CA/S7/26/10/5

Climate Action Committee
Thursday 19 November 2026
10th Meeting, 2026 (Session 7)

Environmental Standards Scotland engine idling laws air quality investigation: Scottish Government improvement plan - evidence

Introduction and background

1. The Environmental Standards Scotland engine idling laws air quality investigation: Scottish Government improvement plan (SG/2026/281) was laid by the Scottish Government on 5 November. The plan is attached as Annexe A to this note.

2. The laying of the plan follows an improvement report being laid by Environmental Standards Scotland (ESS). ESS is a public body set up to monitor public authorities' (including Scottish Ministers') compliance with environmental law and to monitor the effectiveness of environmental law and how it is applied and implemented.

3. At its meeting on 19 November, the Committee will hear evidence on the improvement plan from:

    - Jamie McGrandles, Head of Investigations, Standards and Compliance, Environmental Standards Scotland

    - Sandy Bendall, Principal Investigations Officer, Environmental Standards Scotland.

4. Environmental Standards Scotland have written to the Committee setting out their views on the Scottish Government's improvement plan. This letter is attached as Annexe B to this note.

Parliamentary procedure for consideration of an improvement plan

5. The procedure for consideration of improvement plans is laid out in section 30 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, as amended by section 54 of the Natural Environment (Scotland) Act 2026, and commenced in October 2026. This has the effect of confirming that the plan is laid before Parliament for approval.

6. An improvement plan must be laid in the Scottish Parliament within 6 months of publishing the improvement report or 9 months if consultation exercises are undertaken. This must include: "…the measures that the Scottish Ministers propose to take to implement the recommendations (in full or in part), (ii) the proposed timescale for implementing the recommendations, (iii) the arrangements for reviewing, and reporting on, progress in implementing the

recommendations, and (b) if the Scottish Ministers do not intend to implement the recommendations in the improvement report (in full or in part), the reasons for that."

7. The Plan is a document subject to parliamentary control. It is laid "for approval" of the Parliament, meaning it is subject to the affirmative procedure (see Rule 10.10 of Standing Orders).

8. Once approved by the Scottish Parliament, Scottish Ministers must publish the improvement plan. The process for approval of a plan is summarised in the illustration at Annexe C.

Affirmative procedure

9. The affirmative procedure is set out in Rule 10.6 of the Standing Orders.

10. Under the affirmative procedure, an instrument must be laid in draft and cannot be made (or come into force) unless it is approved by resolution of the Parliament.

11. Once laid, the instrument is referred to:

    - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and

    - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.

12. The lead committee, taking account of any recommendations made by the DPLR Committee (or any other committee), must report within 40 days of the instrument being laid.

13. The normal practice is to have two agenda items when an affirmative instrument/document subject to the affirmative procedure is considered by the lead committee:

    - an evidence session with the Minister and officials, followed by

    - a formal debate on a motion, lodged by the Minister, inviting the lead committee to recommend approval of the instrument.

14. Only MSPs may participate in the debate, which may not last for more than 90 minutes. If there is a division on the motion, only committee members may vote. If the motion is agreed to, it is for the Chamber to decide, at a later date, whether to approve the instrument (or in this case document).

15. In advance of taking evidence from the Minister and officials, Committees may also invite other relevant stakeholders to provide evidence.

Delegated Powers and Law Reform Committee consideration

16. The Delegated Powers and Law Reform (DPLR) Committee will consider the document at its meeting on 17 November 2026. An update on the DPLR Committee's consideration will be provided to Members prior to taking evidence from Environmental Standards Scotland.

Environmental Standards Scotland Improvement Report on Engine Idling

17. In response to a representation from an environmental charity concerning the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 ("the 2003 Regulations), ESS initiated an investigation into engine idling.

