



Law Society  
of Scotland

# Written evidence

## Biodiversity and Ecosystems inquiry

September 2020



## Introduction

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The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Environmental Law Sub-committee welcomes the opportunity to respond to the Environmental Audit Committee's inquiry on *Biodiversity and Ecosystems*<sup>1</sup>. We have the following comments to put forward for consideration.

## General comments

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We note that there is a need for clarity as to where responsibilities lie in relation to biodiversity and ecosystems. Some matters covered by the inquiry relate to England or England and Wales only, and others across the UK. We have previously highlighted the need for strong collaboration between the UK Government and devolved administrations<sup>2</sup>. This is particularly significant given the transboundary effects of environmental impacts.

## Questions

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### **What are the possible approaches to balancing economic growth and conservation of nature and its contributions?**

We suggest that an approach could be to implement duties to take into account the relevant principles of conservation of nature and its contributions at the time that decisions are being made relating to economic growth. For example, decisions relating to planning and environmental permitting. We note that such a duty

<sup>1</sup> <https://committees.parliament.uk/work/448/biodiversity-and-ecosystems>

<sup>2</sup> <https://www.lawscof.org.uk/media/369219/20-03-16-environment-bill-written-evidence.pdf>

could be strengthened by a required to explain how principles have been taken into account. Such measures would go some way to providing further scrutiny.

### **How can funding be mobilised to support effective nature-based solutions to climate change? How can the private sector be encouraged to contribute to funding?**

Funding (either by distribution or withholding monies) can be an effective means of driving change. The private sector may be encouraged by way of receiving something in return for funding, not only direct financial returns but we suggest that consideration may be given to some kind of badging or accreditation process. We suggest that consideration may also be given to a process for accounting for ecosystem services and natural capital, although we recognise that such a system would require a basis of biodiversity net gain.

**For further information, please contact:**

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