

Transport Scotland Biodiversity Strategy Annex 2: Agreements, Legislation and Policy

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Agreements, Legislation and Policy

This annex covers the international and national agreements, legislation and policy that protect habitats and wildlife in Scotland. These instruments thus affect why and how the Transport Scotland Biodiversity Strategy was developed and will be implemented in the future through Delivery Plans. The various instruments are presented chronologically.

International Agreements

The Convention on Wetlands (The Ramsar Convention)

The Convention on Wetlands (The Ramsar Convention) is an intergovernmental agreement on the conservation of wetlands of international importance. The mission of the Convention is *"the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world."* The UK Government signed up to the Convention in 1976. Scotland has 51 Ramsar sites designated as internationally important wetlands, covering a total area of about 313,000 ha. Most Ramsar sites in Scotland are linked to the European site network either as a Special Protection Area or a Special Area of Conservation; all are underpinned by Sites of Special Scientific Interest.

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Council Directive 79/409/EEC on the conservation of wild birds (Birds Directive)

The Birds Directive (Directive 79/409/EEC) was adopted in 1979 and was one of the first pieces of environmental legislation to be adopted by the EU. It was amended in 2009 (Directive 2009/147/EC). The Birds Directive requires all Member States to protect all wild bird species and protect and restore their habitats. The Directive also requires the classification of European sites known as Special Protection Areas (SPAs) for species on Annex I but also provides legal protection for all wild birds, their nests, eggs and habitats within the EU. SPAs are classified to protect birds that are rare or vulnerable in Europe as well as all migratory birds that are regular visitors.

Convention on the Conservation of European Wildlife and Natural Habitats (The Bern Convention)

The Convention on the Conservation of European Wildlife and Natural Habitats (or Bern Convention) is a binding international legal instrument in the field of nature conservation, covering most of the natural heritage of the European continent and extending to some States of Africa; it aims to conserve wild flora and fauna and their natural habitats. The Convention was open for signature on 19 September 1979 and came into force on 1 June 1982.

[The Emerald Network](#) is an ecological network made up of Areas of Special Conservation Interest. Its implementation was launched by the Council of Europe as part of its work under the Bern Convention.

Convention on the Conservation of Migratory Species of Wild Animals (The Bonn Convention)

The Convention on the Conservation of Migratory Species of Wild Animals or the Bonn Convention, is an international agreement that aims to conserve migratory species throughout their ranges. Signed in 1979, the Convention entered into force in 1983. Under the Convention various other international agreements have been made including ones that directly affect the UK. These include the Agreement on the Conservation of Populations of European Bats (EUROBATS) which came into force in 1994.

As well as making specific agreements, the aims of the convention – to conserve migratory species – have been incorporated into UK law through various mechanisms and instruments.

Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (Habitats Directive)

Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora or Habitats Directive is a directive adopted by the European Community in 1992 as a response to the Berne Convention. The Directive led to the establishing of European sites and setting out how they should be protected, it also extends to other topics such as European protected species. Special areas of Conservation (SACs) were designated under the Habitats Directive for habitats and non-bird species.

Convention on Biological Diversity (CBD) (1992)

The Convention on Biological Diversity (CBD) is an international treaty created in 1992 with the goal of conserving the world's biodiversity, using natural resources sustainably and ensuring fair access to genetic resources. The UK ratified the Convention in 1994. The CBD has three main objectives:

- the conservation of biological diversity
- the sustainable use of the components of biological diversity
- the fair and equitable sharing of the benefits arising from the utilisation of genetic resources

The UK Biodiversity Action Plan (BAP) was prepared in response to the CBD and published in 1994. This action plan was refined and developed over subsequent years. Following devolution, the four countries of the UK (England, Northern Ireland, Scotland and Wales) developed their own country strategies for biodiversity and the environment. In Scotland this has resulted in the recent publication of the SBS referred to below.

