

Soil governance in Scotland: mapping the institutional architecture - update

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1 Executive summary

1.1 Aims

Sustainable management and protection of soils is a priority for Scotland. Soils are a valuable but vulnerable natural asset and underpin environmental, economic, and social functions. The importance of soils is mirrored in the wide range of regulations, policy and guidance that have evolved over time.

This report updates ClimateXChange's previous [Soil Governance in Scotland](#) report (McKee 2018) to reflect changes in policy and legislation for the conservation and management of soil in Scotland, with extensions to consider soil carbon and biodiversity.

1.2 Key findings

- Since the 2018 report, 29 soil related policies have been updated or introduced across a range of legislative areas, including: agriculture; climate change; forestry; planning; diseases and pest control; plant health and genetically modified organisms (GMOs).
- Soil biodiversity is included in legislation either as a part of biodiversity as a whole or as a part of soil health.
- Soil carbon is explicitly considered in relation to peat, most predominantly in [Scotland's National Peatland Plan](#). Soil carbon may also be considered within general climate change legislation, although is not explicitly mentioned.
- There is no single policy for soil conservation and management.
- No updates to policy regarding policy effectiveness have been made since the 2018 report, resulting in a continued gap in soil monitoring for policy effectiveness.
- Specific gaps can be identified in relation to:
 - the role of protection and restoration of peat in climate change mitigation legislation, building on current inclusion in land use plans and legislation, and the Climate Change Plan;
 - the recognition of soil biodiversity as a part of biodiversity legislation; and
 - the explicit inclusion of wider soil carbon into land management and agricultural legislation.

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2 Project aims and rationale

The 2018 report “[Soil governance in Scotland: mapping the institutional architecture](#)” (McKee 2018) sought to understand the extent of the different legislative and policy mechanisms for the conservation and management of soil in Scotland, and how they relate to key national institutions. The report identified the presence of soils in a wide range of policy documents at multiple scales but highlighted the absence of a single policy designed for the protection of soil.

This update to the 2018 report identifies:

- amendments to existing legislative and policy mechanisms in Scotland;
- new legislative and policy mechanisms since 2018;
- any legislative and policy mechanisms that specifically relate to soil carbon and soil biodiversity not captured in the 2018 report; and
- any perceived gaps in the governance structures.

Using the approach developed by McKee (2018) we reviewed all legislation in Scotland since 2018 for the terms: soil; sediment; land; ground; peat; biodiversity; and carbon. This research focused on active policy and legislation documents, and therefore does not include documents currently in draft stages, wider Government statements, or position papers from other organisations. Full detail of the methodological approaches and the definitions of key terms used in developing this institutional overview are described in Appendix A.

3 Policy analysis results

3.1 Update on existing policies relating to Scotland

We have identified 29 policy documents with implicit or explicit mention of soils, and that have come into force since between 2018 and October 2021, or relate specifically to soil carbon or biodiversity and were not present in the 2018 report (Table A). For the full list of relevant documents see Appendix D.

In the period since the 2018 report the UK has left the European Union, leading to changes in legislation as EU legislation is transferred. At the time of writing, this process is ongoing. To date, seven documents have been identified as relating to EU exit and soils, and these are highlighted in the table below (Table A). Additionally, we have targeted policies specifically related to soil biodiversity and soil carbon, which led to the addition of the [Nature Conservation \(Scotland\) Act 2004](#) and the [Wildlife and Natural Environment \(Scotland\) Act 2011](#). These documents were not considered in the 2018 report because they do not explicitly mention soil but are included here due to the increased policy focus on biodiversity, including Scotland’s role in negotiations regarding the UN Biodiversity Conference (COP15) and the development of the Scottish Biodiversity Strategy post 2020.

The 2018 report identified that soil conservation and management feature across a range of legislative areas, which we confirm remains the case today. Soil continues to be included across legislation relating to: agriculture; climate change; forestry; planning; plant and animal diseases and pest control; plant health and genetically modified organisms (GMOs).

Table A: Soil conservation and management in Scotland - policy overview of amendments and new documents since 2018. Nature Conservation Act and Wildlife and Natural Environment Act have been added due to relevance to biodiversity.

Primary legislation relating to soil (Acts and Bills)	Agriculture (Retained EU Law and Data) (Scotland) Act 2020^{1,2}	Wildlife and Natural Environment (Scotland) Act 2011²	Climate Change (Emissions Reduction Targets) (Scotland) Act 2019³	The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019¹	The Agricultural Holdings (Scotland) Act 1991 (Variation of Schedule 5) Order 2019	UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021^{1,2,3}
	Planning (Scotland) Act 2019^{2,3}	Forestry and Land Management (Scotland) Act 2018²	Forestry and Land Management (Scotland) Act 2018	South of Scotland Enterprise Act 2019³	Nature Conservation (Scotland) Act 2004²	Scottish National Investment Bank Act 2020^{2,3}
Secondary legislation relating to soil (Regulations and Amendments)	The Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Amendment Order 2020³	The Agricultural Holdings (Scotland) Act 1991 (Variation of Schedule 5) Order 2019	The Common Agricultural Policy (Miscellaneous Amendments) (Scotland) Regulations 2018	The Plant Health: (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019¹ ; (Export Certification) (Scotland) Order 2018^{1,2} ; (Forestry) Amendment (Scotland) Order 2019.		The Genetically Modified Organisms (EU Exit) (Scotland) (Amendment) Regulations 2019^{1,2}
	The Felling (Scotland) Regulations 2019²	The Environmental Authorisations (Scotland) Regulations 2018²	The Environmental Liability etc. (EU Exit) (Scotland) (Amendment) Regulations 2019 – Amendment to the 2009 regulations²	The Forestry (Exemptions) (Scotland) Regulations 2021	The Bee Diseases and Pests Control (Scotland) Amendment Order 2021²	
SG National Plans, Policies and Strategies (relating to soil)	Cairngorms National Park Partnership Plan 2017-2022^{2,3}		National Park Partnership Plan 2018-2023 - Loch Lomond and the Trossachs NP^{2,3}		SEPA Energy Framework 2018³	
Guidance documents/codes of practice (relating to soil)	WST-G-054: Paragraph 19 exempt activities: 'drainage' and 'land reclamation'		LUPS-CC1: Climate change allowances for flood risk assessment in land use planning		Guidance on Assessing the Full Economic Benefits of the Productive Reuse of Land^{2,3}	

1. Legislation relating to UK withdrawal from European Union. 2. Legislation relating to soil biodiversity. 3. Legislation relating to soil carbon.

