



Environmental Rights Centre for Scotland

Business Plan

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1. Executive Summary

The Environmental Rights Centre for Scotland (ERCS) was initiated by [Scottish Environment LINK](#) (LINK) with two part-time workers in post from January 2020. This business plan covers the period from July 2020 to December 2023. Its purpose is to provide clarity for the organisation, prioritise tasks in this start-up year, and demonstrate to supporters, funders and stakeholders that there is a solid understanding and vision for ERCS in the following three years.

Currently ERCS is governed by LINK as its parent charity but was delighted to receive its own charitable status on 3rd July 2020 to become a Scottish Incorporated Charitable Organisation (SCIO). This business plan will be reviewed quarterly to assess progress, and fully revised in February 2021 with ERCS's appointed Board of Trustees.

Our vision is of a Scotland where every person's right to live in a healthy environment is fully realised.

We identify three needs in Scotland that ERCS can respond to:

- to address substantive environmental problems;
- to address systemic environmental governance problems;
- to meet, in relation to environmental rights, the opportunities of the proposed new human rights framework and the challenges arising from Brexit and Covid-19.

Our mission is to assist members of the public and civil society to understand and exercise their rights in environmental law and to protect the environment. We will do this through:

- public education to increase awareness of legal rights and remedies in environmental matters;
- advice, assistance and representation to improve public participation in environmental decision-making;
- advocacy in policy and law reform to improve environmental law and access to justice on the environment; and
- strategic public interest litigation to enforce progress on key environmental issues and tackle systemic environmental problems.

This plan summarises our programme priorities and business development; and identifies an operating budget of approximately £140,000, increasing to £194,000 between 2021 and 2023. With this, we are confident that ERCS can make a significant impact in terms of increasing confidence and expertise within communities and environmental non-governmental organisations (eNGOs) to strengthen environmental democracy. ERCS can also play an important role in the incorporation of environmental rights in Scots law; and in reducing barriers, in terms of cost and uncertainty, to pursuing legal remedies for breaches of environmental law. Our long-term goal is a shift in culture: with improved participation in decision-making, enforcement of environmental laws and better outcomes for people and the environment.

2. Organisation Overview

2.1 Organisation details

The Environmental Rights Centre for Scotland (ERCS) was registered as a Scottish Charitable Incorporated Organisation (SC050257) on 3rd July 2020. It was established and is currently operating as part of [Scottish Environment LINK](#) (LINK) until it transitions to becoming an independent organisation.

LINK is a Scottish Charity (SC000296) and a Scottish Company Limited by guarantee and without a share capital (SC250899). Founded in 1987, LINK is the forum and national intermediary for the citizen-led environmental sector. LINK has 40 member bodies with a collective membership of c. 500,000. Members represent a broad range of environmental interests with the common goal of contributing to an environmentally sustainable society.

2.2 History

LINK has long recognised the importance of the credible threat of legal action in upholding environmental rights and enforcing environmental protection, as well as the myriad difficulties of legal redress for communities and environmental non-governmental organisations (eNGOs). In 2015 it formed the Legal Strategy Group to help support the work of LINK members who have:

- campaigned to improve Scottish Government’s compliance with the UNECE Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters - including a live complaint with its Compliance Committee;
- taken forward a small number of strategic litigation and public interest interventions;
- successfully pushed for Protective Expense Orders in judicial review proceedings on environmental cases, capping expenses to a degree;
- developed the case for a specialist environmental court in Scotland - included in the SNP manifesto though not yet implemented;
- participated in the First Minister’s Expert Advisory Group on Human Rights to include environmental rights; and
- co-published the report [‘Overcoming Barriers to Public Interest Litigation in Scotland’](#).

Drawing on this work, a [Feasibility Study](#) commissioned by LINK’s Legal Strategy Group and published in March 2018 underpins the case for an Environmental Rights Centre for Scotland as an independent organisation to provide four programmes of work: dedicated public education; advice, assistance and representation; advocacy in policy and law reform; and affordable legal services in public interest litigation. In 2019, LINK was delighted to be awarded £120,000 over three years (2020-2022) by the Joseph Rowntree Charitable Trust to start this initiative with two part-time workers - a development manager and programme manager, in post since 20th January 2020.

2.3 Vision and purpose

Our vision is of a Scotland where every person’s right to live in a healthy environment is fully realised.

There is a clear unmet need within communities and civil society relating to the understanding of legal rights and remedies in environmental matters. At the same time, the environment has ‘no voice’ in the Scottish courts and relies on individuals, communities and eNGOs to be that voice.

Our purpose is to increase the capacity and opportunity of individuals, community groups and organisations to challenge environmental injustice at neighbourhood, local authority and national levels. We promote environmental justice in two ways:

- substantive: by advocating for law reform, policies and practices that support the equitable distribution of environmental benefits, burdens and responsibilities; and
- procedural: by working for meaningful participation in decision-making and for fair, timely and affordable access to legal remedies.

2.4 Mission statement and values

Our mission is to assist members of the public and civil society to understand and exercise their rights in environmental law and to protect the environment. We will do this through:

- public education to increase awareness of legal rights and remedies in environmental matters;
- advice, assistance and representation to improve public participation in environmental decision-making;
- advocacy in policy and law reform to improve environmental law and access to justice on the environment; and
- strategic public interest litigation to enforce progress on key environmental issues and tackle systemic environmental problems.

