

Consultation information for draft Strategy 2026-2031

June 2025

ENVIRONMENTAL
Standards Scotland
Ìrean Àrainneachdail na h-Alba

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1. Introduction

About this consultation

1.1 This consultation seeks views on Environmental Standards Scotland's (ESS) draft Strategy for 2026-2031.

1.2 Environmental Standards Scotland was established in October 2021 as an independent non-Ministerial office:

- to monitor, investigate and secure public authorities' compliance with environmental law
- to scrutinise the effectiveness of environmental law in Scotland and how it is implemented

1.3 Our first [Strategic Plan](#) was approved by the Scottish Parliament in autumn 2022 and covers the period to the end of 2025. The UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 ('the Continuity Act') that established ESS requires us to review our Strategy from time to time. If we make revisions to the Strategy, we must submit the revised Strategy to the Parliament for approval.

What happens next?

1.4 We will consider all of the responses received from this consultation and a final draft Strategy will be submitted to the Parliament for consideration. The Parliament will then scrutinise the Strategy and vote on whether to approve it. Alongside the Strategy we must also submit a statement summarising the feedback we have received and how this has been taken into account. If approved, the Strategy will then be published and will guide our operations from 2026-2031.

2. Our draft Strategy

2.1 Our draft Strategy sets out our proposed approach to delivering our statutory functions over the next five years. It describes the context for our work and sets out how we propose to carry out our role in a way that delivers improved outcomes for the environment and human health. The draft Strategy also includes a number of links to ESS policies and operational guidance where further details about our approach is set out.

2.2 We are seeking feedback on our draft Strategy, in particular:

- our proposed vision
- the proposed principles that will guide all of our work
- our proposed approach to prioritising our work
- our proposed approach to delivering our strategic objectives to 2031
- our proposed approach to measuring and evaluating our impact and our performance
- our initial findings related to a series of impact assessments of our draft Strategy (see section 3)
- our proposed response to the recommendation made to ESS by Scottish Ministers in their November 2024 statement to Parliament following their review of environmental governance (see section 4)

2.3 Section 5 provides details of the questions we are asking and how you can provide us with your views.

3. Impact assessments

3.1 As a public body ESS is under a statutory duty to assess the impact of our proposed Strategy on certain groups, sectors and communities. Even where a specific statutory duty does not exist, ESS recognises the importance of considering the potential impact of our work and upholding the rights and wellbeing of everyone in Scotland, including some of the most vulnerable groups and those disproportionately impacted by environmental degradation.

3.2 In preparing the draft Strategy we have therefore undertaken screening (or equivalent) for a number of assessments. This has allowed us to consider the potential impact of our Strategy and how any potential negative impacts can be avoided or mitigated against to improve our approach.

3.3 It is crucial that our evidence base includes the views and experiences of those who may be affected, and we hope to elicit these through targeted engagement during the consultation period. We have therefore initiated this process at the earliest possible stage before any final decisions are made, so that it is possible for any alternative proposals or amendments to be considered.

3.4 The following sections provide a broad summary of: the action we have taken for each of the duties we have considered; our initial findings; and what (if any) further action we intend to take. If further information or clarification is required to inform feedback this can be provided during our stakeholder engagements sessions that will run throughout our consultation period in June and August (advertised separately).

3.5 We welcome feedback on whether there are any impacts that may not have been identified and any further sources of evidence or information that we might consult to inform our final decisions.

Equality impact assessment

3.6 The Equality Act 2010 requires all public authorities to consider the need to eliminate unlawful conduct prohibited by the Act and advance equality of opportunity and foster good relations between people who share a relevant protected characteristic and people who do not. This is known as ‘the general duty’. Some public authorities (including ESS) also have specific duties under the Equality Act

2010 (Specific Duties) (Scotland) Regulations 2012, which includes the need to assess the impact of applying any new or revised policy or practice on the general duty.

3.7 Equality Impact Assessments (EQIAs) allow us to identify and mitigate against any impact and consider how we can adapt and improve the Strategy to consider the needs of the public we serve.

3.8 There is a separate duty on some public bodies under the Equality Act 2010 to consider how they can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions. This is known as the 'Fairer Scotland Duty'. Although ESS is not covered by this duty, we understand that environmental issues can disproportionately impact people experiencing socio-economic disadvantage and can compound inequalities. We therefore integrate these into our EQIAs.

3.9 We have undertaken an early screening to determine the relevance of the Strategy and any potential for impact associated with the planned revisions.