The CBD 15th Conference of the parties (COP15) took place in 2022, where the [Kunming-Montreal post-2020 Global Biodiversity Framework](#) (GBF) was agreed. This consists of a set of global [goals](#) and [targets](#), [indicators](#) to measure progress against these, and a [monitoring framework](#). The key elements of this are four goals to be achieved by 2050 and 23 targets to be achieved by 2030. The four goals are:

- Goal A Protect and Restore
- Goal B Prosper with Nature
- Goal C Share Benefits Fairly
- Goal D Invest and Collaborate

Of the 23 targets Target 3 has specific relevance in the development of the SBS. This target is:

- Ensure and enable that by 2030 at least 30 per cent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities including over their traditional territories.

National Legislation

Wildlife and Countryside Act 1981

The Wildlife and Countryside Act 1981 was enacted primarily to implement the Birds Directive and Bern Convention in Great Britain. The Act received royal assent on 30 October 1981 and was brought into force in incremental steps. The Act gives protection to native species, controls the release of non-native species and enhances protection for Sites of Special Scientific Interest. Devolution resulted in changes to the Act via the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011.

There are many offences in relation to the killing and taking of wild birds, other animals and plants. Some offences are specific and others more general. For example, it is an offence to commit or attempt to commit specific actions in relation to protected species of animal, bird and plant.

Amendments to the Wildlife and Countryside Act in Scotland include the:

- Nature Conservation (Scotland) Act 2004
- Wildlife and Natural Environment (Scotland) Act 2011
- Invasive Non-Native Species Regulations 2020 (to ensure that the safeguards against invasive non-native species and other measures and functions set out in the EU Regulation 1143/2014 are maintained in Scotland when the United Kingdom left the European Union)

Following the updates to the Wildlife and Countryside Act 1981 from the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Ministers introduced the [Code of Practice on Non-Native Species](#). The Code sets out guidance on how landowners/managers etc should act responsibly within the law to ensure that non-native species under their ownership, care and management do not cause harm to the environment. Failure to comply with the Code is not itself an offence. However, compliance with the Code or otherwise can be used in court as evidence in criminal proceedings.

Protection of Badgers Act 1992

Badgers and their setts are protected under this act as amended by the Wildlife and Natural Environment (Scotland) Act 2011. Offences include wilfully taking, injuring or killing a badger and intentional or reckless interference with a badger sett. Interfering with a badger sett includes damaging or destroying a sett or any part of it, obstructing access to a sett and disturbing a badger while it is in a sett.

The Conservation (Natural Habitats, &c.) Amendment Regulations 1994

The Conservation (Natural Habitats, &c.) Amendment Regulations 1994, or Habitats Regulations, is the main piece of legislation that transposed the requirements of the EU Habitats Directive and elements of the EU Birds Directive into UK law.

The Habitats Regulations cover the requirements for:

- protecting sites that are internationally important for threatened habitats and species
- a legal framework for species requiring strict protection

SPAs and SACs are designated under the Habitats Regulations.

The Regulations have been amended in Scotland, most recently in 2019 before the UK left the EU. The 2019 amendments mean that in Scotland the requirements of the Habitats and Birds Directives on how European sites are designated and protected continue to apply. Prior to leaving the EU, SACs and SPAs contributed to the Natura network. Now they form part of the [Emerald Network](#), a network implemented under the Bern Convention, spanning Europe and into Africa.

Nature Conservation (Scotland) Act 2004

This Act defines provisions for biodiversity conservation and for enhancement of Scotland's natural features. It also places a duty on all public bodies in Scotland to further the conservation of biodiversity when carrying out their responsibilities – their [Biodiversity Duty](#). Under the Act Scottish Ministers must designate one or more strategies for the conservation of biodiversity.

The [Scottish Biodiversity List \(SBL\)](#) is a tool to help public bodies carry out their Biodiversity Duty. Scottish Ministers first published the List in 2005 to meet the requirements of Section 2(4) of the Nature Conservation (Scotland) Act 2004. The SBL is a list of animals, plants and habitats that Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland. It was last amended in 2025 to align with the new SBS (see below).

SSSIs are now notified under the Nature Conservation (Scotland) Act 2004 – previously they were notified under the Wildlife and Countryside Act 1981 (and before that under the National Parks and Access to the Countryside Act 1949).

