



ENVIRONMENTAL
Standards Scotland

Interim Strategic Plan

Table of Contents

Chair's foreword	3		
1. 	4		
Why Our Role Matters			
2. 	6		
Our Role and Who We Are			
3. 	9		
Our Strategy and Our Approach			
4. 	13		
Our Approach to Ensuring Compliance and Effectiveness			
5. 	17		
Our Approach to Investigating the Most Important Environmental Concerns			
		6. 	21
		Our Approach to Monitoring and Evaluating Environmental Performance and Change	
		7. 	24
		Our Approach to Engaging and Communicating Effectively	
		8. 	29
		Our Approach to Developing a High Performing Organisation	
		9. 	31
		Measuring Our Impact	
		10. 	33
		Our Next Steps	
		Appendix A: Measuring Our Impact – Potential Output and Outcome Indicators	35

Chair's Foreword



Jim Martin
Chair, ESS

I'm delighted to publish this Interim Strategic Plan – setting out how we propose to carry out the role assigned to us by the Scottish Parliament.

This is an important first step for our new organisation – but it is only a first step. Over the next twelve months we will engage and consult widely to help develop our approach. We will seek feedback on how we propose to scrutinise, investigate and then secure compliance with, and improvements to the effectiveness of, Scotland's environmental laws.

In doing so we will be mindful of the commitments given by the Scottish Government to fulfil its international obligations and to 'keep pace' with the European Union. We want to ensure that Scotland enjoys the highest levels of environmental protection possible – safeguarding and enhancing our environment for the benefit of nature and communities.

I am clear that we cannot do this alone. We will need to work closely with a wide range of partners to identify the areas where there are concerns about performance, to prioritise and investigate them, and then to take the actions necessary to improve environmental outcomes.

We therefore want to hear from all those who have an interest in our role and who may be concerned that their environment is not being protected appropriately. This includes members of the public, community groups and environmental organisations; businesses and land managers; parliamentarians and local councillors; and the public authorities under our jurisdiction.

We will shortly set out our plans for a programme of events and other opportunities where as wide a range of people and organisations as possible can learn more about our role and our proposed approach, and input to the development of our final Strategic Plan – which must be submitted to the Scottish Parliament for approval by October 2022.

I am proud of the progress that we have made in the short time since the legislation that establishes Environmental Standards Scotland was passed and I look forward to developing our organisation further and refining our proposals over the coming months.

Jim Martin



1.

Why Our Role Matters



1. Why Our Role Matters



Photo from iStock.com/Alan Morris

- 1.1** The establishment of Environmental Standards Scotland (ESS) comes at a critical time.
- 1.2** The Scottish Government has declared twin crises of climate change and ecological decline and the recent report by the Intergovernmental Panel on Climate Change has emphasised the need to take urgent action to protect our planet from global warming.

1.3 Analysis has shown that the abundance and distribution of Scotland's species has declined significantly in recent decades and is continuing. There is also now growing recognition and acceptance that the right to a healthy environment is fundamental to human wellbeing and should be enshrined in law.

1.4 Following Brexit, ESS has been established to fill the environmental governance gap caused by the UK's departure from the European Union. Our task is to ensure that there is effective scrutiny of public authorities' compliance with environmental law and that the application of the law is effective in protecting and enhancing nature and human health.

1.5 We intend to work tirelessly to shine a spotlight on areas where the law is not being complied with or is ineffective, and to seek timely and practicable solutions to the problems we identify.

1.6 We aim to work collaboratively with a wide range of partners to fulfil our functions and to achieve our objectives, but also to establish a reputation as an independent, fair and strong champion for environmental protection.

1.7 We are clear that the environmental challenges facing us are urgent and serious and we are ready to play our role in upholding environmental laws and standards for the benefit of nature, society and the economy.



Image © Forestry and Land Scotland 2021



2.

Our Role and Who We Are



2. Our Role and Who We Are

A Quick Guide to Environmental Standards Scotland

- Established under the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021
- A non-ministerial Office – independent of Scottish Government and accountable to the Scottish Parliament
- Directed by a Chair and a Board of appointed members
- Powers to scrutinise the actions of public authorities on all aspects of environmental law
- May investigate matters on own initiative or in response to concerns raised by others (known as representations)

2.1 Our role is to scrutinise public authorities' compliance with environmental law, alongside the effectiveness of environmental law and the way it is being implemented and applied.

2.2 Our **Mission Statement** is:
We ensure that Scotland's environmental laws and standards are complied with, and their effectiveness improved – to achieve Scotland's ambitions for the environment and climate change.

2.3 Our **Vision** is that:
Scotland's communities benefit from a high quality environment, and are protected from harm through the consistent application of effective environmental laws, which are recognised internationally as setting high standards.