3.10 Overall, we anticipate that the delivery of ESS' statutory functions under the Strategy will increase the equality of opportunity for those with protected characteristics. However, we have decided to prioritise certain environmental areas in our proactive work which may have the unintended consequence of reducing focus on topics linked to outcomes for people with protected characteristics or experiencing socio-economic disadvantage. It is possible that this could result in a reduction of such topics being reflected in our work and weakened engagement from individuals/communities who do not see their environmental concerns reflected in our prioritisation. In turn, this could affect our ability to foster good relations and to advance equality of opportunity. As a result, this may unintentionally imply to other public bodies that these issues are of lower importance, potentially compounding the impacts on affected groups.

3.11 We have preliminarily identified some actions, which we consider may address such impact, including:

- ensuring clear public messaging that ESS remains open to any environmental concerns that falls within our remit through representations

- regularly reviewing analytical work to identify gaps which may result in differential impact on particular groups
- ongoing monitoring of community engagement to ensure participation across different groups

3.12 Following the screening, we will continue to gather and analyse evidence to identify the impacts and how we can best mitigate those impacts where necessary.

Business and regulatory impact assessment

3.13 The purpose of a Business and Regulatory Impact Assessment (BRIA) is to help assess the likely costs, benefits and risks of any proposed legislation, codes of practice, guidance, or policy changes that may have an impact on the public, private or third sector. It is not a statutory requirement to carry out a BRIA, but consideration of a BRIA is part of best practice for any new policy, regulations or guidance. As such ESS has chosen to consider potential impacts.

3.14 ESS has considered impact using the Scottish Government's BRIA toolkit together with guidance from Scottish Government and insights on businesses and partners gathered through the ongoing delivery of ESS' work.

3.15 We have preliminarily concluded that a BRIA is not required for the revised Strategy due to the following principal considerations:

- ESS' new Strategy is not proposing any changes regarding its current role and function in relation to its first Strategic Plan for 2022-2025 when it was determined that the Strategy was unlikely to place demands on the public, private or third sector that may have financial implications
- our experience to date has been that our work has not resulted in impacts of this nature. No concerns of this nature have been raised over the past three years or during targeted stakeholder engagement in autumn 2024

Strategic environmental assessment

3.16 The Environmental Assessment (Scotland) Act 2005 requires 'responsible authorities' to consider the likely impact of plans, programmes and strategies on the environment. A Strategic Environmental Assessment (SEA) is required where the plan or strategy is likely to have significant environmental effects, if implemented.

3.17 This allows public bodies to consider how to deliver a plan differently, in order to achieve better environmental outcomes, while still delivering important plan objectives.

3.18 We have undertaken pre-screening of our revised Strategy. Pre-screening can be undertaken where it can be established that a plan is likely to have no or minimal effects on the environment. As the Strategy sets out the high-level framework within which ESS will carry out its functions, it is not itself expected to have any effects on the environment.

3.19 ESS has submitted a pre-screening to SEA Gateway and the relevant consultation authorities and has not received any comments or feedback in response.

3.20 The investigations and analytical work that ESS subsequently undertakes, and any enforcement action or recommendations for improving compliance and effectiveness that result, will be assessed to determine whether they come within the scope of the Environmental Assessment (Scotland) Act 2005 and therefore whether a SEA is required at that stage.

3.21 Our preliminary conclusion is therefore that an SEA is not required for the revised Strategy.

Child rights and wellbeing impact assessment

3.22 Section 6(1) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 imposes a duty on public authorities to act compatibly with the United Nations Convention on the Rights of the Child (UNCRC) requirements when exercising their functions.

3.23 To ensure that we are exercising our functions in compatibility with UNCRC requirements, we have assessed the potential for any positive, negative or neutral impact associated with our Strategy using a Child Rights and Wellbeing Impact Assessment (CRWIA).

3.24 On undertaking a Stage 1 screening, it was identified that the prioritisation of different environmental topics had potential to impact on Articles 3, 6, 23, 24, 27 and 31 as it may result in reduced focus on topics linked to outcomes for children. Children with a disability may be even more vulnerable to such impacts.

