

ESS updated Strategy 2026 – 2031: Summary of consultation responses

February 2026

ENVIRONMENTAL
Standards Scotland
Ìrean Àrainneachdail na h-Alba

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1. Executive summary

1.1 Environmental Standards Scotland (ESS) is an independent public body, established by the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021. ESS remit is to monitor the effectiveness of environmental law in Scotland, and public authorities' compliance with environmental law, as well as to prevent enforcement gaps arising from the UK leaving the European Union.

1.2 ESS drafted a revised strategy for 2026-2031 and consulted on this draft strategy in summer 2025. A second consultation was held on an updated draft of the strategy from 5 December 2025 to 9 January 2026.

1.3 This report summarises responses to the second consultation on our Strategy.

1.4 Avoiding overlap:

- respondents were supportive of ESS' approach to avoiding overlap with other statutory regimes, administrative complaints procedures, public bodies or parliamentary committees
- a majority of respondents provided suggestions for further improvement and/or called for greater clarification of operational protocols and procedures

1.5 Keeping people informed about representations:

- respondents were supportive of ESS' approach to keeping stakeholders informed while handling representations
- the statements on transparency and open communication were welcomed
- respondents provided further suggestions for improvement focusing on communication and clarity. It was suggested that the accessibility and transparency of information published on the ESS website could be further strengthened
- ESS was asked to provide more information about expected timescales and service standards to manage the expectations of representors
- respondents also stressed that updates and results from formal and informally resolved cases should be reported publicly

1.6 Initiation and prioritisation of investigations:

- respondents were supportive of the approach ESS uses to decide how to initiate an investigation and how these should be carried out and prioritised. The focus on structure, added value and early discussions with public authorities was welcomed
- respondents suggested that more clarity could be provided around the weighting of criteria used, the quality assurance process and how cumulative impacts are taken into consideration
- respondents also asked for more information on timeframes for different stages and outcomes of investigations

1.7 Public authority engagement to resolve concerns:

- there was broad support for ESS' approach to engaging with public authorities to swiftly resolve concerns and agree remedial action. Early engagement and collaboration and ESS' proportionate approach were welcomed
- respondents provided a range of additional suggestions that they thought would strengthen the approach. There was a preference for ESS to publish more information about agreed resolutions and provide indicative timeframes for the different stages of resolution
- concerns were expressed around resourcing for ESS and public authorities. Respondents highlighted that ESS needs adequate resources to carry out these functions, and that there should be consideration of the resources and capacity of local authorities to respond

1.8 Compliance notice versus improvement report:

- there was broad support for ESS' approach to determining whether to issue a compliance notice or improvement report. Respondents welcomed the successes that ESS have had through informal resolution and the proportionate use of its more formal powers to address systemic failures.
- respondents sought additional clarity on the triggers for the use of different statutory powers and the differences between these tools. The desire for further detail on timescales and expectations, as in previous questions, was echoed in some responses

1.9 Severity of compliance failure:

- respondents broadly agreed with ESS' approach to determining failures to comply with environmental law and the seriousness of the environmental harm caused for the purposes of applying for judicial review. Some noted that the approach was proportionate
- however, four respondents thought that improvements could be made to the proposed approach, seeking adjustments to the level of complexity and range of failures that this approach would cover, and to how uneven impacts and precautionary concerns would be handled
- individual respondents provided suggestions regarding ESS' interaction with regulators and the handling of cases with cumulative or indirect impacts

1.10 Consideration of different types of information:

- respondents were broadly in agreement with ESS' proposed approach to considering different types of information for the purposes of exercising core functions
- to strengthen the clarity of the approach, some respondents called for greater clarity on the use of evidence and data. In particular, whether ESS welcomed citizen science contributions, protocols for data evaluation and the communication of evidence gaps to the public

2. Introduction

2.1 Environmental Standards Scotland (ESS) is an independent public body, established by the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021. ESS remit is to monitor the effectiveness of environmental law in Scotland, and public authorities' compliance with environmental law, as well as to prevent enforcement gaps arising from the UK leaving the European Union.

2.2 ESS drafted a revised strategy for 2026-2031 and consulted on this draft strategy in summer 2025. A second consultation was held on an updated draft of the strategy from 5 December 2025 to 9 January 2026.

2.3 This report summarises responses to the second consultation.

3. Methodology

Questionnaire development

3.1 The consultation questionnaire was developed by ESS (Annex A), following the structure of the previous questionnaire prepared with JRS the research consortium (JRS).

3.2 The questionnaire was designed to gather both qualitative and quantitative feedback. Respondents could score their agreement on a five-point scale, from strongly disagree to strongly agree for each of the questions and provide any additional comments for each question in open field boxes with no word limit.

3.3 There were seven questions related to the content of the Strategy, none of which were mandatory, so respondents could answer as many or few as desired. There were an additional nine questions that gathered information about the types of respondents (e.g. individual or organisation).

Hosting and promotion

3.4 The consultation was hosted on Citizen Space and managed by ESS. This consultation was open from 5 December 2025 to 9 January 2026.

3.5 The consultation was promoted through social media pages and ESS' website, the Citizen Space website and information about the consultation was sent directly to all relevant public authorities and a range of stakeholders.

Sample

3.6 17 responses to the consultation were received. This included five individual respondents, and 12 responses on behalf of organisations.

3.7 The sample included respondents in the following categories:

- NGOs
- industry / trade bodies
- private companies
- public bodies
- local authorities

3.8 When combined with the previous consultation ESS received a total of 52 responses. Approximately 79% of respondents were organisations, and 21% were individuals.

Analysis

3.9 Responses were analysed in a question-by-question format.

3.10 The quantitative questions were analysed, and graphs were produced to easily communicate results. For qualitative questions responses were reviewed and key themes were identified.

3.11 The qualitative open field questions were analysed by assessing the full range of responses and coding key themes across each question.

