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cc. Climate Action Committee

23 June 2026

Dear Convener,

Environmental Standards Scotland (ESS) has today published an analytical report on **Protecting Scotland’s seafloor: an assessment of Scottish Ministers’ implementation of the Marine Strategy Regulations 2010**.

ESS undertook this project as our [strategic plan 2022 – 2025](#) identified threats to the marine environment as an analytical priority. Water (including the marine environment) is also a priority within our new [strategy 2026 - 2031](#).

This report examines how well the Scottish Government is meeting its legal duties to protect and restore seafloor habitats under the Marine Strategy Regulations 2010. These duties include developing effective measures, monitoring environmental conditions, and ensuring policies work together to achieve “Good Environmental Status” for seafloor habitats.

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ESS finds that the Scottish Government is falling short in several key areas:

- while plans and measures are in place, there is little evidence to show how these actions will actually achieve the environmental targets
- there has been no proper assessment of whether the current measures are enough, or whether additional action is needed
- monitoring of seabed conditions is inadequate and has declined over time. This means it is often not possible to tell whether the environment is improving or getting worse
- there are problems with how the responsibilities of public authorities are coordinated and carried out, such as unclear roles, poor coordination across policies, and delays in putting measures into practice

The report makes five recommendations to the Scottish Government to strengthen its planning, monitoring, and implementation to meet its statutory duties more effectively and ensure full compliance with the Marine Strategy Regulations 2010.

Firstly, the report recommends that the Scottish Government should set out the steps it will take to ensure effective implementation of its duties under Regulation 14, including:

- assessing the contribution that Scottish measures are expected to make towards an agreed share of UK-wide seafloor integrity targets for Scotland, including by when
- developing new or additional measures if it is assessed that current measures are insufficient to meet an agreed share of UK-wide seafloor integrity targets for Scotland
- providing evidence of how the technical feasibility and cost-effectiveness of any new measures has been assessed and how such assessments will be integrated into future updates of the Programme of Measures (PoMs)

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Secondly, the report recommends that the Scottish Government must implement appropriate monitoring in Scottish waters to ensure that data gaps from Scotland no longer prevent assessment of GES for seafloor integrity, and so that the impact of measures adopted in the PoMs can be assessed. Monitoring in Scottish waters should contribute to an increase in the certainty of benthic habitats assessments over successive Part One assessments under the UK Marine Strategy. ESS expects this to include:

- implementation of appropriate coastal monitoring to enable future assessments of GES in Scottish waters using relevant Water Environment Regulation (WER) indicators
- implementation of recommendations made by the Joint Nature Conservation Committee (JNCC) and NatureScot for additional monitoring of marine protected areas (MPAs) and wider seas to fulfil requirements under the UKMS

Thirdly, the report recommends that the Scottish Government should publish a timetable for implementing outstanding seafloor integrity measures from the 2015 PoM and forthcoming measures from the 2025 PoM. The timetable should also demonstrate when measures will be expected to deliver an agreed share of UK-wide seafloor integrity targets for Scotland.

Fourthly, the report recommends that the Scottish Government should set out the practical changes it will make to its governance mechanisms for implementing the UKMS to ensure effective coordination across all Scottish Government policy and public bodies, and with other UK administrations.

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 written to the Cabinet Secretary for Climate

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Action and Rural Affairs and also issued a copy of the report to NatureScot, the JNCC and SEPA.

Yours sincerely,

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