3.25 These were therefore considered further and actions identified, which we consider would address such impact and ensure compatibility with the UNCRC requirement, including:

- ensuring clear public messaging that work will remain flexible and responsive to all environmental concerns that fall within our remit
- continuing to monitor and follow-up on our previous scrutiny work in areas covering air quality and soil health – topics that may disproportionately impact children.
- regularly reviewing the environmental topics we focus on, taking emerging issues into consideration

3.26 On that basis, we consider that the Strategy will not be incompatible with Articles 3, 6, 23, 24, 27 and 31 (or any other UNCRC requirements) and that a Stage 2 CRWIA is not required.

Island communities impact assessment

3.27 The Islands (Scotland) Act 2018 requires ‘relevant authorities’ to have regard to island communities in carrying out their functions. Relevant authorities must undertake an Island Communities Impact Assessment (ICIA) where a policy, strategy, or service is likely to have an effect on an island community which is significantly different from its effect on other communities.

3.28 ESS is not a ‘relevant authority’ under the Islands (Scotland) Act 2018. However, we work across Scotland and understand that certain environmental issues can disproportionately affect particular geographical areas, populations and communities. As such, ESS has chosen to consider any potential impacts on island communities associated with the revised Strategy.

3.29 ESS is currently undertaking the screening for the ICIA. We have gathered data and identified potential stakeholders as required. The next stage is consultation, which we will be undertaking alongside the Strategy consultation between June and August 2025.

3.30 Early indications are that we do not anticipate the Strategy will have impacts on island communities that are significantly different from its effect on other communities.

Consumer duty impact assessment

3.31 The Consumer (Scotland) Act 2020 requires that, when making decisions of a strategic nature about how to exercise its functions, a public body must have regard to the impact of those decisions on consumers in Scotland and the desirability of reducing harm to those consumers.

3.32 Having regard to Consumer Scotland's guidance we have considered the potential impacts of the revised Strategy on consumers in Scotland. This initial assessment has found that the revised Strategy, and its underlying operational procedures, will have a positive impact on consumers. In particular the revised Strategy supports the seven Consumer Principles by:

- ensuring our service is accessible to consumers and that consumers are supported throughout their experience with ESS, which is one of ESS' equality outcomes (Access)
- maintaining a flexible approach to ESS' broad remit covering all environmental law and remaining responsive to any environmental concern raised by the public, so that our consumers' choice is not impacted by ESS' proposed approach to prioritisation (Choice)
- ensuring consumers are protected from harm, for example by providing anonymity to those making representations and implementing protections for whistleblowers (Safety)
- committing to being an open and transparent public body and ensuring a broad range of information is accessible on our website and is kept up to date (Information)
- taking account of the public sector equality duty in our day-to-day operations and embedding equality considerations in all we do (Fairness)
- being open to consumers to allow their participation in improving environmental outcomes and gathering regular feedback from our consumers to improve our service (Representation)
- being open about routes to complain about ESS' services, ensuring service standards in this area are met and reporting publicly on the number of complaints we receive (Redress)

3.33 We will engage with stakeholders during the public consultation on ESS' revised Strategy. The feedback gathered during this process will inform our final considerations of the Strategy's impact on consumers.

Data protection impact assessment

3.34 Under the UK GDPR Data Protection Act 2018 a Data Protection Impact Assessment (DPIA) must be done for processing that is likely to result in a high risk to individuals.

3.35 ESS will likely be processing some personal data during the development of its revised Strategy, specifically during the consultation phase where details such as names, potentially email addresses and other forms of contact details may be processed.

3.36 While unlikely to result in a high risk, it may be determined that a DPIA will be undertaken in any case to support compliance and demonstrate that we are respecting and protecting the interests of the public. A final decision will be made once we are in a position to adequately assess the information we are collecting.

Summary of preliminary conclusions

Impact assessment	Preliminary conclusion
EQIA	Potential for impact – further evidence needed
BRIA	Not required
SEA	Not required
CRWIA	Not required
ICIA	Unlikely to be required – but further evidence being sought
CD	Positive impact identified – assessment to be finalised following consultation
DPIA	Data will be processed and protected as required

4. Consideration of a Scottish Government recommendation following environmental governance review

4.1 In June 2023, Scottish Ministers published and consulted on a report on the effectiveness of environmental governance in Scotland. Our [response to this consultation](#) highlighted that, while the Continuity Act has filled some of the gaps in the environmental governance framework created by the UK's withdrawal from the European Union, gaps remain.

4.2 In November 2024, the Scottish Government [made a statement to the Scottish Parliament](#) summarising feedback from the consultation and set out the recommendations that Scottish Ministers made in response to the views received. The statement recommended that ESS should:

“give further consideration to the conditions where it would be appropriate to investigate the individual circumstances of a local area, group or community, given the restrictions on the exercise of its functions”.