2.4 When we identify problems we have a range of powers to secure compliance or improvements in effectiveness.



Photo from iStock.com/Geosea



Photo by Marine Scotland, Crown copyright

Powers Available to ESS

Public authorities are under a duty to cooperate with and assist ESS, and to try to swiftly resolve any matters that we raise with them. ESS will always try to resolve matters informally with public authorities wherever possible but, failing that, the Continuity Act provides ESS with powers to:

- issue an **information notice** requiring a public authority(s) to provide ESS with any information it requires to carry out its functions;
- issue a **compliance notice** requiring a public authority(s) to take the steps specified in the notice to address its failure to comply with environmental law (and to prevent that failure and the environmental harm associated with it from being repeated in the future);
- issue an **improvement report** where ESS considers that the actions of two or more public authorities represents a “systemic failure”, recommending measures that Scottish Ministers and public authorities should take to ensure compliance with environmental law and/or improve its effectiveness; and
- make an application for **judicial review** (or apply to the court for permission to intervene in an existing judicial review) where ESS considers that the conduct of a public authority(s) constitutes a “serious” failure to comply with environmental law and it is necessary to prevent, or mitigate, “serious” environmental harm.



3.

Our Strategy and Our Approach



3. Our Strategy and Our Approach



- 3.1** Our remit is broad and covers all aspects of the environment and environmental protection. At this early stage in our development we have organised our strategic plan around our key functions, rather than around environmental priorities or themes. We have taken this approach because it is through engaging with others, monitoring performance and investigating concerns that we will identify the most important environmental issues for us to focus on. When we have done this we will be better able to ensure compliance and improve the effectiveness of the law.
- 3.2** We aim to achieve our Mission Statement and Vision by focusing on the following five **strategic outcomes**.

- i) We have taken effective action to ensure public authorities' compliance with environmental law and to improve the effectiveness of the law.
- ii) We have prioritised and investigated the most important matters of concern and identified the action needed to rectify problems and improve compliance and effectiveness.
- iii) We have engaged in building knowledge on environmental performance, are well informed about developments in EU and international standards and practice, and have formed effective partnerships with bodies collecting, collating and scrutinising environmental data.
- iv) Our role is widely understood and we are regularly engaged in work to improve compliance and the effectiveness of environmental law and how it is applied.
- v) We are an effective and efficient organisation.



Photo by Lorne Gill/NatureScot



Figure 1

Figure 1: Sets out the building blocks of our strategy, which will support the achievement of our Mission Statement and Vision. These are underpinned by our Values and Principles.

- 3.3** Our approach will be informed by a number of values and principles that will guide all that we do.
- 3.4** Our **Values** embody the organisation that we strive to be - how we want to be viewed by our stakeholders and how those who work for us feel.

Others view us as	Our staff feel
Independent	Respected
Transparent	Included
Trusted	Innovative
Effective	Collaborative

3.5 Our **Principles** will inform how we approach our work.

1. We will target our efforts and resources where we can add most value –
focusing where our contribution is needed most or will make most difference

2. We will seek to resolve issues through agreement wherever possible –
having recourse to our formal powers where we judge it is necessary
to deliver the outcome expected

3. We will be evidence driven – seeking a wide range of inputs and expertise
to inform our work and to support our decisions and advice

4. We will be open and transparent – keeping people informed about the
progress of our work and providing opportunities to input to and influence it

5. We will seek opportunities to work in partnership with others – working
closely with all relevant stakeholders to ensure that our collective efforts
deliver benefits for environmental protection and enhancement

3.6 The following sections of this Interim Strategic Plan describe our proposed approach to delivering each of our strategic outcomes.

3.7 We begin by describing our proposed approach to securing compliance and improvements to the effectiveness of environmental law, which directly relates to our mission statement. The following chapters then explain our approach to investigations, to monitoring and evaluation, and to communication and engagement. We finish by describing our proposed approach to becoming a high performing organisation. These outcomes are mutually supporting and only by developing each aspect of our role will we be able to fulfil our remit effectively.

3.8 We will engage and consult on our approach and will refine our proposals before submitting our final Strategic Plan to the Scottish Parliament for approval in 2022.



4.

Our Approach to Ensuring Compliance and Effectiveness



4. Our Approach to Ensuring Compliance and Effectiveness



Strategic Outcome

We have taken effective action to ensure public authorities' compliance with environmental law and to improve effectiveness of the law.