18. ESS described the investigation on its website:

> "Following receipt of a representation from an environmental charity concerning the effectiveness of the 2003 Regulations and the way they were being implemented and enforced, ESS examined the following:
>
> - the clarity and adequacy of the Scottish Government's statutory guidance on enforcement of the 2003 Regulations
> - how effectively local authorities have implemented and enforced the existing legal framework
> - whether the current FPN level remains an effective deterrent and supports the purpose of the 2003 Regulations
> - the extent and reliability of associated monitoring, recording, and reporting of engine idling offences and enforcement action"

19. It has made the following recommendations:

> "Key observations and findings include:
>
> - Scotland continues to experience improvements in air quality but continued and enhanced focus will be needed to implement the Scottish Government's ambition to continue to drive down pollution levels
> - the 2003 statutory guidance lacked clarity, contributing to inconsistent application of enforcement powers across local authorities
> - local authorities are not recording or reporting on idling enforcement activity in a consistent or comparable way, undermining transparency and national oversight
> - the current £20 FPN level, which has remained unchanged for more than twenty years, risks no longer functioning as an effective deterrent. In some cases it acts as a disincentive to enforcement because administrative costs exceed the value of the fine".

20. Following the investigation, the Scottish Government:

- "…comprehensively reviewed and updated the guidance following extensive discussion with and feedback from all local authorities. ESS has reviewed the new guidance and has stated it considers informal resolution of the matters it raised…to have been achieved." (This revised guidance was published in March 2026).

21. Environmental Standards Scotland indicated it intended to request that all local authorities "…provide annual data on engine idling offences and associated enforcement activity."

22. This meant that following the investigation, the recommendation on fixed penalty notices was outstanding.

23. In June 2026, ESS published an improvement report on engine idling.

    - Environmental Standards Scotland (2026). Engine Idling Investigation Improvement Report

24. The Chief Executive wrote to the Committee at the time to highlight the publication of the report.

    - Letter from the Chief Executive of ESS to the Convener on the Improvement Report on Engine Idling – 24 June 2026

25. In that letter, the Chief Executive wrote:

    "During ESS' consideration, recommendations were made to the Scottish Government aimed at improving the effectiveness of this framework, and to support local authorities in addressing unnecessary vehicle idling. While the Scottish Government accepted some of the recommended improvements, it felt unable to agree with the recommendation that it review (with a view to increasing) the level of the fixed penalty notice (FPN) which can be issued when a stationary idling offence is committed. Whilst acknowledging the Scottish Government's position, ESS maintains the view that an enforcement system that is rarely used on the basis of the cost to administer it is structurally flawed and risks defeating the purpose of the statutory regime."

Scottish Government Improvement Plan

26. The Plan confirms the Scottish Government will "…review the level of FPN under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 with a view to increasing its level."

27. The review will consist of a consultation in 2027. The Scottish Government's Plan notes this is required by section 87(7) of the Environment Act 1995. Work is ongoing with local authorities to establish a level of penalty to be included in the consultation. The Scottish Government notes "…we are likely to consult on a fixed penalty amount for idling offences between £50 to £100."

28. ESS also recommended:

> "Recommendation 2 - That the Scottish Government introduce 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."

29. The Scottish Government has responded to this by saying it will keep the amount under review and that it is not aware of any existing legislative mechanisms which are used to ensure that a fixed penalty level remains appropriate, for example one which relates to inflation.

30. The third recommendation of ESS is that the increase to the fixed penalty notice amount should be implemented within 12 months of the laying of the Improvement Report (which was June 2026). The Scottish Government has set out timescales by which it expects to be able to implement changes arising from its consultation and states:

> "The Scottish Government, therefore, would intend to finalise any amendment legislation by the end of September 2027, shortly after the end of recess. This allows sufficient time to finalise proposals for legislative amendment of the 2003 Regulations without significantly delaying parliamentary consideration, or significantly affecting the likely date that any changes come into force."

Next steps

31. At its next meeting, the Committee will take evidence from the Scottish Government on the improvement plan and consider whether to recommend to the Parliament that the plan be approved.

Clerks to the Committee
November 2026

Annexe A: Environmental Standards Scotland engine idling laws air quality investigation: Scottish Government improvement plan

Laid before the Scottish Parliament by the Scottish Ministers under section 30(3)(a) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021.