3.2 Policy instruments and relationships

This report identifies new and amended documents relating to soil, soil carbon and soil biodiversity since 2018. We summarise these documents here (Table B), and provide a full list of documents included in this and the previous report in Appendix D.

Table B: Description of policy instruments/mechanisms for soil protection/management in Scottish legislation

<i>Instrument/mechanism</i>	<i>Scottish legislation</i>	<i>Summary of policy instrument/mechanism(s)</i>
<i>SECTOR: Natural environment protection</i>		
	Cairngorms National Park Partnership Plan 2017-2022	Statutory requirement under the Environmental Assessment (Scotland) Act 2005, with multiple frameworks. Includes the Conservation Policy Framework which lists the need to enhance the resilience of habitats, species, and land to climate change, and which includes supporting the expansion of woodland on appropriate soils and securing protection, sustainable management, and restoration of peat and carbon-rich soils. The Plan also lists the need to conserve and enhance the quality and connectivity of habitats to support food production, carbons sequestration and storage, and flood management.
	National Park Partnership Plan 2018-2023 - Loch Lomond and the Trossachs NP	Working with Lead Development Partners, the Plan intends to implement strategies across designated sites within the NP to support the conservation and management of habitats, species, and land in relation to climate change and the increase in visitor activity. Relevant to conservation: building a resilient and connected environment to promote restoration and protection of habitats and species. Land partnerships: using integrated land management strategy to improve the condition of peatland on public and private NP land. As 56% of NP land is privately-owned privately, mutually beneficial strategic partnerships are essential for success.
Requirements of regulated forestry activities for sustainable development	Forestry and Land Management (Scotland) Act 2018	Strategic change is needed to ensure the conservation and enhancement of the environment by means of sustainable forest management and sustainable

		development. Forested land to be managed in particular for economic development, to conserve and enhance the natural environment, and to realise social benefits of forestry. Felling directions relate to the prevention of (further) deterioration of land on which trees are felled or restocked.
Controlled management of emissions for environmental purposes	Climate Change (Emissions Reduction Targets) (Scotland) Act 2019	<p>The Act contains soil-relevant sub-sections (land use, land use change and forestry, agriculture), and proposes regional land use partnerships, as well as a 'whole farm' approach to emission accounting on Scottish farms (through use of research, knowledge transfer, land management accreditation; nutrient resource budgeting; circular economy; energy generation and efficiency; land use strategy; agroecology; carbon sequestration; agroforestry. Proposals and policies for an Agricultural Modernisation fund to reduce GHG emissions from Scottish Farms.</p> <p>The Act aims to reach emissions targets via: establishing a Citizens' Assembly to consider climate change reduction and mitigation, and to make recommendations on relevant matters; a nitrogen balance sheet of all major nitrogen flows, including soils and flows across boundaries; a provision for a baseline figure for nitrogen use efficiency, and the sources of nitrogen pollution.</p> <p>Scottish Ministers must lay before Parliament an assessment of the progress towards the goals of this Act before Parliament.</p>
Controlled management of site	The Environmental Liability etc. (EU Exit) (Scotland) (Amendment) Regulations 2019	<p>Relevant to soil contamination and damage, the presence of risks accounts for characteristic and function of the soil, type and concentration of harmful substances, organisms and micro-organisms, and possibility of their dispersion.</p> <p>Changes to reporting requirements, regarding type and date of damage, and description of causal activity.</p> <p>With relevance to EU-exit, the regulations authorise, prohibit, or manage the</p>

		regulated activities as though distinct from the EU.
<i>SECTOR: Species protection</i>		
Broad EU-Exit measures for Scotland	UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021	Acknowledges that environmental policy must respond to global crises of biodiversity and climate change.
Management of regulated activities for environmental protection	The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019	To prohibit and limit the movement and type of movement of specific plant species to establish uniform conditions to implement measures against pests of plants. The regulations for which included conducting standardised soil tests, such as to prevent potato cyst nematode spreading in Scotland/UK.
<i>SECTOR: Land/water pollution</i>		
Land use guidance for risk management	WST-G-054: Paragraph 19 exempt activities: 'drainage' and 'land reclamation'	The amount of waste used must not exceed the minimum needed to complete the work. 'Relevant work' can include the used of waste for drainage, but not involving land reclamation. The definitions are made on a site-specific basis with this guidance in mind. 'Drainage works' = any works for the purpose of draining land or preventing/mitigating erosion to which land is subject. SEPA expects 'drainage works to redirect surface water away from an area, but that area cannot already be at risk of flooding or have negative consequences to the plans. Drainage does not include the use of water to raise the existing water table, nor filling an existing void such that run-off is inhibited.
<i>SECTOR: Land use planning</i>		
Identification and management of energy in Scotland	SEPA Energy Framework 2018	Guiding decisions of the Scottish Government, with partner bodies, to plan the energy transition with sustainability in mind, and highlights the connections between energy systems and economics. The Framework works in-line with voluntary initiatives and is integral to the delivery of the broader Regulatory Strategy. Energy priorities include: consumer engagement and protection;

