

Cabinet Secretary for Climate Action and Rural Affairs

Rùnaire a' Chaibineit airson Gnìomhachd na Gnàth-shìde agus Cùisean Dùthchail

Gillian Martin MSP

Gillian Mhàrtainn BPA



Scottish Government
Riaghaltas na h-Alba
gov.scot

T : 0300 244 4000

E : [REDACTED]

Mark Roberts

Chief Executive

Environmental Standards Scotland

[REDACTED]

Our Reference: 202600535671

Your Reference: Letter from ESS CEO in relation to the Natural Environment (Scotland) Act 2026

15 September 2026

Dear Mr. Roberts,

Thank you for your letter of 24 August regarding the commencement of provisions in the Natural Environment (Scotland) Act 2026 ("The Act"). I welcome Environmental Standards Scotland's support for the Act and recognise the importance of providing clarity to assist ESS in preparing for its responsibilities as the Independent Review Body.

I fully recognise the urgency of addressing biodiversity loss and the important contribution that statutory nature restoration targets will make towards achieving the vision and aims set out in the Scottish Biodiversity Strategy. The Act establishes a strong statutory framework for nature recovery through legally binding targets, regular reporting and independent scrutiny.

Work to develop the target proposals for consultation is progressing well. The Biodiversity Programme Advisory Group (PAG) has developed scientific recommendations covering species status, habitat condition and extent, and the environmental conditions needed to support nature restoration. Following peer review by NatureScot's Scientific Advisory Committee, these recommendations will provide the scientific evidence base for developing proposals.

Officials are progressing with cross-government policy development to translate the emerging scientific recommendations into effective and deliverable target proposals. This includes consideration of legal, policy, socio-economic, delivery and monitoring and reporting requirements to ensure that targets are measurable, achievable and supported by a coherent delivery framework. Given the importance of establishing targets that can drive lasting environmental improvement, the Scottish Government is

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Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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progressing this work at pace while maintaining the necessary rigour.

Ministers remain committed to bringing Part 1 of the Act into force at the earliest opportunity consistent with establishing robust and effective statutory targets. Once commenced, Scottish Ministers must lay draft Scottish Statutory Instruments for establishing the targets within 12 months. The programme must therefore accommodate the necessary scientific and policy development, a statutory consultation (routinely up to 12 weeks), and the period for parliamentary procedures for scrutinising and approving draft instruments. Commencing Part 1 before this work has been completed would risk establishing targets that are insufficiently evidenced, difficult to monitor or impractical to deliver. Subject to the completion of policy development, Part 1 of the Act is expected to be commenced during the first half of 2027.

I understand ESS's concern about the contribution that statutory targets will make towards the 2030 milestones. However, the work required to establish targets in secondary legislation does not mean action to restore nature will be paused. The targets sit within Scotland's wider Strategic Framework for Biodiversity, alongside the Scottish Biodiversity Strategy and its rolling six-year Delivery Plans, which will continue to drive progress towards halting biodiversity loss by 2030 and restoring and regenerating biodiversity by 2045. Consequently, Ministers will continue to monitor progress towards the 2030 milestones through established reporting arrangements and will use that evidence to inform both delivery priorities and the development of the statutory targets.

Officials will continue to work closely with ESS throughout the targets development process and will provide updates on key milestones, including policy development, consultation, monitoring and reporting frameworks, and implementation planning. This will help ensure ESS is well placed to discharge its future functions as the Independent Review Body from the point the provisions are commenced.

I hope this provides you with reassurance that Ministers remain firmly committed to Scotland's biodiversity ambitions to 2045 and to establishing robust, measurable and deliverable statutory targets that drive lasting environmental improvement.

Yours sincerely



GILLIAN MARTIN

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