November 2026

SG/2026/281

Background

Since September 2024, Environmental Standards Scotland (ESS) has conducted an investigation. This followed its receipt of a representation from an environmental charity expressing concerns around a perceived inefficacy and non-enforcement of vehicle idling legislation in Scotland in relation to air quality. ESS published an improvement report which was laid in Parliament on 24 June 2026.

This improvement plan sets out the Scottish Government's response to the recommendations made by ESS in the improvement report.

ESS investigated the following matters:

- the clarity and adequacy of the Scottish Government's statutory guidance on enforcement of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 ("the 2003 Regulations");
- how effectively local authorities have implemented and enforced the existing legal framework;
- whether the current FPN level remains an effective deterrent and supports the purpose of the 2003 Regulations; and
- the extent and reliability of associated monitoring, recording, and reporting of engine idling offences and enforcement action.

Following its investigation, ESS recommended that the statutory guidance should be reviewed and updated to address the points it highlighted and deliver clear, comprehensive, and unambiguous guidance to authorised persons to facilitate the effective and proportionate use of enforcement powers. The Scottish Government accepted the ESS recommendations, and comprehensively reviewed and updated the guidance following extensive discussion with and feedback from all local authorities. ESS has reviewed the new guidance and has stated it considers informal resolution of the matters it raised, under the first bullet point, above, to have been achieved.

In relation to the second and fourth bullet points, it is noted that ESS intends to issue a request to all local authorities requiring them to provide annual data on engine idling offences and associated enforcement activity.

Introduction

Both concentrations and emissions of the main air pollutants in Scotland have declined significantly over the last three decades. This has been achieved through tighter regulation, improved fuel quality, cleaner vehicles, and an increased focus on sustainable transport. Between 2005 and 2024 (the latest year for which figures are available), nitrogen oxide emissions have decreased by 62%, fine particulate matter (PM10 and PM2.5) by 32% and 34% respectively, and sulphur dioxide by 87%[1].

As our knowledge about the effects of air pollution on human health continues to develop, it is becoming increasingly clear that even low pollutant concentrations can impact a wide range of both short and long term health conditions.

Taking all of this into account, it is vitally important that we build on successes to date and take continued action to drive down pollution levels still further. The Scottish Government's Cleaner Air for Scotland 2[2] (CAFS2) sets out the policy framework for air quality in Scotland and includes a comprehensive list of actions across a range of policy areas. CAFS2 concludes at the end of 2026 and proposals for a long term policy framework to succeed it are currently under consideration.

The Scottish Government has worked closely and constructively with ESS during its investigation into the effectiveness and enforcement of vehicle idling laws in Scotland.

The improvement report requires the recommendations covering levels of fixed penalty notice to be included in an improvement plan. Under section 30 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 ("the 2021 Act"), Scottish Ministers must respond to the report by preparing an improvement plan, which must be laid before the Scottish Parliament.

Vehicle Idling and air pollution

The Scottish Government recognises that vehicle engine idling contributes to localised short-term air pollution, although the extent of any impact varies depending on factors such as vehicle type and duration of idling.

We commissioned a study[3] to identify key public behaviours that have the most impact on improving air quality, and to support future public engagement work, which was published it 2024. Beyond the key behaviours prioritised for overall air quality improvement it identified, it proposed an additional behaviour of driving differently using eco driving techniques, which included stopping an engine when stationary. However, its review of scientific studies concluded that such measures to increase efficiency are of lower impact than more fundamental changes that shift travel behaviour away from combustion fuelled vehicles.

[1] Air Pollutant Inventories for England, Scotland, Wales and Northern Ireland: 2005-2024 | National Atmospheric Emissions Inventory
[2] Cleaner Air for Scotland 2
[3] Key household behaviours impacting on Scotland's air quality report - gov.scot

Scottish Government policies are supporting a decline in vehicle idling. Idling is also a small contributor to overall air pollution, relative to overall transport emissions. This is due to range of vehicle idling mitigation measures being introduced, including technological advances in cars such as start / stop and more people moving to electric vehicles.

