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Neil Langhorn
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Environmental Standards Scotland
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8 April 2025

Dear Neil,

The Scottish Government welcomes Environmental Standards Scotland's scoping report on risks to Scotland's soil which was published in October 2024. I am writing to set out our response to the report's two recommendations (ANNEX A).

We recognise that soils are a vital natural resource, underpinning our ecosystems, agriculture, and overall environmental health, and have a key role in climate adaptation and mitigation. As such, soil health is integrated into a number of Scottish Government's plans, frameworks, and strategies including our Climate Change Plan, our National Adaptation Plan, our Vision for Agriculture, our Fourth National Planning Framework, and our Biodiversity Strategy to 2045.

We have commissioned ClimateXChange to develop a Soils Policy Route Map. This initiative aims to provide strategic recommendations on a comprehensive structure for soil policy development, delivery, monitoring and evidence in Scotland, helping to inform our future research and monitoring strategies. The route map will guide our strategic direction by identifying key areas for improvement and alignment, ensuring that our policies effectively support sustainable soil management and ecosystem health.

The Scottish National Adaptation Plan (2024–29) is the most comprehensive policy response to date on how Scotland is responding to our changing climate. The Adaptation Plan recognises the foundational role healthy soils are playing in climate resilience through their multiple ecosystem functions across our landscapes. In response, the Adaptation Plan establishes a landscape scale approach to improving soil condition and quality, an approach which is reflected in the development of the Soils Policy Route Map referenced above.

The Agriculture and Rural Communities (Scotland) Act 2024 provides the powers required to deliver the Agricultural Reform Programme. The Act contains a provision to allow for support to be provided for soils by assisting persons to promote, protect, or improve plant health, plant genetic resources, and soil health and quality. This year we are introducing the Whole Farm Plan as a condition of support, with soil analysis being one of the foundational baselines. This initiative aims to promote sustainable farming practices that are beneficial to nature, including the enhancement of soil health.

New conditions have been introduced under cross-compliance in 2025 for peatlands and wetlands. These standards will prohibit a range of activities from being carried out on peatland and wetland areas, including ploughing and cultivation, new drainage, and maintenance of existing drainage systems that cause further drying out of the peatland, as well as activities that cause damage to the vegetation cover, exposing the soil.

Our Fourth National Planning Framework (NPF4) was published and adopted in February 2023. NPF4 policy 5 (soils) sets out to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

The Scottish Biodiversity Strategy to 2045 sets an ambitious overarching goal for Scotland to be Nature Positive by 2030 and to restore and regenerate biodiversity across the country by 2045. This strategy emphasises the critical role of healthy soils in supporting biodiversity, food security, and ecosystem services. Specific actions outlined in the strategy include large-scale landscape restoration projects and continued investment in peatland restoration through the Peatland ACTION Programme, which aims to restore 250,000 hectares of degraded peatland by 2030.

The Delivery Plan associated with the Biodiversity Strategy identifies the need for improved monitoring of soil health and biodiversity, particularly concerning risks posed by contamination and soil degradation. It also calls for enhanced research to fill gaps in understanding soil biodiversity and the impacts of agricultural practices. Our emphasis on sustainable land management practices aims to mitigate the effects of urban development on soil health.

Through the Natural Environment Bill, Scottish Ministers have proposed establishing statutory nature restoration targets which will be based on the overarching goal of the Biodiversity Strategy. Statutory targets will form a key element of the Strategic Framework for Biodiversity, alongside the Biodiversity Strategy and Delivery Plans, to drive a step change to accelerate the pace and scale of efforts.

Through the Strategic Research Programme, the Scottish Government is supporting the development of an adaptive soil monitoring framework for Scotland. This is aligned with four-nations work on soil monitoring led by the James Hutton Institute and the University of Leicester as part of the Land Use for Net Zero, Nature and People Hub initiative. This framework will be designed to incorporate emerging environmental concerns and new monitoring techniques.

We are supporting research which is building the evidence base in order to better understand the key risks to soil. The Strategic Research Programme and the James Hutton Institute facilitate research on soil biodiversity, soil and water contamination caused by spreading of waste on land (such as sewage sludge), and the impact of carbon sequestration schemes on soil carbon stocks (such as tree planting).

The Scottish Government maintains policy and legislative alignment with the EU where it is possible and meaningful to do so. This is in order to protect and advance important regulations that the Scottish Parliament has devolved interest in.

We will continue to monitor the development of the EU Soil Monitoring Law and assess its potential implications, while also continuing to consider how best to implement the principles of the EU Nature Restoration Law within the Scottish context. A decision on whether to introduce statutory requirements in Scotland that align with the proposed EU Soil Monitoring Law will be made once this framework is finalised and we can fully evaluate its suitability for our specific circumstances.

I hope you find this information helpful.

Yours sincerely,

(signed)

Tim Ellis
Deputy Director
Future Environment Division

ANNEX A:

ESS Report Recommendations

Recommendation 1: Under its commitment to keep pace with EU law, the Scottish Government should bring forward legislative proposals that reflect the proposed EU Soil Monitoring Law and Nature Restoration Law by introducing a statutory duty to protect and monitor soil, creating mandatory targets for restoration of drained peatland soils and reassessing contaminated land and soil sealing policy. The legislation could build upon the work undertaken in 2009 and recent work on monitoring by the Joint Nature Conservation Committee and James Hutton Institute.

Recommendation 2: Improving the evidence base on soil will improve the effectiveness of environmental law in Scotland. ESS recommends that Scottish Government and the wider public sector (e.g. NatureScot, SEPA and Scottish Forestry amongst others) commission monitoring and research to address identified gaps in the evidence base. This should be supported by data gathered from a nationwide monitoring programme introduced by legislation to keep pace with the EU's proposed Soil Monitoring Law.