Wildlife and Natural Environment (Scotland) Act 2011 (WANE act)

The WANE act amended existing legislation in relation to the protection of wildlife, biodiversity and nature conservation. It amended the Wildlife and Countryside Act 1981, the Deer (Scotland) Act 1996 and the Nature Conservation (Scotland) Act 2004. In particular, the WANE act made operational changes to how SSSIs are managed and required three-yearly reports to be published by public bodies on compliance with their Biodiversity Duty (see Nature Conservation (Scotland) Act 2004). It also introduced a new regime for controlling invasive non-native species (see Wildlife and Countryside Act 1981).

The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)

These Regulations provide a regulatory framework for controlling activities which could have an adverse effect on Scotland's water environment, including abstraction, impoundments, engineering, dredging, surface water drainage, and pollution.

Scottish Transport and Planning Policy

Transport Scotland – Fitting Landscapes: Securing More Sustainable Landscapes (2014)

Fitting Landscapes is a mandatory policy statement for all land-based transport-related developments and sits alongside other standards and Transport Scotland contract requirements for both new works and maintenance schemes. It focusses on addressing the landscape design and management of the transport corridors and has four key aims:

- ensure high quality of design and place
- enhance and protect natural heritage
- use resources wisely
- build in adaptability to change

Trunk Road Network Asset Management Policy and Strategy (2018)

The Trunk Road Network Asset Management Policy confirms Transport Scotland's commitment to asset management and states how their approach supports the delivery of the Scottish Government's Purpose and Strategic Objectives; creating a Scotland which is:

- wealthier and fairer
- smarter
- healthier
- safer and stronger
- greener

The Policy includes as part of its objectives an aim of “minimising the impact of our activities on the environment and society.” The Trunk Road Network Asset Management Strategy sets out how the Asset Management Policy will be delivered through improvements to procedures and practices. It includes the natural environment under its Managing Risk section and states that:

- We ensure natural and physical environments are protected, maintained and, where practicable, enhanced across all activities, including carrying out our statutory duties under legislation.

Transport Scotland’s Approach to Climate Change Adaptation and Resilience (2023)

Transport Scotland’s Approach to Climate Change Adaptation and Resilience (ACCAR), outlines the key climate risks affecting Scotland’s transport system and sets out strategic outcomes for Road, Rail, Aviation and Maritime transport networks. The strategic outcome for the Trunk Road Network (AR1) is:

- a Trunk Road Network which is well-adapted and resilient to the current, projected and expected impacts of climate change

Sub-outcome AR 1.13 outlines the important role of landscape design and management in adapting Trunk Roads to the impacts of climate change.

Trunk Road Adaptation Plan (2025)

The [Trunk Road Adaptation Plan](#) seeks to ensure Scotland’s Trunk Road Network remains resilient and reliable in the face of climate change. It identifies where and how the Trunk Road Network is currently affected by climate change, and how these impacts are expected to evolve. There are 43 actions of the plan including one to support climate resilience through nature-based solutions like sustainable drainage systems, as follows:

- Promotion of nature-based solutions at the catchment scale. Incorporating green infrastructure for natural flood, landslide, wind, and heat management helps to improve the climate resilience of the network, adjacent non-trunk infrastructure and neighbouring communities.

National Transport Strategy 2020 (NTS2) and associated Action Plans

The [NTS2](#) sets out the vision for Scotland's transport system over the next 20 years until 2045. The vision is underpinned by four priorities: reduce inequalities; take climate action; help deliver inclusive economic growth and improve our health and wellbeing. Of particular relevance to the preservation and restoration of biodiversity are actions that contribute towards the NTS2 priority of "taking climate action" such as reducing emissions, promoting a shift to more sustainable transport choices and investing in low carbon approaches.

National Planning Framework 4 (NPF4) (2023)

The [NPF4](#) is the national spatial strategy for Scotland and was published in 2023 with the intention to tackle the current 'climate emergency' and 'biodiversity crisis'. NPF4 has a number of policies associated with improving biodiversity and helping to secure positive effects for biodiversity. Policy 3 which is designed "To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks" although other policies of NPF4 also affect biodiversity through their cross-cutting linkages. Together these aim to ensure:

- due consideration is given to the global climate and nature crises
- European sites, SSSIs and local nature conservation sites are properly protected
- peatland, carbon-rich soils and priority peatland habitat is protected
- ancient woodlands are protected and existing woodland is enhanced, expanded and/or improved
- coastal areas are protected
- existing blue and green infrastructure is not fragmented, and new or enhanced blue and/or green infrastructure is developed

NatureScot, commissioned by the Scottish Government, is developing a biodiversity metric for Scotland's planning system, to support delivery of NPF4.