4.3 Furthermore, the statement recommended that:

“the Parliament considers this matter in their oversight of ESS' activities and in particular when reviewing a draft revised strategy in due course”.

4.4 In November 2024, we [wrote to the Scottish Parliament](#) with our initial observations on this recommendation but committed to considering it further when preparing our Strategy.

4.5 The decision as to which matters ESS will investigate or prioritise for analytical work is driven by the terms of the Continuity Act and the principles and factors outlined in our Strategy.

4.6 Section 1.6 of our draft Strategy explains that ESS cannot act as an appeals body and take enforcement action against public authorities on their individual regulatory decisions. Section 27(a) and section 32(1)(a) respectively of the Continuity Act state that ESS cannot issue an improvement report or a compliance notice (our main enforcement mechanisms) in respect of “a failure to comply with environmental law arising out of any decision taken by a public authority in the

exercise of its regulatory functions in relation to a particular person or case (for example, a decision on an application for a licence or a decision on regulatory enforcement in a specific case)”.

4.7 Section 1.6 of our draft Strategy therefore explains that we will consider whether individual decisions might indicate systemic or cumulative problems with compliance or with the effectiveness of environmental law.

4.8 Provided a matter raised with us is within our remit in terms of the Continuity Act and aligns with the principles and factors outlined in our Strategy, there is nothing to prevent ESS from considering the individual circumstances of a local area, group or community. ESS can (and does) consider such cases where they indicate systemic or cumulative problems with compliance or with the effectiveness of environmental law.

4.9 For example, we have considered representations relating to the handling of a licence and the appropriate assessment stage of a [Habitats Regulations Appraisal](#) under The Conservation (Natural Habitats, &c.) Regulations 1994 and regarding concerns over how reports of [sewage related debris from Waste Water Treatment Works](#) had been handled under the Water Environment (Controlled Activities) (Scotland) Regulations 2011.

4.10 In both cases our pre-investigation enquiries identified concerns about how these types of decisions were generally handled by the relevant authorities. We therefore engaged with the public authorities concerned and made recommendations about how guidance and procedures could be improved to ensure better environmental protection. The public authorities accepted and implemented our recommendations.

4.11 We are also required to exercise our functions in a way that avoids duplication or overlap with other statutory regimes and administrative complaints procedures and functions exercisable by other bodies such as Audit Scotland, the Scottish Public Services Ombudsman and the Climate Change Committee.

4.12 We will continue to work within the framework of the Continuity Act and our Strategy when undertaking our work. However, as noted in our response to the Scottish Government’s 2023 consultation, ESS was not established to fill all the

environmental governance gaps left following the UK's exit from the European Union.

4.13 In particular, Scotland, as part of the UK, is party to the United Nations Convention on Access to Information, public participation in decision making and access to justice in environmental matters (the Aarhus Convention) and has specific obligations under it. Scotland has been found to be in breach of the Aarhus Convention in consecutive findings since 2014 by the United Nations Economic Commission for Europe Aarhus Convention Compliance Committee.

4.14 ESS believes that compliance with the Aarhus Convention is essential. In our response to the Scottish Government's 2023 consultation, we said that a court or tribunal, whether new or a development of existing structures, would help support better compliance with the Aarhus Convention and access to environmental justice for Scotland, provided it was well constituted and issues such as standing, cost and merit-based review were also addressed.

4.15 We welcome feedback on how we have responded to the recommendation made to ESS by Scottish Ministers in the draft Strategy and whether there is any further clarification we can provide on this matter in the final Strategy that is submitted to Parliament for approval (and/or in [relevant operational guidance](#)).

5. How to respond to this consultation

5.1 You can respond to this consultation by reading our [Draft Strategy 2026-31 for Consultation](#) and submitting a response on [citizen space](#). Alternatively, you can respond via email at enquiries@environmentalstandards.scot or by sending a letter to

Environmental Standards Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HD

5.2 To support ESS to develop a finalised Strategy, which would then go to the Scottish Parliament for input and approval, this consultation has been designed to collect the views and opinions of individuals and organisations that engage with ESS or have an interest in its work, as well as members of the public who may have read the Strategy.

5.3 The consultation will be available to complete until August 29 2025. The questionnaire takes around 15 minutes to complete. Please ensure you have read the information on the consultation webpage and the revised Strategy before completing this survey ([consultation document](#), [draft Strategy](#)). Where possible, relevant extracts from the draft Strategy have been included alongside questions; where this is not possible, the sections of the Strategy relevant to the question are highlighted for reference.