3.12 Quotes within this report are not exhaustive but intended to demonstrate the range of different opinions received. Quotes are only included from participants who consented to their response being published.

4. Findings

Avoiding overlap

4.1 Question 1 asked:

- i) On a scale of 'strongly disagree' to 'strongly agree', to what extent do you agree with ESS' approach to avoiding overlap with other statutory regimes, administrative complaints procedures, public bodies or parliamentary committees? (as set out in paragraphs 1.7 – 1.9)
- ii) Please explain any changes you think are necessary to ESS' approach

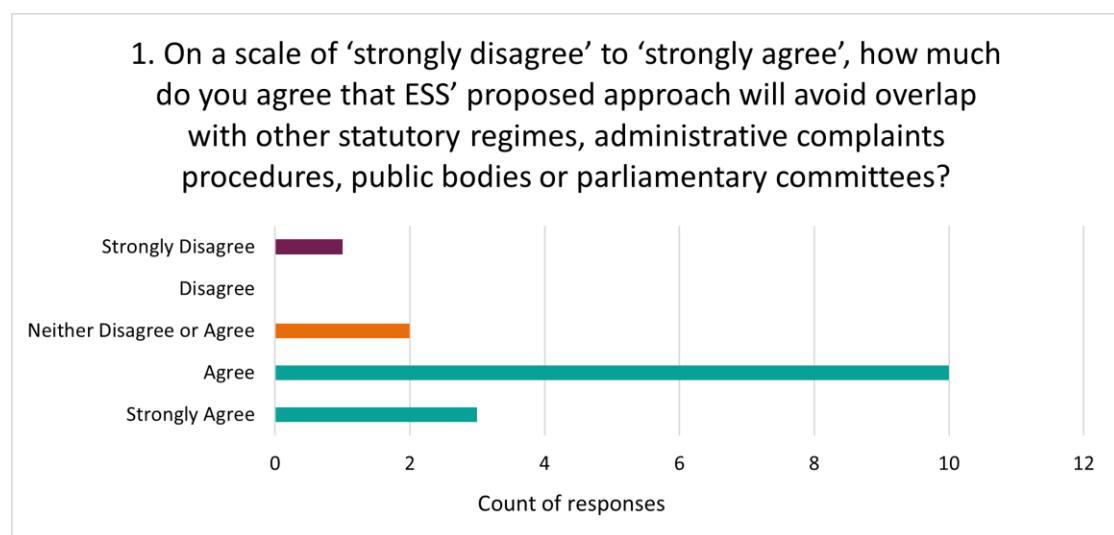


Figure 1: Agreement with ESS approach to avoiding overlap

4.2 Respondents generally agreed with the approach laid out. Of the 16 respondents who rated the approach on the 'strongly disagree' to 'strongly agree', 13 either agreed (10) or strongly agreed (3). Only one respondent strongly disagreed, and two neither agreed nor disagreed.

4.3 Many respondents (11) used the open comments field to suggest improvements, additions and recommendations to strengthen this section of the proposed Strategy.

4.4 Respondents broadly agreed that ESS' approach will help to avoid duplication from other bodies, processes and scrutiny mechanisms.

“... we welcome the commitment to liaising and co-ordinating with other bodies, and the proactive steps taken in this regard, such as the

memorandums of understanding and commitment to signposting to other bodies”

4.5 A key theme across responses was **a call for greater clarity and further explanation on operational protocols and procedures**. This was particularly orientated around ESS' boundaries with other public bodies and processes for signposting. Several responses highlighted the importance of clearly explaining when signposting will occur.

“Ensure early signposting for complainants to the most appropriate route ...”

“The proposed approach should if implemented avoid overlap/duplication but further info - possibly FAQs would be useful to clarify boundaries with relevant stakeholders working in Climate/Nature/Resources (waste) and water environments.”

4.6 There were calls for **improvements to communication regarding overlap**, with some respondents asking for published reviews, updates or statements on areas of overlap and how ESS have addressed these.

“We would also encourage ESS to regularly review whether overlap or duplication has developed, and take proactive steps to eliminate it where it is identified.”

“Include an annual statement of collaborative activity ...”

4.7 There were some **areas of divergence between responses**, while some welcomed the detail provided and thought that the information was sufficient for understanding (e.g. section 4.5), others felt that more information was required and one respondent felt that too much detail was included.

“Not enough information is held by the respondent on the breadth of other statutory regimes, administrative complaints procedures, public bodies or parliamentary committees to fully provide an answer to this question.”

Keeping people informed about representations

4.8 Question 2 asked:

- i) On a scale of 'strongly disagree' to 'strongly agree', to what extent do you agree with ESS' approach to keeping persons informed about its handling of their representations? (as set out in paragraph 4.22)
- ii) Open field for comments

