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Edward Mountain MSP
Convener, Net Zero, Energy and Transport
Committee
The Scottish Parliament
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12 December 2022

Dear Edward

I am writing to advise that on 13 December we will be publishing 'Scotland's Biodiversity Strategy: Tackling the Nature Emergency in Scotland'. I attach a copy of that Strategy which is embargoed until 0900 on 13 December. Please note that this is published as a 'final draft' in order that we can take account of the outcome of the critically important 15th Conference of Parties to the UN Convention on Biological Diversity (CoP15) in Montreal, if necessary, when we consult on the Strategy and Delivery Plan in the Spring.

We are publishing the Strategy to coincide with CoP15 as a demonstration of both the Scottish Government's ambition and commitment to tackling the nature emergency, and our support for a high ambition outcome from the talks. Publishing the Strategy in draft is, in part, a response to comments received during the recent consultation that it would be helpful to feedback on the high level ambition and outcomes alongside detail on how these will be achieved. I will also be publishing an analysis of the response to the consultation shortly.

I also committed to provide you with a more detailed response to the questions you posed in your letter to me of 29 September 2022.

You suggested that the strategy should be renamed Scotland's Nature Emergency Strategy.

I hope and trust that the reference to the Nature Emergency in the title of the Strategy captures the high ambition which is set out in the Strategy and reflects the scale of the crisis and our response to it.

You also advised that the Strategy needs more detail on outcomes, specifically SMART targets, with clear baselines and definition of key terms.

The Strategy, as part of our Strategic Framework for Biodiversity, is necessarily a high level document; the Delivery Plan is where the detail will be included, and provision for SMART and, unprecedentedly, statutory targets will be made through the Natural

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Environment Bill planned for later in the Parliamentary term. I recognise that an argument can be made that it would be better to produce the entire Framework together. However, I consider it preferable to take a staged approach, starting with setting out a high level direction at the earliest opportunity. The Strategy now includes a key definitions section. I recognise that some terms remain undefined e.g. 'substantially'. However, as noted above, the Strategy is a high level document setting out our Vision to 2045 and we therefore need to ensure it does not contain detail which will quickly become out of date. Nonetheless, we have reviewed and expanded on the Outcomes as well as identifying some more specific deliverables in a new Key Actions section. We are also continuing our co-design approach, and already working with Stakeholders on the development of the supporting Delivery Plan.

You noted the importance of Delivery plans having SMART targets and concrete actions, including setting out clear milestones for protecting habitats and vulnerable species, along with actions that will be taken if milestones are not reached.

I agree and will consider carefully how we best reflect this as the Delivery Plan is developed. Again, we will also need to consider carefully the read-across between targets in the plans and those provided for in the Bill.

More detail is needed in the strategy on governance, monitoring and evaluation, and how this will lead to refinement and improvement.

We have included additional material on proposed governance structures and some further detail on monitoring and evaluation. However, the monitoring will need to be adaptive and responsive, so this is indicative of the provisions that we will put in place. In addition, there is still work to do to bring together existing monitoring work and identify where there are gaps which need addressed. Again, while we have included high level indications of how evaluation will lead to improvements, the specifics will need to be covered in the Delivery Plans.

Separately we are considering the workstreams needed to develop each of the 'conditions for success' identified in the strategy, to ensure we have a programme of work in place to actualise these. A key strand of this is monitoring and evaluation.

Strategy should set out mainstreaming actions.

The Strategy sets out clearly the importance of mainstreaming and that traditional conservation alone will not be sufficient, and will itself be a key mainstreaming tool. It outlines key policies across (and outwith) government that need to contribute to delivery, and establishes a new governance and accountability framework, which will be the tool we use to progress this. Some of the key mainstreaming actions, such as a reformed agricultural subsidy scheme, where progress is already being made are already included in the Strategy. Mainstreaming is another of the key conditions for success, but again our approach will need to flex and adapt as we make progress, so we do not think the strategy is the appropriate place to set out the detail.

The Strategy should commit to learn from domestic and international best practice.

The draft strategy is clear that Scotland takes its international obligations seriously and participates actively in multilateral forums. We have had an eye to the proposals of other countries in producing this Strategy, but it is designed primarily to address Scotland's circumstances.

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The Strategy should clearly set out how it will ensure Scotland follows EU law and best practice.

The strategy includes a commitment to maintain alignment with relevant EU law, as did the consultation. However, given the long-term nature of the Strategy it is not the appropriate place to set out how we will align with the partially completed EU Nature Restoration law and proposed targets.

The Strategy should give detail on how Scottish Government proposes to create a positive environment for potential investors in biodiversity.

The strategy includes some more detail on this and will act as an enabler in itself, by setting out our long-term vision and providing certainty over the Scottish Government approach and position. However, work on developing green finance markets is still in progress. We are therefore developing a biodiversity investment plan to be published alongside the Strategy and Delivery Plans, and which will be aligned with wider ongoing work on green investment.

How will outcome of CoP15 and commitments made therein be incorporated into the strategy.

While we have some indication of what will be agreed at CoP15, one of the reasons for publishing in draft in December is so that we can review the strategy next year and amend as necessary to reflect that new Global Biodiversity Framework.

I hope this is helpful. I have also written to the RAINE Committee to provide them with a copy of the draft Strategy and a copy of this letter for information, which I am also copying to Mairi McAllan and Michael Matheson.

Kind regards

LORNA SLATER

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