

DRAFT Minutes of the Board meeting held on Friday 5 December 2025, 10:00 – 14:00
held in Lomond, Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD and via
Microsoft Teams

DRAFT SUBJECT TO APPROVAL AT THE 6 FEBRUARY 2026 BOARD MEETING

Board:

Richard Dixon (RD), Chair
Marie Fallon (MF)
Paul McAleavey (PM)
Annalisa Savaresi (AS)*
Chris Spray (CS)
Morag Sheppard (MS)

*attending via Microsoft Teams

Apologies:

No apologies

Attendees:

ESS Team (Items 2-8 as noted):

Mark Roberts (MR), CEO
Neil Langhorn (NL), Head of Strategy and Analysis
Jamie McGrandles (JMcG), Head of Investigations,
Standards and Compliance
Rebecca Peppiette (RP), Head of Corporate Services
and Communications
Alan Hunt (AH), Head of Policy Analysis and Horizon
Scanning **(Item 4)**
Matthew Byerly (MB), Senior Investigations Officer
(item 5)
Lucy Fitzpatrick (LF), Senior Communications Officer
(Item 6)
Calum Ross (CR), In-house solicitor
Alisdair Stapley (ASt), Governance Lead
Kirsty Laing (KL), Business Support Officer (minutes)

1.	Private session The Board attended a private session.
2.	Welcome The Chair welcomed the Board and attendees to the meeting, introducing ASt as the new Governance Lead. CS declared his interests relating to biodiversity due to his former position as Chair of the UK Special Protection Areas (SPAs) and the Ramsar Scientific Working Group.

	<p>MS declared an interest relating to her position as Board Member of the Water Industry Commission for Scotland.</p> <p>The minutes of the previous meeting dated 3 October 2025 were approved by the Board. The Board noted the running list of matters arising and actions.</p>
3.	<p>Chief Executive's update</p> <p>MR provided an update on ESS' activities since the last Board meeting, highlighting:</p> <ul style="list-style-type: none"> • attendance by the ESS Chair and NL on 25 November 2025 at the Net Zero, Energy and Transport Committee to give evidence on the draft Climate Change Plan • subsequent correspondence with the Net Zero, Energy and Transport Committee from ESS Chair clarifying comments made at the 25 November 2025 evidence session • preparation of ESS' written response to the draft Climate Change Plan consultation • next steps for the resubmission of ESS' Strategy 2026-2031 to the Scottish Parliament for approval • ESS' budget planning for 2026/27 <p>The Board noted the update.</p>
4.	<p>Strategy and Analysis</p> <p>NL provided an update on the work of the Strategy and Analysis team, highlighting:</p> <ul style="list-style-type: none"> • a recent meeting with officials about the soils analytical report and confirmation of when ESS will receive a formal reply from the Scottish Government on their next steps • a presentation regarding ESS' Marine work given by staff in November 2025 at the Scottish Parliament Information Centre (SPICe) seminar for Members of Scottish Parliament (MSPs) and other parliamentary staff

	<ul style="list-style-type: none"> • receipt of a response from the Cabinet Secretary for Climate Action and Energy accepting ESS' recommendation that the INNS Code of Practice should be updated • the appointment of contractors to evaluate ESS' long-term impact and the finalisation of guidance for ESS staff on utilising Theories of Change to articulate and assess our impact <p>The Board noted the update and discussed the importance of stakeholder engagement in achieving ESS' strategic objectives.</p> <p>[At this point, AH joined the meeting]</p> <p>AH provided a presentation to the Board outlining the conceptual framework for the prioritisation of ESS' analytical work under the new Strategy.</p> <p>In discussion, the Board:</p> <ul style="list-style-type: none"> • noted the need for robust governance within the framework to ensure ESS can respond to any unexpected changes • highlighted the importance of collaboration and joint working with other public bodies • considered how Artificial intelligence (AI) might be used in ESS' work <p>The Board thanked AH for the clear and interesting presentation, noting the importance of an annual update to the Board on the prioritisation of our proactive work in line with the Strategy.</p> <p>Action: The Board to discuss the implications of AI use regarding ESS' future work and requested a presentation on this at a future meeting in 2026/27.</p> <p>[At this point, AH left the meeting]</p>
5.	<p>Investigations and representations</p> <p>[At this point, MB joined the meeting]</p>

