked about whether we are using our resources efficiently and appropriately. If that land were to be used for anything else—whether forestry, nature restoration or farming—more jobs may be created.

The idea that gamekeeping is the best use of that land and the best thing for the economy is incorrect. The data does not show that. It is one use of the land, which is challenging for biodiversity and is not necessarily creating the optimal result for Scotland's rural economy.

Gillian Martin: I appreciate that there are differences of opinion on land use. Lorna Slater has put on record her points about Rachael Hamilton's amendments and contributions.

Amendments 54 and 56 would repeal the list of plant species made exempt under the Wildlife and Countryside Act 1981 while simultaneously removing the ability to list species in future orders, where the reason for the order

"is solely for economic or commercial purposes."

As I said, we can accept—I am very sympathetic to—the concern about the self-seeding of Sitka spruce, which has led to the amendments. However, amendment 54 as drafted could have a detrimental effect on our forestry sector and cause a potential shock to forestry nurseries. The forestry sector relies on long-term stability to reach its goals. Any uncertainty can have severe and long-lasting consequences, particularly on the confidence and viability of tree nurseries.

Non-native conifers are vital to the Scottish economy and help us to meet the Scottish Government's climate change targets. Forests absorb 7.5 metric tonnes of CO₂ annually—that is around 14 per cent of Scotland's greenhouse gas emissions—and provide low-carbon timber, a lot of which is used for construction, as using timber is a way of reducing emissions that are associated with construction. Any shock to supply chains could result in decreased investment, delays to replanting and reductions in new planting—and, therefore, in carbon sequestration. It could also mean more importing of timber, which we do not want to happen in the longer term, and which could cause significant disruption to supply chains and result in job losses in rural areas. The sector is worth £1.1 billion to the Scottish economy, and it supports more than 34,000 jobs, but I cannot stress enough the importance of the carbon sequestration aspect of timber production.

Earlier this year, Ms Villalba wrote to me, setting out her concerns about the impact of a number of non-native species, including Sitka spruce. I am very sympathetic to those concerns. As I set out in my response to her, the Government and Scottish Forestry have been in regular contact regarding concerns about the self-seeding of non-native

trees, and Scottish Forestry is reviewing its guidance for applicants, its staff and the available evidence, to ensure that the guidance is fit for purpose. That includes an upcoming revision to the long-term forest plan guidance. That guidance will take full consideration of the issue. Work is also under way on how the forestry grant scheme could be updated with that very serious and real issue in mind. We need to remember that sustainable forest management, which we, as the Scottish ministers, have a duty to promote, has three pillars: social, environmental and economic.

Amendment 54 goes further, too. By seeking to stop the planting of the species that are listed in part 2 of the schedule to the Wildlife and Countryside Act 1981 (Exceptions to section 14) (Scotland) Order 2012—many of which are native to the UK and Scotland—outside of their native range, the amendment would also impact the sowing of wildflowers for biodiversity. I am sure that that is an unintended consequence, but I need to highlight it to the member.

Amendment 55 would remove the current exemption for common pheasant and red-legged partridges. The Scottish Government is aware of the concern about the potential impact of game bird releases. However, we are concerned that—as has been mentioned by members—we currently do not have a complete calculation of the number of game birds that are being released in Scotland. Without that information, it is very difficult to take an informed view on the potential impacts.

Lorna Slater: Will the cabinet secretary take an intervention?

Gillian Martin: I will finish my point first. Having heard what has been said in today's discussion, we will give careful consideration to whether further research is needed to address the evidence gaps. Although I cannot support the amendment at this stage, I am committed to exploring whether additional research needs to be undertaken—I suggest that it does—in order to strengthen our understanding and to support informed discussion on sustainable game bird management in Scotland in the future.

Lorna Slater: We are in some agreement on the data collection point. My Conservative colleagues to my right have also expressed some frustration that we do not have the data. However, arguing that we do not know how many game birds are released is somewhat circular, given that licensing would provide a mechanism to determine that. I am not suggesting that any restrictions be applied until data is gathered. I am interested in hearing a more robust commitment from the cabinet secretary about data collection so that both sides of the argument can come to the

discussion with some evidence, rather than our own particular views.

Gillian Martin: As I said, I have heard all the arguments on the issue, and they are well rehearsed. I have pretty much committed to further research on the issue, which I think is needed.

