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Rural Affairs and Islands Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP

May 9, 2025

To Whom It May Concern:

### **Response to The Natural Environment (Scotland) Bill consultation**

Scottish Renewables (SR) is the voice of Scotland's renewable energy industry. Our vision is for Scotland to lead the world in renewable energy. We work to grow Scotland's renewable energy sector and sustain its position at the forefront of the global clean energy industry. We represent over 360 organisations that deliver investment, jobs, social benefit and reduce the carbon emissions which cause climate change.

Our members work across all renewable technologies, in Scotland, the UK, Europe and around the world, ranging from energy suppliers, operators and manufacturers to small developers, installers, and community groups, as well as companies throughout the supply chain. In representing them, we aim to lead and inform the debate on how the growth of renewable energy can provide solutions to help sustainably heat and power Scotland's homes and businesses.

SR appreciates the opportunity to provide feedback on the Natural Environment (Scotland) Bill. We support the bill's aims and ask Scottish Ministers to ensure that any biodiversity statutory targets do not compete with net-zero statutory targets to ensure that Scotland continues to address the twin biodiversity and climate crises.

We strongly encourage the Scottish Government to work with the UK Government to amend Clause 20 of the Planning and Infrastructure Bill to reinstate full powers to amend the Electricity Works (Scotland) EIA Regulations 2017, rather than only in specific cases as currently proposed in the Bill. This would allow Scottish Ministers to amend EIA regulations for all electricity projects.

Please see our response to select questions below. Should you have any questions about our response, please do not hesitate to reach out.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Amundson', with a stylized, flowing script.

Megan Amundson  
**Head of Onshore Wind & Consenting**  
**Scottish Renewables**

## Natural Environment Bill Consultation Questions

### Part 1 – Targets for improving biodiversity

#### 1. Are statutory nature targets needed in Scotland?

Scottish Renewables and our members support addressing the twin crises of biodiversity and climate. We welcome efforts to ensure that, like statutory net-zero targets, there are efforts to ensure Scotland is actively protecting and restoring nature.

We are concerned that statutory biodiversity targets may conflict with statutory net-zero targets. Renewable energy developers are key partners in the effort to protect nature. However, conflicting targets could prevent renewable projects from moving forward and result in less nature protected and restored. Since we cannot protect biodiversity without combatting climate change, it is important that targets and goals are synergistic.

Neither this legislation nor secondary legislation should be prescriptive in how Scotland achieves the 30 x 30 goal. Given the challenges around creating effective biodiversity targets, an effort to meet 30 x 30 should include room for innovation and a variety of land uses. This should include developing land for wind farms rather than land designations that preclude development and private/public partnerships to protect nature.

We look forward to partnering with Scottish Ministers to ensure synergy between net-zero and biodiversity targets and goals.

#### 2. Are you satisfied with the proposed topics for nature targets set out in the Bill?

We support an innovative and flexible approach to enhancing biodiversity, including through the planning system, to halt biodiversity loss. Our members require clear, consistent, and implementable guidance for the planning system to meet any targets and prevent divergent guidance from persisting.

We encourage creating targets that address the broader ecological context of the biodiversity to be protected or enhanced. Feature-based targets become barriers to achieving biodiversity goals.

The proposed topic '*any other matter relating to the restoration or regeneration of biodiversity as they consider appropriate*' is too broad to comment on. As a catch-all, this could change protection requirements or achievement dates, which could impact the ability to develop renewable energy projects in specific locations or within certain conditions. Additional limitations on renewable energy developments will impact the ability to achieve statutory net-zero targets.

3. Do you have a view on the framework established in the Bill for how nature targets will be governed, including how targets will be set, monitored, reviewed and reported on?

Given the challenges of creating quantifiable targets that effectively address nature protection, this framework should not be so rigid and prescriptive that it prevents sufficient innovation or agility in effectively addressing biodiversity restoration and protection. Structure for the sake of structure will provide key points to discuss whether targets are being met but are unlikely to impact the effectiveness of the strategy of biodiversity protection.

4. Is there anything else you would like to say about Part 1 of the Bill on nature targets?

We support efforts to create off-site biodiversity enhancement opportunities so that biodiversity protection efforts can be more strategic and better leverage private investment.

## **Part 2 – Power to modify or restate environmental impact assessment (EIA) legislation and Habitats Regulations**

1. Do you support the Scottish Government being granted powers to modify or restate EIA legislation and Habitats Regulations?

We agree with the powers. It is a sensible measure to update EIA legislation.

2. Do you agree with the purposes set out in the Bill for which powers to amend those regimes may be used?

The purposes seem reasonable.

3. Is there anything else you would like to say about Part 2 of the Bill on powers to modify EIA legislation and Habitats Regulations?

We are concerned that the proposed powers to amend the EIA Regulations exclude the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 owing to post-Brexit complications. This could lead to a two-tiered EIA approach for energy infrastructure: one for planning proposals going through Scotland's Town and Country Planning and another for S36 and S37 applications. Divergence in regulatory requirements could also impact offshore wind farms with a grid connection to shore, meaning that a single project could be required to adhere to two separate EIA regulatory requirements.

It is of note that the previous UK Government agreed to re-instate the power to amend EIA regulations for electricity projects to Scottish Ministers but then only provided the ability to create Environmental Outcomes Reporting regulations in the future under the Levelling Up and Regeneration Act (2023).

We strongly encourage the Scottish Government to work with the UK Government to amend Clause 20 of the Planning and Infrastructure Bill to reinstate full powers to amend the Electricity Works (Scotland) EIA Regulations 2017, rather than only in specific cases as currently proposed in the Bill, so that Scottish Ministers can amend EIA regulations for all electricity projects. This would enable the 2017 regulations to align with the amendment powers within the Natural Environment (Scotland) Bill. Importantly, it would not impact the underlying devolution settlement or the ability of the UK Government to implement a new system of EOR in the future.

### **Part 3 – National Parks**

#### **1. Do you agree with proposed changes to the aims of National Parks in the Bill?**

We appreciate the inclusion of climate change mitigation and adaptation as an aim of the National Parks. This is an important goal that National Parks should also work to achieve since it goes hand in hand with the aim of protecting nature.

### **Part 4 – Deer management**

#### **1. Do you agree with the proposed changes in the Bill to the statutory aims and purposes of deer management?**

We support efforts to manage deer in a way that supports meeting net-zero and biodiversity targets. Renewable energy developers are key partners in nature restoration, and deer management tactics from neighbouring landowners can sometimes interfere with their ability to effectively restore or protect habitat as required in their habitat management plans. We request more clarity on the definition of ‘public interest’.

### **General/aspects not in the Bill**

#### **1. Are there any areas not addressed by the Bill that you believe should be included? If so, what are they?**

Draft biodiversity guidance should be consulted on prior to the enactment of the Bill to ensure consistency across local authorities. We recommend that Scottish Ministers not follow England’s guidance, which focuses on feature-based targets.