Scotland's Strategic Framework for Biodiversity

Scotland's Strategic Framework for Biodiversity comprises the SBS to 2045, the Strategy's Delivery Plans and statutory nature restoration targets, and the proposed Natural Environment (Scotland) Bill.

Scottish Biodiversity Strategy to 2045 (SBS) (2024)

[Scottish Biodiversity Strategy to 2045: Tackling the Nature Emergency in Scotland](#)

published in 2024 sets out a clear strategy for Scotland to be Nature Positive by 2030, and to have restored and regenerated biodiversity across the country by 2045.

A set of outcomes is detailed in the SBS to define and understand what success will look like by 2045. The outcomes will be achieved by actions set out in the Scottish Biodiversity Strategy Delivery Plans (to be reviewed every six years). The SBS identifies six objectives which shaped the development of actions including: accelerate restoration and regeneration; protect nature on land and at sea, across and beyond protected areas; embed nature-positive farming, fishing and forestry; protect and support the recovery of vulnerable and important species and habitats; invest in nature; and take action on the indirect drivers of biodiversity loss.

The SBS outlines the commitment to protect at least 30% of our land and sea for nature by 2030 (30 by 30 Target) together with the development of Nature Networks. A [framework for 30 by 30 in Scotland](#) has been developed as part of the Scottish Biodiversity Strategy Delivery Plan consultation. This commitment aligns with Target 3 of the CBD (see above). To deliver new sites important for biodiversity, NatureScot is developing the Big Biodiversity Layer (BBL). The BBL is a tool to map biodiversity across Scotland, to identify the most highly biodiverse areas which need protection and inform decision making around new 30 by 30 sites. NatureScot intends to have the BBL completed by autumn 2025.

There is also a vision for Scotland to have evolving, flexible and resilient Nature Networks by 2030. These will connect nature-rich areas allowing wildlife and natural processes to move and adapt to land use and climate change pressures. The networks will help build people's connection to nature, providing biodiversity-rich spaces that deliver local benefits, and meet the priorities of local communities for nature. The primary purpose of these networks is ecological connectivity working at the national, regional and locals scale. The Nature Networks will ensure that sites contributing to 30 by 30, and other important areas for biodiversity, are well-connected and so provide maximum benefits to biodiversity.

Scottish Biodiversity Delivery Plan 2024 to 2030

The [Scottish Biodiversity Delivery Plan 2024-2030](#) is the first of the rolling delivery plans. It includes actions needed to ensure Scotland is on track to achieving the vision and outcomes in the strategy. Priority Actions within the plan comprise:

- Accelerate ecosystem restoration and regeneration.
- Protect nature on land and at sea, across and beyond protected areas.
- Embed Nature Positive farming, fishing and forestry.

- Protect and support the recovery of vulnerable and important species and habitats.
- Invest in nature.
- Take action on the indirect drivers of biodiversity loss.

The plan includes supporting actions for the priority actions needed to deliver each of the objectives. The actions are also as SMART (Specific, Measurable, Achievable, Realistic, Time-bound) as possible at the time of their publication; it is anticipated that the actions will continue to be reviewed and refined on a rolling basis. Transport Scotland is named as a specific supporter of Action 13.3: Ensure every new transport and active travel infrastructure project incorporates elements of blue-green infrastructure, and seek opportunities for enhancing/ expanding blue-green infrastructure, but it is anticipated that this Strategy will help deliver other actions such as Action 3: Implement a Scottish plan for INNS surveillance, prevention and control and Action 11: Identify, expand and enhance Nature Networks and ecological connectivity.

Governance, monitoring and evaluation

The Cabinet Sub-Committee on the Climate Emergency will maintain Cabinet-level oversight of the implementation of the SBS with a view to maintaining political engagement/awareness and buy-in and a formal remit to reach cross-cutting decisions based on advice from the relevant Ministers.

