

14 January 2026

ESS' response to NatureScot's consultation on the draft Scottish Action Plan for Invasive Non-Native Species 2026 – 2032

1. Environmental Standards Scotland (ESS) welcomes the opportunity to respond to the NatureScot's consultation on the draft Scottish Action Plan for Invasive Non-Native Species 2026 – 2032. ESS has responded to the questions presented by NatureScot via email.

2. ESS is a non-ministerial office directly accountable to Scottish Parliament. Since 1 October 2021, it has been a component of the system of environmental governance in Scotland following the UK's exit from the European Union and the end of oversight of implementation of European Union environmental law by the European Commission and the European Court of Justice. ESS' remit is to:

- ensure public authorities, including the Scottish Government, public bodies and local authorities, comply with environmental law
- monitor and take action to improve the effectiveness of environmental law and its implementation.

1. Do we have the right set of actions, and can they be strengthened in any way?

Broadly, yes. The plan has a clear structure and the four outcomes (prevention, early detection and rapid response, long-term management, and whole of society approach) align well with the invasion curve, the IPBES IAS assessment and the GB INNS Strategy. The emphasis on prevention and on a regional and islands-based approach is sensible.

However, several actions could be strengthened to improve clarity and coherence:

(a) Cross-referencing and coherence

- Many actions appear to contribute to more than one outcome but are only listed once. For example, the action for the Scottish Government to “undertake a review of policy and the use of legal powers relating to inspections and compliance for INNS management in Scotland in 2026” is placed under ‘whole of society approach’, but it is equally important for:
 - Outcome 2 (early detection and rapid response), and
 - Outcome 3 (long-term management of established species).
- Cross-referencing these actions across relevant outcomes would make the logic of the plan clearer and help demonstrate how single interventions (such as strengthened inspection powers) support multiple objectives.

(b) Code of Practice on Non-Native Species (CoP)

- It is positive that the plan commits the Scottish Government to undertaking a review of the Code of Practice on Non-Native Species in 2027. As a key document explaining how people and organisations should act responsibly to manage INNS, its inclusion in the plan is welcome.
- However, we are concerned about the proposed timetable for the review. ESS has previously recommended that the Scottish Government should review the CoP and lay a revised version before the Scottish Parliament within one year of the Natural Environment (Scotland) Bill receiving Royal Assent, or by 01 May 2027 at the latest. Beginning the review in 2027 risks the revised CoP not being issued until 2028 or later.
- The scope of the review is also unclear. Based on ESS’ work and responses to our INNS call for evidence, the review should:

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- Update and clarify roles and responsibilities of duty bearers
- Update references to relevant bodies and duty bearers
- Reflect changes in governance, policy and legislation
- Strengthening the action so that the work will begin in 2026, with a clear intention to lay a revised draft Code for consideration and approval in Parliament by May 2027 at the latest, would better reflect the scale and urgency of the issues identified.

(c) Species Control Agreements and Orders (SCAs and SCOs)

- SCAs and SCOs are only briefly mentioned in the plan, with the only explicit reference being the action for the Scottish Government to publish “guidance or a code of practice on the use of species control and inspection powers in Scotland in 2027”, under Outcome 4.
- This limited detail is inconsistent with:
 - The plan’s own statement that “legal powers designed to enable inspections and enforcement have yet to be fully tested”, and
 - Scottish Government’s earlier response to ESS’ call for evidence, where they acknowledged that SCAs and SCOs are resource-intensive to obtain, issue and monitor, and stated that these challenges would be examined in developing the Scottish INNS Plan.
- ESS’ work and stakeholder responses to our call for evidence have highlighted several key barriers to the effective use of SCAs and SCOs, including capacity and resource constraints within relevant bodies, and a lack of detailed, consistent guidance on using the tools.
- The commitment to produce new guidance or a code is welcome, but greater clarity is needed on which issues this guidance will address.
- ESS are currently undertaking further work on SCAs and SCOs and will share findings and recommendations with NatureScot in mid-2026.

(d) Prevention and pathway management

- We welcome the strong emphasis on prevention in Outcome One and the way the plan builds on existing horizon scanning and pathway analysis carried out by Scottish Government and NatureScot. This aligns well with the IPBES IAS assessment and with stakeholder responses to our call for evidence, which stressed that prevention

and early intervention are the most cost-effective options, particularly in marine and freshwater environments.

- It would be useful to see more actions under Outcome One about the role, capacity and powers of the Non-Native Species Inspectorate (NNSI) in Scotland.
- In response to our call for evidence, some stakeholders noted that NNSI activity in Scotland remains limited and would benefit from being scaled up to support prevention and early detection.
- Some stakeholders suggested that the NNSI and UK Border Force may require additional or clearer powers to stop and search and seize specimens at the border, particularly in relation to high-risk pathways such as the horticultural trade and marine and freshwater pathways.
- While the draft plan notes under Outcome One that “legal powers designed to enable inspections and enforcement have yet to be fully tested”, the associated actions under ‘Inspection, enforcement, permitting’ do not appear to fully reflect this concern.
- Outcome One could be strengthened by explicitly stating how NNSI capacity and powers in Scotland could be developed to deliver the prevention, surveillance and rapid response ambitions of the plan, including whether existing inspection and border-related powers are sufficient.

(e) Early detection and rapid response, long-term management

- Actions on surveillance, contingency planning and rapid response are well structured. However, they could be strengthened by more clearly outlining how rapid response will be resourced. For example through access to dedicated contingency funding and by providing greater clarity on decision triggers and responsibilities within generic contingency plans.
- In relation to long-term management, stakeholders responding to ESS’ call for evidence broadly supported the approaches taken by projects such as the Scottish Invasive Species Initiative. The plan could benefit from more clearly setting out criteria for prioritising species and sites for further long-term management or eradication programmes.

