

Dr Richard Dixon
Chair

Edward Mountain MSP
Net Zero, Energy & Transport Committee
Scottish Parliament
Edinburgh
EH99 1SP

26 August 2025

Dear Convener

ENVIRONMENTAL STANDARDS SCOTLAND: SIX-MONTHLY UPDATE

1. Environmental Standards Scotland (ESS) gave evidence to the Committee at its meeting on 25 October 2022 as part of the Committee's scrutiny of ESS' first strategic plan. At that meeting, ESS committed to updating the Committee on its work every six months. This letter provides a summary of ESS' key pieces of work over the last six months (March – August 2025).
2. I noted in my previous update that ESS was developing its next strategy. This has progressed well and ESS is currently consulting on its draft strategy (for the period 2026 – 2031). The consultation closes on 29 August 2025. We will consider the responses and lay the draft strategy in the Scottish Parliament for approval in the first half of October, as required by schedule 2 of the Withdrawal from the European Union (Continuity) (Scotland) Act 2021.
3. ESS works closely with the other environmental governance organisations across the United Kingdom: the Office for Environmental Protection (which covers England and Northern Ireland) and the Interim Environmental Protection Assessor for Wales. The Welsh Government introduced legislation to the Senedd in June 2025 to establish a permanent statutory environmental governance body similar to the

Environmental Standards Scotland
enquiries@environmentalstandards.scot

Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD
0808 1964000

Office for Environmental Protection and ESS. ESS very much welcomes this development as strengthening the system of environmental governance across the whole of the United Kingdom. ESS' chief executive gave [evidence](#) to the Senedd's Climate Change, Environment and Infrastructure Committee on 9 July 2025 (ESS also provided [written evidence](#) to the Committee).

4. The Scottish Government introduced the Natural Environment (Scotland) Bill to the Scottish Parliament on 19 February 2025. The first part of the Bill makes provision to establish a system of targets to improve biodiversity. The Bill extends ESS' existing functions by identifying ESS as the independent review body which will:
 - review reports prepared by Scottish Ministers into progress towards the biodiversity targets; and
 - assess how Scottish Ministers seek independent advice to inform their review of the targets

ESS provided [written](#) and [oral](#) evidence to the Rural Affairs and Islands Committee as part of that Committee's Stage 1 scrutiny of the Bill. It continues to engage actively with the Scottish Government about the longer-term implementation of the Bill's provisions.

5. ESS has continued to monitor the Scottish Government's implementation of its improvement plan (considered by the Committee in autumn 2024) resulting from ESS' investigation into the implementation of local authorities' climate change duties. As part of the implementation of the improvement plan, the Scottish Government consulted on revised statutory guidance on climate change. ESS [responded](#) to this consultation and is working with the Scottish Government and colleagues in local government in anticipation of taking on the responsibility for scrutinising local authorities' climate change duty reports.
6. Based on some of its previous work, ESS [responded](#) to the Committee's request for

Environmental Standards Scotland

enquiries@environmentalstandards.scot

Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD

0808 1964000

its views on what would constitute a “good” climate change plan. ESS looks forward to contributing to the Committee’s scrutiny of the Scottish Government’s draft climate change plan during the course of the autumn.

7. In my previous update, I noted that ESS was awaiting responses from the Scottish Government and other public bodies to its reports on storm overflows, marine litter and soils. ESS received all these responses and has, in turn, responded to them. In particular, ESS reinforced its request that the Scottish Government updated its guidance on operation of storm overflows. The Scottish Government has now [committed](#) to doing so. ESS will continue to monitor progress in the implementation of the recommendations from these three reports.
8. In June 2025, the UK Government consulted on the Marine Strategy (UKMS) Part One Update. The Marine Strategy Regulations 2010 give the UK Government and the devolved administrations specific duties in relation to reviewing and updating the Part One assessment. In August 2025, ESS’ [responded](#) to the consultation highlighting that both the assessment and the consultation process lacked the rigour and transparency necessary to:
 - enable independent assessment of the state of the marine environment; and
 - evaluate whether genuine progress towards Good Environmental Status is being made

ESS is continuing to progress a wider piece of work on the condition of the seafloor as one of the indicators of Good Environmental Status which must be secured to comply with the Marine Strategy Regulations 2010.

9. In the previous update, I noted that ESS was conducting two major investigations:
 - the Scottish Government’s Marine Directorate’s management of fish stocks in

Environmental Standards Scotland

enquiries@environmentalstandards.scot

Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD

0808 1964000

west of Scotland waters; and

- the implementation of, and compliance with, environmental law in connection with the classification and adoption of Special Protection Areas (SPAs) in Scotland.

ESS has now completed its investigatory work with regard to these two investigations. ESS' Board will consider the conclusions of the former investigation in the next few weeks. Following consideration by the Board, ESS has engaged with the Scottish Government and NatureScot on the system for classifying and adopting SPAs with a view to securing marked improvements to the current system.

10. In my previous update, I noted that ESS had had a commitment from the Scottish Government's Marine Directorate to undertake an appropriate assessment before the start of the 2025 wrasse fishing season. The Marine Directorate published an assessment in June 2025 and ESS published a [summary report](#) in July 2025.
11. In August 2025, ESS issued a [final report](#) on a case that considered a gap in the protection afforded to internationally important wetland (Ramsar) sites. ESS has closed this case as it considers that the Scottish Government's revised policy, issued in July 2025, has closed the gap.
12. ESS continues to engage with a number of public authorities on issues raised in representations made to it. For example, it has recently written to SEPA and the Scottish Government to secure improvements in the rules underpinning incineration capacity and the enforcement of vehicle engine idling laws. ESS will publish the outcomes of this engagement when it considers that resolution has been satisfactorily achieved. It is also continuing to monitor the progress of earlier work to ensure that the actions agreed by public authorities have been completed (for example, Scottish Forestry has now completed and published its public register of documents relating to Environmental Impact Assessments).

Environmental Standards Scotland

enquiries@environmentalstandards.scot

Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD

0808 1964000

13. As a public body, ESS is looking to build on its existing actions to contribute to public service form (ESS shares office space with another public body and works collaboratively with a number of other non-ministerial offices).
14. I hope this update is helpful to the Committee. ESS is happy to provide further detail in relation to any of these matters should the Committee require it. ESS will provide the Committee with a further update on its work, prior to dissolution, in February 2026.

Yours sincerely,

Dr Richard Dixon

Chair

Environmental Standards Scotland
enquiries@environmentalstandards.scot

Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD
0808 1964000