



# Natural Environment (Scotland) Bill

## Agenda Item 10

### National Park Authority Board Meeting

9 March 2026

#### Paper for information

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#### 1. Purpose

1.1. To provide an overview of the [Natural Environment Bill](#) as passed by the Scottish Parliament.

#### 2. Recommendation(s)

2.1. The members **Note** the contents of this report

#### 3. Contribution to National Park Partnership Plan 2024-2029 and/or our Corporate Plan 2025-2030

3.1. The Natural Environment Bill once enacted amends and modernises the National Parks (Scotland) Act 2000 and in particular strengthens the role of National Park Partnership Plans placing a heightened duty on relevant public bodies to facilitate their delivery and have regard to National Park statutory aims.

## 4. Background

4.1. Members will be aware that the Scottish Natural Environment Bill has been progressing through its scrutiny stages in the Scottish Parliament. Its overall purpose is to establish a more effective statutory framework to protect, restore, and enhance Scotland's natural environment, including setting legally binding targets for biodiversity, modernising the National Parks (Scotland) Act, and improving deer population controls to support nature recovery. Consultations in advance of the Bill being introduced included the Strategic Framework for Biodiversity (2023) where the National Park Authority commented on a range of issues including how to establish statutory targets to restore and protect nature and on a range of proposals for potential changes to the National Parks (Scotland) Act 2000.

4.2. The Natural Environment (Scotland) Bill underwent a detailed three stage scrutiny process in the Scottish Parliament, engaging committees, MSPs and the public before being passed. The Bill was introduced on 19<sup>th</sup> February 2025 and went through the following stages;

Stage 1: General Principles and Committee Scrutiny – the Rural Affairs and Islands Committee considered the general principles of the Bill. They gathered evidence from stakeholders and the public and published a Stage 1 Report including proposed amendments. The CEOs of both Scottish National Park Authorities were invited to give evidence to the Committee as part of this process. Parliament then debated and agreed the general principles before moving the Bill to Stage 2.

Stage 2: Detailed Consideration and Amendments – the Bill was returned to Committee for detailed scrutiny and to consider amendments proposed by MSPs that would be debated in Parliament.

Stage 3: Final Amendments and Parliamentary Vote – MSPs proposed further amendments which were debated and voted on in the chamber. Parliament then voted to pass the Bill in its final form on 29<sup>th</sup> January 2026.

Royal Assent – the Bill is now awaiting Royal Assent by the King at which point it will become an Act of the Scottish Parliament.

### **Part 1 Targets for Improving Biodiversity**

4.2.1. Part 1 of the Bill established legally binding targets for nature restoration, setting duties on Scottish Ministers and accountability mechanisms for improving Scotland's biodiversity. It amends the Nature Conservation (Scotland) Act 2004 to impose these duties. The targets cover three areas: the condition or extent of habitats, the status of threatened species, and environmental conditions necessary for

nature regeneration. The Bill appoints Environmental Standards Scotland as an independent review body to monitor progress on targets, report findings to the Scottish Parliament and hold Scottish Ministers accountable.

- 4.2.2. The Bill enables Scottish Ministers to identify detailed nature recovery targets through secondary legislation which will be introduced after the forthcoming Scottish elections. Targets must be reviewed at least once every ten years with interim reports produced every three years. It is hoped that these targets will inform future policy priorities, land management support schemes and wider nature restoration initiatives with the ultimate target of reversing the decline in biodiversity by 2030 and significant nature restoration by 2045. Additionally, the 2004 biodiversity duty on public bodies to further nature conservation has been strengthened and these bodies must now act in the way best calculated to contribute to statutory targets.

## **Part 2 – Environmental Impact Assessment and Habitats Regulations**

- 4.3. The Bill as introduced proposed to give Scottish Ministers powers to amend key parts of Environmental Impact Assessment and Habitats regulations which are key legal frameworks for protecting habitats and biodiversity. These powers were seen as a technical measure to address issues arising from Brexit to allow necessary adjustments. At Stage 2 the Scottish Parliament voted to remove Part 2 of the Bill in its entirety due to concerns that such powers could weaken important environmental protections without appropriate parliamentary scrutiny. The current legal frameworks remain unaltered.

## **Part 3 – National Parks**

- 4.4. This part of the Bill deals with amendments to the National Parks (Scotland) Act 2000 with a view to modernising our statutory framework, particularly to reflect priorities around biodiversity, nature recovery, climate change and public benefits.
- 4.5. National Parks Policy Statements by Scottish Ministers – A new duty has been introduced to the Bill requiring Scottish Ministers to prepare and publish a National Parks policy statement. The statement must set out the Scottish Ministers' policy direction in relation to National Parks, vision for National Parks, and how public bodies are expected to operate in relation to National Parks. Such policy statements must be reviewed at least every 10 years.
- 4.5.1. National Park Aims – the bill makes minor changes to our statutory aims notably adding references to the fourth aim which now refers to '*promote sustainable economic, social and cultural development of the*

*area's communities'*. An additional section seeks to elaborate on the topics and issues falling within the scope of the aims to include references to restoring biodiversity, addressing climate change, supporting access and recreation, regenerative agriculture, sustainable tourism, visitor management and sustainable economic growth/development which improves health and wellbeing and community prosperity. The section seeks to reflect the scope of the work National Parks do and are understood to be advisory. The duty on National Park Authorities to give greater weight to the first aim where there is conflict remains unaltered.