A National Biodiversity Forum will maintain focus on achieving the Scottish Biodiversity Strategic Outcomes, Scotland's international commitments and progress towards statutory targets. It will meet twice a year and be a high level representative advisory body chaired by the Minister/Cabinet Secretary and comprises a wide range of strategic leaders who can help influence positive outcomes for biodiversity.

The Biodiversity Portfolio Board will be responsible for overseeing the successful delivery of the wide range of government and public sector actions included in the biodiversity delivery plan. The group will be co-chaired by the Director of Environment and Forestry and CEO of NatureScot and will include senior leads of relevant government and public agencies responsible for driving action.

Natural Environment (Scotland) Bill

The Scottish Government is proposing a Natural Environment Bill as part of the Biodiversity Strategic Delivery Framework. The bill will also amend the Nature Conservation (Scotland) Act 2004 to place a series of duties on the Scottish Ministers. The legislation is a key part of the Scottish Government's Strategic Framework for Biodiversity and complements the SBS and related delivery plans.

The Natural Environment (Scotland) Bill recently passed by Parliament will:

- place a duty on Scottish Ministers to set legally binding targets for nature restoration
- modernise the aims of National Parks and powers of National Park Authorities
- introduce a new duty requiring the Scottish Ministers, a National Park Authority, a Local Authority and any other public body or office-holder to have regard to the National Park aims when exercising their functions in a way which affects a National Park
- reform the way in which deer are managed through the implementation of many of the recommendations made by the Deer Working Group, through repealing the licensing of venison dealing, and by amending NatureScot's powers of intervention

The Bill was passed on 29 January 2026 and is awaiting Royal Assent.

Other Plans, Frameworks and Codes

National Park Plans

Some Transport Scotland infrastructure is located within Scotland's two National Parks; the Cairngorms National Park (CNP) (established 2003) and the Loch Lomond & The Trossachs National Park (LLTNP) (established 2002). The A82, A83, A84 and A85 trunk roads pass through LLTNP and the A9, A93 and 95 through CNP. In addition, there are railway and active travel links providing access to the Parks.

The National Parks (Scotland) Act 2000 aims at:

- conserving and enhancing the natural and cultural heritage of the area
- promoting sustainable use of the natural resources of the area
- promoting understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public
- promoting sustainable economic and social development of the area's communities

The Natural Environment Bill modernises the aims and powers of the National Parks by amending the National Parks (Scotland) Act 2000, including a requirement for a wide range of public bodies to have regard to the aims of the National Park before carrying out any work within it. The changes to the duty will mean that public bodies are required to facilitate implementation of National Park Plans. The bill will also strengthen the leadership role of National Parks in tackling the interlinked crises of climate and biodiversity whilst supporting visitor management, recreation, sustainable tourism, access to and within National Parks and the social, economic and cultural development of local communities.

The CNP is home to one quarter of the UK's rare and endangered species. LLTNP contains two Forest Parks – Queen Elizabeth in the Trossachs and Argyll in Cowal and one of the UK's largest National Nature Reserves – The Great Trossachs Forest.

The National Park authorities have produced the following plans that address the nature crisis and outline steps for urgent nature restoration involving partnership working:

- Cairngorms National Park Partnership Plan 2022-27
- Loch Lomond & The Trossachs National Park National Park Partnership Plan 2024-29
- Loch Lomond & The Trossachs National Park Future Nature Strategy

These documents set out a series of objectives and outcomes related to biodiversity which will be monitored on an ongoing basis. They advocate partnership working and a Nature Network approach focussed on linking core areas for nature.

NatureScot published advice to the Scottish Government on changes to the role and approach to National Parks, and how nominations for [new National Parks could be evaluated](#). Key elements of the recommended policy direction included 'A clear and strong alignment with key Scottish Government strategies, including implementation of the SBS and delivery of the 30 by 30 and Nature Networks commitments.'

Nature Networks Framework

The SBS and its associated Delivery Plan sets out a clear strategy for Scotland to be Nature Positive by 2030, and to have restored and regenerated biodiversity across the country by 2045. It also outlines the commitment to protect at least 30% of Scotland's land and sea for nature by 2030 (the 30 by 30 target) together with the development of Nature Networks. SNAP3 also includes a Nature Connects outcome, with Nature Networks recognised as a key mechanism by which the risks posed by climate change can be addressed, and Policy 3 of NPF4 is designed to strengthen nature networks. A Nature Network connects nature-rich sites, including restoration areas and other environmental projects, through a series of areas of suitable habitat, habitat corridors, and stepping-stones.