Tim Eagle: I agree with Lorna Slater on this point. If we want to come to some agreement, we need more data. The Cairngorms report that I mentioned earlier, which was carried out in partnership with the Game and Wildlife Conservation Trust, made it clear that further research is needed to deepen the understanding of the interactions between the economy and the environment. Would the Scottish Government support a fund to allow that to happen, so that we can get the data that we need?

13:00

Gillian Martin: I am not going to commit to supporting any new funds that have just come up in conversation in stage 2.

Tim Eagle: Will you look into it?

Gillian Martin: A lot of this sits across my portfolio and the portfolios of Ms Gougeon and Mr Fairlie. However, those points are on the record, and I will put the points on the report and that particular evidence to the minister.

I was in the middle of talking about amendment 12, which says that, with any order specifying species for the purpose of listing or relisting them, there would be a requirement to publish a long-term management strategy. Although we can see merit in that approach for any new species that are being considered for the exemption, we do not think that it would be proportionate for that to be done for the 100-plus species that are currently exempt. As I said, that includes a number of commonly sown wild flowers.

If it is not intended that amendment 12 be applied retrospectively to existing orders made under section 14(2B) of the Wildlife and Countryside Act 1981, we would be prepared to work with Ms Villalba on redrafting the amendment for stage 3 to clarify some of the provisions. I have highlighted some unintended consequences of the amendment, so it is sensible that we have a conversation ahead of stage 3 about how we avoid that. I hope that Ms Villalba is amenable to that. If she considers not moving amendments 12, 54, 55 and 56, we can work on them ahead of stage 3.

I turn to amendments 31, 35 and 35A. I am speaking on behalf of Jim Fairlie in addressing amendment 35 today. The amendment will ensure that the Scottish Government achieves the original intention of the grouse licensing scheme that was

introduced by the Wildlife Management and Muirburn (Scotland) Act 2024. It will make sure that the relevant offences committed outside the licensed area can still lead to suspension or revocation of a licence, closing a loophole that undermines enforcement. Without the amendment, offences such as poisoning birds of prey on adjacent land could not result in a licence suspension.

Amendment 35 will ensure that the licensing scheme acts as a meaningful deterrent to wildlife crime. The grouse licensing provisions were fully scrutinised and consulted on during the development of the bill that became the Wildlife Management and Muirburn (Scotland) Act 2024. I thank Mark Ruskell for his support of the amendment. I have a certain interest in it, having taken the bill halfway through the process before it was handed to Mr Fairlie. I agree with the reasoning of the amendment, and I ask the committee to support amendment 35.

Rachael Hamilton: I am looking at the notes that I used earlier when I spoke to Jim Fairlie's amendment 35 to extend the provisions to the entire landholding. The cabinet secretary said that that is to close a loophole. NatureScot already did that, but, as I said, a KC had deemed its decision to be *ultra vires*. What is the Scottish Government's position on the legality of doing that in the amendment?

Gillian Martin: I note that I am speaking to Mr Fairlie's portfolio. When Mr Fairlie makes decisions on amendments that are lodged, he always has them checked by the Scottish Government legal department, so I will leave that one for him. One of the points that I will take away is for Mr Fairlie to get in touch with Rachael Hamilton to give her that detail—

Rachael Hamilton: Cabinet secretary, I am seriously worried that the amendment will be agreed to today, because the vote on the amendment will be whacked.

Gillian Martin: I have given the best answer that I possibly can. Rachael Hamilton will appreciate that, in order to keep the mechanics of the committee meeting going, I have opted to move amendment 35 on behalf of Mr Fairlie, so that I can get through all the amendments in the interests of time. Mr Fairlie will watch the meeting and read the *Official Report*, and he will note those points.

Christine Grahame: I think that I am correct in saying that you are not able to deal with that point yourself, cabinet secretary, as it is Mr Fairlie's amendment that we are discussing. However, there is an opportunity to deal with any issues at stage 3. I, too, would be concerned if the matter was *ultra vires*.

Gillian Martin: As usual, Christine Grahame gives members her experience and wisdom. She makes an extremely valid point.

I will now come on to—

Tim Eagle: Will the cabinet secretary take an intervention?

Gillian Martin: Yes—although it is up to the convener. I can stay here all day.

Tim Eagle: Excellent—although I would like to get away at some point.

If I could corroborate what Rachael Hamilton has just said, there is a serious level of concern here. The minister made some claims in a letter to the committee about some of the landholdings not following the guidance or the letter of the law, which I think is an unsubstantiated claim. My understanding from NatureScot is that there has been no breaking of the rules at all.