Legislation

As set out in the improvement report, regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986 requires drivers to stop a vehicle engine from running unnecessarily while the vehicle is stationary to prevent noise and exhaust emissions, and section 42 of the Road Traffic Act 1988 makes it an offence to fail to comply with this requirement ("a stationary idling offence").

The 2003 Regulations provide local authority officers with enforcement powers in relation to stationary idling offences for the purpose of improving local air quality in Scotland. The aim is to shift driving behaviours and to provide local authorities with an additional tool for managing air quality in their area.

Local authorities have discretion on how to use the enforcement powers, considering their specific circumstances.

Regulation 12(1) of the 2003 Regulations gives local authority officers the power to require a driver to stop the running of the engine of a vehicle if an officer has reasonable cause to believe that a driver is committing a stationary idling offence.

The power in regulation 12(1) can only be exercised in respect of a vehicle with the engine running on a public road, including any carpark to which the public have unrestricted access. The 2003 Regulations do not afford any powers of entry and access to private property. Regulation 12(2) makes it an offence not to comply with a request made using the power in regulation 12(1).

Under regulation 13 of the 2003 Regulations, local authority officers have powers to issue a Fixed Penalty Notice (FPN) to a driver who has committed or is committing a stationary idling offence as an alternative to criminal prosecution for that offence.

Under section 88 of the Environment Act 1995 ("the 1995 Act") guidance to local authorities on the 2003 Regulations has been issued by the Scottish Government. As set out in section 5 of the improvement report and in the introduction to this plan, the guidance was reviewed by the Scottish Government during the ESS investigation and revised guidance was published in April 2026. The guidance[4] supports local authorities in implementing the vehicle idling enforcement scheme, which has a focus on raising awareness and educating drivers on the health and environmental impacts of vehicle idling, thereby changing driving behaviours to improve local air quality.

Levels of fixed penalty notice

[4] Vehicle idling: guidance for local authorities - gov.scot

The FPN amount for England, Scotland and Wales had remained unchanged, since 2003, at £20, rising to £40 if it is not paid within the payment period. However, on 4 March 2026 the Welsh Government introduced the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) (Amendment) Regulations 2026, which came into force on 30 September 2026. This amending legislation increased the FPN in Wales from £20

to a range of penalties between £75 and £150 at a Welsh local authority's discretion. Similarly, in 2026, Westminster City Council increased its Penalty Charge Notice for vehicle idling offences from £80 to £110, which reduces to £55 if paid within 14 days.

ESS reviewed the level of FNP in Scotland and concluded the FPN level set under the 2003 Regulations lacks credible deterrent value and is rarely used in practice because it is too low to justify the use of enforcement powers. In ESS's view, this amounts to a failure to make effective environmental law, with the result that the objectives of the 2003 Regulations are frustrated. ESS, therefore, recommends that Scottish Ministers take the following three remedial measures in its Improvement Report: Investigation into the effectiveness and enforcement of engine idling laws in Scotland.

Recommendation 1 - That the Scottish Government review and increase the level of Fixed Penalty Notice under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 to ensure it provides an effective deterrent.

Scottish Government response

The Scottish Government will review the level of FPN under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 with a view to increasing its level.

Under section 87(7) of the 1995 Act, we must consult on proposals to amend the 2003 Regulations to increase the level of the FPN. If Parliament approves the Scottish Government's improvement plan, we intend to do so at the earliest opportunity in 2027. The consultation will be open for 12 weeks to members of the public as well as local authorities, businesses, and any other interested party to respond. The timescales for any legislative change are described in our answer to recommendation 3 below.

