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Edward Mountain MSP
Convener
Net Zero, Energy and Transport Committee
Scottish Parliament
Edinburgh
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28 February 2025

Dear Convener

Environmental Standards Scotland: six-monthly update

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' work over the last six months (September 2024 – February 2025).

1. ESS is currently developing its strategy for the period 2026-2030. It will consult with stakeholders on a draft of this strategy during the summer. The draft strategy is subject to parliamentary approval under schedule 2 of the Withdrawal from the European Union (Continuity) (Scotland) Act 2021. ESS plans to lay a copy of its draft strategy for 2026-2030 for scrutiny in the Parliament in October 2025.
2. 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:

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- 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.
3. Since the previous update to the Committee, ESS has published three major reports resulting from its analytical work. These reports focused on the operation of [storm overflows](#), [marine litter](#) and a scoping report on [soils](#). ESS expects to receive responses to the recommendations made in these reports from the Scottish Government and other public bodies over the next couple of months. ESS has also published a summary of the responses to its call for evidence on [invasive non-native species](#) and is considering how it will progress work in this area. ESS' current analytical work is focused on the system of river basin management planning and, in particular, diffuse pollution and on the system for protecting the integrity of the seabed.
4. ESS can receive representations from members of the public, communities and organisations about concerns they have regarding environmental law and how it is implemented. Since ESS began operating on 1 October 2021, it has received 76 representations. The details and status of all representations received are available on ESS' website [here](#).
5. Between September 2024 and February 2025, ESS concluded informal resolutions in five cases arising from representations made to it. One of these related to the impact of [wrasse fishing](#) on Special Areas of Conservation and resulted in a commitment from the Scottish Government's Marine Directorate to undertake an appropriate assessment before the 2025 fishing season. A second case related to the process for applying for designation as a [Bathing Water](#). The third case related to the requirement on the Scottish Government to publish a report when [annual targets](#) for greenhouse gas emissions have not been met (ESS notes that annual targets have subsequently been replaced by five-year carbon budgets under the Climate Change (Emissions Reductions Targets) (Scotland) Act 2024).

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6. The final two cases related to the failure of public bodies (the Scottish Government's [Rural Payments and Inspections Directorate](#) and [Scottish Forestry](#)) to make public registers relating to Environmental Impact Assessments accessible. These cases follow ESS' previous work on SEPA's public registers which ESS is continuing to monitor and report on (see October 2024 [update](#) on SEPA's progress). Given these individual examples, ESS has decided to do a wider piece of work on public registers as they relate to environmental law during 2025.
7. The previous update noted that ESS had launched two investigations into:
- the Scottish Government's Marine Directorate's management of fish stocks in west of Scotland waters; and
 - the implementation of, and compliance with, environmental law in connection with the classification and adaptation of Special Protection Areas (SPA) in Scotland

ESS aims to complete these investigations by the summer.

8. Following the Parliament's approval of the Scottish Government's improvement plan relating to the implementation of local authorities' climate change duties in late 2024, ESS is monitoring the Scottish Government's implementation of the plan.

I hope this update is helpful to the Committee and we will be happy to provide further information in relation to any of these matters should the Committee require it. ESS will provide the Committee with its next update in August 2025.

Yours sincerely

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