Key Guiding Principles

1. We will target our efforts and resources where we can add most value – focusing where our contribution is needed most or will make most difference
2. We will seek to resolve issues through agreement wherever possible – having recourse to our formal powers where we judge it is necessary to deliver the outcome expected

What we will do:

- 4.1 The Continuity Act provides ESS with a range of powers to secure compliance with the law and to bring about improvements to the effectiveness of environmental law and how it is implemented.
- 4.2 The Continuity Act also makes clear that both ESS and public authorities are expected to work together to swiftly resolve concerns about compliance and effectiveness, and to agree any remedial action needed to protect the environment.
- 4.3 We will always seek to engage with the public authority(s) concerned to try to resolve matters informally at all stages of our processes. Agreeing effective remedial action in this way will often be more expedient and cost-effective, and will result in better environmental outcomes, than pursuing formal enforcement action.
- 4.4 However, where it is not possible to resolve a matter by agreement in a reasonable timescale, we will use the statutory powers available to us to prevent further harm or reduce the risks to the environment or public health, and to ensure the necessary remedial action is taken to put matters right.
- 4.5 We will issue a **compliance notice** where we consider that:
 - there has been a failure by one or more public authority to comply with environmental law and it is likely that this may continue, or be repeated; and
 - harm to the environment has been caused, is continuing to be caused, or is at risk of being caused, as result; and
 - the failure by the public authority(s) does not represent a systemic failure and the failure to comply is unlikely to be repeated by other authorities in similar circumstances.

4.6 We will issue an **improvement report** where we consider that:

- there is a failure by one or more public authority to comply with the law, the resulting impact on the environment is more widespread, and a systemic change is required to improve compliance and/or effectiveness; and
- action is required by the Scottish Government at a national level to improve environmental law or its application, if Scotland is to achieve the outcomes it aspires to.

4.7 We will refer an issue for **Judicial Review** where we consider that:

- a failure to comply with the law is serious; and
- serious environmental harm has occurred, or is likely to occur, and urgent action is necessary to prevent that harm from occurring or continuing.

4.8 As part of the preparation of our final Strategic Plan, we will develop and consult on a framework for determining whether a failure to comply, or the harm caused/likely to be caused as a result, is “serious”.

4.9 Where we have taken action to secure compliance or to improve effectiveness, we will continue to monitor the issue to ensure that the agreed action(s) has been taken and that this has led to improvement.



Photo by Mhairi Sinclair, Marine Scotland, Crown copyright

Figure 2: Sets out our proposed approach to identifying matters of concern, prioritising them for investigation, reaching conclusions, and securing and monitoring improvements to compliance or effectiveness.