We are engaging with local authorities at the moment and have not finalised the proposed level of FPN on which we will consult. Civil penalty charges used by local authorities for parking enforcement were last reviewed in 2025-26[5], and are set at a maximum of £100, reducing to £50 if paid within 14 days. While these civil penalties for parking enforcement are not directly comparable, we are likely to consult on a fixed penalty amount for idling offences between £50 to £100. Scottish Ministers have a power under section 87(2)(o)(i) to prescribe one amount for the penalty. We will therefore not be consulting on penalty amounts within a prescribed range as that power is conferred only on Welsh Ministers.

[5] Penalty Charge Notice (PCN) Levels for Decriminalised Parking Enforcement - Scottish Government consultations - Citizen Space

Recommendation 2 - That the Scottish Government introduce 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.

Scottish Government response

The Scottish Government agrees with the principle that FPN levels should be set at an appropriate amount to act as an effective deterrent. The Scottish Government will monitor and periodically review the level of FPN in the 2003 Regulations, as it does with all FPN legislation, to ensure it remains an appropriate deterrent.

The 2003 Regulations were made by Scottish Ministers under powers in section 87 of the 1995 Act, which requires a penalty of a prescribed amount to be set. The setting of a prescribed amount for the FPN within the 2003 Regulations provides certainty in that the exact penalty for the offence at the time it was committed is known to the reader.

We are not aware of any FPN in the UK that has a legislative mechanism to ensure it remains an appropriate penalty, for example by including indexation in line with inflation. The power to set a FPN and decide on its level is given to Ministers and is subject to the scrutiny of Parliament. Automatic indexation via a formula or other method would not be appropriate as, in the exercise of their power to make regulations to increase the penalty, Ministers must take into account various factors about whether an increase would be appropriate.

Whilst indexation of the FPN level in line with inflation may appear desirable, it may also result in a FPN level that is an ineffective deterrent or disproportionate to the offence. For example, the FPN of £20 in 2003 for a vehicle idling offence would be worth approximately £38 today, based on the Office for National Statistics (ONS) Consumer Price Index[6]. A FPN level of £38 is notably lower than the levels introduced in Wales or Westminster City Council in 2026.

Recommendation 3 - That the Scottish Government finalise 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.

Scottish Government response

As set out above, in relation to recommendation 1, the Scottish Government will consult on proposals for legislative amendment of the 2003 Regulations to increase the level of the fixed penalty. It will do so once Parliament has approved this improvement plan under section 30 of the 2021 Act.

The recommendation to finalise the proposals for legislative amendment within twelve months of the laying of this report in the Parliament (ie 24 June 2027) is challenging. There are a number of steps within the process that are not

[6] Inflation calculator | Bank of England – the UK's central bank

predetermined, and follow statutory timescales. Most notably, approval by Parliament of this Improvement Plan and the statutory consultation on the level of FPN notice required by section 87(7) of the 1995 Act must be completed before any legislative amendment can be made.

As the current ESS deadline of 24 June 2027 falls close to Parliament's summer recess, Parliamentary scrutiny may not be able to begin before September 2027. The Scottish Government, therefore, would intend to finalise any amendment legislation by the end of September 2027, shortly after the end of recess. This allows sufficient time to finalise proposals for legislative amendment of the 2003 Regulations without significantly delaying parliamentary consideration, or significantly affecting the likely date that any changes come into force.

Conclusion

The Scottish Government will take the steps set out above in relation to consultation on regulations to amend the fixed penalty level in the 2003 Regulations.

Under section 30(2)(a)(iii) of the 2021 Act, the Scottish Government needs to set out in this plan the arrangements for reviewing, and reporting on, progress in implementing the recommendations. The Scottish Government is meeting that requirement through undertaking the public consultation, followed by the subsequent scrutiny of the amending Regulations when laid in Parliament.

Annexe B: Letter from Environmental Standards Scotland – 16 November 2026

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 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 that the consultation is likely to consider a FPN level of £50 to £100. However, in ESS' view the effectiveness of the system will depend largely 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. The recommendation was intended to address the circumstances that resulted in the level of the penalty remaining unchanged for more than twenty years. 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

Jamie McGrandles

Head of Investigations, Standards and Compliance

Annexe C: Improvement Plan Process

