

Dr Richard Dixon
Chair

ENVIRONMENTAL
Standards Scotland
Ìrean Àrainneachdail na h-Alba

Edward Mountain MSP
Net Zero, Energy & Transport Committee
Scottish Parliament
Edinburgh
EH99 1SP

23 February 2026

Dear Convener

Environmental Standards Scotland – six-monthly update

1. Environmental Standards Scotland (ESS) gave evidence to the Committee at its meeting on 25 October 2022 as part of the Committee’s scrutiny of ESS’ first strategic plan. At that meeting, ESS committed to updating the Committee on its work every six months. This letter provides a summary of ESS’ key pieces of work over the last six months (September 2025 – February 2026).
2. Following comments from the Delegated Powers and Law Reform Committee, ESS withdrew its draft five-year strategy. It revised its strategy in the light of those comments and conducted a further consultation. The draft strategy is subject to parliamentary approval under schedule 2 of the Withdrawal from the European Union (Continuity) (Scotland) Act 2021. ESS laid the revised strategy in the Parliament on Thursday 5 February 2026. Subject to parliamentary approval, ESS plans to publish its revised strategy before the election, alongside its 2026/27 business plan, communications and engagement plan and revised performance and management indicators.

Environmental Standards Scotland
enquiries@environmentalstandards.scot

Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD
0808 1964000

3. The Scottish Government's draft 2026/27 budget proposes a welcome increase in ESS' budget to enable it to prepare for the new scrutiny functions it will take on in the future. These stem from Part 1 of the Natural Environment (Scotland) Act 2026 and from the Scottish Government's improvement plan relating to local authorities' climate change duties under the Climate Change (Scotland) Act 2009 which the Committee considered earlier in the session. ESS' chief executive has written separately to the Committee regarding the organisation's proposed budget for 2026/27.
4. ESS can receive representations from members of the public, communities and organisations about concerns they have regarding environmental law and how it is implemented. Since ESS began operating on 1 October 2021, it has received 88 representations, with eight being received in the last six months. Twenty-three of these representations are currently under consideration by ESS. The details and status of all representations received are available on ESS' website [here](#). In addition, ESS receives many other enquiries (a total of 192 since its establishment in 2021) from the public about concerns about the environment. Although many of these enquiries do not fall into ESS' remit, ESS will always provide support to members of the public to direct them to the most appropriate public authority.
5. ESS aims to resolve issues which it identifies through dialogue with public authorities and publishes the results on its website. Most recently, it published a summary report on an informal resolution with the Scottish Government regarding [waste incineration capacity](#) in Scotland in December 2025. Where appropriate, ESS monitors the implementation of its past investigatory work and will report on these as required.
6. Over the past few years, ESS has received several representations relating to maintenance of public registers of environmental information. As previously reported to the Committee, ESS reached informal resolutions with a number of public authorities (including the Scottish Environment Protection Agency, Scottish Forestry and the Scottish Government's Rural Payments and Inspections Directorate) which have responsibility for maintaining and making public such registers. Following this work, ESS is now making enquiries of all other public authorities who have statutory

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0808 1964000

responsibilities for maintaining registers of environmental information.

7. In the previous update, I noted that ESS had completed its investigatory work in two major investigations into:

- the implementation of, and compliance with, environmental law in connection with the classification and adoption of Special Protection Areas in Scotland
- the sustainable management of fisheries in Scotland

ESS continues to work with the Scottish Government and NatureScot on the issues arising from the former investigation. ESS' Board considered the results of the latter, complex, investigation at its meeting on 6 February 2026. ESS will shortly invite the Scottish Government's Marine Directorate to work with it in respect of its findings.

8. Previous updates have noted ESS' ongoing work in relation to the protection of the integrity of the seafloor and invasive non-native species. Since the last update, ESS has been in correspondence with the Scottish Government regarding the need to update the code of practice on invasive non-native species (all correspondence between ESS and the Scottish Government is available [here](#)) and will shortly publish two technical papers to underpin its work on seafloor integrity. ESS plans to publish the final reports from both these pieces of work later in the year.

9. ESS responds to consultations in areas connected to its remit where it has conducted previous work and/or where it considers it can add value. Over the past six months, ESS has responded to consultations on:

- [the draft Circular Economy Strategy](#) (Scottish Government)
- [the draft environmental principles](#) (Scottish Government)
- [the extension of availability of environmental Protective Expense Orders](#) (Scottish Civil Justice Council)

In addition, and as shared with the Committee on 29 January 2026, ESS [responded](#)

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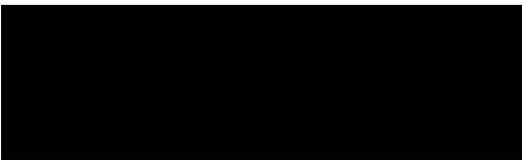
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to the Scottish Government's consultation on its draft climate change plan. This response built on previous investigatory work by ESS which was completed in response to a representation ([\(IESS.23.020\)](#)) and ESS' subsequent [assessment](#) (shared with the Committee in March 2025) of what would constitute a "good" climate change plan.

10. I trust this update is helpful to the Committee. ESS is happy to provide further detail in relation to any of these matters should the Committee require it. This will be the final update provided to the Committee. ESS will offer to continue this approach to its successor committee in the next session of the Parliament.

Yours sincerely,



Dr Richard Dixon

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