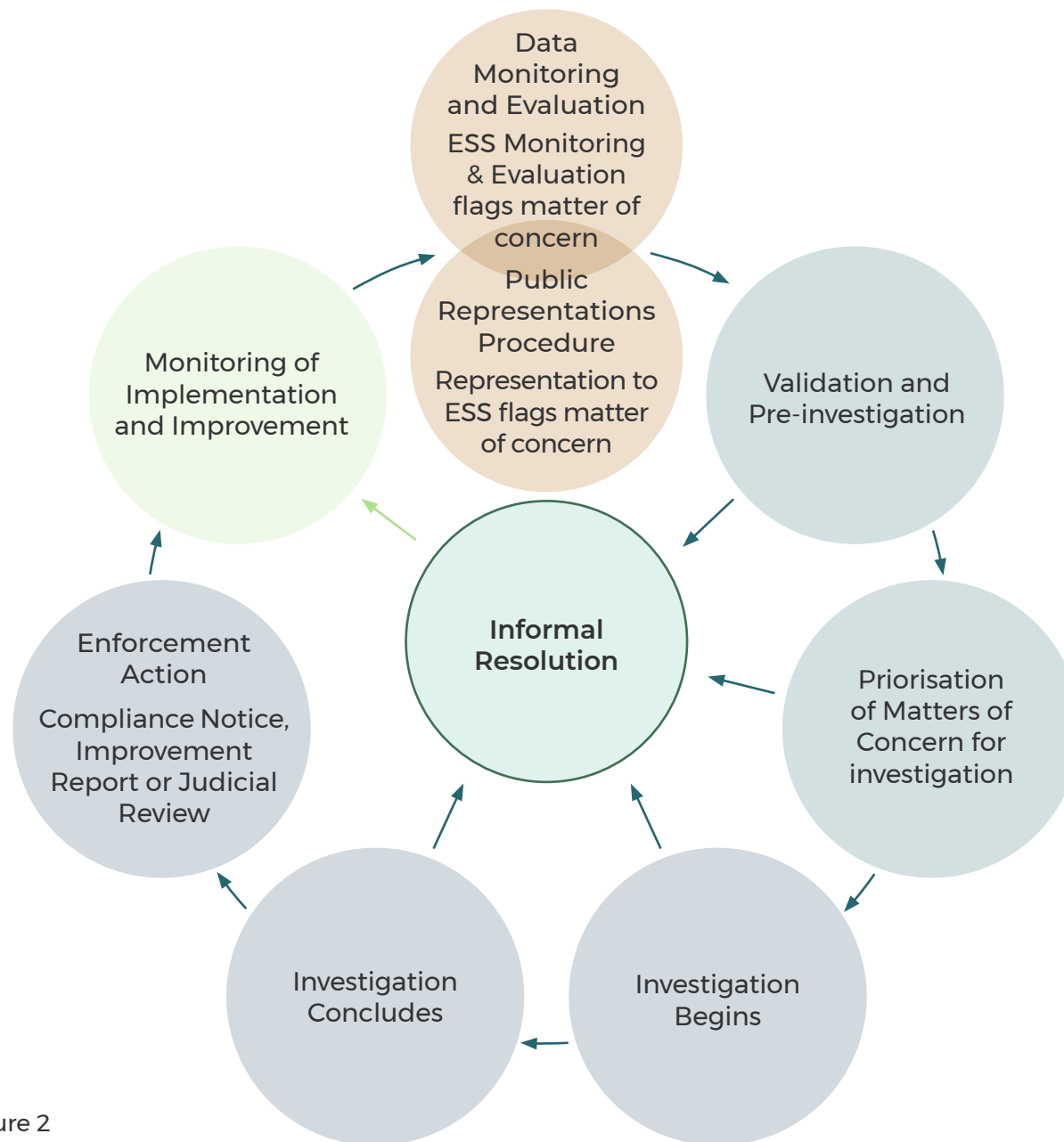


Figure 2



5.

Our Approach to Investigating the Most Important Environmental Concerns





5. Our Approach to Investigating the Most Important Environmental Concerns

Strategic Outcome

We have prioritised and investigated the most important matters of concern and identified the action needed to rectify problems and improve compliance and effectiveness.

Key Guiding Principles

1. We will target our efforts and resources where we can add most value – focusing where our contribution is needed most or will make most difference
3. We will be evidence driven – seeking a wide range of inputs and expertise to inform our work and to support our decisions and advice

What we will do:

- 5.1 When matters of concern are brought to our attention we will undertake a preliminary review to gather the information we need to determine whether they are suitable for investigation. We will regularly prioritise the matters of concern to ensure that we are focusing on the most important ones.
- 5.2 Representations made to us may trigger an immediate investigation because of the significance or urgency of the matter of concern. More commonly, evidence from representations will be blended with findings from our monitoring and evaluation work to identify issues that should be prioritised for investigation, and to determine the focus and scope of an investigation.
- 5.3 Where we have decided to investigate a matter of concern we will add this to our forward programme of work, setting out the broad issues that we expect to be investigating and the relevant timescales. We will make this publicly available so that interested parties are aware of the issues we propose to investigate and are able to engage with us or contribute by providing evidence, examples or case studies.
- 5.4 Where we decide that a matter of concern is not currently a priority for investigation, we may still continue to monitor the issue, and gather or assess data and evidence about compliance and effectiveness, so that we can reconsider our decision at a later date.

5.5 Once the decision has been made to investigate a matter of concern we will first define the scope and focus of our investigation and write to the public authority(s) concerned to inform them of this and to provide an opportunity for them to clarify any aspects of their approach, and/or the underlying evidence base. This will normally include clarifying:

- the environmental law(s) and standards under consideration;
- the action(s) that are considered to be non-compliant or ineffective;
- any questions of fact that we are seeking to establish; and
- the approximate timescale within which we intend to take forward our investigation.

5.6 We will then seek to gather information from the public authority(s) and other relevant parties to determine the facts of the matter and to enable us to understand the decision-making process and course of events that has led to the outcome in question.

5.7 The Continuity Act places a duty on authorities to cooperate with us and to provide us with the information required to enable us to carry out our functions. To provide clarity, once we have decided to investigate a matter of concern, we will issue Information Notices to specify the information that we require, from whom and by when.

5.8 In some cases we may need to seek advice from specialists or experts in particular fields. We may need to do this to help us understand complex or technical issues or evidence relating to decisions and actions, and to enable us to reach an informed opinion on whether the law has been complied with, and/or whether it is being applied effectively.

5.9 Once we have concluded our investigation we will provide the public authority(s) concerned with an opportunity to comment on our proposed conclusions, including any actions that are considered necessary to rectify the situation and/or to prevent failures from happening again in future.



Photo from Unsplash.com/Paul Einerhand

- 5.10** At this stage we will discuss with the authority(s) whether they are able to commit to action(s) that would enable us to resolve the matter informally, or whether formal enforcement action is necessary.
- 5.11** We will then finalise and issue a report setting out the findings of our investigation.



