

**2 July 2025**

**Statement on the Scottish Government’s response to Environmental Standards Scotland’s report ‘The risks to Scotland’s soils: a scoping report’**

**1. Background**

1.1 In October 2024, Environmental Standards Scotland (ESS) published ‘The risks to Scotland’s soils: a scoping report’. The report examined 12 risks to soil health and condition and highlighted that the legislation relating to soil in Scotland is fragmentary and tends to protect soil only with the aim of protecting other environments such as water and air. The report highlighted that the forthcoming EU Soil Monitoring Law will help to protect soil in its own right and recommended that, under its commitment to maintain alignment with the EU, the Scottish Government should mirror these proposals and bring forward legislation that introduces a statutory duty to protect and monitor soil. The report also identified gaps in the evidence base that may be reducing the effectiveness of environmental law and recommended that monitoring and research should be expanded to fill these gaps.

1.2 The Scottish Government have responded to ESS’ recommendations. A copy of the response can be found [here](#). This statement sets out ESS’ view on the Scottish Government’s response.

## **2. Response to recommendations**

2.1 ESS welcomes the constructive dialogue that has taken place with the Scottish Government since publication of ESS' report. ESS' view on the responses to each recommendation is set out below.

**Recommendation 1: Under its commitment to keep pace with EU law, 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.**

2.2 The EU Nature Restoration Law was adopted in June 2024. A provisional political agreement on the EU Soil Monitoring Law was reached in April 2025, with formal adoption anticipated by the end of 2025. ESS notes the Scottish Government's intention to decide whether to introduce statutory requirements for soil protection in Scotland once the EU framework is finalised.

2.3 ESS also notes Scottish Government's intention to incorporate soil health into several existing and upcoming plans, frameworks and strategies. The Scottish Government's response to ESS' recommendations cited that the Soils Policy Route Map that had been commissioned from ClimateXChange would guide the future strategic direction for soils in Scotland by identifying key areas for improvement and alignment. ESS therefore welcomes the publication of the [Soils Policy Route Map by](#)

[ClimateXChange](#) in May 2025, which reiterates and supports the recommendations made by ESS and sets out six objectives for Scotland.

2.4 Based on the Scottish Government's response, ESS will seek an update on the their intentions to introduce statutory requirements for soil monitoring and protection, and to maintain alignment with European law following the EU's formal adoption of all the relevant proposals. In addition, we will write to the Scottish Government to clarify their planned approach and timelines for implementing the recommendations set out in the Soils Policy Route Map.

**Recommendation 2: Improving the evidence base on soil will improve the effectiveness of environmental law in Scotland so 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.**

2.5 ESS notes that the Scottish Government is supporting research to build the evidence base on the risks to soils through its Strategic Research Programme and the James Hutton Institute. ESS is actively engaging with the Scottish Government's Strategic Research Programme and the James Hutton Institute to understand how forthcoming research will address the gaps in the evidence base identified in ESS' report relating to soil biodiversity, the environmental impact of waste spread on land and carbon sequestration schemes' impact on soil carbon. As identified in response to recommendation 1, ESS will seek an update on the Scottish Government's intentions to introduce statutory requirements for soil protection in Scotland (including mandatory, national monitoring requirements) once the EU Soil Monitoring Law is finalised.