

Consultation Response

Environmental Standards Scotland Draft Strategy 2026-31

August 2025

Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Environmental law sub-committee welcomes the opportunity to consider and respond to Environmental Standards Scotland's consultation: Draft Strategy 2026-31.¹ The sub-committee has the following comments to put forward for consideration.

Questions

Vision

- 1.0. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree that this vision, as presented in ESS' draft Strategy, is the right vision for the organisation to be working towards?

We have no comments.

- 1.1. Do you have any comments on ESS' vision, as laid out in the draft Strategy?

We have no comments.

Principles

- 2.0. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree that these principles, as presented in ESS' draft Strategy, are the right principles for the organisation to be working with?

We have no comments.

¹ [Consultation on ESS' draft Strategy 2026-31 - Environmental Standards Scotland](#)

2.1. Do you have any comments on ESS' principles, as laid out in the draft Strategy?

We have no comments.

Priorities

3.0. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' approach to prioritisation, as set out in sections 3.1-3.5 of the draft Strategy?

We have no comments.

3.1. Do you have any comments about ESS' approach to prioritisation, as laid out in the draft Strategy?

We consider it appropriate that ESS should concentrate on the issues that have the greatest environmental impact. We also consider it equally appropriate that this prioritisation must not lead to overlooking matters that may be environmentally less significant but have a high public profile, such as litter. This is because such issues are where a visible response to a visible problem is essential for engagement with the public and for building trust and confidence in the work of ESS as a public body.

Strategic Objectives

Section 4 of ESS' draft strategy presents five strategic objectives and describes the approach ESS proposes to take to deliver these objectives:

Objective 1. Securing compliance and improving effectiveness (Paragraphs 4.1-4.3)

4.0. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' approach to delivering this objective(1)?

We have no comments.

4.1. Do you have any comments on this objective, or ESS' approach to delivering this objective(1)?

We refer to our answer to question 3.1.

Furthermore, we would highlight that whilst working through agreement with public authorities is desirable, it risks a loss of transparency. We consider it important that the measures agreed with any public body are well publicised and in particular that there is strong and equally visible follow-up to any commitments regarding changing policies and procedures, alongside visible monitoring to check that such changes are maintained in the future.

Objective 2. Analysing and investigating environmental concerns (Paragraphs 4.4-4.7)

4.2. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' approach to delivering this objective(2)?

We have no comments.

4.3. Do you have any comments on this objective, or ESS' approach to delivering this objective(2)?

We have no comments.

Objective 3. Monitoring and scrutinising environmental performance (Paragraphs 4.8-4.13)

4.4. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' approach to delivering this objective(3)?

We have no comments.

4.5. Do you have any comments on this objective, or ESS' approach to delivering this objective(3)?

We would highlight that with the new monitoring roles noted at 4.13 and this commitment to responding to calls for views, there is a risk of some drift in the position of ESS, from being primarily an external watchdog to being more of an advisory body more closely engaged with government. We consider this represents a shift from the original vision for ESS.

Furthermore, we consider that the impact of the new functions on the balance of work within ESS seems possibly underplayed.

Objective 4. Engaging and communicating effectively (Paragraphs 4.14-4.17)

4.6. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' approach to delivering this objective(4)?

We have no comments.

4.7. Do you have any comments on this objective, or ESS' approach to delivering this objective(4)?

We reiterate our answer to question 4.1.

Objective 5. Being an efficient and effective organisation (Paragraphs 4.18-4.26)

4.8. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' approach to delivering this objective(5)?

We have no comments.

4.9. Do you have any comments on this objective, or ESS' approach to delivering this objective(5)?

We have no comments.

Proposed approach to measuring performance

5.0 Do you have any comments about ESS' proposed approach to evaluating its impact and measuring its performance, as outlined in Section 5 of the draft Strategy?

We have no comments.

Interim conclusions on the various impact assessments of the Strategy

6.0. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' conclusion on the equality impact assessment? (Paragraphs 1.6-1.12)

We have no comments.

6.1. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' conclusion on the business and regulatory impact assessment? (Paragraphs 1.13-1.15)

We have no comments.

6.2. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' conclusion on the strategic environmental assessment? (Paragraphs 1.16-1.21)

We have no comments.

6.3. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' conclusion on the child rights and wellbeing impact assessment? (Paragraphs 1.22-1.26)

We have no comments.

6.4. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' conclusion on the island communities impact assessment? (Paragraphs 1.27-1.30)

We have no comments.

6.5. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' conclusion on the consumer duty impact assessment? (Paragraphs 1.31-1.33)

We have no comments.

6.6. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' conclusion on the data protection impact assessment?
(Paragraphs 1.34-1.36)

We have no comments.

6.7. Do you have any comments on ESS' approach to, or interim conclusions for the various impact assessments? Please specify which impact assessment you are commenting on below.

We have no comments.

Response to Scottish Government recommendation following the environmental governance review

7.0. On a scale of 'strongly disagree' to 'strongly agree', how much do you agree or disagree with ESS' response to the Scottish Government recommendation?

We have no comments.

7.1. Do you have any comments on the following part of ESS' response to the Scottish Government recommendation in relation to the environmental governance review? Paragraphs 4.5-4.7: setting out the statutory limitations on the exercise of ESS' functions (e.g. ESS' inability to act as an appeals body or take enforcement action against public authorities on individual regulatory decisions).

We have no comments.

7.2. Do you have any comments on the following part of ESS' response to the Scottish Government recommendation in relation to the environmental governance review? Paragraphs 4.8-4.11: Setting out how ESS can consider the individual circumstances of a local area, group or community.

We have no comments.

7.3. Do you have any comments on the following part of ESS' response to the Scottish Government recommendation in relation to the environmental governance review? Paragraphs 4.12-4.14: On the gaps in the environmental governance landscape not filled by the establishment of ESS.

We would highlight our previous response to the Scottish Government's consultation 'Review into the Effectiveness of Environmental Governance'.² We noted that given the important role that ESS plays in the current framework of environmental governance, we consider it necessary that ESS is suitably resourced, able to thoroughly consider representations made to it, and willing to act promptly to take effective enforcement action where necessary.

Final comments

8.0. Do you have any other comments on our draft Strategy and our approach to fulfilling our remit?

We have no comments.

² [Review of the effectiveness of environmental governance](#)



For further information, please contact:

Reuben Duffy
Policy Team
Law Society of Scotland
DD: 0131 476 8150
reubenduffy@lawscot.org.uk