



Economy, Enterprise and Operations

Beverly Smith

Head of Growth, Planning, and Climate (Chief Planning Officer)

High Street, Elgin, Moray, IV30 1BX

Telephone: 01343 563276

Edward Mountain MSP
Net Zero, Energy and Transport Committee
The Scottish Parliament
Edinburgh,
EH99 1SP

E-mail: [REDACTED]
Website: www.moray.gov.uk

Your Reference:
Our reference:

Sent via email:
netzero.committee@parliament.scot

28 November 2025

Dear Edward

Re: Ecocide (Scotland) Bill

Thank you for your letter dated 11 November 2025.

See responses to the sections below:

Consented or licensed activities:

Yes, for example, National Planning Framework 4 allows excavation of deep peat for renewable energy developments. This is an action that would otherwise possibly fall within the definition of ecocide. This act would increase the demand for condition monitoring and the need for external professionals such as Ecological Clerks of Works to avoid incidents occurring. It is currently increasingly difficult to recruit especially in the North of Scotland these specialist posts.

Decision-making and liability:

There is significant danger of local authorities rightly or wrongly being held liable. Local authorities do not have the resources to monitor and enforce ecological mitigation. The planning system largely relies upon good will and accountability of developers. This could cause significant financial impact on local authorities if they were to be held liable. Also, we have seen both NatureScot and SEPA being less well resourced and having to direct local authorities to standing advice.

Threshold of harm:

This is unworkable in planning assessments as it would come down to a matter of opinion. It would also require specialist input to make the assessment.

Cumulative impacts and course of conduct

The planning system is based upon a plan led system which currently seeks to enable and designate land for future development. This approach would inevitably lead to loss of undeveloped land. This could easily be interpreted as cumulative loss of natural habitat.

Enforcement and investigation

Training for planning enforcement would be required in the initial identifying of an incident of ecocide as well as training in the correct collation of evidence sufficient for Court purposes. In addition to this we would expect SEPA to be the primary investigator for this type of crime with local authority officers probably only being involved in the early stages of an investigation when identifying and collating evidence. There would need to be a review of resources as currently there would not be any available to deal with the proposed bill. Would new powers be required to cease work for Police Scotland to implement. The planning system is already heavily obligated in regulating breaches of planning control and would not have the capacity to police ecocide developments some of which may not fall within the remit of planning. One option would be to have a Scotland wide specialist team of enforcers and advisors within NatureScot and SEPA working in partnership.

Yours sincerely

Beverly Smith
Head of Growth, Planning, and Climate
(Chief Planning Officer)