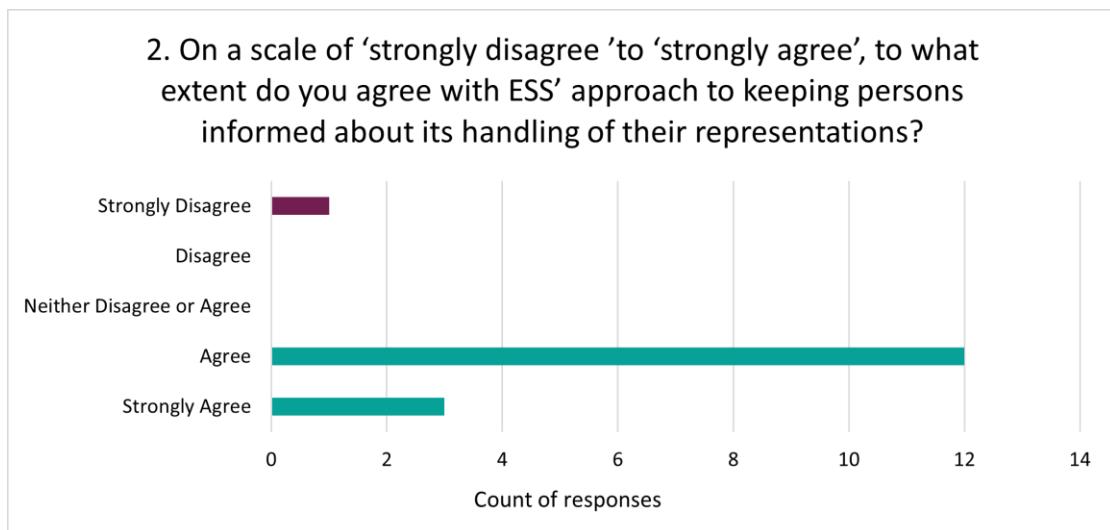


Figure 2: Agreement with ESS approach to information on representations

4.9 Respondents generally agreed with the approach laid out. Of the 16 respondents who rated the approach on the 'strongly disagree to 'strongly agree', 15 either agreed (12) or strongly agreed (3). Only one respondent strongly disagreed.

4.10 A majority of respondents (12) used the open comments field to provide further information.

4.11 Respondents largely agreed with the approach ESS proposes taking to informing people about its handling of representations. This is clear from quantitative data and expressed through the open fields box, where there is **support for the changes** noting that the proposed approach was agreeable and transparent.

“... ESS’s commitment to transparency and keeping those who raise concerns informed about progress and outcomes. Clear communication helps build confidence in environmental governance.”

“The proposed approach promotes transparency and open communication which shows those who make representations or have been involved in the process are valued contributors.”

4.12 A variety of suggestions and improvements were received, again with a focus on communication and clarity. Suggestions on communication were largely focussed on ESS improving accessibility and transparency through communicating processes and outcomes of representations to members of the public. There were a range of suggestions for both the draft Strategy and ESS’ wider process and communications, including the need for proportionate and accessible communication and progress trackers, timelines or milestones as part of ESS’ publicly available information.

“Where ESS decides not to take forward a representation, provide a plain English summary of reasons and indicate alternative avenues and likely timescales for those alternatives.”

“While it may not always be appropriate to publish full details, there should be a presumption in favour of transparency. This should, as a minimum, include publication of quarterly reports to summarise representations, investigations and outcomes. Clear criteria should be established for when information will be published or withheld.”

4.13 Further clarity was requested by some respondents on transparency, managing expectations of representors, timescales and service standards.

There was a clear desire from respondents that the public and those that have submitted a representation receive regular updates on the status of investigations. There was also recognition in responses that not all details can be published in real time as a case progresses. However, respondents wanted to be more informed about cases that resulted in formal or informal resolution.

To strengthen this approach, it is suggested that “... ESS manages expectations clearly about timescales, statutory constraints, and possible outcomes”

“... a timeframe in keeping stakeholders informed would be helpful, unless this is captured within the service standards”

“Clear service standards, named contacts and accessible summaries would help build trust that representations from islands are handled fairly and transparently ...”

4.14 A small number of respondents wanted to ensure that informally resolved investigation cases would be **reported publicly**.

“If only formal processes are reported publicly, the important role of informal resolution risks being overlooked and undervalued by decision-makers and the public.”

4.15 One respondent proposed that the **approach to investigations and informing people of the outcomes could be simplified**.

“A much simpler approach could be adopted. Both in investigating and informing people of outcomes.”

4.16 One respondent highlighted that the ability of ESS to carry out its obligations is reliant on **appropriate resourcing**. This was echoed across responses to different questions.

“... the capacity of ESS to fully meet its obligations will be affected by its resourcing: accordingly it is vital that ESS is adequately funded to ensure that it can operate effectively.”

Initiation and prioritisation of investigations

4.17 Question 3 asked:

- i) On a scale of ‘strongly disagree’ to ‘strongly agree’, to what extent do you agree with ESS’ approach to deciding whether to initiate an investigation, and how investigations should be carried out and prioritised (as outlined in paragraphs 4.17 – 4.23)?
- ii) Please explain any changes you think are necessary to ESS’ approach

3. On a scale of 'strongly disagree' to 'strongly agree', to what extent do you agree with ESS' approach to deciding whether to initiate an investigation, and how investigations should be carried out and prioritised?

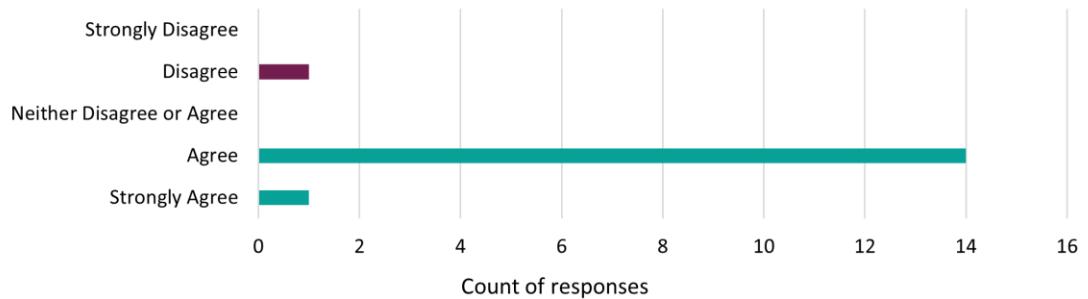


Figure 3: Agreement with ESS approach to initiation and prioritisation of investigations

4.18 Respondents generally agreed with the approach laid out. Of the 16 respondents who rated the approach on the 'strongly disagree to 'strongly agree', 15 either agreed (14) or strongly agreed (1). Only one respondent disagreed.