Given the significant level of concern—I know that the issue sits with Jim Fairlie more than with you, cabinet secretary—could you at least agree not to push the matter forward today and work with stakeholders and MSPs who have concern about it before stage 3? That would allow us to debate the issue more fully in the background and have an opportunity to discuss it more fully with Jim Fairlie before proceeding with the amendment,

Gillian Martin: Mr Fairlie engages with all stakeholders in his portfolio, and I have absolutely no doubt that he does so rigorously and thoroughly. I am going to move his amendment 35; I have been asked to do so, and I—

The Convener: Cabinet secretary, can I intervene? There are some serious claims that the minister has potentially inadvertently misled the committee in the letter that he wrote, which suggested that some estates had not adhered to the letter of the law in obtaining licensing. There is great dispute as to whether that is the case. Indeed, there is some anecdotal evidence that NatureScot did not agree with the statement in the letter.

The minister is not here to answer questions, and we will be voting on amendment 35—albeit not today. There is an opportunity for Mr Fairlie to write to the committee, just to ensure that the concerns that you have heard today are addressed before we vote on the amendment. It would be most helpful if you could give a commitment that the questions that you are not able to answer are addressed before the committee takes a fairly major step in agreeing to legislation.

Gillian Martin: You are bringing up a letter that I have not written—that Mr Fairlie has written. He will be looking at the meeting, and we will pass

back to him your wish for him to engage with the committee on the substance of that letter.

I was talking about Mr Fairlie's amendment 35. Mr Ruskell's amendment 31 seeks to achieve a similar outcome, so I appreciate that he will probably not move it. He seems satisfied with Mr Fairlie's amendment closing the loophole, as it has been put.

Amendment 35A, which seeks to amend Mr Fairlie's amendment, removing the express power for NatureScot to propose an alternative licence area, would lead to confusion. Section 16AA of the Wildlife and Countryside Act 1981 will still require applicants to "describe", as opposed to "identify", the proposed area of land to which the licence is to relate and thereafter to set out that, if it is unable to reach agreement with the applicant as to what is an appropriate area of land, NatureScot can refuse the application. Therefore, there may still be some back and forth between the applicant and NatureScot to seek to agree the area. Not having express provisions setting that out could lead to confusion as to the process.

Rachael Hamilton: Will the cabinet secretary take an intervention?

Gillian Martin: I will.

Rachael Hamilton: You are being very generous, as Jim Fairlie is not here to defend his amendments.

I am sufficiently concerned to reiterate what the Government originally said when the committee—I was a member of it at the time—took through the muirburn and grouse moor licensing provisions. It is on record that, at that point, the Scottish Government said that it would not amend the section 16AA licence, as set out in the Wildlife Management and Muirburn (Scotland) Act 2024. Jim Fairlie is not here to give an explanation. To quote the cabinet secretary, she said that she is here to do the job of Jim Fairlie—but just to read the notes and not respond to the concerns—*[Interruption.]* No, I am being hugely respectful, cabinet secretary.

Gillian Martin: I do not think that you are.

Rachael Hamilton: Apologies if you believe that I am not, cabinet secretary, but the minister is not here to defend what he wrote or to explain his views on the concerns that the committee or others have about amendment 35. Considering that the Scottish Government said that it would not amend the section 16AA licence, the proposals go against what the Government committed to.

Gillian Martin: Mr Fairlie's amendment speaks for itself and members can judge whether to support it. I have laid out the reasoning for the amendment. As all ministers do when we are making legislation, Mr Fairlie consulted Scottish

Government legal advisers. He lodged the amendment. I stand by that; there is collective responsibility.

My fellow bill ministers and I are aware of the concerns that have been raised about the release of non-native game birds, and we understand the intention behind amendment 40. However, I must be clear that, as drafted, the amendment will have no effect. It will not revive the provisions that were removed by the Wildlife and Natural Environment (Scotland) Act 2011. I therefore encourage the committee to reject amendment 40.

Amendment 41, in the name of Mark Ruskell, recognises the desire to promote biodiversity to new development across Scotland. I am sympathetic to that, as somebody who cares very much about the migrant population of swifts that comes to Aberdeenshire every year. I encourage members to visit Portsoy, which has a cliff face with a number of holes that the swifts can be seen going into and out of, feeding their young. It is a natural wonder.

However, amendment 41 is not necessary. Scottish ministers already have powers to introduce regulation to effect such change. Securing positive effects for biodiversity is already one of the six statutory outcomes in national planning framework 4, which was published in 2023. Relevant policies are underpinned by NatureScot guidance, which include recommended measures that new development can take to enhance biodiversity, such as by providing homes for small birds.

