

Dr Richard Dixon
Acting Chair
Environmental Standards Scotland
Ìrean Àrainneachdail na h-Alba

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Standards Scotland
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Edward Mountain MSP
Convener
Net Zero, Energy and Transport Committee
Scottish Parliament
Edinburgh
EH99 1SP

29 August 2024

Dear Convener,

Environmental Standards Scotland: six-monthly update

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, it committed to updating the Committee on its work every six months. This letter provides a summary of ESS' work over the last six months (March 2024 – August 2024). ESS last appeared before the Committee to update on our progress in March 2024.

1. Jim Martin stepped down as Chair of ESS on 31 March 2024. I have been Acting Chair since 1 April 2024, pending the outcome of the Scottish Government's process for recruiting a permanent Chair. As the Committee will be aware, the appointment of the Chair and members of ESS requires parliamentary approval.
2. ESS' first Strategic Plan covers the period 2022-2025. ESS is beginning the process of reviewing and developing its next strategic plan. This process will continue for approximately the next 12 months (including consultation with stakeholders). ESS' strategic plans require parliamentary approval and we currently plan to present the draft of our next strategic plan for approval by the Parliament in autumn 2025.

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3. 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 a total 60 representations. ESS has received 15 new representations between March and August 2024. The details of all representations received are available on ESS' website [here](#).
4. Since the last update to the Committee, ESS has begun two investigations into:
 - the Scottish Government's Marine Directorate's management of fish stocks in west of Scotland waters
 - the implementation of, and compliance with, environmental law in connection with the classification and adaptation of Special Protection Areas (SPA) in Scotland

Both these investigations are ongoing and the latter investigation is being co-ordinated with similar work by ESS' partner organisations in other parts of the United Kingdom (the Office for Environmental Protection and the Interim Environmental Protection Assessor for Wales).

5. The announcement of the general election in April 2024 meant that ESS was subject to pre-election guidance. This delayed publication of ESS' research on combined sewer overflows and water pollution but did allow incorporation of relevant 2023 data. ESS will publish this work in early September 2024 and a copy will be sent to the Committee. ESS intends to publish further work on soils and marine litter in the coming months. Again, ESS will send copies to the Committee.
6. In May 2024, ESS launched its first call for evidence to inform its analytical work on invasive non-native species. The call for evidence received 31 responses from individuals, non-governmental organisations, etc. ESS is currently assessing this evidence with a view to publishing a summary of responses during the coming winter.
7. As noted in the previous update, ESS laid an [improvement report](#) under section 26 of the Withdrawal from the European Union (Continuity) (Scotland) Act 2021 in December 2023. The improvement report followed an investigation into the

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implementation of local authorities' climate change duties. ESS and the Scottish Government reached informal resolution on four of the five areas where ESS considered improvements were needed but failed to reach agreement in one area concerning local authorities' reporting of Scope 3 emissions. ESS understands that the Scottish Government will lay an improvement plan before the Scottish Parliament in early September 2024 in response to the improvement report (as required by section 30 of the Withdrawal from the European Union (Continuity) (Scotland) Act 2021).

8. ESS is continuing its community engagement programme. To date, ESS has engaged with 19 community groups and networks across Scotland outlining its role and remit. This has generated a number of enquiries and representations to ESS as well as valuable intelligence to inform ESS' wider work.
9. In the last update to the Committee, ESS noted that it was working to establish a shared office space with Consumer Scotland. This work is now complete and the two organisations moved into the shared space in Thistle House, Haymarket, Edinburgh in early May 2024.

I hope this update is helpful to the Committee and we will be happy to provide further information in relation any of these matter should the Committee require it.

Yours sincerely,

Dr Richard Dixon
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