4.19 Multiple respondents were **supportive of the approach used to decide how to initiate an investigation and how these should be carried out and prioritised**. In particular, respondents supported the structure presented and agreed that ESS should focus on areas where it can make the most difference, with early discussions with relevant parties to take restorative action.

“... agrees with ESS’s emphasis on proportionality, evidence-based decision-making, and prioritisation of cases that raise systemic or significant environmental governance issues.”

“We support the proposed criteria for initiating and prioritising investigations ...”

“We agree that ESS should focus its work on the most important matters, where it has the potential to make the most difference, especially in terms of investigating allegations of serious or systematic non-compliance with the law.”

4.20 Respondents suggested that ESS **provide clarity on the weighting of the different criteria presented, quality assurance processes, how cumulative impacts and the interconnected nature of land use are taken into consideration, and how ESS engages with the EU** and take changes at an EU level into consideration.

“We recommend that the Strategy provides greater detail on how ESS will assess whether Scotland is keeping pace with EU environmental standards. This should include clear processes for engaging with EU stakeholders, gathering and analysing evidence, and tracking Scotland’s alignment with developments in EU law and standards.”

4.21 There was a call from two respondents for improved communication regarding **investigation timeframes**.

“Timelines would be useful to publish to ensure all parties are aware of their requirements.”

“Commit to a published timeframe for each stage of investigation including expected points for public updates.”

4.22 Only one respondent had a negative view of ESS’ approach, calling for a **more streamlined approach** with less bureaucracy.

“The whole approach appears heavy handed and will be cumbersome to operate. Focus on making authorities responsible and accountable to their customers, not another layer of bureaucracy has to be better. Simplification, responsibility, making compliance easier not more regulated is far more likely to deliver appropriate and effective regulation.”

4.23 Another respondent asked specifically about an appeals process for investigation decisions.

“... it is missing a point on stakeholders appealing against ESS’s decision to or not to take it forward”

Public authority engagement to resolve concerns

4.24 Question 4 asked:

- i) On a scale of 'strongly disagree' to 'strongly agree', to what extent do you agree with ESS' approach to engaging with public authorities to swiftly resolve concerns and agree remedial action? (as set out in paragraphs 4.3 – 4.5)
- ii) Please explain any changes you think are necessary to ESS' approach

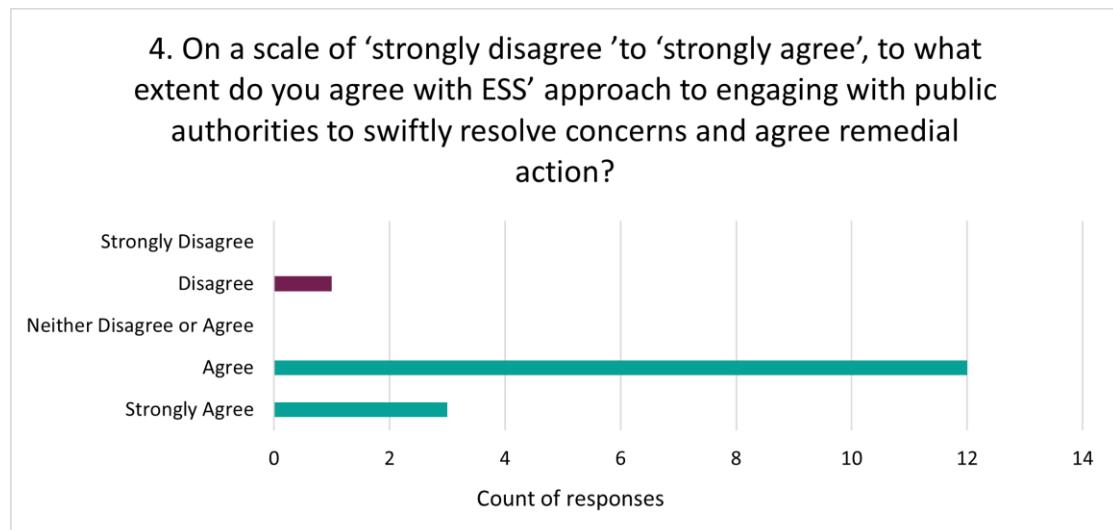


Figure 4: Agreement with ESS approach to public authority engagement

4.25 Respondents generally agreed with the approach laid out. Of the 16 respondents who rated the approach on the 'strongly disagree to 'strongly agree', 15 either agreed (12) or strongly agreed (3). Only one respondent disagreed.

4.26 Some respondents chose to **express strong support for ESS' approach** to engaging with public authorities for resolution in the open comments field.

“... strongly supports ESS's stated preference for early engagement, collaboration, and resolution with public authorities, rather than default reliance on formal enforcement tools.”

“The emphasis on constructive engagement and proportionate, systemic improvement is welcome, especially where authorities are operating with structural capacity constraints, as is often the case in island settings.”

“Ability to discuss, mitigate and take restorative action is welcomed ...”

4.27 Within the open comments field respondents focussed on areas where ESS could provide **greater clarity and explanation regarding the publication of details of agreed resolution**. Responses also considered the steps ESS takes when agreement is not reached and expectations of resolution. A theme across several responses was increased clarity on **the timeframes that respondents and the public might expect for resolution stages**.

“Clear expectations on joint ownership of remedies, realistic timescales, and interim safeguards for environmental outcomes would support durable solutions without diluting ambition, and would align well with ESS’ intended role as a learning-oriented scrutiny body.”

“Where agreement is reached, publish the agreed remedial measures, responsible parties and clear timescales and then publish follow up monitoring reports showing progress.”

“Where agreement is not reached, explain what steps ESS will take next and the expected timeframe for escalation.”

4.28 Different respondents asked ESS to **provide clarity on communication mechanisms with public bodies**, learning and shared improvement arising from engagement with public authorities and for full legislative information to be provided in publications e.g. the year of the Act should be stated.

“... further information on whether there is a set process or framework for communication with public bodies would be useful.”