The [Nature Networks Framework](#) aims to catalyse the urgent and transformative action needed across Scotland to help halt and reverse biodiversity loss. The vision for 2030 is that Scotland will have evolving, flexible and resilient Nature Networks connecting nature-rich areas allowing wildlife and natural processes to move and adapt to land use and climate change pressures. The networks will help build people's connection to nature, providing biodiversity-rich spaces that deliver local benefits, and meet the priorities of local communities for nature.

Nature Networks will create and develop ecological connectivity allowing populations and metapopulations of animal and plant species to move across landscapes, maintain genetic diversity, and to adapt to pressures such as climate change. They can deliver at the national, regional and local level.

30 by 30 Framework

As indicated above, Target 3 of the Kunming-Montreal post-2020 Global Biodiversity Framework seeks to ensure that at least 30% of land and 30% of sea is effectively conserved and managed for nature by the year 2030. The [30 by 30 Framework](#) aims to catalyse the urgent and transformative action needed across Scotland to achieve and exceed this target and help halt and reverse biodiversity loss. It is intended that the sites showcase the best in nature restoration and protection and in mitigating and adapting to climate change. In addition, the 30 by 30 sites will be integrated into the wider landscape, connecting via the Nature Networks. European sites (SACs and SPAs), Ramsar sites, National Nature Reserves (NNRs) and SSSIs contribute to the current 18.2% land-coverage of terrestrial protected areas.

The Framework relates only to the terrestrial element of 30 by 30 which includes terrestrial, in-land water and coastal habitats to mean low water spring. The area commitment has already been achieved in the marine environment, with 37% of Scottish waters lying within Marine Protected Areas (MPAs). The focus in the marine environment is now primarily on the condition and effectiveness of MPAs.

The SBS (see above) outlines the commitment to protect at least 30% of Scotland's land and sea for nature by 2030 and this is a key policy driver for the framework. Delivery of 30 by 30 will require cooperation from decision-makers and managers of protected areas, as well as the individuals and industries who impact the wider landscape. It is intended that an understanding of biodiversity and its value will be mainstreamed including through actions of the SBS Delivery Plan.

Scottish Soil Framework (2009)

[The Scottish Soil Framework](#) was published by the Scottish Government in 2009 with a vision that soils are recognised as a vital part of our economy, environment and heritage, to be safeguarded for existing and future generations. The Framework identifies a wide range of activities that will contribute to 13 soil outcomes, and was the first step in raising awareness of sustainable soil management to encourage better policy integration. Its main aim is to promote the sustainable management and protection of soils consistent with the economic, social and environmental needs of Scotland. A Soil Focus Group was established to facilitate future activities.

Outcomes of the Framework included one specifically aimed at soil biodiversity; SO5 – Soil biodiversity, as well as above ground biodiversity, protected. Others were concerned

with protecting soil organic matter, reducing soil erosion and maintaining soil structure. These, and others, will have impacts on the maintenance, protection and enhancement of the wider biodiversity.

Scotland's Natural Capital Market Framework (2024)

Scotland's Natural Capital – its biodiversity, forests, peatlands, air, water, and soils – underpins the nation's economy and well-being. [Scotland's Natural Capital market framework](#) (market framework) aims to foster responsible, values-led private investment that supports Scotland's transition to a net zero and climate-resilient economy while delivering benefits to local communities. It embeds Scotland's six principles for responsible investment, including integrated land use, engagement and collaboration, community benefit, and high environmental integrity. This market framework provides guidance to investors, land managers, communities and other market participants. It provides links to tools and resources to develop natural capital projects that attract responsible private investment. It also highlights key interventions and developments expected by 2026 to strengthen Scotland's position as a leader in high-integrity Natural Capital markets.