	<p>MR introduced the Aarhus Convention ('the Convention') update to the Board, setting out recent developments in respect of Scotland's compliance with the Convention.</p> <p>The Board noted the update and agreed that ESS should continue to monitor and consider ongoing developments with a view to issuing a statement setting out ESS' position in this connection.</p> <p>[At this point AS left the meeting]</p> <p>JMcG presented an update on the work of the Investigations Standards and Compliance team, highlighting:</p> <ul style="list-style-type: none"> • ongoing progress with the engine idling case • potential next steps on the contaminated land regime work • conclusion of pre-investigation work on NatureScot's interest in large-scale developments and the Scottish Government's implementation of strategic environmental assessment legislation • the progress of the Bycatch report <p>The Board noted the updates.</p> <p>Action: JMcG to present the Bycatch report at the February 2026 Board meeting.</p> <p>JMcG presented an update on the results of the May and October 2025 representer feedback surveys, highlighting:</p> <ul style="list-style-type: none"> • overall positive feedback • the work planned to understand how improvements can be made in areas where scores have decreased <p>The Board noted the update and discussed further the remedial actions proposed.</p> <p>[At this point, MB left the meeting]</p>
6.	Governance

MF updated the Board on the Audit and Risk Committee's ('the Committee') activities since the previous meeting, highlighting:

- discussion of the new set of Performance and Management Indicators (PMIs) presented to the Committee for consideration
- the Committee Chair and two members attendance at the Government Internal Audit Agency (GIAA) meeting in November 2025, and from this, the Committee's work exploring links with other smaller Non-Governmental Organisations on lessons learnt
- staff changes within the Internal Audit team

MF provided a verbal update from the equality champion working group, highlighting:

- collaboration between ESS and Consumer Scotland's equalities champions
- the 2025/26 pay award
- new members added to the equalities champions working group

MS provided a verbal update from the cyber champion working group, highlighting:

- updates to the cyber risk register
- the timeline for results from the Scottish Government's cyber phishing exercise
- that ESS will take part in the Scottish Cyber Coordination Centre's annual self-assessment review
- new members added to the cyber champions working group

CS provided a verbal update from the sustainability champion working group, highlighting:

- ESS' submission of its 2024/25 climate change duties report under the Climate Change (Scotland) Act 2009 in November 2025
- improvements to recycling facilities in ESS' office space
- the continued progress of ESS' Sustainability Action Plan
- new members added to the sustainability champions working group

[At this point, LF joined the meeting]

RP introduced the draft Communication and Engagement plan, providing a background on its development and noting its connection to ESS' Strategy 2026-31. RP thanked everyone involved in the Plan's development.

LF presented an overview of the plan, detailing the updates made in response to feedback, noting how ESS will deliver the strategic objectives, and outlining the next steps for the Board to consider. In discussion, the Board:

- commended the enthusiasm for engagement with stakeholders, reflecting on previous successful engagement activities
- considered ESS' approach and remit regarding combatting misinformation in relation to the environment
- noted the recommendation for written guidance to be provided as useful supporting material to aid Board members with stakeholder engagement

The Board noted the updates, thanked the team involved for all their work, and approved the reviewed plan.

[At this point, LF left the meeting]

RP presented an update on 2025/26 expenditure to date, highlighting:

- longer-term financial resilience planning, such as utilising office space more effectively and flexible meeting solutions
- enhancement of ESS' occupational health offer and third-party support for external audit recommendations
- budget planning in the context of the delay to 2026/27 budget announcements, now expected on 13 January 2026

The Board noted the update.

MR presented departmental and cyber risk registers in development as part of the wider Risk Management Review. MR noted the structure of the registers, in particular highlighting the bottom-up approach to risk management and future involvement from the Committee members to assist in its ongoing development. The Board noted the update.

	<p>ASt presented a six-monthly update on the progress against ESS' PMIs, highlighting:</p> <ul style="list-style-type: none"> • general trends within the PMI figures, noting service standards have been met • the Committee's review of the current set of PMIs <p>The Board noted the update and discussed the changes in representation figures, highlighting this as an area to monitor closely.</p> <p>RP presented a refreshed set of PMIs alongside an updated methodology for describing and evidencing ESS' work each year. In discussion, the Board:</p> <ul style="list-style-type: none"> • noted the thorough review of each PMI from the Committee, as well as feedback from Internal Audit • discussed providing additional supplementary narrative around PMIs that are measured by publicly available outputs • considered the publication timeline of the new set of PMIs and the presentation of trends against the previous set of PMIs <p>The Board noted and approved the paper, subject to minor amendments.</p>
7.	<p>Any other business</p> <p>RP requested hybrid meeting feedback from members as part of the upcoming Board self-assessment process.</p>

Dr Richard Dixon

Chair, Environmental Standards Scotland

[DATE]