Photo by Peter Devlin ©

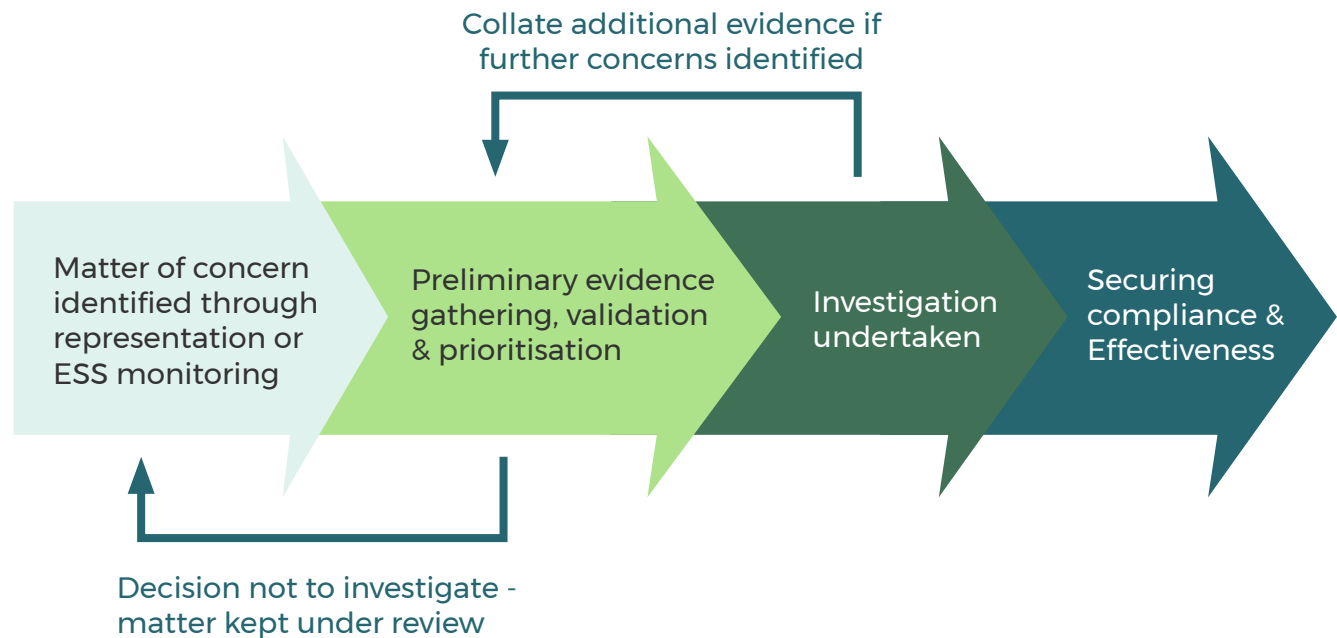


Figure 3: Describes the process by which we will gather evidence, and prioritise and carry out investigations.



6.

Our Approach to Monitoring and Evaluating Environmental Performance and Change



6. Our Approach to Monitoring and Evaluating Environmental Performance and Change



Strategic Outcome

We have engaged in building knowledge on environmental performance, are well informed about developments in EU and international standards and practice, and have formed effective partnerships with bodies collecting, collating and scrutinising environmental data.

Key Guiding Principles

- 3.** We will be evidence driven – seeking a wide range of inputs and expertise to inform our work and to support our decisions and advice
- 5.** We will seek opportunities to work in partnership with others – working closely with all relevant stakeholders to ensure that our collective efforts deliver benefits for environmental protection and enhancement

What we will do:

- 6.1** We want our work to be driven by a detailed understanding of environmental issues in Scotland, performance against established environmental standards, how this is changing, and the underlying causes of change. As well as receiving representations about compliance and effectiveness, we will examine published data and a range of other evidence to identify areas where the law may not be being complied with, or is ineffective, and where further scrutiny or a more formal investigation is required.
- 6.2** We will draw on environmental data, qualitative research and reporting on the state of Scotland's environment that already exists – for example, published via Scotland's Environment Web (SE Web), Scotland's research institutes and universities, monitoring undertaken by environmental NGOs, and through UK-wide sources (such as the Committee on Climate Change the Joint Nature Conservation Committee).
- 6.3** We will take a proactive approach to accessing and interrogating this information, and intend to work closely with partners (including our equivalent oversight bodies in England, Wales and Northern Ireland) to identify areas of concern and to understand the actions of public authorities that influence these environmental outcomes.
- 6.4** Where our work identifies a significant gap in the evidence base supporting our scrutiny of compliance and effectiveness, we will work with other organisations to try to secure further data or research to address these.