		energy efficiency; system security and flexibility; innovative local energy systems; renewable and low carbon solutions; oil and gas industry support and highlight that the transition must not lead to any environmental harm, which may (implicitly) included that to soils.
Identification of sustainability land use practices	Guidance on Assessing the Full Economic Benefits of the Productive Reuse of Land	Framework for identifying economic benefits of vacant and derelict land - benefits beyond commercial Including green spaces, consideration for GHG emissions, water quality, biodiversity, flood risk and environmental benefits
Regional conservation strategy	National Park Partnership Plan 2018-2023 - Loch Lomond and the Trossachs NP	Plan intends to implement strategies across designated sites within the NP to support the conversation and management of habitats and land in relation to climate change and the increase in visitor activity. These targets also relate to landscape care using footpath maintenance, and investment in diversifying rural land use. Relevant to land partnerships: proposed use of integrated land management strategy to improve the condition of peatland on public and private NP land. As 56% of NP land is owned privately, mutually beneficial strategic partnerships are essential for success.
Guidance on mitigation and management of flooding	LUPS-CC1: Climate change allowances for flood risk assessment in land use planning	Guidance is to recommend allowances for climate change that can be applied to Flood Risk Assessments and Strategic Flood Risk Assessments to inform spatial strategies for land development. This advice takes the place of previous advice from SEPA. This guidance supports climate resilient places in Scotland, recognising climate change will increase flood risks in some parts of the country. Outline of 'climate change allowances', which are predictions of anticipated changes to peak river flow, peak rainfall intensity, and sea level rise caused by future climate change. Type of allowances used depend on river context and catchment conditions.
Requirements for land protection within applications for consent	Planning (Scotland) Act 2019	Amendments to Town and Country Planning (Scotland) Act 1997. Accepted benefits of land development and use to include: reduction in emissions of greenhouse gases, securing positive

		effects for biodiversity. Changes to National Planning Framework must be revised in 2024 and every 10 years thereafter and must take account of: Land use strategy prepared under section 57 of the Climate Change (Scotland) Act; Programme for adaptation to climate change prepared under section 53 of the Climate Change (Scotland) Act; preserving peatland. Planning authorities are to prepare open space strategy and assessment of environmental effects of planning to specifically include effects on biodiversity, including positive effects.
Land use management restrictions and requirements	The Agricultural Holdings (Scotland) Act 1991 (Variation of Schedule 5) Order 2019	Improvements made by tenants for which no consent or notice is required: Eradication of bracken, whins or broom growing on the holding at the commencement of the tenancy; removal of tree roots, boulders, stones or other similar obstacles to cultivation from arable land or from permanent grass land; application to land of soil improvers, conditioners, digestates, manure or fertiliser, whether organic or inorganic.
Sustainable land use guidance	Guidance on Assessing the Full Economic Benefits of the Productive Reuse of Land	Framework for identifying economic benefits of vacant and derelict land - benefits beyond commercial Including green spaces, consideration for GHG emissions, water quality, biodiversity, flood risk and environmental benefits.
Control of regulated activities, with sustainability in mind	The Forestry (Exemptions) (Scotland) Amendment Regulations 2021	These regulations remove the ability for trees to be felled without felling permissions, in relation to peatland restoration projects, where planning permission has been granted under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. This exemption overrides any permissions granted by the exemption at regulation 4(e) of the Forestry (Exemptions) (Scotland) Regulations 2019 (“the Principal Regulations”), therefore, despite having planning permission for a peatland restoration project, felling a tree without a felling permission will constitute an offence under section 23 of the 2018 Act.)

3.3 Policy instruments specifically related to soil biodiversity

We did not find explicit mention of soil biodiversity in any legislative document, including those published before 2018 (Table C). However, soil biodiversity can be implicitly considered through specification of the protection of biodiversity as a whole, or as a component of soil health. Negative elements of soil biodiversity are also included in restrictions of movements of potentially contaminated soils (Table C). Like soils, biodiversity is included in a range of policies, including those relating to forestry, agriculture (including GMOs), land management (including national park plans), plant health and invasive species, and avoiding negative impacts on biodiversity as a result of financial investments. The most extensive legislation regarding biodiversity in Scotland is the [Nature Conservation \(Scotland\) Act 2004](#). The Act seeks to enhance biodiversity protection as a whole, of which soil biodiversity is a part, although this is not explicitly mentioned.

Table C: Policies with relevance to soil biodiversity

Restricting activities to protect biodiversity (including soil biodiversity)
The Felling (Scotland) Regulations 2019
Forestry and Land Management (Scotland) Act 2018
The Environmental Authorisations (Scotland) Regulations 2018
Planning etc. (Scotland) Act 2006
Environmental Liability (Scotland) Regulations 2009
Agriculture (Retained EU Law and Data) (Scotland) Act 2020
The Genetically Modified Organisms (EU Exit) (Scotland) (Amendment) Regulations 2019
Promotion of environmental protections and biodiversity (including soil biodiversity)
Nature Conservation (Scotland) Act 2004
Wildlife and Natural Environment (Scotland) Act 2011
UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021
Planning (Scotland) Act 2019
Forestry and Land Management (Scotland) Act 2018
Scottish National Investment Bank Act 2020
Cairngorms National Park Partnership Plan 2017-2022
National Park Partnership Plan 2018-2023 - Loch Lomond and the Trossachs NP
Guidance on Assessing the Full Economic Benefits of the Productive Reuse of Land
Restricting movements of potentially damaging organisms in soils
The Bee Diseases and Pests Control (Scotland) Amendment Order 2021
The Plant Health (Export Certification) (Scotland) Order 2018

3.4 Policy instruments specifically related to soil carbon

Soil carbon is explicitly considered within policy in relation to peatlands, including most predominantly in “[Scotland's National Peatland Plan](#)”, administered by NatureScot (note: this plan has not been updated since the previous version of the report, and therefore does not appear in above tables). Peat is a major store of soil carbon and has the potential to continue to be a carbon sink for Scotland. Following the focus on peat at COP26¹, and the inclusion of peatlands in Scotland's Climate Change Plan, we can also anticipate that peat will continue to play a role in Scotland's move towards Net Zero. In addition to peat, soil carbon is implicitly considered within legislation concerned directly with land management, where reductions in greenhouse gas emissions are promoted. Soil carbon may also be considered within general climate change legislation (e.g. the Climate Change (Scotland) Act 2009), although is not explicitly mentioned.

However, the most recent UK Climate Change Risk Assessment (UKCCRA), published in January 2022, deems risks to soil health from flooding and drought as one of its highest priority areas for urgent action. The UKCCRA informs the Scottish Climate Change Adaptation Programme, as required as part of the Climate Change (Scotland Act) 2009. (Note: This is a UK level document and published after the period that this report covers, and therefore is not included in tables elsewhere in the report).