“... would welcome further emphasis on learning and shared improvement arising from this engagement.”

4.29 **Resourcing for ESS and local authorities** was brought up by respondents, wanting to ensure that capacity and resources were a consideration.

“... the capacity of ESS to fully meet its obligations will be affected by its resourcing: accordingly it is vital that ESS is adequately funded to ensure that it can operate effectively.”

“Consideration should be given to the capacity and resources available within local authorities when agreeing and taking remedial action where required.”

Compliance notice versus improvement report

4.30 Question 5 asked:

- i) On a scale of ‘strongly disagree’ to ‘strongly agree’, to what extent do you agree with ESS’ approach to determining whether to issue a compliance notice or improvement report? (as set out in paragraphs 4.6 – 4.10)
- ii) Please explain any changes you think are necessary to ESS’ approach

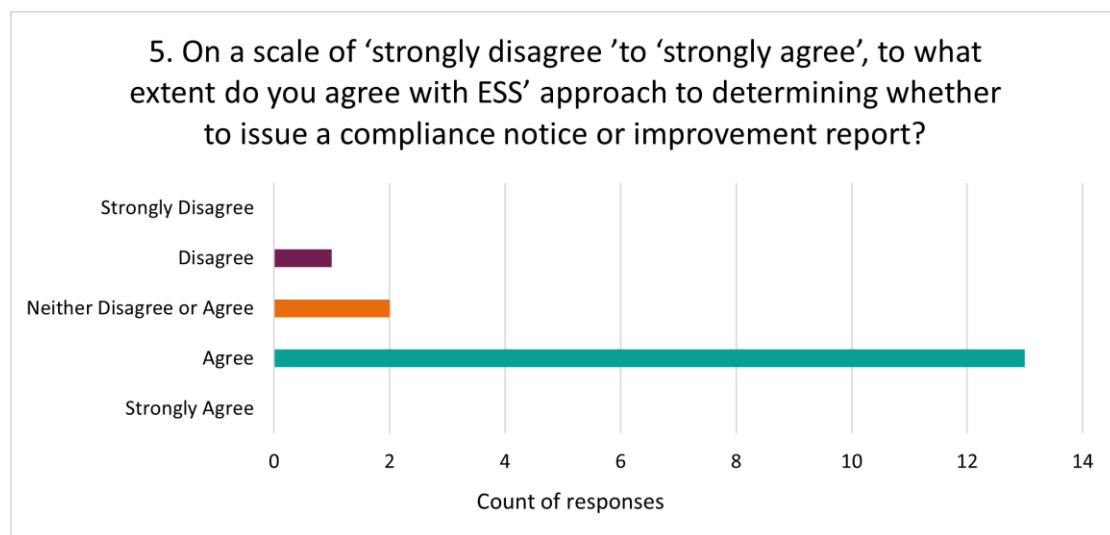


Figure 5: Agreement with ESS approach to issuing compliance notice vs improvement report

4.31 Respondents generally agreed with the approach laid out. Of the 16 respondents who rated the approach on the ‘strongly disagree to ‘strongly agree’, 13

agreed. Only one respondent disagreed and two respondents neither disagreed or agreed.

4.32 The open field box was used by many (12) respondents to show agreement with the proposed approach, and/or to ask for greater clarity and further explanation and improved communication.

4.33 Four respondents **welcomed the success ESS have had through informal resolution and the proportionate use of tools on systemic failures.**

Respondents also **reflected that additions made to the Strategy had taken previous feedback into consideration.**

“We recognise and welcome the successes the informal approach has led to, including the recent update to Scottish Government policy on protecting Ramsar sites ...”

“We welcome the revised draft, which includes many of the comments we raised on the original draft (Aug 2025). A major theme of those comments was on the importance of flexibility and dynamism within the strategy to reflect the dynamic and rapidly changing natural world around us.”

4.34 Further clarity was sought on triggers for the use of ESS’ different powers, the differences between the tools ESS has and timescales and expectations associated with these powers.

“Provide more detail on factors that trigger an improvement report rather than a compliance notice and give examples of each from past cases or hypothetical scenarios.”

“...ensure compliance notices and improvement reports are outcome-focused and realistic in timescales and expectations...”

“Whilst the approach appears sound, it contains few specifics, for example how timeously public authorities must meet the requirements of any compliance notices or improvement reports.”

“We agree with the distinction between compliance notices and improvement reports, and would encourage ESS to illustrate this with examples ...”

4.35 Respondents also **sought clarity on instances when less formal powers cannot achieve resolution, and the interactions between ESS’ powers and those of regulators.**

“... it is not clear how enforcement interacts with regulatory action by SEPA?”

“... would still like to understand more about how the agency’s statutory powers will link to the wider policy landscape in practice.”

“... the proposed Strategy should be expanded to explicitly recognise that not all failures to comply with environmental law can be resolved through agreement.”

4.36 Better communication around **timescales for informal resolution and the repercussions of not addressing issues** in a timely manner were raised.

“We therefore suggest that ESS sets clear timescales within which informal agreement must be reached. This will provide important certainty and clarity that, if public authorities fail to respond or take recommended action within appropriate timescales, use of ESS’ statutory enforcement powers may be triggered depending on the nature and seriousness of the breaches encountered.”

4.37 There was also a desire for **acknowledgement of the work that ESS’ actions places on public authorities, and one respondent called for a ‘self check’ system for authorities.**

“...recommends that ESS avoids approaches that could unintentionally create excessive administrative burdens for public authorities and delivery partners.”

“The authority should be able to self check their compliance with a flow diagram of tick boxes in a simple website. Objectives and compliance

demonstrated by the authorities and any complaints with the process, set against the original compliance form. The requirements for time consuming independent reports can be largely removed.”