6.5 We will:

- establish a small team of specialist analysts, data and science experts to ensure that ESS has the capability to effectively interpret, evaluate and understand published data, evidence and reports across a broad range of environmental topics;
- undertake critical analysis of the quantitative and qualitative evidence available on key aspects of environmental performance in Scotland – to understand how this is changing, the reasons for this and how Scotland compares internationally. We intend to develop a forward work programme identifying the topics and areas that we propose to focus our analysis on, and will keep this under review to reflect urgent and emerging priorities;
- issue targeted calls for evidence on particular issues or matters of concern –seeking insight from communities, environmental organisations, academics, businesses, land managers, and public authorities themselves on the causes of environmental problems and the effectiveness of environmental laws;
- horizon scan and monitor scientific developments, court rulings and case law, and liaise with partners in the UK, Europe and beyond to glean insights into how compliance and effectiveness are being improved and what Scotland can learn from experience elsewhere;
- participate in forums established by the European Union, UK and Scottish Governments to facilitate cooperation on the effective monitoring and enforcement of environmental law;
- work with those directly involved in decision-making to understand the issues that they face in delivering our existing environmental laws and standards and how they believe that compliance and effectiveness can be improved;
- work with partners to commission new research and data analysis to fill gaps in the evidence base or to better understand the causes of poor environmental outcomes; and
- respond to requests made to us (for example, by committees of the Scottish Parliament) for our advice and opinion on the environmental performance of the Scottish Government and our public authorities.



7.

Our Approach to Engaging and Communicating Effectively



7. Our Approach to Engaging and Communicating Effectively



Strategic Outcome

Our role is widely understood and we are regularly engaged in work to improve compliance and the effectiveness of environmental law and how it is applied.

Key Guiding Principles

4. We will be open and transparent – keeping people informed about the progress of our work and providing opportunities to input to and influence it
5. We will seek opportunities to work in partnership with others – working closely with all relevant stakeholders to ensure that our collective efforts deliver benefits for environmental protection and enhancement

What We Will Do:

- 7.1 ESS is a new organisation, operating in a new, post-Brexit institutional landscape. We will therefore seek to engage widely and openly to promote awareness and understanding of our role, and to ensure that we are well informed about concerns about compliance and the effectiveness of environmental law, and the changes and reform that are underway.
- 7.2 We have already established good working relationships with the Interim Office for Environmental Protection in England, the Interim Environmental Protection Assessor in Wales, officials in the Department for Agriculture, Environment and Rural Affairs in Northern Ireland and the Climate Change Committee and look forward to cooperating with them to ensure effective governance and scrutiny of public bodies. In addition, we have begun to map out relationships with a wide range of bodies to ensure that people are directed to the most appropriate source of advice and support to address their concerns.

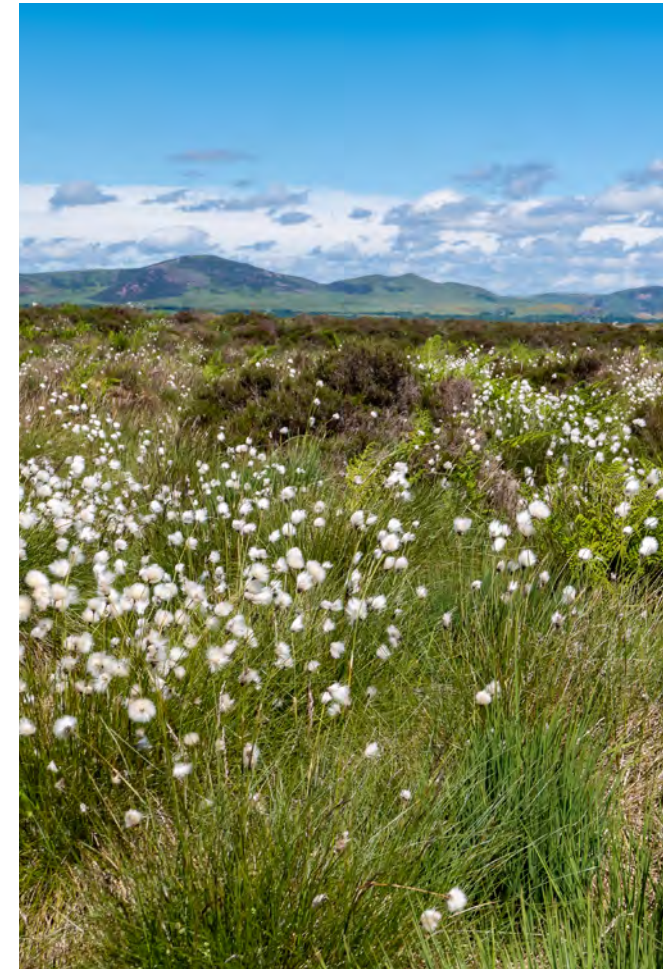


Photo from iStock.com/K Neville



Figure 4

Figure 4: Sets out the types of organisation that we will need to work with to ensure that we add value. We will discuss and agree with each organisation arrangements for avoiding unnecessary overlap.

