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Ìrean Àrainneachdail na h-Alba

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Dear Convener,

Congratulations on your appointment as Convener. ESS looks forward to developing a positive working relationship with the Climate Action Committee, following on from our regular engagement with the Scottish Parliament in the last term. I will write to you with more detail about the work of ESS in due course, however I wanted to highlight a report that we are publishing that is relevant to the Committee's future work.

On 16 June 2026, Environmental Standards Scotland (ESS) published an analytical report on the Control of Invasive Non-Native Species: an analysis of regulatory tools and approaches in Scotland.

ESS undertook this project as our [strategic plan 2022 – 2025](#) identified the topic as an analytical priority relating to the effectiveness of environmental law in Scotland. Nature is also a priority within our new [strategy 2026 - 2031](#).

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This report examines the effectiveness of the legislative and regulatory framework governing the control of Invasive Non-Native Species (INNS) in Scotland. It considers how the statutory tools available to regulators operate in practice and whether the framework is fit for purpose in supporting current biodiversity objectives.

ESS finds that the effectiveness of the regulatory framework for INNS could be improved in several key areas:

- INNS management in Scotland relies heavily on voluntary cooperation and partnership-based delivery. Statutory powers are used mainly as a backstop, but their effectiveness depends on how clearly and easily they can be applied when needed.
- There is uncertainty and inconsistency in how statutory powers are interpreted and used in practice. This includes issues with evidential thresholds, access to land, sequencing of processes and limits on the powers of inspectors.
- The current framework lacks a flexible enough range of enforcement tools to support proportionate, timely intervention. Particularly where cooperation cannot be secured or where action is needed at landscape-scale.
- Monitoring and reporting of INNS activity are fragmented which limits transparency and the ability to assess progress against national biodiversity targets and overall policy effectiveness.

The report makes four recommendations to the Scottish Government. The policy and regulatory framework and associated guidance governing invasive non-native species control should be updated to ensure that the operation of species control provisions is clear, consistently understood and capable of being applied effectively in practice. This should, at a minimum, provide clear operational guidance on evidential thresholds, the use of powers of entry and the sequencing of statutory tools, including when more rapid intervention is appropriate, and support consistent interpretation and application across regulators.

ESS also recommends that the Scottish Government should bring forward proposals to strengthen and expand the range of regulatory tools available for invasive non-native species management, ensuring that regulators are equipped to intervene effectively,

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proportionately and at the appropriate scale. This should, at a minimum, introduce more proportionate and graduated enforcement mechanisms, address limitations in supporting landscape-scale intervention across multiple landholdings, and strengthen the investigative and operational powers available to inspectors.

The report recommends that the Scottish Government should ensure that data and supporting information on invasive non-native species management is collected consistently and made publicly accessible in an appropriate and usable format, to provide a clear national picture of activity and outcomes. This should include both statutory and voluntary control activity, and should set out more clearly how this activity contributes to Scotland's biodiversity objectives and INNS targets.

Finally, the report concludes that the Scottish Government must agree a plan of remedial actions, with a clear timeline for delivery, to resolve the issues highlighted in this report and implement ESS' recommendations. This should be agreed with ESS as soon as possible and no later than six months from the date of publication.

These recommendations made by ESS (under section 20(2)(c) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021) and wider findings of the analysis are published in this analytical report. ESS has issued a copy of the report to NatureScot, the Scottish Government, SEPA and Scottish Forestry, and it is published on ESS' website.

Yours sincerely,

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