4.38 As with the first consultation, some **respondents raised concerns about the lack of formal enforcement action carried out by ESS to date.**

“... we are concerned by the lack of statutory enforcement action to date, which risks undermining ESS’ authority and may create a culture where cases which are suited to resolution through negotiation are given priority. This may also result in public authorities taking investigations less seriously.”

Severity of compliance failure

4.39 Question 6 asked:

- i) On a scale of ‘strongly disagree’ to ‘strongly agree’, to what extent do you agree with ESS’ proposed approach to determining whether a failure to comply with environmental law and the environmental harm caused (or at risk of occurring) are serious for the purposes of applying for a judicial review or intervening in existing civil proceedings? (as set out in paragraphs 4.11 – 4.13)
- ii) Please explain any changes you think are necessary to ESS’ approach

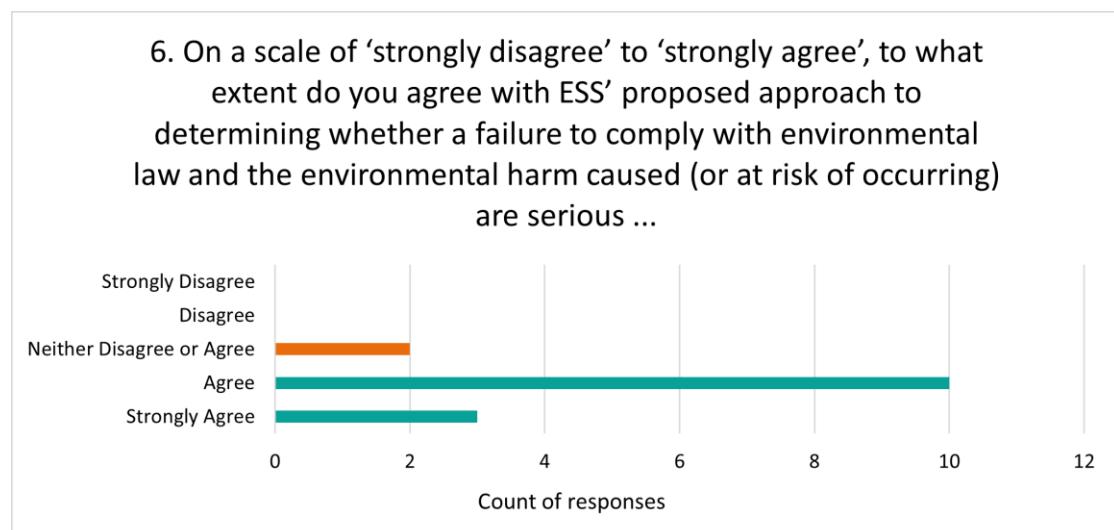


Figure 6: Agreement with ESS approach to determining severity of compliance failure

4.40 Respondents largely agreed with the approach laid out. Of the 15 respondents who rated the approach on the ‘strongly disagree to ‘strongly agree’, 13 either agreed (10) or strongly agreed (3). Two respondents neither disagreed or agreed.

4.41 Open field comment boxes were used by 10 respondents to ask for clarification, improved communication and highlight areas of agreement and disagreement.

4.42 ESS’ proposed approach to determining ‘seriousness’ was supported in its current form by some respondents, who considered that ESS has taken a proportionate approach to date and agreed that judicial review should only be considered after other options have failed.

“The proposed approach to “seriousness” appears proportionate, and we particularly welcome the focus on high-consequence, systemic harms.”

“The test for seriousness appear fair and acceptable.”

“We agree that judicial review should be reserved for the most egregious cases, where an improvement report or compliance notice is either obviously insufficient or has not worked.”

4.43 **Some respondents thought that improvements could be made**, for example, seeking adjustments to the level of complexity and the range of failures that this approach would cover.

“The information provided on the proposed approach could in theory apply to a very wide range of compliance failure examples, it is therefore difficult to determine whether this approach is justified.”

“The suggested approach, in my view and experience, is another level of complexity and accountability that is neither required or desirable. It can only make workloads greater and add to the administrative burden without improving OUTCOMES.”

4.44 Some respondents sought clarification on how the **inclusion of uneven impacts and precautionary concerns** are taken into consideration during seriousness assessments.

“Clarify how precautionary concerns are handled where irreversibility or rapid escalation is likely but evidence is still developing.”

“It would be helpful if ESS could make clear that seriousness assessments will take account of uneven impacts on specific geographies, including small island communities, and of cumulative and potentially irreversible harms in coastal and marine environments, even where the absolute area affected is relatively limited.”

4.45 Individual **respondents queried specific elements such as how ESS' approach to enforcement interacts with SEPA and terminology** used within the proposed strategy.

“... this links to the question of how enforcement or review interacts with action by SEPA.”

“It may be useful to clearly articulate what is meant by 'Environment' - ecology, climate and ecological emergency, waste, air, etc.”

4.46 One respondent also provided advice on handling cases with **cumulative and indirect impacts** and proportionate decision making.

“... cumulative or indirect impacts should be handled cautiously to avoid uncertainty for land managers and public authorities.”

“ESS should ensure that decisions to pursue judicial routes are demonstrably proportionate, evidence-based, and focused on clear systemic failures rather than isolated local disputes.”

