

Draft Environment Strategy: consultation

Vision and outcomes

1. Environmental Standards Scotland (ESS) welcomes the opportunity to respond to the Scottish Government's consultation on its draft Environment Strategy.
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

Question 1 - Do you agree with the vision of the Environment Strategy?

3. ESS welcomes the vision to 2045 set out in the Environment Strategy and agree that protecting and improving the environment is important now, both for current and future generations, and as part of a global community.
4. Whilst there has been some significant progress in improving the Scottish environment over recent decades profound challenges remain, especially in taking the next steps to reduce greenhouse gas emissions, addressing the extreme loss of biodiversity, in improving marine and freshwater environments and developing a circular economy. Drawing together the relevant policy, strategy and actions to drive urgent action against these complex challenges has never been more vital.

Question 2 - Are there any outcomes that you feel should be removed, added or changed in the Environment Strategy?

5. Not answered

Outcome pathways

Question 3 - There now follow questions about the individual outcome pathways. Do you think that the outcome pathways considered together include the important policies, actions and future priorities to achieve the Vision? If not, what changes would you suggest?

6. Yes.
7. The pathways contain a wide range of relevant policies and strategies against the outcomes, however there is limited detail on how progress towards these outcomes will be monitored and reported.
8. Effective scrutiny, monitoring and reporting plays an essential role in achieving outcomes, and it will be important that there is clarity on how the Environment strategy will do this, as well as ensuring that the pathways are responsive as new evidence becomes available, or targets are met/not.
9. On the particular policies and plans included within 'Table 1 priorities for delivery', ESS have raised concerns in relation to a number of these, which could impact ability to deliver outcomes, including, but not limited to:
 - on the UK Marine Strategy Part One Update 2025 consultation (in its Letter from ESS to Scottish Government response to UK Marine Strategy Part One Update 2025 consultation) in particular that the information presented in the assessments lack the rigour and transparency necessary to independently assess whether genuine progress towards Good Environmental Status has been made
 - on the Climate Change Plan, ESS Case IESS.23.020 found that Government's most recent Plan did not fully meet statutory requirements including to meet clear timelines for all proposals and policies. The effectiveness of the Scottish Government's monitoring and delivery of proposals and policies is also a potential concern to ESS. ESS are

watching with interest to see if the next draft CCP is compliant with statutory requirements

- on Access to Justice, supporting climate and environmental justice in Scotland and overseas is important, and the Aarhus Convention is highlighted, which requires that such access should not be prohibitively expensive. However, it has been repeatedly observed that Scotland has not fully complied with this requirement, primarily due to financial barriers that limit the ability of individuals and organisations to challenge environmental decisions in court. This is set out in the ESS response to the Environmental Governance Review Consultation. At that time, ESS also welcomed the proposed human right to a healthy environment and associated duties on public bodies, which could be another route to increase access to justice. However, detail on how the right will be defined and enforced, and clarity on responsibilities and how to exercise the right is needed

Outcomes on biodiversity, climate change and pollution

Question 4 - The pathways for the outcomes on biodiversity, climate change and pollution signpost to existing policies – how can we best address potential synergies and trade-offs across these outcomes?

10. On potential synergies and trade-offs across these outcomes, ESS notes that section 14(1) of the Continuity Act requires the Scottish Ministers, in making policies (including proposals for legislation), to have due regard to the guiding principles on the environment. At present, the Strategy does not mention the guiding principles on the environment and the duties and expectations on Ministers and other public authorities with regard to them.
11. The Scottish Government's statutory guidance on the guiding principles states that: 'These duties will ensure that consideration of protection and improvement of our environment is embedded in decision making across different policies and sectors. In effect, this will keep Scotland aligned with the environmental principles

that guide policy development in the EU and will contribute to sustainable development'. The final Strategy should clarify how the guiding principles will apply and will support delivery of the ambitions and vision in the Strategy.

Question 5 - What are the top priorities the Scottish Government should focus on to improve the environmental impact of Scotland's activities on other countries?