5.4 We will be running several engagement events during the consultation period, these will provide an opportunity for you to ask us questions about our Strategy and we will be keen to hear a broad range of views. You can sign up to these events through EventBrite.

5.5 Our first engagement session will be:

- Thursday 19 June, 17:30 – 18:15, online attendance only, please book using this link [ESS Strategy Consultation – Information Session \(Online\)](#)

5.6 We will update the [citizen space](#) consultation page with further engagement dates, and publish these through social media channels.

5.7 We also welcome any queries you have through email (enquiries@environmentalstandards.scot) or phone (08081964000).

5.8 Our consultation consists of the following questions.

Vision

Our vision

By holding public authorities to account, we will ensure that Scotland's people and nature benefit from a high-quality, healthy environment through improved compliance with and better implementation of effective environmental law.

1.0. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree that this vision, as presented in ESS' draft Strategy, is the right vision for the organisation to be working towards?

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

1.1. Do you have any comments on ESS' vision, as laid out in the draft Strategy?

There is a text box for any comment or response you have.

Principles

Our principles

We will:

be independent and trusted

be evidence driven

be open and transparent

engage widely

seek to resolve issues through agreement wherever possible

prioritise our efforts and resources to maximise our impact

2.0. On a scale of ‘strongly disagree’ to ‘strongly agree’, how much do you agree or disagree that these principles, as presented in ESS’ draft Strategy, are the right principles for the organisation to be working with?

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

2.1. Do you have any comments on ESS’ principles, as laid out in the draft Strategy?

There is a text box for any comment or response you have.

Priorities

Our priorities - while we will consider all concerns raised with us by members of the public, we will focus most of our proactive work around four priorities:

Climate change: Scotland's approach to mitigation and adaptation

Nature: Scotland's approach to reversing the decline in biodiversity

Resources: Scotland's approach to reducing resource use and waste and developing a circular economy

Water: Scotland's approach to improving the freshwater and marine environments

3.0. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' approach to prioritisation, as set out in sections 3.1-3.5 of the draft Strategy?

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

3.1. Do you have any comments about ESS' approach to prioritisation, as laid out in the draft Strategy?

There is a text box for any comment or response you have.

Strategic objectives

Section 4 of ESS' draft Strategy presents five strategic objectives and describes the approach ESS proposes to take to deliver these objectives:

Our strategic objectives:

Objective 1. Securing compliance and improving effectiveness

Objective 2. Analysing and investigating environmental concerns

Objective 3. Monitoring and scrutinising environmental performance

Objective 4. Engaging and communicating effectively

Objective 5. Being an efficient and effective organisation

For each objective, please indicate how much you agree or disagree with the approach to meeting the objective. If you have concerns about each objective or ESS' approach to delivering any of the objectives, please outline these in the open comment field of the relevant question. If you have no concerns about the approach to delivering the objective, please select 'no concerns'.

4.0. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' approach to delivering this objective(1)?

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

4.1. Do you have any comments on this objective, or ESS' approach to delivering this objective(1)?

There is a text box for any comment or response you have.

4.2. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' approach to delivering this objective(2)?

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

4.3. Do you have any comments on this objective, or ESS' approach to delivering this objective(2)?

There is a text box for any comment or response you have.

4.4. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' approach to delivering this objective(3)?

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

4.5. Do you have any comments on this objective, or ESS' approach to delivering this objective(3)?

There is a text box for any comment or response you have.

4.6. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' approach to delivering this objective(4)?

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

4.7. Do you have any comments on this objective, or ESS' approach to delivering this objective(4)?

There is a text box for any comment or response you have.

4.8. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' approach to delivering this objective(5)?

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

4.9. Do you have any comments on this objective, or ESS' approach to delivering this objective(5)?

There is a text box for any comment or response you have.

Proposed approach to measuring performance

5.0. Do you have any comments about ESS' proposed approach to evaluating its impact and measuring its performance, as outlined in Section 5 of the draft Strategy?

There is a text box for any comment or response you have.