Consideration of different types of information

4.47 Question 7 asked:

- i) On a scale of 'strongly disagree' to 'strongly agree', to what extent do you agree with ESS' approach to taking different types of information into account for the purposes of exercising our functions? (as set out in paragraphs 4.20 – 4.29)
- ii) Please explain any changes you think are necessary to ESS' approach

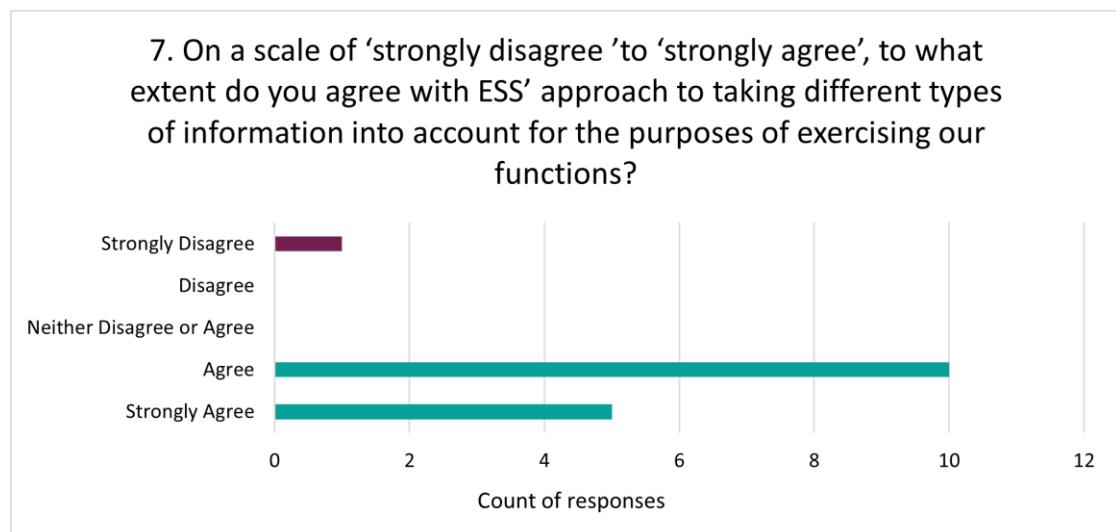


Figure 7: Agreement with ESS approach to taking different types of information into account

4.48 Respondents generally agreed with the approach laid out. Of the 16 respondents who rated the approach on the 'strongly disagree to 'strongly agree', 15 either agreed (10) or strongly agreed (5). One respondent strongly disagreed.

4.49 Open field comment boxes were used by nine respondents to suggest improvements including greater clarity and communication.

4.50 Respondents welcomed the additional information provided through this updated consultation and expressed agreement with the methods of gathering and considering data.

“... supports ESS’s recognition of a wide range of information sources, including representations, research, and monitoring data.”

“We strongly support ESS’ commitment to draw on a wide evidence base and to quality-assure community and citizen-science data.”

“We welcome ESS’ commitment to issuing its own calls for evidence from stakeholders where appropriate.”

4.51 A key theme across responses was a **call for greater clarity and further explanation on the use of evidence and data**. This was particularly orientated around evaluating data, filling data gaps and whether ESS welcomes citizen science contributions.

“Publish a short evidence handling protocol that sets out how ESS evaluates and weights different sources including public submissions, community monitoring, academic research and operational data from public authorities.”

“... recommend that ESS: explicitly recognises accredited land management data sources and practitioner-led monitoring schemes; values local and sectoral expertise alongside academic and statutory evidence.”

“For islands, where statutory monitoring can be sparse, a clear QA pathway into ESS systems, alongside geographically disaggregated indicators, would enable volunteer-generated marine-litter datasets to inform investigations, dashboards and performance reporting ...”

“Ensure local, community and citizen science contributions can be submitted in accessible formats and that ESS commits to telling contributors how their data influenced outcomes.”

4.52 As with previous questions, a query arose regarding **how ESS interacts with SEPA**. This highlights that there may be a need for an improved explanation around the boundaries and relationship between the organisations.

“... there is a fundamental clarification required over Environmental Standards Scotland’s role in relation to SEPA.”

5. Cross-consultation comparison

5.1 Across the first (summer 2025) and second (December-January) consultations ESS used five-point scales (from *strongly disagree* to *strongly agree*) to assess support for ESS’s approach in a number of areas. In June, ESS received 35 responses to the consultation, depending on the (quantitative) question 60 to 77 % of these responses were positive (*Agree* or *Strongly agree*). In December, ESS received 17 responses to the consultation, depending on the question 76 – 88 % of these were positive (*Agree* or *Strongly agree*). Given the smaller number of responses in December, these results should be interpreted with appropriate caution. Positive responses were often accompanied by qualitative suggestions for further improvement.

5.2 The updated Strategy text that informed the questions in the second consultation provided more information on specific objectives, so there was an overlap in questions topics for both consultations (Table 1). As such, the second consultation had fewer questions but gathered responses on specific aspects of the text, while the first consultation covered the whole Strategy.

Table 1: Comparable questions across two consultations for ESS’ Strategy 2026 - 2031

Second consultation questions	First consultation questions that covered the same areas of the Strategy
1: avoiding overlap	(no direct question)
2: information on representations	4.2: Objective 2, analysing and investigating environmental concerns
3: initiation and prioritisation of investigations	4.2: Objective 2, analysing and investigating environmental concerns
4: public authority engagement approach	4.3: Objective 3, monitoring and scrutinising environmental performance

5: compliance notice vs improvement report	4.1: Objective 1, securing compliance and improving effectiveness
6: severity of compliance failure	4.1: Objective 1, securing compliance and improving effectiveness
7: inclusion of information	4.2: Objective 2, analysing and investigating environmental concerns

5.3 Themes of greater transparency, clarity and providing accessible information were woven throughout responses to both consultations. Common feedback from respondents was centred around:

- ESS being open and transparent about resolutions, actions and measures taken
- ensuring inclusion of different forms of evidence when undertaking investigations (local knowledge, citizen science)
- making all communication accessible
- ensuring that ESS has appropriate resources to deliver its remit
- clear communication about representation and investigation stages and outcomes

5.4 While there was a variety of additional views from both consultations, there was no clear divergence on common topics between the two consultations.