Table D: Policies with relevance to soil carbon

Land management to account for GHG emissions
Planning (Scotland) Act 2019
Cairngorms National Park Partnership Plan 2017-2022
National Park Partnership Plan 2018-2023 - Loch Lomond and the Trossachs NP
Guidance on Assessing the Full Economic Benefits of the Productive Reuse of Land
Climate change or supporting of net-zero
UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021
Scottish National Investment Bank Act 2020
Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
South of Scotland Enterprise Act 2019
SEPA's Energy Framework
Peat specific legislation
Scotland's National Peatland Plan 2015
Cairngorms National Park Partnership Plan 2017-2022

¹ <https://ukcop26.org>

[The Town and Country Planning \(General Permitted Development and Use Classes\) \(Scotland\) Amendment Order 2020](#)

3.5 Responsible institutions

Responsibility for soil policy in Scotland is split across a number of different institutions. These institutions have a range of responsibilities, including: directing policy; setting objectives; and governance and regulation. The majority of amendments and additions since 2018 have occurred under the responsibility of the Scottish Ministers. SEPA continues to play a key role in soil policy in Scotland (Table E). As in the previous report it is likely that responsibilities held by the Scottish Ministers are delegated to other institutions, but this is not stated within the policy documents.

Table E: Institutions responsible for associated primary legislation which has been developed or updated since 2018

Responsible institution	Scottish legislation
Scottish Ministers	Agriculture (Retained EU Law and Data) (Scotland) Act 2020 Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 Forestry and Land Management (Scotland) Act 2018 The Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Amendment Order 2020 The Agricultural Holdings (Scotland) Act 1991 (Variation of Schedule 5) Order 2019 The Bee Diseases and Pests Control (Scotland) Amendment Order 2021 The Plant Health (Forestry) Amendment (Scotland) Order 2019 South of Scotland Enterprise Act 2019 The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019 The Environmental Authorisations (Scotland) Regulations 2018 The Felling (Scotland) Regulations 2019 The Common Agricultural Policy (Miscellaneous Amendments) (Scotland) Regulations 2018 The Planning (Scotland) Act 2019 UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 Scottish National Investment Bank Act 2020 The Genetically Modified Organisms (EU Exit) (Scotland) (Amendment) Regulations 2019

Responsible institution	Scottish legislation
	Climate Change (Scotland) Act 2009 Planning etc. (Scotland) Act 2006 Environmental Liability Regulations (Scotland) 2009 The Forestry (Exemptions) (Scotland) Regulations 2021 Wildlife and Natural Environment (Scotland) Act 20112 Nature Conservation (Scotland) Act 20042
SEPA (Scottish Environmental Protection Agency)	The Environmental Authorisations (Scotland) Regulations 2018 Planning etc. (Scotland) Act 2006 Environmental Liability Regulations (Scotland) 2009
Local (Planning Authorities)	South of Scotland Enterprise Act 2019 Climate Change (Scotland) Act 2009 Planning etc. (Scotland) Act 2006
National Park Authorities	Planning etc. (Scotland) Act 2006
Scottish Water	Climate Change (Scotland) Act 2009
Secretary of State/Minister for Agriculture, Fisheries and Food/appropriate UK Minister/appointed chief inspector	Climate Change (Scotland) Act 2009

As with primary legislation, SEPA is responsible for a number of sectoral policies and plans, including those relating to energy, climate change and flooding. Land management plans and guidance with relevance to soils are managed by either the National Park Authorities or the Scottish Land Commission. The role of SEPA within legislation and sectoral policies and plans highlights the agency's key role in soil conservation and management at all levels.

Table F: Institutions responsible for the success of sectoral policies and plans

Scottish sectoral plans and policies	Responsible institution(s)
Cairngorms National Park Partnership Plan 2017-2022	National Park Authority
National Park Partnership Plan 2018-2023 - Loch Lomond and the Trossachs NP	National Park Authority

SEPA Energy Framework 2018	SEPA (Scottish Environmental Protection Agency)
LUPS-CC1: Climate change allowances for flood risk assessment in land use planning	SEPA (Scottish Environmental Protection Agency)
WST-G-054: Paragraph 19 exempt activities: 'drainage' and 'land reclamation'	SEPA (Scottish Environmental Protection Agency)
Guidance on Assessing the Full Economic Benefits of the Productive Reuse of Land	Scottish Land Commission

3.6 Gaps in soil governance

As noted in the 2018 report, although soil is implicitly included across numerous policy areas, there is little explicit consideration of soil, and no single soil related policy. We also did not identify any documents published since 2018, or updates to pre-2018 documents, which considered the effectiveness of soil related policy, or incorporated soil monitoring. The [Scottish Soils Framework](#) provides guidance for soil protection, but is not a legislative document, and has not been updated since 2009. [Scotland's National Peatland Plan](#) has not been updated since 2015,.

As identified in the 2018 report, there are significant gaps in:

- the explicit inclusion of soil within related legislation;
- specific legislation for soil protection; and
- monitoring for policy effectiveness with regards to soil outcomes.

Additional legislative gaps can be identified in relation to:

- the role of protection and restoration of peat in climate change mitigation, though these are incorporated into the Climate Change Plan;
- the recognition of soil biodiversity as a part of biodiversity legislation; and
- the explicit inclusion of wider soil carbon into land management and agricultural legislation.

We did not identify any documents published since 2018, or updates to pre-2018 documents, which considered the effectiveness of soil related policy, or incorporated soil monitoring, however those documents identified within the 2018 report are still active ([Scottish Soil Framework](#), [Scotland's National Peatland Plan](#), and [Scottish Biodiversity Strategy](#)). We repeat the findings from the 2018 report, that while policy effectiveness may be broadly considered it is not specifically related to soils, and there remains a gap remains in soil monitoring for policy effectiveness.

4 Discussion and conclusions

We have identified 29 new or updated documents relating to soil governance since the 2018 report and included assessment of two pre-2018 documents due to their relevance to soil biodiversity. This report adds to and amends the 2018 Soil Governance in Scotland report (McKee, 2018) to identify updates to existing, and creation of new, legislation relating to soil governance. Although we identified 29 new or updated documents (and add two pre-2018 documents due to relevance to biodiversity), we

repeat the findings of the 2018 report that there is a lack of coherent soil policy, and monitoring data to inform policy evaluation.