(f) Whole of society approach

- The plan appropriately recognises the importance of engaging communities, volunteers and industry, and includes actions on awareness-raising and stakeholder

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engagement. This aligns well with responses to ESS' call for evidence, where respondents emphasised:

- The need for improved public awareness and clearer, more accessible language on INNS.
 - That existing campaigns (e.g. Be Plant Wise or Check, Clean, Dry) are effective but not consistently promoted across Scotland.
 - The need to correct misperceptions about roles and responsibilities, particularly the assumption that local authorities are responsible for controlling INNS on private land.
- As previously noted, placing the only reference to SCAs/SCOs under the 'whole of society' approach risks underplaying their importance as a tool.
 - These are statutory tools central to early detection and rapid response and to long-term management. Leaving SCAs and SCOs solely within this section does not reflect stakeholder feedback from ESS' call for evidence, nor the Scottish Government's earlier statement in their call for evidence response that challenges associated with these tools would be examined through the INNS Action Plan.

(g) Monitoring and evaluation

- We welcome the inclusion of a dedicated monitoring, evaluation and management framework, and the intention to integrate the INNS Action Plan within the monitoring and evaluation frameworks for both the Scottish Biodiversity Strategy and the GB INNS Strategy.
- The commitment to adaptive management and to use evidence to inform decisions over the lifetime of the plan is positive.
- However, the plan could benefit from greater clarity and specificity to ensure that progress against the plan's objectives can be robustly assessed and that corrective action can be taken where delivery is off track.
- Several of the proposed targets are not currently framed as SMART targets, which risks making progress difficult to measure within the lifetime of the plan. For example:
 - The target to 'prevent the introduction and establishment of species of special concern' is an absolute ambition. While appropriate as a long-term goal, it is unclear how success or failure would be assessed by 2030, or how this target relates to known background rates of new INNS establishment

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- The target that ‘public awareness of INNS issues has increased’ lacks a defined baselines, threshold or timescale for improvement. The plan notes that this may be measured through opinion surveys, but without a clear baseline it will be difficult to demonstrate effectiveness or change over time
- Other targets (such as reducing the rate of establishment of known or potential INNS by at least 50% compared to 2000 levels) are closer to being SMART, but it is unclear whether they are achievable within the relatively short timeframe to 2030, and what interim milestones will be used to track progress.
- As the targets are set for 2030, the plan could be strengthened by:
 - Setting out clear baselines for each indicator, including the most recent available data
 - Clarifying interim milestones or trajectories, so that progress can be assessed before 2030 rather than only at the end of the plan period
 - Explicitly stating how monitoring results will be used to trigger corrective or additional action if indicators suggest the plan is not on track
- NatureScot has indicated that the intended audience for the Action Plan includes government bodies responsible for prioritising and coordinating action on INNS, alongside the wider partnership of industry, NGOS, academia, volunteers and other stakeholders who contribute to delivery. While this is appropriate, the plan is less clear on how it will reach and engage the general public.
- Given that increased public awareness of INNS issues is identified as a headline outcome and indicator, the monitoring framework could be strengthened by explicitly setting out how awareness of the plan itself, and its key messages, will be promoted beyond institutional stakeholders. This could include specifying mechanisms for public-facing communication, defining a baseline level of public awareness, and identifying how changes in awareness will be measured over time.

(h) Priority species lists

- The plan refers to priority species for prevention. The plan could benefit from clarification on the status of the Scottish List of Invasive Non-Native Species Priorities. The list attached is dated November 2016, and it is unclear whether this reflects the most up-to-date prioritisation or whether the date refers to a previous iteration of the list.

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- If the priority list has not been substantively updated since 2016, this raises questions about whether it fully reflects current evidence on emerging species, pathways and risks. If the list has been reviewed or updated more recently, this could be made more explicit in the plan.
- Greater transparency on when and how priority species lists are reviewed and updated would strengthen the plan's monitoring framework and ensure that priorities remain aligned with current and emerging risks over the lifetime of the Action Plan.

2. Are there other actions/considerations that should be included?

Building on the points above, the plan could be strengthened by:

- Amending the CoP action to plan for the review to begin in 2026, with the intention of completing and laying a revised CoP no later than May 2027.
- Including a more explicit and substantive package of actions on SCAs and SCOs, addressing issues identified by the Scottish Government.
- Exploring whether local authorities require clearer roles or additional powers to address INNS where existing enforcement tools are unavailable or ineffective.

3. What kind of information and support do organisations in Scotland need in order to prepare for supporting the delivery of this approach?

Drawing on the draft plan and responses to ESS' call for evidence, key needs include:

(a) Clarity on roles, responsibilities and governance

- Updated, practical guidance (linked to the CoP review) setting out the respective roles and responsibilities of NatureScot, SEPA, Scottish Forestry, Marine Directorate, local authorities and others at national, regional and local levels.
- Guidance on how responsibilities are shared in complex situations such as cross-body catchments and shared water bodies.

(b) Technical guidance and training

- Practical guidance, training and templates on biosecurity good practice across sectors (e.g. restoration projects, construction, forestry and aquaculture).

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- Guidance on monitoring and evaluation, including standardised methods for recording management actions and concerns.

(c) Communications and awareness raising support

- A suite of shared communication materials and simple preventative actions that could be adapted by local authorities, NGOs and individual projects for local campaigns.

(d) Data and information systems

- Easy access to up-to-date INNS distribution data.
- Clear guidance on data standards and how to submit records for INNS.
- Feedback on how submitted data is used, to encourage long-term engagement by citizen scientists and local projects.
- Clear links between local data collection and the plan's monitoring indicators, so organisations can understand how their efforts contribute to national reporting.