Satisfaction with consultation

5.5 Question 15 asked:

- i) How satisfied were you with this consultation? Very Dissatisfied, Dissatisfied, Neither Satisfied nor Dissatisfied, Slightly Satisfied, Very Satisfied
- ii) Open field for comments

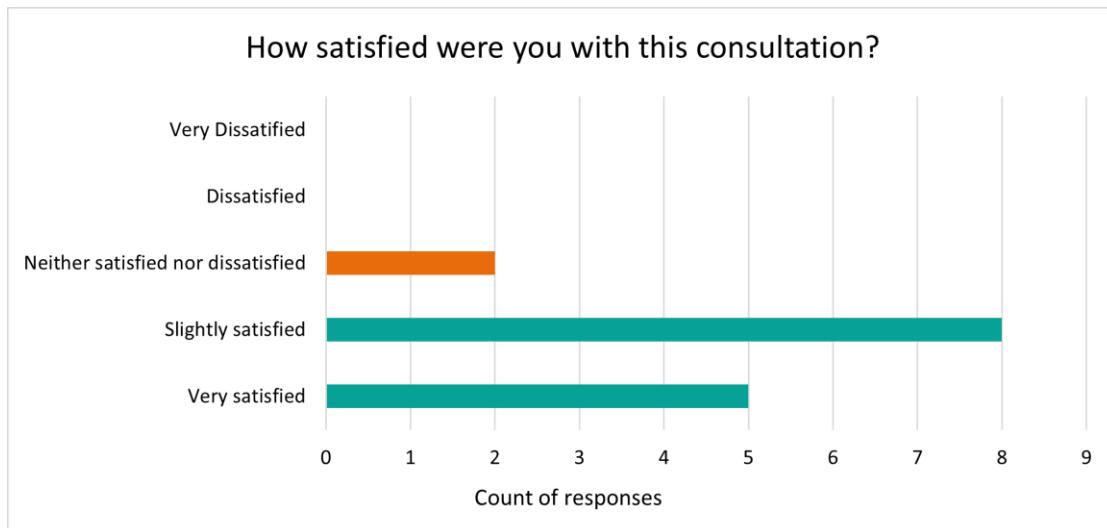


Figure 8: Satisfaction with consultation

5.6 Most respondents were satisfied with the consultation. Respondents rated their level of satisfaction on a scale of 'Very Dissatisfied' to 'Very Satisfied' and the majority were either very satisfied (5) or slightly satisfied (8). Only two respondents were neither satisfied nor dissatisfied.

5.7 There was only one comment provided. The respondent expressed that the consultation was clear and easy to complete, but it could have taken place earlier in the process.

Satisfaction with platform

5.8 Question 16 asked:

- i) How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation? Very Dissatisfied, Dissatisfied, Neither Satisfied nor Dissatisfied, Slightly Satisfied, Very Satisfied

ii) Open field for comments



Figure 9: Satisfaction with Citizen Space

5.9 Most respondents were satisfied with the Citizen Space platform. Respondents rated their level of satisfaction on a scale of 'Very Dissatisfied' to 'Very Satisfied' and the majority were either very satisfied (7) or slightly satisfied (7). Only one respondent was neither satisfied nor dissatisfied.

5.10 Three comments were provided. One highlighted the ease of use of the platform while one comment mentioned the lack of space to enter 'other' comments. One respondent was concerned that the consultation was taking place too late in the process and ESS would not be able to achieve its aims.

6. Next steps

6.1 After consideration of the responses, ESS reviewed the proposed Strategy text and made changes as appropriate.

6.2 Changes made to the proposed Strategy text are highlighted in ESS' Accompanying Statement to the Strategy and through 'you said, we did' on Citizen Space.

Annex A - Consultation questionnaire

1. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree that ESS' proposed approach will avoid overlap with other statutory regimes, administrative complaints procedures, public bodies or parliamentary committees (as set out in paragraphs 1.7 – 1.9)?

- Strongly disagree, Disagree, Neither agree nor disagree, Agree, Strongly agree
- Open field for comments

2. On a scale of 'strongly disagree' to 'strongly agree', to what extent do you agree with ESS' approach to keeping persons informed about its handling of their representations (as set out in paragraph 4.22)?

- Strongly disagree, Disagree, Neither agree nor disagree, Agree, Strongly agree
- Open field for comments

3. On a scale of 'strongly disagree' to 'strongly agree', to what extent do you agree with ESS' approach to deciding whether to initiate an investigation, and how investigations should be carried out and prioritised (as outlined in 4.17 – 4.23)?

- Strongly disagree, Disagree, Neither agree nor disagree, Agree, Strongly agree
- Open field for comments

4. On a scale of 'strongly disagree' to 'strongly agree', to what extent do you agree with ESS' approach to engaging with public authorities to swiftly resolve concerns and agree remedial action (as set out in paragraphs 4.3 – 4.5)?

- Strongly disagree, Disagree, Neither agree nor disagree, Agree, Strongly agree
- Open field for comments

5. On a scale of 'strongly disagree' to 'strongly agree', to what extent do you agree with ESS' approach to determining whether to issue a compliance notice or improvement report (as set out in paragraphs 4.6 – 4.10)?

- Strongly disagree, Disagree, Neither agree nor disagree, Agree, Strongly agree
- Open field for comments

6. On a scale of 'strongly disagree' to 'strongly agree', to what extent do you agree with ESS' proposed approach to determining whether a failure to comply with environmental law and the environmental harm caused (or at risk of occurring) are serious for the purposes of applying for a judicial review or intervening in existing civil proceedings (as set out in paragraphs 4.11 – 4.13)?

- Strongly disagree, Disagree, Neither agree nor disagree, Agree, Strongly agree
- Open field for comments

7. On a scale of 'strongly disagree' to 'strongly agree', to what extent do you agree with ESS' approach to taking different types of information into account for the purposes of exercising our functions (as set out in paragraphs 4.20 – 4.29)?

- Strongly disagree, Disagree, Neither agree nor disagree, Agree, Strongly agree
- Open field for comments

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