Although we do not report on much change in coherence of soil policy since 2018, that soils appear in 29 new documents, either implicitly or explicitly, highlights the continued importance of soils to Scottish policy, and should not be overlooked. The [Scottish Soils Framework](#) continues to guide policy. However, having been published in 2009, it might benefit from updating in the near future, particularly with regards to advances in understanding of soil carbon and potential to link to carbon accounting, and the impacts of Brexit on legislation.

We did not consider draft documents within this report. However, we note that the [National Planning Framework](#) (under consultation at time of writing) does incorporate intentions around soils, demonstrating that the importance of soils to Scotland continues to be recognised.

Soil governance across the UK tends to follow the same pattern of that in Scotland, with soil implicitly included in many policies, but no single overarching soil policy. At the EU level, the European Commission adopted the [EU Soil Strategy for 2030](#) in November 2021, as a key deliverable under the [EU Biodiversity Strategy for 2030](#). This strategy includes proposals for dedicated legislation on soil health by 2023, and considers imposing restrictions on draining of carbon rich soils. Such a strategy may provide guidance to the development of similarly comprehensive soil protections in Scotland.

4.1 Summary conclusions

- There is a lack of coherent soil policy in Scotland. There is no single policy designed for the protection of soil and, where soil is included, it is often implicit.
- There is a lack of policy for monitoring soil, necessary for policy evaluation.
- Updates to policy documents, and introduction of new policy, relating to soil have largely followed the patterns recognised in the 2018 report.
- Although not always explicit, soil is embedded across a range of legislative areas, which highlights the importance of soils with Scotland.
- Biodiversity is becoming an increasingly important policy area, and there is an opportunity to include specific consideration of soil biodiversity within biodiversity policy, which is currently lacking.
- Peat plays an important role for tackling climate change and storing soil carbon. Scotland recognises the importance of peat for storing soil carbon and its role in tackling climate change. There is potential to increase the strength of this within policy through inclusion of peat in climate change specific policies, alongside the land use policies in which peat currently features.
- The recent adoption of the [EU Soil Strategy for 2030](#) by the European Commission can provide guidance for the creation of coherent soil policy for Scotland.

5 References

European Commission, Directorate-General for Environment, (2021). *EU soil strategy for 2030: towards healthy soils for people and the planet*, Publications Office. <https://data.europa.eu/doi/10.2779/02668>

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7 Appendices

A: Definitions and Methods

7.1.1 Definitions

We use the same definitions as in the 2018 report (Table G).

Table G: Definitions of key terms

Key term	Definition used in this report
Primary legislation	'Level one' primary legislation, both legislation applicable to Scotland for pre-1999 UK-wide instruments, and post devolution Scottish legislation, including Acts, Bills, Regulations and Amendments.
Policy	'Level one' policy can include (statutory and non-statutory) strategies, statements, plans and frameworks.
Policy instrument	'Level two' policy instruments including regulations, secondary legislation, incentive schemes that are used to implement level one policy
Guidance	A type of policy instrument that can also include codes of practice, programmes and projects, and funding support.

Institution	The range of organisations with an oversight, influence, and/or responsibility for soil management in Scotland.
Effectiveness	As presented in the monitoring and assessment programmes associated with the policy, and through research.

7.1.2 Methods

We carried out a review of policy documents related to soil through searching for Acts of Scottish Parliament and Scottish Statutory Instruments for: soil; sediment; land; ground; peat; biodiversity; and carbon, since 2018, via the legislation.gov.uk portal. Further searches were carried out on the websites of the institutions identified in the 2018 report as having responsibility for Scottish Soil Policy (SEPA, NatureScot, Scottish Water, National Park Authorities, Scottish Land Court, Crown Estates). Expert input was sought via individual discussions on the policy list, and included relative importance of policies and potential international policies of relevance.

B: Full table of Scottish plans/policies and soil-related provisions

Document name	Details
Agriculture (Retained EU Law and Data) (Scotland) Act 2020	<p>Regulations to allow Scottish ministers to modify CAP, including in relation to soil:</p> <ul style="list-style-type: none"> - Make provision for the standards to which products must conform (marketing standards) - including substances used in production, labelling, type of farming and production method, restrictions on certain substances and practises, disposal of non-conforming products and by products, use of terms communicating value-added characteristics. <p>Requirement to persons connected to agri-food supply chain to provide information on activities in Scotland where product is for profit or reward, for the purpose of promoting health or quality of plants or soil.</p>
Cairngorms National Park Partnership Plan 2017-2022	<p>A statutory requirement under the Environmental Assessment (Scotland) Act 2005, this has a number of frameworks:</p> <ul style="list-style-type: none"> - Conservation Policy Framework lists the need to enhance the resilience of habitats, species, and land to climate change, which include supporting the expansion of woodland on appropriate soils and securing protection, sustainable management, and restoration of peat and carbon-rich soils. It also lists the need to conserve and enhance the quality and connectivity of habitats to support food production, carbons sequestration and storage, and flood management.
Climate Change (Emissions Reduction Targets) (Scotland) Act 2019	<p>Amendment to the Climate Change (Scotland) Act 2009 to make provision setting targets for the reduction of GHG emissions, and advice, plans and reports in relation to those targets. For delivery to Paris Agreement.</p> <p>Each year must report emissions reduction target, whether target met, and cumulative progress.</p> <p>“The Scottish Ministers must, no later than 18 months after this section comes into force, create a balance sheet to quantify all major nitrogen flows across all sectors and media in Scotland, including its coastal waters, the atmosphere and soil and flows across these boundaries, to be known as a “nitrogen balance sheet” for the purpose mentioned in subsection (2).”</p> <p>Climate change plan before parliament every 5 years</p> <ul style="list-style-type: none"> - Including soil relevant sub-sections - land use, land use change and forestry; agriculture - Proposals and policies for whole farm approach to emissions accounting on Scottish farms - through use of: research; knowledge transfer; land management accreditation; nutrient resource budgeting; circular economy; energy generation and efficiency; land use strategy; agroecology; carbon sequestration; agroforestry - Proposals and policies for establishment of Agricultural Modernisation fund to reduce GHG emissions from Scottish farms