We must, however, take into account the primary aims of building regulations, which focus on health and safety and building performance. The proposed change could affect factors that need detailed consideration. Officials have indicated that the matter could be considered as part of a future review of standard 7.1 of the building regulations. Given the importance of following due process on matters that concern the design and fabric of new buildings, it is only right that such matters be considered in a comprehensive and meaningful way and in collaboration with key stakeholders involved in the delivery of our built environment. For those reasons, I ask Mark Ruskell not to move amendment 41. He might want to investigate what I have just put to him with regard to the advice that we have been given on the issue.

The Convener: I seek clarification. The argument that you are making for Mark Ruskell's amendment not to be made to the bill does not appear to sit with the argument that Jim Fairlie's amendment should be able to amend the Wildlife Management and Muirburn (Scotland) Act 2024. Mark Ruskell appears to be using amendment 41

to ensure that the Government implements his proposed change.

Gillian Martin: With all due respect, Mr Carson, I do not think that you can relate what Mark Ruskell is trying to do to another amendment. I am saying that securing positive effects for biodiversity is already one of the six statutory outcomes in NPF4. Officials have advised me to pass on to the committee and to Mr Ruskell the information that what he wishes to do with amendment 41 can be achieved through building regulations. Further, they have advised the matter could be reviewed, allowing the proposal to come into effect if the right consultation with stakeholders, due diligence and evidence gathering were undertaken.

On amendment 157, the legislation is clear that birds of prey can still be used to take mountain hares for other purposes when that is carried out under a licence granted by NatureScot. I will give Murdo Fraser a bit of detail on that. Licences have been issued as recently as this year. Mountain hares are a protected species in Scotland because of concerns about their population. We appreciate that there are many occasions when falconers and birds might take non-target species, such as mountain hares, when they have been legitimately hunting other species such as red grouse. Provided that that was not done intentionally or recklessly, it would be unlikely to be considered an offence.

Furthermore, as drafted, the amendment goes much further than allowing the taking of mountain hares for the purpose of falconry. It would permit any species listed in schedules 5, 5A or 6A to the Wildlife and Countryside Act 1981 to be taken for the purposes of falconry, which could include grass snakes and water voles. I stress, however, that if mountain hares are taken unintentionally, it is unlikely to be considered an offence.

Murdo Fraser: I am grateful to the cabinet secretary for that explanation. How would intention be established in those circumstances?

13:15

Gillian Martin: It is for police officers to determine whether a mountain hare was taken intentionally, and they would need to demonstrate that that was the case. Mr Fraser is a lawyer, and he will know that such a case would be up to lawyers to prove.

That is the advice that I have been given on the issue. I remember when the provision was put in at stage 3 of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill, when there was no scrutiny of it. I gently say to members that, since that happened, a great

number of things have been brought into many bills at stage 3 where that has been the case.

On amendment 267, Tim Eagle mentioned that the Scottish Government has a robust mechanism for monitoring species introduction and managing impacts through existing legislation and policy frameworks. Creating a statutory review would add bureaucracy without delivering any new benefits. Ministers have powers to review and adapt species management policy as needed, so an additional, rigid statutory requirement is unnecessary. Further, as another member mentioned, deer and pheasants are excluded without explanation.

I appreciate Tim Eagle's offer with regard to amendment 268. I do not know whether he was suggesting that he would not move amendments 267 and 268, but I appreciate that he wants to have more discussions going forward, and I am always willing to have such discussions.

On amendment 268, the Scottish Government provides targeted support for landowners who are impacted by species introduction through established schemes such as the sea eagle management scheme and the beaver mitigation scheme, which are delivered by NatureScot. Those programmes offer practical assistance and financial support where needed.

The current schemes address real impacts without creating a blanket entitlement. Crucially, they allow NatureScot to respond quickly and proportionately. I take Tim Eagle's point that there might have been instances when that has not happened as quickly as some people would like. I am happy to engage with NatureScot—I have done so in previous ministerial roles in situations where that has been the case. For those reasons, I encourage Tim Eagle not to move amendment 269, and I encourage members to oppose it if it is moved.