The Framework includes seven key interventions by 2026 including: increasing high-integrity investment covering investment in natural carbon, securing positive effects for biodiversity from development through the planning system, and supporting the development of an ecosystem restoration code. Key intervention 4 concerns the need for the Scottish Government to support the development of an ecosystem restoration code. This code will ensure the high-integrity governance, measurement, reporting, and verification required to help channel responsible private investment into projects that enhance the structure, function, and resilience of ecosystems. The Scottish Government aims to have fully tested options for a code by 2026 (see below).

The Framework also notes that the Scottish Government, NatureScot, and Forestry and Land Scotland are collaborating on a project to strengthen the role of publicly owned land in advancing Scotland's land use policy goals, particularly in addressing climate change and biodiversity. Public land, including the Scottish Crown Estate, makes up 11% of Scotland. The project aims to develop a framework of policies, financial mechanisms, measurement, data, and governance that will collectively accelerate land use policy delivery at the pace and scale needed to significantly contribute to Scotland's climate change and biodiversity targets. A key focus will be on exploring financial mechanisms to support nature-based projects on public land, including opportunities for responsible private investment.

Biodiversity Investment Plan (2025)

Restoring and enhancing nature-based resilience to climate change is a key priority for the Scottish Government. One of the latest steps in achieving this goal is the publication of the [Biodiversity Investment Plan](#). The Plan, which should be read alongside the [Natural Capital Market Framework](#), sets out actions to enable public, private and philanthropic investment to flow more effectively into nature restoration. It outlines existing funding streams and identifies gaps in market mechanisms that can be addressed to scale up and accelerate nature restoration and climate risk mitigation. These will in turn increase the financial value of the Scottish Ministers' assets.

As part of the Plan, Scottish Government will work with NatureScot on the development of a nature investment prospectus that maps larger-scale opportunities. It also intends to have a new Ecosystem Restoration Code by 2026, which will aim to unlock private finance for ecosystem restoration by providing a credible, transparent, and standardised approach to issuing and trading nature credits. A new nature finance skills development programme will ensure a more skilled workforce across the sectors, able to administer and access a range of finance sources.

The extent of terrestrial public land, including the Scottish Crown Estate, makes up 11% of Scotland. The Plan proposes to strengthen the role of publicly owned land in meeting the climate change and biodiversity targets. It aims to attract responsible private investment on public land and prioritise catchment scale restoration by enabling collaborative working with neighbouring non-governmental organisations (NGOs), private, community and other land holdings.

Ecosystem Restoration Code (ERC)

In the 2024 Natural Capital Market Framework (see above), the Scottish Government committed to [supporting the development of an Ecosystem Restoration Code](#) (ERC) for Scotland as a new high-integrity market mechanism that could attract responsible private investment into nature restoration and biodiversity projects. This commitment is being delivered via a Scottish Government-NatureScot partnership project.

In October 2025, a [paper](#) was published describing the results and analysis of the ERC [engagement phase](#) and the priorities identified for the final stages of the ERC project to January 2026. Stakeholders are highly supportive of the Scottish Government's commitment to develop a new market mechanism for restoration of nature/biodiversity in Scotland. However, greater clarity was sought on the purpose of the ERC including its strategic intent and the types of project and outcomes it will support. Other issues raised included risks/concerns associated with the metrics to be used in relation to what specific aspects of Scottish Government biodiversity policy they might address, and how these metrics might fit with other codes (Woodland Carbon Code and Peat Code). There were also concerns about the proposed minimum project size for the ERC being 200ha).

Commented [MC2]: Again - I think we've said some of this before. Is there a way to condense/streamline how some of this is set out?

Commented [MK3R2]: Consider moving this and some of the below paragraphs to the Agreements, Legislation and Policy annex, as we talk about Ecosystem Restoration Code there already

Commented [ML4R2]: Moved form main SBS document

Commented [MC5]: Not clear to me why we're going into this in detail - are we saying that Transport Scotland will participate in the development of the nature investment prospectus? Can we spend a bit less time describing the prospectus but be a bit clearer on our role within it?

Commented [MK6R5]: Noted, may need TS help to specify their role in it

Commented [MK7R5]: trim

Commented [ML8R5]: trimmed

The analysis in the paper has been used to inform a set of priorities for the next stage of the ERC project. These provide a “route-map” for the Scottish Government-NatureScot ERC team to follow in developing the ERC further towards the end of the current project in January 2026.



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