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Senior Environmental Analyst
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██████████
Head of Natural Capital and Valuation
Future Environment Division
Scottish Government
(By email)

15th October 2026

Dear ██████████,

RE: ESS' Risks to Scotland's Soils analytical report recommendations

Thank you for your email of 1 September 2026, regarding the Scottish Government's response to Recommendation 2 made by ESS in our report '[The Risks to Scotland's Soils: A Scoping Report](#)' relating to increased research in the areas of 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).

ESS considers that the Scottish Government and its research organisations have made clear progress to meet Recommendation 2, with projects under the current Strategic Research Programme making good contributions to understanding these topics. The Healthy Soils for a Green Recovery project has set out indicators for soil biodiversity and the Mountain Heights Hidden Depth project identified nearly 45,000 taxa in upland soils. The James Hutton Institute has identified that sewage sludge poses a risk to soil health and subsequently called for a precautionary approach from government to sludge spreading. ClimateXChange are working on an evidence statement on soil carbon. In addition, the 2027-2032 strategic research plan also sets out clear plans to research these areas.

As a result, ESS considers that sufficient action has been taken and that Recommendation 2 has been met.

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Recommendation 1 from our soils report called for the Scottish Government to bring forward legislative proposals that reflect the Nature Restoration Regulation and (then draft) EU Soil Monitoring Law which introduced statutory duties for Member States to protect and monitor soil, created mandatory targets for restoration of drained peatland soils and reassessed contaminated land and soil sealing policy. ESS acknowledges the following developments and milestones in relation to Recommendation 1 since the publication of our report in October 2024:

- the publication of ClimateXChange's first and second stages of the Soils Policy Route Map in May 2025 and July 2026, which presented policy recommendations for Scottish Government.
- the requirement for EU Member States to submit draft national restoration plans by 1 September 2026 under Nature Restoration Regulation.
- the enactment of the Soil Monitoring Law in November 2025 and corresponding introduction of a requirement for Member States to draw up documents and develop scientific tools to aid the development of a soil monitoring framework and determine the number and location of sample points by 17 December 2026.

Scottish Government will, consequently, have had time to review the EU's Soil Monitoring Law and the Nature Restoration Regulation following the publication of the second ClimateXChange report. In light of these developments, ESS asks that Scottish Government provide an update on its proposed response to Recommendation 1 from our report.

The update should include details of how the Scottish Government proposes to address our recommendation to maintain alignment with the Soil Monitoring Law and the soil-related provisions within the Nature Restoration Regulation. For example, whether the Scottish Government considers that it is currently in alignment with the laws or, if it is not currently in alignment, whether and how it intends to do so, including specific timelines where possible.

This information will provide ESS with a clear position on whether Ministers intend to maintain alignment on this issue which we can assess against our recommendation. We ask that the Scottish Government provide us with details of its proposed response to Recommendation 1 from our report by 16 November 2026.

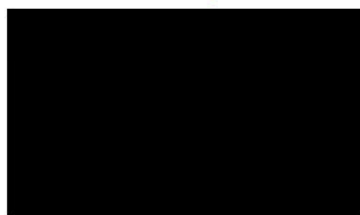
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Thank you again for your continuing engagement in this matter. I look forward to hearing from you again soon.

Yours sincerely,

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Senior Environmental Analyst

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