ERCS understands environmental law to include law relating to land-use planning, climate change, pollution control, environmental health, the conservation of biodiversity and cultural heritage, and the impacts of transport, energy and other sectors on the natural environment in Scotland.

Our operating values and principles are to be:

- Open, accessible and approachable in how we offer our services
- Respectful, collaborative and enabling in how we deliver our services
- Evidence-based and assertive in how we advocate for policy and law reform
- Trusted and authoritative in how we pursue environmental rights and litigation.

2.5 Organisational structure – governance and management

On 3rd July 2020, ERCS was registered as a Scottish Charitable Incorporated Organisation (SCIO). It has a two-tier constitution with free membership. The maximum number of charity trustees is 12: LINK has two nominated places and there is provision for two co-opted positions, with the remaining eight open to membership election.

Up until this point, the LINK Legal Strategy Group was operating as a shadow Board of Trustees providing continuity and strategic direction. The Group is well-connected and respected among legal professionals, academics, civil society and government. Members have combined work experience in the most prominent eNGOs in Scotland as well as grassroots community activism and the law. This considerable skill-set will be augmented by recruiting additional trustees during the summer and autumn of 2020, including those who have worked in public health to address health inequalities; have an understanding of and networks with diverse communities of interest, including BAME, LGBTI and disabled groups; or have experience of delivering advice and legal services (e.g.: within Citizens Advice Scotland and/or Law Centres). This will ensure that ERCS has the strategic leadership and the highest standards of governance to become a successful SCIO.

The two current post-holders of development manager and programme manager (comprising a total 1.2 FTE) are each on a one-year contract and report to the LINK chief officer and convenor of the Legal Strategy Group/Trustees. Short biographies of ERCS's staff, LINK chief officer and Legal Strategy Group/Trustees are provided at [Appendix 5](#).

3. Market analysis

3.1 The need and demand for our services

The political context into which ERCS is entering is dynamic and challenging and the nature of demand is complex, particularly with the impacts of Brexit and Covid-19. The key factors that shape modern Scotland and questions of environmental justice include its distinct legal system, its institutions and land ownership. New initiatives under the Scottish Continuity Bill entail the creation of a new environmental governance organisation - Environmental Standards Scotland (ESS). There are also developments of planning law and practice in the UK and Scotland – all of which require scrutiny. The operating environment will be regularly reviewed by Trustees, and ERCS activities will need to adapt to the differing pace of demands, public engagement with environmental issues and the fundraising climate. Notwithstanding, the three reasons why ERCS is needed are clear and we see them as follows.

1. To address substantive environmental problems

There are a number of substantive environmental problems in Scotland: with many people, particularly living in areas of highest deprivation, suffering from air pollution;¹ poor environmental quality;² poor access to good quality greenspace;³ and close proximity to vacant and derelict land.⁴ Equally, global environmental problems like climate change,⁵ biodiversity loss,⁶ and plastic pollution⁷ are increasingly urgent.

Rules are in place to protect the environment but, without a credible threat of a legal challenge from communities and eNGOs, unlawful decisions can be made. Taking legal action should be a means of last resort to overturn such decisions, but the Scottish legal system makes it extremely difficult to hold government and other public bodies to account over harm to the environment. Scotland's distinct legal system lags behind England and Wales in developing a public law culture, particularly regarding access to justice in environmental matters. This means public interest legal action on the environment is rarely taken.

Those eNGOs who have worked with communities in Scotland to take forward a small number of legal challenges and/or public interest interventions are either involved in or support ERCS to increase collective capacity by providing affordable legal services in public interest environmental law.

¹ <https://foe.scot/campaign/air-pollution/>; <http://www.scottishairquality.scot/latest/>.

² [Local environmental quality in decline, Further analysis by Keep Scotland Beautiful](#) (Keep Scotland Beautiful, 2017).

³ [The Third State of Scotland's Greenspace Report, February 2018](#) (greenspace scotland, 2018).

⁴ [Scottish Vacant and Derelict Land Survey 2019](#) (Scottish Government, 2020).

⁵ [IPCC Special Report: Global warming of 1.5°C](#) (IPCC, 2018); <https://www.environment.gov.scot/our-environment/state-of-the-environment/>.

⁶ [State of Nature 2019 report](#) (State of Nature Partnership, 2019).

⁷ <https://www.fidra.org.uk/>.

2. To address systemic environmental governance problems

Scotland's distinct legal system and Scottish devolution have resulted in a growing and complex body of Scottish environmental law as Holyrood integrates international and European Union (EU) Law. Rhetoric of world leadership often accompanies these laws yet in practice, implementation falls far short.⁸ Systemic governance issues include limited public participation in the planning system,⁹ poor enforcement of planning and nature conservation law,¹⁰ and lack of access to justice in environmental matters.

