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Dear Convener

SCOTTISH GOVERNMENT'S IMPROVEMENT PLAN ON VEHICLE ENGINE IDLING

Environmental Standards Scotland (ESS) welcomes the opportunity to give evidence to the Committee on 19 November 2026.

ESS' Improvement Report concluded that there is a significant risk that key elements of the vehicle engine idling legal framework are not operating effectively and require strengthening. We have set out below our views on the Scottish Government's plan to address each of the remedial measures as set out in the Improvement Report.

Recommendation 1 – that the Scottish Government reviews and increases the level of Fixed Penalty Notice (FPN) under the the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 ('the 2003 Regulations') to ensure it provides an effective deterrent.

ESS welcomes the Scottish Government's acceptance of this recommendation and its commitment to consult on proposals to increase the level of the FPN for stationary idling offences. The intention to bring forward amending legislation represents a positive step towards addressing ESS' concerns over the deterrent value of the current £20 FPN level.

ESS notes the indication that the consultation is likely to consider a FPN level of £50 to £100. However, in ESS' view the effectiveness of the system will largely depend on the level of fine that is agreed following consultation and parliamentary scrutiny. Accordingly, ESS would encourage the Scottish Government to ensure that the consultation process is focused on identifying a level which genuinely supports the purpose of the 2003 Regulations and provides a meaningful deterrent to unnecessary engine idling.

Recommendation 2 - that the Scottish Government introduces a mechanism that would allow for future adjustments to the fixed penalty level, ensuring it maintains its deterrent value over time, including indexation in line with inflation.

ESS welcomes the Scottish Government's agreement with the principle that FPN levels should remain an effective deterrent over time. However, the recommendation was intended to address the circumstances that resulted in the level of the penalty remaining unchanged for more than twenty years despite significant changes in inflation and comparable penalty regimes. The purpose of the recommendation was therefore not only to secure future reviews but to establish a clear mechanism that reduces the risk of prolonged periods without reconsideration of the FPN level. The mechanism does not necessarily have to be set in legislation.

While ESS acknowledges the reasons set out in the improvement plan for not pursuing automatic inflationary indexation, it is unclear what form the proposed monitoring and periodic review process will take, what timescales would apply, and what factors would trigger reconsideration of the FPN level.

ESS would therefore welcome further detail on the arrangements that will be put in place to ensure that the FPN level continues to provide an effective deterrent in future years.

Recommendation 3 - that the Scottish Government finalises proposals for legislative amendment of the 2003 Regulations to implement the above changes, in recommendations 1 and 2, within twelve months of the laying of this report in the

Parliament, with parliamentary consideration taking place at the earliest possible opportunity.

ESS' welcomes the Scottish Government's commitment to consult on legislative amendments and to progress changes to the 2003 Regulations following approval of the improvement plan.

ESS' notes the explanation provided regarding the practical constraints associated with parliamentary approval of the Improvement Plan, statutory consultation requirements and parliamentary timetables, which have resulted in a proposed conclusion date of September 2027. ESS considers the Scottish Government's proposed timescale appears to implement this recommendation in full.

Yours sincerely

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