Document name	Details
Forestry and Land Management (Scotland) Act 2018	<p>Strategy change is to ensure the conservation and enhancement of the environment by means of sustainable forest management and sustainable development. No explicit mention of soil, but relevant considerations within:</p> <ul style="list-style-type: none"> -Forested land to be managed in particular for economic development, to conserve and enhance the natural environment, and to realise social benefits of forestry. -Felling directions relate to the prevention of (further) deterioration of land on which trees are felled or restocked.
Guidance on Assessing the Full Economic Benefits of the Productive Reuse of Land	<p>Framework for identifying economic benefits of vacant and derelict land</p> <ul style="list-style-type: none"> - benefits beyond commercial. No explicit mention of soil. <p>Including green spaces, consideration for GHG emissions, water quality, biodiversity, flood risk and environmental benefits</p>
LUPS-CC1: Climate change allowances for flood risk assessment in land use planning	<p>Guidance is to recommend allowances for climate change that can be applied to Flood Risk Assessments and Strategic Flood Risk Assessments to inform spatial strategies for land development. This advice takes the place of previous advice from SEPA.</p>
National Park Partnership Plan 2018-2023 - Loch Lomond and the Trossachs NP	<p>Working with Lead development Partners, the Plan intends to implement strategies across designated sites within the NP to support the conservation and management of habitats, species, and land in relation to climate change and the increase in visitor activity.</p> <p>Recognises threat to soils: Unsustainable levels of wild and domesticated grazing animals in some upland and woodland areas, leading to reduced tree cover and the erosion of soils, which are important carbon stores.</p> <p>Priority of: “Woodland expansion, peatland restoration and active travel in National Parks deliver climate change mitigation”, specifically: “Peatland restoration projects upstream of flood risk communities, including Aberfoyle and Callander” and committing to restoration of 2000 ha peatland by 2023.</p>
Planning (Scotland) Act 2019	<p>Amendments to Town and Country Planning (Scotland) Act 1997. No specific mention of soil, but relevant elements include:</p> <p>Accepted benefits of land development and use to include</p> <ul style="list-style-type: none"> - Reduction in emissions of greenhouse gases - securing positive effects for biodiversity <p>Assessment of environmental effects of planning to specifically include effects on biodiversity, including positive effects.</p>

Document name	Details
Scottish National Investment Bank Act 2020	Requirement for establishment of Scottish National Investment Bank. No specific mention of soil but in relation to soil carbon and biodiversity: Banks vision must include net-zero emissions Investment to promote environmental wellbeing, including supporting transitions to net-zero and promoting biodiversity.
SEPA's Energy Framework	No specific mention of soil, but promotion of reduction in carbon emission which could extend to soil carbon.
South of Scotland Enterprise Act 2019	No specific soil mention. Relevant soil elements: maintaining, protecting, and enhancing the natural and cultural heritage and environmental quality of the South of Scotland, and for promoting the sustainable and efficient use and re-use of resources, which supports the transition to Net-Zero emissions targets.
The Agricultural Holdings (Scotland) Act 1991 (Variation of Schedule 5) Order 2019	“Improvements for which notice is required to include: - Provision of means of sewage, waste or pollutant disposal or provision of means of managing water on land - Erection of structures for the management or storage of slurries or manures Improvements for which no consent or notice is required - Removal of tree roots, boulders, stones, or other similar obstacles to cultivation from arable land or from permanent grassland - Application to land of soil improvers, conditioners, digestates, manure or fertiliser, whether organic or inorganic”
The Bee Diseases and Pests Control (Scotland) Amendment Order 2021	Relating to monitoring and treatment of Varroa mite in bees. Known or suspected species of the Varroa mite in the hive must be reported to the Scottish Ministers, using sample of. - “any bee pest suspected infected with Varroa mite, as well as any other suspected infected thing, including soil.”
The Common Agricultural Policy (Miscellaneous Amendments) (Scotland) Regulations 2018	No specific soil mention. Relevant to soils is nitrogen fixing crops: “Areas with nitrogen-fixing crops must be surrounded by a buffer strip or field margin, which is an ecological focus area as referred to in point (d) of the first sub-paragraph of Article 46(2) of the Direct Payments Regulation as construed with Article 45(5) of the Direct Payments Delegated Regulation, with a minimum width of 1 metre and a maximum width of 20 metres.”

Document name	Details
The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019	<p>“Ensure that waste management is carried out without endangering human health, without harming the environment and, in particular without— (a) risk to water, air, soil, plants or animals, (b) causing a nuisance through noise or odours, (c) adversely affecting the countryside or places of special interest.”</p> <p>“Ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without— (i) risk to water, air, soil, plants or animals, (ii) causing a nuisance through noise or odours, (iii) adversely affecting the countryside or places of special interest.”</p>
The Environmental Authorisations (Scotland) Regulations 2018	<p>Changes to interpretation of terms indirectly related, but relevant, to soil and land use. For example, ‘regulated activity’ and ‘waste’.</p> <p>New regulations apply where SEPA is of the opinion that steps are taken to restore the affected environment, the environmental harm is mitigated, among other things. SEPA can serve a ‘regulatory notice’ on a person carrying out a regulated activity, which must specify the activity, the harm, the steps for mitigation, detail of suspected offence, and the date of notice’s effect.</p>
The Felling (Scotland) Regulations 2019	<p>No specific mention of soil. These Regulations make provision regarding the regulation of felling in Scotland. Under felling directions, applicants must comply with Scottish Ministers input for mitigating and avoiding negative impacts to the environment, biodiversity, and species in the felling area.</p>
The Forestry (Exemptions) (Scotland) Regulations 2021	<p>“The Regulation’s purpose is to remove the ability for trees to be felled without felling permissions, in relation to peatland restoration projects, where planning permission has been granted under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. These Regulations make an exception to the exemption at regulation 4(e) of the Forestry (Exemptions) (Scotland) Regulations 2019 (“the Principal Regulations”) the effect of which is, despite having planning permission for a peatland restoration project, felling a tree without a felling permission will constitute an offence under section 23 of the 2018 Act.”</p>
The Genetically Modified Organisms (EU Exit) (Scotland) (Amendment) Regulations 2019	<p>Retention of EU regulations on GMO. In relation to soil:</p> <p>“Cumulative long-term effects” means the accumulated effects of consents on human health and the environment, including among other things flora and fauna, soil fertility, soil degradation of organic material, the feed/food chain, biological diversity, animal health and resistance problems in relation to antibiotics,”</p> <p>“Potential adverse effects will vary from case to case, and may include:</p> <ul style="list-style-type: none"> - effects on biogeochemistry (biogeochemical cycles), including carbon and nitrogen recycling through changes in soil decomposition of organic material”
The Plant Health (Export Certification) (Scotland) Order 2018	<p>Interpretations relating to plant pest control under current EU Plant Health Regulations.</p> <p>“Interprets “soil” as including any medium used for the growing of plant material and “soil sample” is construed accordingly.”</p> <p>Certification required for:</p>