The playing field in environmental disputes is far from level, particularly in the Scottish planning system where local communities' resources and experience are far outweighed by those of developers, and no third-party right of appeal exists. Further, access to the courts to challenge unlawful environmental decisions remains prohibitively expensive, and is in breach of the United Nations Economic Commission for Europe (UNECE) Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. This was reconfirmed in the latest progress review by the Convention's Compliance Committee in March 2020.¹¹

The unmet need identified by LINK members, the 2018 ERCS feasibility study, and the feedback from grassroots community networks such as [Planning Democracy](#) point to the ongoing (as well as potentially untapped) demand for a responsive free advice and lay representation service. In providing this, and public education on environmental rights to communities, ERCS can play a key role in helping to level the playing field in environmental decision-making and challenges.

3. To meet the opportunities of the new human rights framework, and challenges arising from Brexit and Covid-19

Three key areas of opportunity and risk make the need for specialist input to promote effective environmental policy and law reform particularly pressing: the anticipated incorporation of environmental rights in the proposed new statutory framework for human rights for Scotland, Brexit and Covid-19.

Following the recommendation from the [First Minister's Advisory Group on Human Rights Leadership](#) for the incorporation of the right to a healthy environment in the new human rights framework,¹² there is a significant opportunity to help shape and influence how this is established in law, building the capacity to realise these rights in practice, and in monitoring implementation.

Most of the UK and Scotland's environmental laws come from the European Union, therefore the UK's exit from the EU risks both the deterioration of existing environmental laws, and a loss of alignment with EU

⁸ [Scotland's environmental laws since devolution – from rhetoric to reality](#) (Scottish Environment Link, 2011).

⁹ [Barriers to community engagement in planning: a research study](#) (yellow book ltd, 2017).

¹⁰ [Natural Injustice: A review of the enforcement of wildlife protection legislation in Scotland](#) (Scottish Environment LINK, 2015).

¹¹ [Second progress review of the implementation of decision VI/8k on compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention](#) (Compliance Committee to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 2020).

¹² [Recommendations for a new human rights framework to improve people's lives, report to the First Minister](#) (First Minister's Advisory Group on Human Rights Leadership, 2018).

standards as it brings in new laws to respond to emerging environmental challenges. Crucially, it also leads to the loss of the supervisory role of the EU Commission and access to the European Court of Justice to hold government to account on environmental issues.¹³ ERCS can play a key role in monitoring and advocating for robust and appropriate solutions at a Scottish level.

Covid-19 has demonstrated how human rights and environmental protection are inextricably linked.¹⁴ The unequal impacts of the pandemic have put important aspects of environmental rights in the spotlight: from global biodiversity loss to the importance of local access to good quality greenspace. Yet, measures to control the pandemic have already resulted in the loss of scrutiny of environmental decision-making with modifications to planning regulations,^{15,16} and the easing of pollution controls.¹⁷

Against the background of Brexit and the continuing uncertainty both it and the Covid-19 pandemic create, there is a real danger that environmental regulations will be further loosened without the normal level of scrutiny undertaken by eNGOs who are working with reduced capacity. In whatever shape the 'new normal' develops, the need for an environmental legal watchdog like ERCS is greater than ever.

In summary, there is no organisation in Scotland that provides accessible and professional public education, and advice and representation services in planning and environmental law. Neither is there a dedicated organisation to act as the knowledge hub to inform advocacy in policy and law reform, nor pursue public interest litigation to ensure environmental standards are upheld or improved where necessary. Uniquely, through its four programmes of work, ERCS can respond to these needs and opportunities.

3.2 Business Strategy

As outlined in our charitable principles, our four programmes of work enable a comprehensive and holistic approach to promote the [United Nations Framework Principles on Human Rights and the Environment 2018](#) in Scotland: relating to the enjoyment of a safe, clean, healthy and sustainable environment.

1. Public Education

Our education programme will provide resources and deliver training to advance education on environmental law and rights. This will cultivate an informed public who are more aware, not only of their rights to information, participation and access to justice, but also of the need for policy and law reform.

Activities

Our free resources will act as a 'one-stop shop' and will include online 'how to guides' on environmental and planning law: such as how to access information, how to participate in decision-making and how to challenge decision-making. There will also be specific topic-focussed briefings including the Aarhus Convention, powers of environmental regulators, and the impacts of Brexit. As well as blogs and videos,

¹³ [Fight for Scotland's Nature](#) LINK campaign launched in 2018.

¹⁴ [COVID-19, Environmental Protection & Human Rights Leadership](#) (Morgera and Miller, University of Strathclyde 28 May 2020).

¹⁵ [The Town and Country Planning \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2020](#).

¹⁶ Letter to [Local Government and Communities Committee](#) in response to temporary modifications (written by ERCS/Planning Democracy): https://www.parliament.scot/S5_Local_Gov/General%20Documents/PD.pdf.

¹⁷ <https://theferret.scot/pollution-checks-coronavirus-crisis-sepa/>.

educational resources will be tailored to different levels of knowledge, and supported by links to other organisations, networks, resources and research to ensure we deliver added value and avoid duplication.

Working with LINK members and other networks, we will deliver bespoke training to community groups, third sector organisations and other civil society stakeholders (including community councils, NGOs, councillors and parliamentarians), with opportunities for networking and peer support.

From 2021, we will develop our work with academic institutions to conduct Scotland-focused research on the impacts of environmental and planning law and areas for policy and law reform.