7.3 We will:

- liaise with other regulatory, oversight and advisory bodies to ensure that we add value and avoid unnecessary overlap – particularly before deciding to investigate a matter of concern, undertaking our own analysis or commissioning advice on an issue. In a small number of cases this will involve agreeing a memorandum of understanding;
- be open to anyone (individuals, community groups, environmental groups, businesses, land managers or public authorities) raising a concern with us (known as making a representation) about compliance with, or the effectiveness of, environmental law in Scotland;
- be open to receiving environmental information, data or evidence from anyone (individuals, community groups, NGOs, businesses and public authorities) in relation to the environmental performance in Scotland and the compliance with, or the effectiveness of, environmental law in Scotland;
- keep those who have made representations to us informed about our consideration and investigation of their matter of concern. We will always aim to be as open and transparent as possible with all relevant parties about progress, within the limits of what is permitted under the law;
- publish reports about the issues we have investigated and the actions that have been taken.
- publish and lay an annual report in the Scottish Parliament, and appear regularly before relevant parliamentary committees to explain our role and the progress that is being made with our work;
- keep people informed about our work by publishing regular updates, forward work programmes setting out the issues we will be considering, promoting examples of good practice, and contributing to roundtables, discussions, seminars and conferences on the effective application of environmental law in Scotland and beyond; and
- move swiftly to engage and consult widely on the development of our proposed Strategic Plan. We will announce our detailed plans for this shortly.



Image © Forestry and Land Scotland 2021

Receiving Representations

To help us target our efforts and prioritise our resources effectively and efficiently, we will ask anyone wishing to raise a concern with us to complete a simple form, setting out certain details and facts about the issue that they want to make a representation about.

This is standard practice for oversight and regulatory bodies and mirrors the approach taken by the European Commission prior to Brexit.

Nevertheless, we are determined that no one should be disadvantaged because of this requirement and we will provide advice and support to those who need help setting out their concerns to us.

No one will be prevented from raising a concern with us because they are unable to complete our form 'correctly'.

However, the Continuity Act is clear that ESS has not been established to consider complaints about public authorities, nor to act as an appeal body on individual decisions.

In some cases another scrutiny or oversight body will be better placed to consider the matter of concern and in these circumstances we will discuss with the person making a representation how best to signpost or refer them on to an alternative source of advice and resolution.



8.

Our Approach to Developing a High Performing Organisation



8. Our Approach to Developing a High Performing Organisation



Strategic Outcome

We are an effective and efficient organisation.

Key Guiding Principles

1. We will target our efforts and resources where we can add most value – focusing where our contribution is needed most or will make most difference
5. We will seek opportunities to work in partnership with others – working closely with all relevant stakeholders to ensure that our collective efforts deliver benefits for environmental protection and enhancement

8.1 Environmental Standards Scotland is a relatively small organisation with an initial annual operating budget of £1.5 million in 2021-22.

8.2 As a small independent organisation the costs of running and supporting ESS will represent a relatively higher proportion of our budget than for larger organisations. As a result it is particularly important that ESS has cost effective arrangements in place for support and corporate services.

- 8.3** We will publish our first annual business plan before the end of 2021 – setting out the priority actions and activities that we intend to complete during our first year of operation. As well as delivering our enforcement, investigations, monitoring and communicating functions the plan will set out the actions we will take to:
- establish ESS as a well-managed organisation with secure finances and corporate functions and a clear approach to how we allocate and prioritise our spending;
 - secure efficient and cost effective arrangements for our corporate services and the core functions that support the functioning of ESS;

- attract and retain highly skilled and motivated staff – helping to establish ESS as a valued and respected scrutiny body;
- establish an organisational culture where all our staff live and breathe our values and principles – working together in an open and inclusive way to deliver our functions effectively;
- embed equality and social responsibility in our business model – playing our part in making Scotland a fairer and more equal society; and
- minimise our carbon footprint and our impact on the environment – ‘walking the walk’ and serving as an exemplar of business sustainability.



9.

Measuring Our Impact



Photo from iStock.com/JohnFScott

9. Measuring Our Impact



- 9.1** To ensure that we are achieving our strategic outcomes and fulfilling our functions effectively we will develop a performance monitoring framework that establishes a series of indicators and a baseline to measure our progress against.
- 9.2** During our first year of operation we will consult on a proposed set of short-term (output) indicators and longer-term (outcome) indicators for inclusion in our proposed Strategic Plan. Future annual reports will thereafter measure and report progress against our output indicators annually, and our outcome indicators every 3-5 years.
- 9.3** We are still developing proposals for how we measure the impact that our work is having but Appendix A sets out our initial ideas on what sort of indicators might be included. Further work to consider the feasibility and practicability of using these measures and to develop our proposed set of indicators will be undertaken over the coming months.