12. Not answered

Question 6 - Do you have any further views on how the pathway outlined in the draft Strategy can help achieve the outcome "Scotland's global environmental impact is sustainable"?

13. Not answered

Question 7 - To what extent do you agree/disagree that societal changes, including in our lifestyles and behaviours, are needed to help tackle the nature, climate and pollution crises?

14. Not answered

Question 7b - If you agree, please explain in the text box below how you think the Scottish Government could most effectively support and enable these changes in ways that also help to improve people's lives and tackle inequalities. Or, if you disagree, please explain in the text box below why you don't think that societal changes, including in our lifestyles and behaviours, are needed to help tackle the nature, climate and pollution crises.

15. Not answered

Question 8 - Do you have any further views on how the pathway outlined in the draft Strategy can help achieve the outcome "Scotland's society is transformed for the better by living sustainably, in harmony with nature"?

16. Not answered

Scotland's net zero, nature positive and circular economy thrives within the planet's sustainable limits

Question 9 - To what extent do you agree/disagree that a just transition to a net zero, nature positive, circular economy is needed to support Scotland's role in tackling the nature, climate and pollution crises?

17. Not answered

Question 9b - If you agree, please explain in the text box below how you think the Scottish Government could most effectively support this transition in ways that create wider economic opportunities for Scotland, including for jobs and businesses. Or, if you disagree, please explain in the text box below why you don't think a just transition to a net zero, nature positive, circular economy is needed to support Scotland's role in tackling the nature, climate and pollution crises.

18. Not answered

Question 10 - Do you have any further views on how the pathway outlined in the draft Strategy can help achieve the outcome "Scotland's net zero, nature positive and circular economy thrives within the planet's sustainable limits"?

19. Not answered

We build Scotland's resilience to climate change and other global environmental risks

Question 11 - Do you agree/disagree with the approach set out in the pathway for the outcome "We build Scotland's resilience to climate change and other global environmental risks"?

20. Not answered

These transformations are achieved through a just transition and support climate and environmental justice

Question 12 - Do you agree/disagree with the approach set out in the pathway for the outcome “These transformations are achieved through a just transition and support climate and environmental justice”?

21. Not answered

Questions for the Impact Assessments

Question 13 - Do you have any views on whether there are likely to be any positive or negative environmental impacts from the draft Environment Strategy that have not been identified in the Strategic Environmental Assessment (SEA)?

22. Not answered

Question 14 - Is there anything in the draft Environment Strategy which should be added or changed to strengthen positive impacts or lessen any negative impacts on people with protected characteristics?

23. Not answered

Question 15 - Are there any positive or negative impacts on protected groups (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) that have not been identified in the draft Equalities Impact Assessment?

24. Not answered

Question 16 - Are there any other protected groups, which have not been identified in the draft Equalities Impact Assessment, that will potentially be positively or negatively impacted by the Environment Strategy?

25. Not answered

Question 17 - Are there any positive or negative impacts on island communities that are different from the impacts on mainland areas from the draft Environment Strategy, that have not been identified in the draft Islands Communities Impact Assessment?

26. Not answered

Question 18 - Are there any positive or negative impacts on groups experiencing socio-economic disadvantage (such as income, low wealth or area deprivation) from the draft Environment Strategy that have not been identified in the draft Fairer Scotland Duty Assessment?

27. Not answered

Question 19 - Are there any positive or negative impacts from the draft Environment Strategy that have not been identified in the draft Child Rights and Wellbeing Impact Assessment?

28. Not answered

Question 20 - Are there any positive or negative impacts from the draft Environment Strategy that have not been identified in the draft Consumer Duty Impact Assessment?

29. Not answered

Question 21 - Are there any positive or negative impacts from the draft Environment Strategy on businesses that have not been identified in the partial Business and Regulatory Impact Assessment (BRIA)?

30. Not answered

Question 22 - Do you have any further views on the partial Business and Regulatory Impact Assessment (BRIA)?

31. Not answered

Question 23 - Are there any other positive or negative impacts on areas such as health in the draft Environment Strategy that should be considered?

32. Not answered