2. Advice, assistance and representation

Advice and lay representation

Our advice, assistance and lay representation service will act as a ‘citizens’ advice bureau for environmental rights’, enabling individuals and groups to exercise their environmental rights and actively engage in environmental decision-making. This will strengthen environmental citizenship, democracy and community development.

Activities

We have developed our advice service standards and have undertaken ‘test’ cases from LINK members with an excellent response. We will formally pilot our service for six months when we launch our website this summer. From 2021, following its evaluation, we will have established a good case for further funding and can work towards accreditation under the Scottish National Standards for Information and Advice Providers (SNSIAP).

Legal representation

As a charity, ERCS can provide advice on legislation and offer lay representation. In years 2-3 (2022-2023), with further evidence of need and demand from our advice work, we aim to offer an affordable legal representation and litigation service. This will help to increase the accessibility of legal action to the public and begin to embed an environmental rights and rule-of-law culture to protect the environment.

Activities

An options appraisal and due diligence will be undertaken to identify the most appropriate model for ERCS to operate as a law centre. Options include partnering with a law firm or registering our own ‘law practice unit’ with the Law Society of Scotland and employing in-house lawyers. Both options can include working with universities under a law clinic model.

3. Advocacy in policy and law reform

ERCS will contribute to LINK’s advocacy work and the work of individual LINK members by advising on environmental legislation and the legal system. In addition, and most importantly, ERCS will develop its own advocacy programme on substantive and procedural environmental rights. This brings a critical legal perspective to enhance existing campaign efforts by eNGOs and counteract powerful lobbying efforts.

Activities

At a national level, ERCS will be proactive within the National Taskforce for Human Rights Leadership - Civil Society Working Group on the incorporation into Scots law of the human right to a healthy environment. We have also been encouraged to contribute to the capacity-building programme for duty-bearers and rights-holders to enable the practical implementation of the Act. This is an exciting opportunity for ERCS, yet in its infancy, and emphasises the contribution our service can offer.

ERCS will respond to consultations and developments in environmental and planning law; create awareness of key comparative legislative and case-law developments; and advocate full compliance with the Aarhus Convention requirements on access to justice on the environment, including the introduction of a specialist environmental court in Scotland.

We will also actively monitor and respond to any developments in environmental governance post-Brexit and in the Covid-19 recovery period and develop policy responses to any reductions in environmental protections as they arise.

4. Strategic public interest litigation

Access to justice is an essential pillar of a healthy democracy and pivotal for advancing the human right to a healthy environment. Pursuing strategic public interest litigation, when all non-legal efforts fail, will help to enforce progress on key environmental issues and give the environment 'a voice' in the Scottish courts. Improving access to the courts - through our advocacy work and through strategic litigation - will create a credible threat of legal action, encouraging improved engagement, transparency and accountability by decision-makers. This programme will also advance health by challenging environmental decisions which harm human health and/or exacerbate health inequalities because of the disproportionate impact of environmental burdens in areas of highest deprivation.

Activities

ERCS has been approached by several groups to map out case scenarios and options for public interest litigation and will begin this work in summer 2020. Opportunities for strategic litigation will also be identified through our advice and advocacy programmes.

3.3 SWOC analysis

Table 1 provides a summary SWOC (strengths, weaknesses, opportunities, challenges) analysis of our work including political, economic, social, technological, environmental and legal factors.

Table 1: SWOC analysis.

<p>INTERNAL STRENGTHS</p> <ul style="list-style-type: none"> • ERCS is the only community-focused expert in environmental law in Scotland. • Covid-19 and reduced social engagement suggests increased demand for ERCS’s on-line public education content. • No Scottish eNGO employs an in-house lawyer or provides our programme of advice, assistance and representation. • ERCS’s four programmes of work offer flexibility in how we respond to the political climate and communities’ needs. • ERCS provides a mechanism to help Scotland comply with Art.9(5) of Aarhus Convention. • ERCS’s focus on substantive and procedural environmental justice is politically opportune and intersects with community empowerment discourse, land reform, human rights and reducing health inequalities. • LINK members offer the policy and scientific expertise to support ERCS work. • LINK members and their networks are a ‘captured audience’ for our services which we can build on. 	<p>INTERNAL WEAKNESSES</p> <ul style="list-style-type: none"> • This is a new initiative which involves learning organically and writing the rule book as we go along. • Starting at zero with limited capacity. • Governance structures will take a year to establish. • Operational structures will take a year to establish. • The demand for our services is potentially too big for current resources – need to manage expectations and ensure quality control of outputs. • As a new organisation, offering a new service, it will take time to develop our partnerships and collaborations. • Need additional resources to operationally respond and strategically develop all four programmes of work.
<p>EXTERNAL OPPORTUNITIES</p> <ul style="list-style-type: none"> • Pre-Covid-19 there was increased funding for environmental matters reflecting growing engagement with climate change and biodiversity loss. • Pre-Covid-19 more non-environmental organisations were wanting to learn about environmental matters. • Brexit leaves a scrutiny/accountability gap that ERCS can help to fill. • Incorporation of environmental rights in the new statutory framework for human rights offers opportunities for ERCS. • ERCS can build partnerships with other rights-based groups to inform the new statutory framework for human rights. • Covid-19 reinforces the need to integrate public health and environmental stewardship which ERCS can develop. 	<p>EXTERNAL CHALLENGES</p> <ul style="list-style-type: none"> • Recessionary impacts of Covid-19 risk a reduction in public engagement with environmental matters. • Community groups and organisations, particularly in more disadvantaged areas, will necessarily focus on the social impacts of Covid-19 and may be less interested in environmental matters. • Priorities for funding will focus on mitigating the social impacts of Covid-19. • Covid-19 impacts on the Government’s Programme include slippages in timescales and reordering of priorities. • Cost and uncertainties of litigation as a last resort.