Photo by Peter Devlin ©



10.

Our Next Steps



Photo from iStock.com/northlightimages

10. Our Next Steps



10.1 We welcome feedback on this Interim Strategic Plan setting out our proposed approach to carrying out our role. We will shortly set out details of a programme of events and meetings that we plan to host with as broad a range of stakeholders as possible to provide opportunities to discuss our role and to provide input to the development of our final Strategic Plan.

10.2 We still have much to do to fully establish ESS as an effective scrutiny body and to build our capacity to provide oversight of Scotland's environmental performance and compliance with the law by Scottish public bodies. During our first year of operation we intend to test and clarify certain aspects of our powers and our role, firm up relationships with a wide range of organisations, and liaise with partners across the UK to ensure that there is an effective and comprehensive system of environmental governance following our departure from the EU.

10.3 By October 2022 we will have:

- met with a wide range of stakeholders to explain and promote our role and how people can make representations to us about matters of concern;
- received our first representations, undertaken analysis of the data in a number of priority areas, and begun our first investigations into non-compliance and ineffective law;
- consulted on our proposed Strategic Plan and submitted it to the Scottish Parliament for their consideration and approval;
- submitted our first annual report to the Scottish Parliament for scrutiny;
- consulted on and finalised a set of indicators through which we will monitor our own performance and progress;
- clarified liaison and cooperation arrangements, and concluded agreements with a number of key organisations;
- confirmed arrangements for liaison with, and reporting to, the Scottish Parliament; and
- recruited staff to fill key roles in our organisation.



Photo by Lorne Gill/NatureScot

Appendix A: Measuring Our Impact – Potential Output and Outcome Indicators

Strategic Outcome	Short-term Output Indicators	Long-term Outcome Indicators
i) ESS has taken effective action to ensure public authorities' compliance with environmental law and to improve the effectiveness of the law	<ul style="list-style-type: none"> • Number/proportion of matters of concern resolved informally • Number of compliance notices & improvement reports issued • Proportion of actions in compliance notices & improvement reports implemented in full 	<ul style="list-style-type: none"> • Number of areas of environmental law addressed by ESS • Proportion of incidences of non-compliance/ineffective law identified by analysis that have been addressed
ii) ESS has prioritised and investigated the most important matters of concern and identified the action needed to rectify problems and improve compliance and effectiveness	<ul style="list-style-type: none"> • Number of investigations undertaken • Proportion of investigations completed & report issued within target timescale 	<ul style="list-style-type: none"> • Proportion of all Scottish Government environment strategy areas covered by ESS investigations • Overall estimate of environmental significance of ESS' impact • Survey of stakeholder perceptions of ESS prioritisation of matters of concern
iii) ESS has engaged in building knowledge on environmental performance, is well informed about developments in and has formed effective EU and international standards and practice, and have formed effective partnerships with bodies collecting, collating and scrutinising environmental data	<ul style="list-style-type: none"> • Number of analytical/monitoring reports published by ESS • Number of 'partnership' agreements concluded/maintained • Number of EU and international initiatives reviewed 	<ul style="list-style-type: none"> • Survey of stakeholder perceptions of ESS role in monitoring & evaluating environmental performance & change • Number of examples of non-compliance/ineffective laws identified by ESS analysis

Strategic Outcome	Short-term Output Indicators	Long-term Outcome Indicators
iv) ESS' role is widely understood and ESS is regularly engaged in work to improve the effectiveness of environmental law and how it is applied	<ul style="list-style-type: none"> • Number of representations made to ESS • ESS Strategic Plan approved by Scottish Parliament • ESS Annual Report published within specified period following end of financial year 	<ul style="list-style-type: none"> • Proportion of representations made to ESS determined to be within scope • Self-reporting by stakeholders of understanding of ESS role • Positive outcome of Scottish Government review of effectiveness of ESS role in new environmental governance arrangements
v) ESS is an efficient and effective organisation	<ul style="list-style-type: none"> • Percentage of actions in ESS business plan delivered • ESS percentage under/overspend on budget • Proportion of ESS service standards met • ESS carbon footprint/environmental performance • ESS staff survey results 	<ul style="list-style-type: none"> • Estimate of positive environmental impact of ESS action to secure compliance and improve effectiveness • Survey measure of stakeholder perceptions of ESS effectiveness addressed • ESS carbon footprint/environmental performance • Metrics for staff development, equality and diversity

© Crown copyright 2021



This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

CONTACT

Environmental Standards Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
Scotland
EH12 5HE

Tel: 0808 1964000

E-Mail: enquiries@environmentalstandards.scot

ISBN: 978-0-85759-150-0

Published by
Environmental Standards Scotland,
October 2021

ENVIRONMENTAL
Standards Scotland