I listened carefully to what was said about the proposal in amendment 269, which would allow ministers to take action in certain circumstances to prevent the release of pheasants or red-legged partridges. There are a number of existing powers under which ministers and NatureScot can take action to protect biodiversity from any negative impacts of game birds. If Beatrice Wishart thinks that there is a genuine gap in the current legislative protections, Mr Fairlie would be willing to discuss that further—he asked me to relay that if she does not move her amendment at this stage.

I am aware that Beatrice Wishart lodged amendment 270 and Ariane Burgess lodged amendment 302 due to difficulties that have arisen in accessing land to tackle invasive non-native species, particularly in Orkney, where the groundbreaking work at the Orkney Native Wildlife

Project has been incredibly successful. However, we are unable to accept the amendments at this stage, as we need time to consider them carefully, given the implications of granting such additional power. We want to make sure that any additional power is proportionate and appropriate. It would be prudent to wait to hear further recommendations that Environmental Standards Scotland might make following its investigation into invasive non-native species. On that basis, I ask Beatrice Wishart not to move amendment 270 and Ariane Burgess not to move amendment 302. I am willing to engage with them ahead of stage 3 to see whether we can work together on amendments that we can all support.

I appreciate the sentiment around the Langholm-Newcastleton goats. However, amendments 284 to 286 would give statutory protection to a non-native species. Mercedes Villalba made that point quite succinctly a number of times: it is a fact that the goats are a non-native species.

Rachael Hamilton: Will the cabinet secretary take an intervention?

Gillian Martin: Can I finish my point?

Providing the goats with the increased protections that are set out in the amendments would conflict with Scotland's biodiversity strategy, and legal protection could prevent the necessary population management, leading to overgrazing and to damage to sensitive upland ecosystems.

I will take Rachael Hamilton's intervention.

Rachael Hamilton: When I spoke to members of the Wild Goat Conservation Trust, they explained that, although schedule 5 to the Wildlife and Countryside Act 1981 does not include any non-native species, it was carefully worded so as not to preclude the possibility of doing so. In describing the animals and plants listed in the protecting provisions, the 1981 act uses the terms "principally" and "in general" in respect of those being indigenous to the UK. It is therefore entirely possible to use schedule 5 to refer to the goats as being "principally" and "in general" indigenous to the UK.

Gillian Martin: There is a risk that that might create pressure to protect other introduced species. The key point that Rachael Hamilton is missing is that that could weaken Scotland's invasive species management framework, when we are all aware of the impact that non-native invasive species can have on our indigenous and native wildlife. It could also complicate future decisions on species control and erode consistency in biodiversity policy, which could have a really serious effect. I believe that local management agreements are a far better and more flexible alternative to rigid statutory

protection in the particular case that Rachael Hamilton raises.

Finally—as everyone will be pleased to hear—on amendments 291 to 293, Scotland already invests heavily in red squirrel conservation through the Scottish squirrel group. That programme delivers grey squirrel control, squirrel pox monitoring, habitat restoration and community engagement, and is supported by more than £1 million from the nature restoration fund. There is a risk that additional statutory reviews and awareness campaigns would duplicate that work, create unnecessary costs and divert resources away from practical action that I think we all agree is absolutely necessary.

Rachael Hamilton: Will the cabinet secretary take an intervention?

Gillian Martin: I do not think that any of us wants to see any reduction in funding for that practical action in order to pay for bureaucratic exercises when measures are already available.

I will take Rachael Hamilton's intervention now.

Rachael Hamilton: Would the cabinet secretary consider meeting the red squirrel group? I think that the speaking notes from which she has just read actually undermine—

Gillian Martin: Convener, can I make a point of order?

The Convener: There are no points of order in committee meetings, cabinet secretary.

Gillian Martin: On two occasions now, Rachael Hamilton has referred to me doing my job as "reading out notes", which I think is disrespectful.

Rachael Hamilton: May I apologise, convener, if the cabinet secretary believes that to be disrespectful? I will describe it in a different way. The cabinet secretary has an opinion on the amendments, which are supported by the red squirrel group. The evidence that the group has provided to me is being undermined by the cabinet secretary's explanation of an awareness campaign as being something "bureaucratic". The pox virus is spreading and is causing huge issues in the south of Scotland. I am not sure whether the cabinet secretary is aware of the extent to which that is happening.

Gillian Martin: As the minister with responsibility for biodiversity, I am absolutely aware of the impact of squirrel pox and of the pressure caused by the grey squirrel, which is an invasive non-native species that was introduced to this country and is having an effect on red squirrels. I come from a rural area where a great deal of work has been done to reduce the grey squirrel population, and I pay particular tribute to the work done at Haddo house, where there is a

fantastic programme. There are red squirrels in abundance in Aberdeen as a result of that work.