3.4 Workplan and outputs

In this start-up year, our priorities are to establish ERCS’s governance structures and operationalise the proposals laid out in the feasibility study. This has included mapping a theory of change to provide strategic direction which is illustrated at [Appendix 1](#), and a detailed workplan to phase in the four programmes of work within our current resources (£80,000 for 2020). We are working towards a launch of our website and

pilot advice service in August 2020. Table 2 provides a summary of programme activities between February and June 2020 including several ‘test’ advice cases.

Table 2: Summary of ERCS Programme Outputs February – June 2020.

Work Programme	Activities February – June 2020
1. Public education	<p>ERCS information sheet #1: Environmental information, and how to obtain it. ERCS information sheet #2: Access to environmental information: the importance of the European framework. ERCS information sheet #3: Access to justice on the environment, and whether Scotland is providing it.</p> <p>State of Children’s Rights Webinar session on Children’s Rights to a Healthy Environment - for Scottish Alliance for Children’s Rights response to United Nations Convention on the Rights of the Child (UNCRC) Committee.</p>
2. Advice, assistance and representation	<p>Email advice on breach of planning control in relation to hill tracks (regional environmental trust).</p> <p>Telephone advice and signposting on real burdens in title deeds in relation to over-development in residential area (community council).</p> <p>Email information-sharing and written advice on council’s position that community councils cannot hold business meetings online during Covid-19 lockdown (community council).</p> <p>Written and telephone advice on planning application in national park involving Certificate of Lawfulness, Permitted Development Rights and ‘salami-slicing’ of development to avoid pre-application consultation and EIA screening (community conservation group).</p> <p>Email advice on whether second decision of Scottish Ministers following quashing of first one by Court of Session can be judicially reviewed (LINK member).</p> <p>Written advice on planning application involving non-availability of documents online, delay in consulting Scottish Water about sewer underlying development and whether objectors will have hearing before determination of planning application (residents’ group).</p> <p>Email advice on planning application in national park for renewal of temporary permission using outdated Habitats Regulations Appraisal (community conservation group).</p> <p>Advice on response to Scottish Parliament Local Government and Communities Committee on temporary modifications to planning regulations and to Chief Planner on the dilution of the principle of public participation in decision-making during the Covid-19 pandemic (LINK member).</p> <p>Research on possible challenge to multiple planning applications for commercial peat extraction based on lack of climate impact assessment (LINK member).</p>
3. Advocacy in policy and law reform	<p>Meeting with representative of the National Taskforce for Human Rights Leadership: invited to participate in the Roundtable on the Human Right to a</p>

	<p>Healthy Environment and future capacity-building for duty-bearers and rights-holders.</p> <p>Input into LINK response to consultation on Scotland’s 4th National Planning Framework: general law and greenspace/health inequalities.</p>
4. Strategic public interest litigation	<p>Participation in Scottish Climate Emergency Legal Network.</p> <p>Invitation to map learning and scenarios for potential marine strategic litigation (national marine conservation trust).</p>

3.5 Outcomes

Table 3 presents the outcomes from our theory of change ([Appendix 1](#)) that ERCS is working towards during the period of this business plan, along with progress indicators and monitoring and evaluation methods.

Table 3: Outcomes, indicators and evaluation.

Key Outcome	Progress Indicators	Monitoring and Evaluation
<p>1. Public education</p> <p><i>The public and civil society have an increased awareness & are better informed of legal rights and remedies in environmental matters.</i></p>	<p>a) ERCS has online ‘how to guides’ on environmental and planning law, and specific topic-focussed briefings, and can demonstrate traffic and qualitative feedback.</p> <p>b) ERCS delivers and evaluates 4 training/awareness-raising sessions to civil society stakeholders per year.</p> <p>c) ERCS produces quarterly briefings/ebulletins on environmental and planning law developments, and progress on environmental rights; and can demonstrate qualitative feedback.</p>	<p>Website user data and online feedback from users and supporters.</p> <p>Qualitative evaluation of sessions from participants.</p> <p>Feedback from readers including LINK members and other networks.</p>
<p>2. Advice, assistance and representation</p> <p><i>The public and civil society are better informed and more confident in participating in environmental decision-making and</i></p>	<p>a) At least 30 Individuals/community groups per year report more effective engagement and positive outcomes from participation in environmental decision-making.</p> <p>b) At least 4 civil society stakeholders (e.g. NGOs, councillors, parliamentarians) per year report more effective participation/negotiation in environmental policy and practice.</p>	<p>Qualitative feedback from clients about the advice they receive from ERCS, and the outcome of their participation in decision-making.</p> <p>Qualitative feedback from clients about the advice they receive from ERCS, and the outcome of their participation/negotiation in environmental policy and practice.</p>