Document name	Details
	<p>- "Pre-export inspection of, and the issue of a phytosanitary certificate for the export of, used agricultural machinery to ensure that any machinery is free of any trace of soil or plant debris"</p>
<p>The Plant Health (Forestry) Amendment (Scotland) Order 2019</p>	<p>This Order makes provision for preventing the introduction and spread of pests in Scotland and is called for by EU obligations in Commission Implementing Decision (EU).</p> <p>Soil definition: "Soil consisting in part of solid organic substances or other growing medium consisting in whole or in part of solid organic substances, other than any growing medium that is composed entirely of peat or fibre of <i>Cocos nucifera</i> L. and that has not previously been used for growing trees or for any agricultural purposes"</p> <p>"Growing medium, attached to or associated with trees, intended to sustain the vitality of the trees, other than any sterile medium of in-vitro trees, originating in any third country other than Switzerland. The associated trees must be accompanied by an official statement that: (a) at the time of their planting, the growing medium: (i) was free from soil and organic matter and had not been previously used for growing trees or for any agricultural purposes, (ii) was composed entirely of peat or fibre of <i>Cocos nucifera</i> L. and had not been previously used for growing trees or for any agricultural purposes, or (iii) was subjected to an effective treatment to ensure freedom from harmful tree pests, (b) the growing medium was stored and maintained under appropriate conditions to keep it free from harmful tree pests; and (c) either: (i) appropriate measures have been taken since planting to ensure that the growing medium has been kept free from harmful tree pests, including at least the physical isolation of the growing medium from soil and other possible sources of contamination, the use of water that is free from harmful tree pests and hygiene measures; (ii) in the period of two weeks prior to export: (aa) the growing medium (including, where appropriate, any soil) has been completely removed by washing with water that is free from harmful tree pests, and (bb) where the associated trees have been replanted, the growing medium met the requirements specified in paragraph (a) at the time of replanting and appropriate measures have been taken since replanting to ensure that the growing medium has been kept free from harmful tree pests in accordance with sub - paragraph (i)"</p>
<p>The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019</p>	<p>Plant health controls are based on the EU Plant Health Regime, to prohibit and limit the movement and type of movement of certain species of plant. Regulations for the planting of particular species can involve conducting soil tests.</p>

Document name	Details
The Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Amendment Order 2020	<p>Establishment of a Peatland Restoration plan: “The carrying out of peatland works for the restoration of that peatland- - Including: works for the stabilisation, revegetation, and re-profiling of bare peat and related drainage works, and the extraction of peat from within a peatland site for the purpose , and only for the purpose, of the use of such peat in the restoration of peatland within that peatland site, but not including work for the formation of alteration of a private way. “</p> <p>“Conditions of development- - developer must submit a restoration application to relevant planning authorities ahead of any activity, with accompanying documents (scheme plan, site map, fee); conditions apply prior to activity commencement and be carried out within 10 years of approval date.”</p>
UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021	<p>No specific mention of soils. Guiding principles on the environment, establishment of body ensuring compliance and monitoring effectiveness of environmental law, require production of environmental policy</p> <p>Contribute to maintaining and advancing environmental protection standards</p> <p>Environmental policy must respond to global crises of biodiversity and climate change</p>
WST-G-054: Paragraph 19 exempt activities: 'drainage' and 'land reclamation'	<p>No specific mention of soil. Relevant components include consideration of: ‘Drainage works’ – “any works for the purpose of draining land or preventing/mitigating erosion to which land is subject. SEPA expects ‘drainage works’ to redirect surface water away from an area, but that area cannot already be at risk of flooding or have negative consequences to the plans. Drainage does not include the use of water to raise the existing water table, nor filling an existing void such that run-off is inhibited.”</p>

C: Soil-related Scottish legislation, plans and policies and links with other soil-related policies

Document name	Links to other policies
Agriculture (Retained EU Law and Data) (Scotland) Act 2020	CMO regulations European Union (Withdrawal) Act 2018 Direct Payments to Farmers (Legislative Continuity) Act 2020
Cairngorms National Park Partnership Plan 2017-2022	National Parks (National Parks (Scotland) Act 2000 The European Charter for Sustainable Tourism in Protected Areas.) Act 2000 Environmental Assessment (Scotland) Act 2005
Climate Change (Emissions Reduction Targets) (Scotland) Act 2019	Climate change (Scotland) Act 2009 Paris agreement Land Use Strategy

Document name	Links to other policies
Forestry and Land Management (Scotland) Act 2018	The Forestry and Land Management (Scotland) Act 2018 (Commencement, Transitional and Saving Provisions) Regulations 2019; Climate Change (Scotland) Act 2009; Land Reform (Scotland) Act 2016; Kyoto Protocol; Deer (Scotland) Act 1996; Nature Conservation (Scotland) Act 2004 Climate Change (Scotland) Act 2009 Land Reform (Scotland) Act 2016 Scottish Biodiversity Strategy Plant Varieties and Seeds Act 1964 Plant Health Act 1967
Guidance on Assessing the Full Economic Benefits of the Productive Reuse of Land	NA
LUPS-CC1: Climate change allowances for flood risk assessment in land use planning	Scottish planning policy (2014); Climate Change Scotland Act (2009)
National Park Partnership Plan 2018-2023 - Loch Lomond and the Trossachs NP	National Planning Framework 3 Scottish Planning Policy Community Empowerment (Scotland) Act 2015 Land Use Strategy 2016-21 Land Reform (Scotland) Act 2016 Climate Change (Scotland) Act 2009 Tourism Scotland 2020 Curriculum for Excellence through Outdoor Learning – Education Scotland Marine Tourism Strategy for Scotland
Planning (Scotland) Act 2019	Town and Country Planning (Scotland) Act 1997
Planning etc. (Scotland) Act 2006	NA
Scottish National Investment Bank Act 2020	NA
SEPA's Energy Framework	The Climate Change (Scotland) Act 2009
South of Scotland Enterprise Act 2019	Climate Change (Scotland) Act 2009)
The Agricultural Holdings (Scotland) Act 1991 (Variation of Schedule 5) Order 2019	NA
The Agricultural Holdings (Scotland) Act 1991 (Variation of Schedule 5) Order 2019	The Agricultural Holdings (Scotland) Act 1991 Agricultural Holdings (Scotland) Act 2003
The Bee Diseases and Pests Control (Scotland) Amendment Order 2021	NA
The Common Agricultural Policy (Miscellaneous Amendments) (Scotland) Regulations 2018	Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014 Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015
The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019	Waste Management Licensing (Scotland) Regulations 2011 European Union (Withdrawal) Act 2018