I do not need to be told that I have no awareness of the issue. I am not diminishing the concerns of the red squirrel group that Ms Hamilton refers to and would be happy to meet with it. I am not fixed in my views about what we can do to protect the red squirrel; I am merely pointing out that what Rachael Hamilton is proposing would take away funding that could otherwise be used for direct action that actually yields results.

Our current strategies are evidence based and adaptive. Locking the proposed duties into legislation would add a bureaucratic layer that does not have to be there, because we can, on an on-going basis, look at new strategies as science and techniques develop to protect our red squirrel species. As such, I firmly believe that our focus should remain on strengthening existing programmes that are proven to be effective—I mentioned one in my area—and will have a material effect on red squirrel conservation. For those reasons, I encourage members to oppose amendments 291 to 293.

The Convener: I call Mercedes Villalba to wind up and press or withdraw amendment 54.

Mercedes Villalba: I think that this is my first time winding up a group at stage 2, so I am quite excited, but I will not take up too much more of everyone's time.

I am pleased to hear that the cabinet secretary has acknowledged stakeholders' concerns about invasive non-native species as drivers of biodiversity loss, and I look forward to working with her on revised amendments ahead of stage 3.

I will take a few minutes to respond to the points that the cabinet secretary made about conifers helping Scotland to meet climate change targets. There are native and non-native species, and we have an abundance of non-native Sitka spruce. Yes, they sequester carbon, but that type of tree is very fast growing and has a short life cycle, which means that it is chopped down and then the carbon is released. It is possible to meet our climate change targets by investing in native woodland.

The Convener: Has the member considered the huge demand for timber products that are grown in Scotland? Some of her ideas would result in timber being imported from areas that focus less on the natural environment.

Mercedes Villalba: Convener, I am glad that you made that point, because yes, I am aware of that—I was just coming to it.

The demand for timber is in construction and it is for hardwood. The majority of what we grow and

produce is softwood. It gets chopped up and exported while we import a great deal of wood for construction. We no longer have the vast native hardwood forests that we once had. We can bring them back by having mixed woodland and continuous cover, rather than chopping down whole forests at a time. There is a pathway to that. I accept that it will be a transitional process and will not happen overnight, but it is not the case that we cannot make interventions on non-native species because we are dependent on them. We are dependent on importing high-quality timber from overseas, and we need to increase our native-grown timber for construction and for the transition.

The Convener: Will the member take an intervention?

Mercedes Villalba: I will continue.

I have covered the point about how we already import timber. Sadly, a lot of the timber that we grow is used for compound materials or wood-fired heating. We are not growing the large ancient trees that we once did to produce things. That is just not the case.

The cabinet secretary said that the industry contributes £1.1 billion to the Scottish economy. That sounds like a healthy and vibrant business that does not require public subsidy. It would be better to redirect public subsidy to industries that are struggling but which provide a higher level of sustainability for the country and help us with our transition. We should not be rewarding industries that harm and pollute.

We publicly subsidise healthy industries, and the results of those industries lead to environmental degradation that the public then pays to clear up. Something is going wrong there.

13:30

The cabinet secretary referred to the issue being included in forthcoming forest plan guidance, and it would be interesting to hear more about that, especially ahead of stage 3, because I would be reluctant to drop the issue and leave it out of the bill without some assurance that it will be addressed.

The Convener: I do not recognise most of what the member said about the Scottish timber industry. Does she not recognise that some of the most successful production of hardwood or hardwood plantation is carried out by the very same forestry companies that she has mentioned, and that an ever-increasing percentage of land put aside for conifer plantations is reserved for native hardwoods?

Mercedes Villalba: You say that it is an ever-increasing percentage without providing any

figures. An ever-increasing percentage of not very much is still not very much, and we need to go much further and faster.

With that, I will conclude. I will not press amendment 54 today on the ground that I will be working with the cabinet secretary ahead of stage 3.

Amendment 54, by agreement, withdrawn.

Amendments 55, 56 and 195 not moved.

The Convener: That concludes our consideration of stage 2 amendments for today. However, on the back of some points that were made during the debate, I am minded to write to the minister to ask for a detailed written response to be sent to the committee in advance of further consideration of amendment 35.

The committee was going to move into private session to discuss our work programme, but I am afraid that we have run out of time, so we will look at that next week. That concludes our business for today.

Meeting closed at 13:32.

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