<p><i>report more positive outcomes.</i></p>	<p>c) Outputs and outcomes from the advice, assistance and representation service evidence demand for ERCS.</p>	<p>Evaluation of quantitative outputs and qualitative outcomes.</p>
<p>3. Advocacy and Strategic public interest litigation</p> <p><i>Policy and legal reforms secure concrete progress on environmental rights in Scotland, and barriers to access to justice have reduced.</i></p>	<p>a) ERCS’s advocacy work demonstrates progress towards environmental rights becoming realised in Scots law.</p> <p>b) There is progress towards improved access to justice in environmental matters.</p> <p>c) One public interest litigation 2021-2023 arising from ERCS’s advice service or in partnership with an environmental NGO.</p>	<p>Evaluation of ERCS advocacy and progress in law reform and environmental rights to be reported in ERCS quarterly briefings/ebulletins (see 1c).</p> <p>ERCS submissions to the Aarhus Compliance Committee, analysis of case studies, and survey of eNGOs in 2023.</p> <p>Success in a public interest litigation case, whether through outright ‘win’ or through incremental progress in case-law.</p>

4. Business Development

[Appendix 3](#) provides ERCS’s financial projection in line with our fundraising strategy. Securing additional grants for core costs will provide ERCS with the extra capacity (including increased hours for management, programme delivery and administrative support) needed for organisational resilience and putting our vision and mission into action.

4.1 Staffing review

At June 2020, ERCS is operating with a part-time development manager and programme manager comprising a total of 1.2 FTE, with both on one-year contracts.

With the knowledge and experience gained in the first six months, a proposed organisational structure from January 2021 (year 1) is provided in Figure 1 as the optimum scenario in line with projected income.

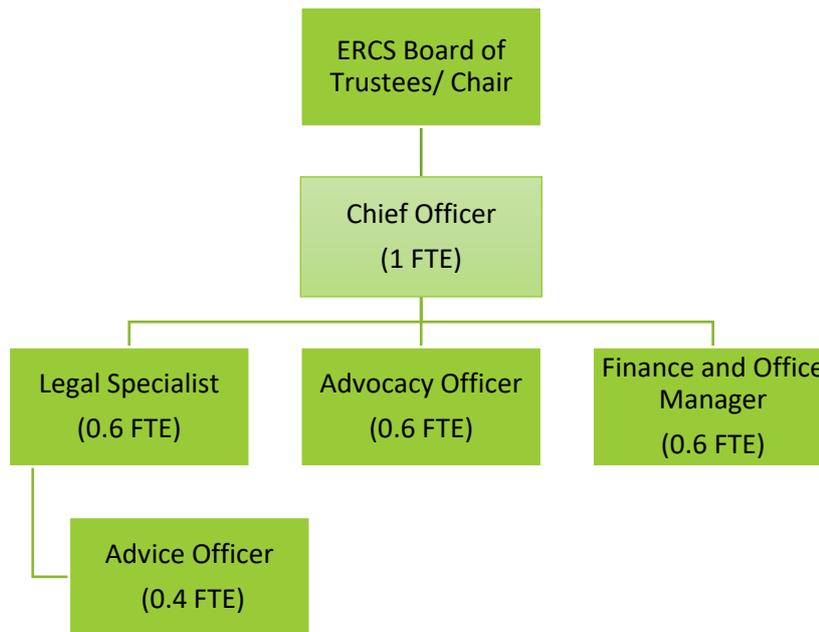


Figure 1: ERCS organisational structure from January 2021 (optimum scenario).

Our review has highlighted the need for the development manager role to expand to 1 FTE chief officer, to include the strategic development of the work programmes and the overall management of ERCS with delegated authority for finance and employment. The current programme manager role will be replaced by a legal specialist - which is how the current post has developed in response to the needs of the pilot advice service. In addition, there is a need for a dedicated advocacy officer (0.6 FTE), an advice worker (0.4 FTE) and a finance and office manager (0.6 FTE). The financial forecast provided in [Appendix 3](#) works with the assumption that the legal specialist post will increase to 0.8 FTE and the advocacy officer will increase to 1 FTE in year 3.

All job descriptions for the new organisational structure will be finalised in autumn and, depending on the success of fundraising and recruitment, the new staff structure will be in place from January 2021, when the current contracts end. [Appendix 4](#) provides a summary of the key roles and responsibilities for each postholder. ERCS’s chief officer will report to the Board of Trustees and will continue to receive mentoring from LINK’s chief officer as one of the trustees.

4.2 Fundraising strategy

Securing additional unrestricted core funding for ERCS’s organisational resilience, and specific project grants for our four programmes of work, will be the critical success factor for this business plan. The key components of our fundraising strategy are:

- A mixed portfolio of **small and large Trusts grants**
 In addition to the Joseph Rowntree Charitable Trust as our current main funder, we have identified key grantmakers for our different programmes of work. Now that ERCS is demonstrating early outputs and outcomes, we will submit grant applications from July 2020. This includes:
 - Core costs: Esmée Fairbairn Foundation, Sainsbury Family Charitable Trust, Sigrid Rausing Trust;
 - Public education: Clark Foundation for Legal Education, Legal Education Foundation;