4.5.2. Duties on Public Bodies – The Bill introduces a formal legal duty on public bodies operating within or affecting National Parks to 'have regard' to the National Park aims in carrying out their responsibilities. This duty does not override other statutory responsibilities they may have and only applies to those falling within Scottish Government devolved responsibility. This sets out a clear expectation that public bodies must actively consider the National Park aims on decision making and operations affecting the area.

4.5.3. The Bill also introduces a statutory duty for public bodies operating in National Parks to **facilitate the implementation of** National Park Plans. This strengthens the responsibility previously only to 'have regard to' National Park Plans to a requirement to actively support their delivery. It should be noted that this duty is also balanced against other statutory responsibilities the body may have. It can be expected that this duty will help bring more focussed discussions when National Park Plans are being prepared and where they are identified as having a delivery role.

4.6. Byelaw Enforcement – The Bill strengthens National Park Authority byelaw enforcement powers by creating the legal framework to issue fixed penalty notices for certain categories of byelaw breaches. This provides a more proportionate and efficient alternative to prosecuting breaches through the courts. The Bill only sets out the enabling power and a further stage will require the Scottish Government to create regulations to set out the types of byelaw breaches eligible for a fixed penalty, the maximum fine (set at Level 2 – up to £500), and the procedures for issuing notices and collecting fines. Officers will be working closely with Scottish Government officials to provide any advice required on the content of these regulations. Once these regulations are in place it will be for the National Park Authority to consider in what form it wishes to take forward operating fixed penalty notices. The timescale for being able to operate a fixed penalty notice system is yet to be determined and this development would be treated as a separate matter from the current process to review the Camping Byelaws. As with current Byelaw

enforcement a preventative approach will be taken where education and voluntary compliance would continue to be the first priority.

- 4.7. New National Parks – an amendment was passed to clarify that any new National Park can also be the Statutory Access Authority. This provision as introduced as the National Parks (Scotland) Act 2000 predated the Land Reform (Scotland) Act 2003. The Bill also introduces more flexibility for Scottish Ministers as to who they choose to appoint as a Reporter to provide recommendations on a new National Park proposal. The Bill also introduces a provision allowing Scottish Ministers to seek expert advice in relation to a potential new National Park proposal at a stage preceding the appointment of a Reporter to consult on a formal proposal.

#### **Part 4 – Deer Management**

- 4.7.1. The new Bill updates deer legislation and gives NatureScot expanded powers to intervene in deer management where densities and impacts are considered to be preventing or reducing the effectiveness of work that preserves, enhances, or improves the natural heritage or environment, such as habitat restoration activities like peatland restoration or woodland expansion. These new provisions aim to balance deer management for ecological needs with deer welfare and rural livelihoods, and the Scottish Government will now prioritise the importance of strengthening the wild venison sector and supporting collaborative deer management approaches.

- 4.7.2. NatureScot can intervene under two primary circumstances:

*Damage by Deer:* When deer cause damage to woodlands, agricultural production, or natural heritage, or create risks to public safety.

*Nature Restoration:* Where deer numbers are hindering or impacting on the effectiveness of biodiversity restoration projects

- 4.7.3. The Bill sets out a menu of management mechanisms which can be used to support improved deer management practices including a requirement to prepare a deer management plan for NatureScot's approval, voluntary control agreements and finally if all other voluntary measures fail, a control scheme can be used to impose mandatory deer management measures.
- 4.7.4. The Bill's measures are intended to move from a reactive to a proactive approach to allow NatureScot to act pre-emptively if deer numbers are impeding restoration projects.

## 5. Risks

5.1. The Bill presents significant opportunities for the National Park Authority including more effective engagement in and delivery of our National Park Partnership Plans with partners and more efficient enforcement of bylaws. There is a risk that the setting of nature targets may require the review of our relevant strategies and delivery plans if necessary, but the anticipated timescales mean that this should be manageable within our planning cycles.

## 6. Next steps

6.1. The passing of the Natural Environment (Scotland) Bill represents a significant milestone in the drive to restore and improve Scotland's biodiversity and is the culmination of several years of engagement with a wide range of interests. The modernisation of the National Parks (Scotland) Act 2000 is welcome especially in recognising the importance of National Park Plans, the range of public benefits being delivered and in improving byelaw powers. There remains significant work to do on the detail, particularly identifying statutory targets for nature restoration which will help drive positive change. Officers will continue to input to these processes as required.

6.2. It is anticipated that the most immediate next step will be to support the work of the Scottish Government to introduce the necessary regulations to enable the introduction of a byelaw fixed penalty notice scheme as soon as is practically possible. Officers will also be engaged in various Scottish Government advisory fora supporting the next stages of implementation and development of statutory nature targets.

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