Interim conclusions on the various impact assessments of the Strategy

ESS recognises the importance of considering the potential impact of its work and upholding the rights and wellbeing of everyone in Scotland. In preparing the draft Strategy, ESS has undertaken screening (or equivalent) for a number of assessments to consider the potential impact of the Strategy in a number of areas, and any mitigation actions that may be required. The table below shows a summary of the preliminary conclusions drawn in relation to each impact assessment. More detail on ESS' conclusions can be read in our consultation document ([Consultation on ESS' draft Strategy 2026-31](#)). Please read this information before completing the following questions.

Table 1: Summary of impact assessment interim conclusions

Impact assessment	Preliminary conclusion
Equality	Potential for impact – further evidence needed
Business & regulatory	Not required
Strategic environment	Not required
Child rights and wellbeing	Not required
Island communities	Unlikely to be required – but further evidence being sought
Consumer duty	Positive impact identified – assessment to be finalised following consultation
Data protection	Data will be processed and protected as required.

The questions below ask about your opinions on ESS' interim conclusions for each impact assessment. The relevant paragraphs from the webpage regarding the conclusions for each impact assessment are highlighted.

6.0. On a scale of ‘strongly disagree’ to ‘strongly agree’, how much do you agree or disagree with ESS’ conclusion on the equality impact assessment? (Paragraphs 1.6-1.12)

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

6.1. On a scale of ‘strongly disagree’ to ‘strongly agree’, how much do you agree or disagree with ESS’ conclusion on the business and regulatory impact assessment? (Paragraphs 1.13-1.15)

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

6.2. On a scale of ‘strongly disagree’ to ‘strongly agree’, how much do you agree or disagree with ESS’ conclusion on the strategic environmental assessment? (Paragraphs 1.16-1.21)

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

6.3. On a scale of ‘strongly disagree’ to ‘strongly agree’, how much do you agree or disagree with ESS’ conclusion on the child rights and wellbeing impact assessment? (Paragraphs 1.22-1.26)

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

6.4. On a scale of ‘strongly disagree’ to ‘strongly agree’, how much do you agree or disagree with ESS’ conclusion on the island communities impact assessment? (Paragraphs 1.27-1.30)

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

6.5. On a scale of ‘strongly disagree’ to ‘strongly agree’, how much do you agree or disagree with ESS’ conclusion on the consumer duty impact assessment? (Paragraphs 1.31-1.33)

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

6.6. On a scale of ‘strongly disagree’ to ‘strongly agree’, how much do you agree or disagree with ESS’ conclusion on the data protection impact assessment? (Paragraphs 1.34-1.36)

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

6.7. Do you have any comments on ESS' approach to, or interim conclusions for the various impact assessments? Please specify which impact assessment you are commenting on below.

There is a text box for any comment or response you have.

Response to Scottish Government recommendation following the environmental governance review

The information on [the consultation webpage](#), published alongside the draft Strategy, outlines ESS' response to the Scottish Government recommendation shown above.

In June 2023, Scottish Ministers published and consulted on a report on the effectiveness of environmental governance in Scotland.

In November 2024 the Scottish Government made a statement to the Scottish Parliament summarising feedback from the consultation and set out the recommendations that Scottish Ministers made in response to the views received. The statement recommended that ESS should: "give further consideration to the conditions where it would be appropriate to investigate the individual circumstances of a local area, group or community, given the restrictions on the exercise of its functions" and that "the Parliament considers this matter in their oversight of ESS' activities and in particular when reviewing a draft revised Strategy in due course".

7.0. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' response to the Scottish Government recommendation?

Strongly Disagree, Disagree, Neither Agree or Disagree, Agree, Strongly Agree

7.1. Do you have any comments on the following part of ESS' response to the Scottish Government recommendation in relation to the environmental governance review? Paragraphs 4.5-4.7: setting out the statutory limitations on the exercise of ESS' functions (e.g. ESS' inability to act as an appeals body or take enforcement action against public authorities on individual regulatory decisions).

There is a text box for any comment or response you have.

7.2. Do you have any comments on the following part of ESS' response to the Scottish Government recommendation in relation to the environmental

governance review? Paragraphs 4.8-4.11: Setting out how ESS can consider the individual circumstances of a local area, group or community.

There is a text box for any comment or response you have.

7.3. Do you have any comments on the following part of ESS' response to the Scottish Government recommendation in relation to the environmental governance review? Paragraphs 4.12-4.14: On the gaps in the environmental governance landscape not filled by the establishment of ESS.

There is a text box for any comment or response you have.

Final comments

8.0. Do you have any other comments on our draft Strategy and our approach to fulfilling our remit?

This is a text box for any comment or response you have.

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EH12 5HD

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