- Advice, assistance and representation: Access to Justice Foundation, Baring Foundation, People's Postcode Trust;
- Advocacy for policy and law reform: John Ellerman Foundation; Polden Puckham Charitable Foundation.
- **Central government funding**
Following an evaluation of our pilot 'citizens advice bureau for environmental matters' at the end of 2020, ERCS intends to make a case for central government core funding using Planning Aid for Scotland and Citizens Advice Scotland as examples of this practice. There may also be opportunities for specific project funding for our education programme (for example, capacity-building for public duty-bearers and rights-holders on environmental rights as part of the new statutory framework for human rights in Scotland).
- **Organisation donations and gifts in kind** from the LINK membership have been invaluable in this start-up year and ERCS will build its partnership work with the aim of securing additional donations and joint-bids.
- **Private donations**
ERCS's website will provide information on how to donate. Already, we have had several offers of private donations. Donations will be accepted in line with our ethics policy.
- **Legacies**
ERCS will develop a legacy campaign in year 1 but this will take time to generate results.
- **Corporate sponsorship**
Corporate sponsorship is also a possibility in years 2 and 3 but will need to adhere to our ethics policy and ensure no undue control over ERCS operations and strategic vision.
- **Crowdfunding** will be used, as appropriate, for example for strategic public interest litigation.
- **Legal fees and legal aid** will be a source of income at a time when ERCS is registered as a law practice unit. Fees will operate at a sliding scale depending on income and individual/organisational circumstances.
- **Donations**
ERCS's website will provide information on how to donate. Already, we have had several offers of private donations. Donations will be accepted in line with our ethics policy.
- **Legacies**
ERCS will develop a legacy campaign in year 1 but this will take time to generate results.
- **Corporate sponsorship**
Corporate sponsorship is also a possibility in years 2 and 3 but will need to adhere to our ethics policy and ensure no undue control over ERCS operations and strategic vision.
- **Crowdfunding** will be used, as appropriate, for example for strategic public interest litigation.

4.3 Communications strategy

ERCS will have its logo and visual identity finalised by August when communications and the promotion of our services will begin: with the launch of ERCS's website, social media, and our pilot advice, assistance and representation service. With additional funds secured, the trustees and new staff appointed, ERCS's official media and parliamentary launch will be in January 2021.

Our communications strategy focuses on our four programmes of work, and ERCS's website www.ercs.scot will be our main digital 'shop window'. This will provide clear and simple navigation to our education

resources and links to other organisations, how to get advice, and our advocacy work. Users will be able to subscribe to our quarterly ebulletin, donate, and/or become a member.

We have a database of networking contacts, supporters, potential members and trustees, who we will invite to join our mailing list for events, ebulletins and updates in compliance with General Data Protection Regulations.

Our communications plan includes:

- Promoting our education and advice services via organisations' ebulletins, and presentations to LINK member organisations, Scottish Community Alliance and other third sector and community forums (e.g. Scottish Regeneration Forum and Social Enterprise Connect Scotland), and community councils.
- Networking with statutory environmental, health and human rights agencies (e.g. Scottish Environment Protection Agency, Scottish Natural Heritage, Public Health Scotland, Scottish Human Rights Commission, Equality and Human Rights Commission) to both introduce and inform our work.
- Networking with other law centres and advice centres in Scotland (e.g. Citizens Advice Scotland and Planning Aid for Scotland) and ClientEarth to both introduce and inform our work.
- Networking and affiliating with organisations and networks aligned to our principles at the intersection of social, environmental and climate justice concerns (e.g. Together: Scottish Alliance for Children's Rights) with the aim of developing collaborative relationships.
- Networking with University Law Colleges and Urban Studies departments with the aim of developing collaborative relationships.

The communications strategy and social media plan will be reviewed after ERCS's official launch to identify additional stakeholders and partners, and annually thereafter.

5. Financial plan

5.1 Where we are

The balance sheet as at June 2020 is provided in [Appendix 2](#). Currently, ERCS is funded by the Joseph Rowntree Charitable Trust for £40,000 p.a. for three years (2020-2023). In our start-up year (2020) there has been an additional £27,500 from LINK and LINK member organisations. There has also been payment in kind including office space (£7,500) from RSPB, line management costs (£2,500) and administrative support from LINK (£2,500).

The balance sheet shows a forecast underspend of £9,834, largely because of reduced operational expenditure due to the Covid-19 lockdown and additional grants secured from LINK member organisations. Now that ERCS has started to deliver on its programme activities, the underspend will be used to increase current staff hours and recruit an advocacy officer at 0.4 FTE and an administration officer at 0.2 FTE on six-month contracts from August 2020.

5.2 Financial projections

Financial projections are provided at [Appendix 3](#). These are based on the assumptions that ERCS will be successful in its application for £120,000 from Esmée Fairbairn between years 1 and 3 (2021-2023) and that it will secure an additional £60,000 in years 1 and 2. There is a fundraising challenge of £145,000 in year 3 because the £40,000 p.a. from Joseph Rowntree Charitable Trust ends in year 2, but we will make a case for

renewed funding. Overheads are based on this year's costs and realistic projections in line with LINK's historic experience.

The financial projections reflect the recommendations from the staffing review outlined in section 5.1. There is an assumption that working from home will be ongoing at least in year 1, but with at least weekly face-to-face meetings as lockdown measures reduce. ERCS will continue to use the RSPB office space as a grant in kind in year 1 but may need to pay for or acquire separate office space in year 2.