Document name	Links to other policies
The Environmental Authorisations (Scotland) Regulations 2018	Water Environment and Water Services (Scotland) Act 2003
The Felling (Scotland) Regulations 2019	Forestry and Land Management (Scotland) Act 2018 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 Town and Country Planning (Scotland) Act 1997
The Forestry (Exemptions) (Scotland) Regulations 2021	Forestry (Exemptions) (Scotland) Regulations 2019; and Town and Country Planning (Scot) Act 1997
The Genetically Modified Organisms (EU Exit) (Scotland) (Amendment) Regulations 2019	Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 Genetically modified Organisms (Contained Use) Regulations 2014
The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019	The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019
The Plant Health (Export Certification) (Scotland) Order 2018	Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019; EU Plant Health Regulation
The Plant Health (Forestry) Amendment (Scotland) Order 2019	NA
The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019	The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 The Waste Management Licensing (Scotland) Regulations Plant biosecurity strategy for Great Britain
The Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Amendment Order 2020	NA
UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021	Scotland Act 1998 Equality Act 2006 Equality Act 2010
WST-G-054: Paragraph 19 exempt activities: 'drainage' and 'land reclamation'	Land Drainage (Scotland) Act 1958

D: Full list of policy documents relating to soils, including those in 2018 report

Document name	Current report?	2018 Report
Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations (2008)	No	Yes
Agriculture (Retained EU Law and Data) (Scotland) Act 2020	Yes	No
Cairngorms National Park Partnership Plan 2017-2022	Yes	No
Climate Change (Emissions Reduction Targets) (Scotland) Act 2019	Yes	No
Climate Change (Scotland) Act (2009)	No	Yes

Document name	Current report?	2018 Report
Conservation (Natural Habitats, &c.) Regulations (1994)	No	Yes
Electricity Act (1989) Section 36, in conjunction with: The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017	No	Yes
Environment Act (1995)	No	Yes
Environmental Assessment (Scotland) Act (2005)	No	Yes
Environmental Protection Act (1990)	No	Yes
Flood Risk Management (Scotland) Act (2009)	No	Yes
Forestry and Land Management (Scotland) Act 2018	Yes	No
Forestry and Land Management Bill (as introduced 10th May 2017)	No	Yes
Guidance on Assessing the Full Economic Benefits of the Productive Reuse of Land	Yes	No
Historic Environment (Amendment) (Scotland) Act (2011)	No	Yes
Land Reform (Scotland) Act (2016)	No	Yes
Landfill (Scotland) Regulations (2003) (and later amendments)	No	Yes
LUPS-CC1: Climate change allowances for flood risk assessment in land use planning	Yes	No
National Park Partnership Plan 2018-2023 - Loch Lomond and the Trossachs NP	Yes	No
Nature Conservation Scotland (Act) (2004)	No	Yes
Planning (Scotland) Act 2019	Yes	No
Planning (Scotland) Bill (as introduced 4th December 2017)	No	Yes
Planning etc. (Scotland) Act (2006)	No	Yes
Planning etc. (Scotland) Act 2006	Yes	No
Radioactive Contaminated Land (Scotland) Regulations 2007	No	Yes
Radioactive Substances Act (1993)	No	Yes
Scottish National Investment Bank Act 2020	Yes	No
SEPA's Energy Framework	Yes	No
Sludge (Use in Agriculture) Regulations (1989 and later amendments)	No	Yes
South of Scotland Enterprise Act 2019	Yes	No
The Agricultural Holdings (Scotland) Act 1991 (Variation of Schedule 5) Order 2019	Yes	No
The Bee Diseases and Pests Control (Scotland) Amendment Order 2021	Yes	No
The Common Agricultural Policy (Miscellaneous Amendments) (Scotland) Regulations 2018	Yes	No
The Conservation of Habitats and Species Regulations 2010	No	Yes
The Contaminated Land (Scotland) Regulations (2005) & Statutory Guidance SE/2006/44	No	Yes
The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019	Yes	No

Document name	Current report?	2018 Report
The Environmental Authorisations (Scotland) Regulations 2018	Yes	No
The Environmental Liability Regulations (Scotland) (2009)	No	Yes
The Felling (Scotland) Regulations 2019	Yes	No
The Forestry (Exemptions) (Scotland) Regulations 2021	Yes	No
The Genetically Modified Organisms (EU Exit) (Scotland) (Amendment) Regulations 2019	Yes	No
The Plant Health (Export Certification) (Scotland) Order 2018	Yes	No
The Plant Health (Forestry) Amendment (Scotland) Order 2019	Yes	No
The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019	Yes	No
The Pollution Prevention and Control (Scotland) Regulations 2012	No	Yes
The Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Amendment Order 2020	Yes	No
The Water Environment (Controlled Activities) (Scotland) Regulations (2011)	No	Yes
The Water Environment (Miscellaneous) (Scotland) Regulations (2017)	No	Yes
UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021	Yes	No
Waste Management Licensing (Scotland) Regulations (2011)	No	Yes
Water Environment and Water Services (Scotland) Act (2003)	No	Yes
Wildlife and Natural Environment (Scotland) Act (2011)	No	Yes
WST-G-054: Paragraph 19 exempt activities: 'drainage' and 'land reclamation'	Yes	No

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