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Edward Mountain MSP
Convenor, Net Zero, Energy & Transport Committee
Scottish Government
St Andrew's House
Regent Road
Edinburgh
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Cc:
Ben MacPherson MSP, Deputy Convenor, Net Zero, Energy & Transport Committee

26 March 2024

Dear Convener,

Timeline for NZET Committee recommendations on environmental governance

We write to you regarding the Net Zero, Energy & Transport Committee ('the Committee')'s recent call for evidence following the Scottish Government's Report and Consultation on the Review of the Effectiveness of Environmental Governance ('the Report').

ERCS thanks the Committee for the invitation to give oral evidence on 16 January 2024 alongside other stakeholders who shared concerns about the Report's quality and scope.

ERCS kindly requests that the Committee's recommendations following the evidence sessions are published at the earliest opportunity so that they might be able to influence the recommendations and next steps of the Consultation before it is laid in Parliament.

We hope that the Committee's recommendations will acknowledge the arguments made in support of establishing a specialist committee or working group to revisit the question of whether the establishment of a dedicated Scottish Environment Court could enhance environmental governance arrangements.

We note that in his evidence submission on 5 March, Dr Richard Dixon, Deputy Chair of Environmental Standards Scotland, referred to the environmental court question as 'unfinished business' requiring 'far more robust examination,' and acknowledged that 'an environmental court might be the answer [to access to environmental justice] ... [but] instead the Consultation brushed



off the issue entirely'.¹ This mirrors concerns raised by ERCS, the Law Society of Scotland, and Prof Sarah Hendry, Head of Dundee Law School. Given the longstanding nature of this debate and the persistent barriers to access to justice as outlined in our reports,² we hope the Committee will be proactive in its recommendations.

We also note that the Committee will invite the Cabinet Secretary for Wellbeing Economy, Net Zero and Energy to give evidence on the concerns raised by stakeholders after the statement has been laid.

We would therefore be grateful if you could at your earliest convenience:

- Provide a timeline for when the Committee will publish its recommendations so that they can inform the Scottish Government's response to the Consultation before it is laid in Parliament.
- Provide reassurance that you will respond to the ongoing barriers to access to justice as raised in the evidence sessions and recommend the establishment of a specialist committee or working group to revisit the question of an environment court.
- Confirm that you will invite the Cabinet Secretary for Wellbeing Economy, Net Zero and Energy for an evidence session after the Scottish Government's statement has been laid in parliament.

We look forward to hearing from you.

Yours sincerely,

Dr Shivali Fifield
Chief Officer, Environmental Rights Centre for Scotland

¹ Net Zero, Energy and Transport Committee (2024) [Session 6 Official Report](#), 5 March 2024: p26

² ERCS/Christman (2021) [Why Scotland needs an environmental court or tribunal](#) and ERCS/Gemmell (2023) [The Clear and Urgent Case for a Scottish Environment Court](#).