Depending on the success of fundraising in 2020, the budget will be reappraised in February 2021 and a revised three-year business plan developed with ERCS's appointed Board of Trustees. This will include a reserves policy of holding at least three months of operating costs.

5.3 Monitoring progress

Financial management reports are provided quarterly to the Board and must demonstrate that the following two standards are met:

1. There is confirmed income for ERCS to meet all its cash commitments for the next three months; and
2. There is a robust and credible budget which shows that ERCS is able to break-even or better for the next six months.

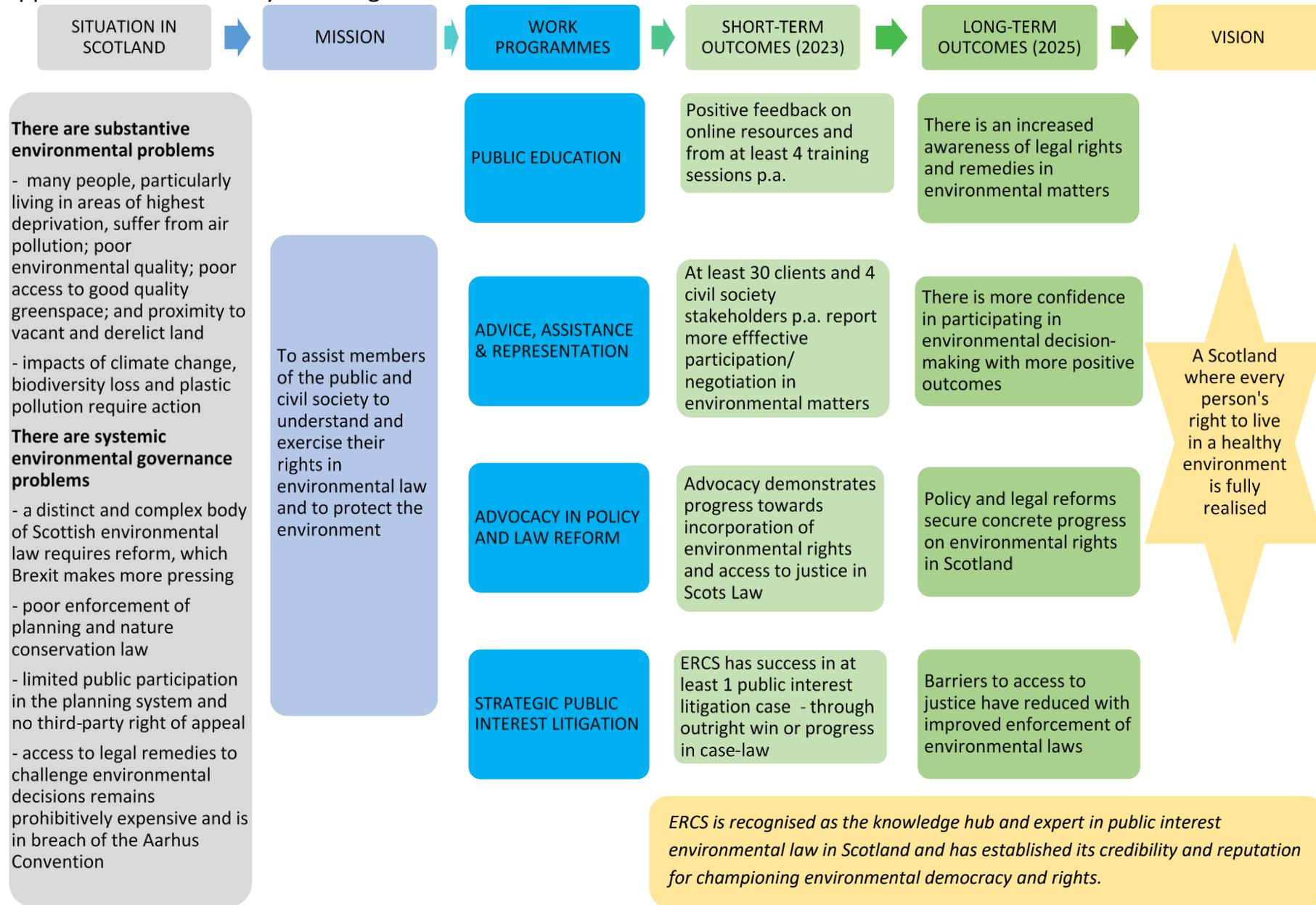
6. Risk management

The key risks are the impacts from the Covid-19 pandemic. The immediate impact for eNGOs is reduced capacity, and all sectors are rightly focused on responding to the health needs, social and financial consequences of lockdown. In this precarious context, the importance of good quality greenspace for health and wellbeing is accentuated, but simultaneously, wider environmental issues have necessarily slipped into the background. The next few years will bring an altered funding landscape for environmental charities, and priorities for the public and civil society may well be determined by responding to recessionary impacts. For ERCS, although the need for action on environmental justice will only increase, the challenge will be to successfully fundraise to achieve our mission.

As already noted, ERCS has a detailed workplan for this start-up year which includes our long-term outcomes and short-term SMART objectives for governance and the four work programmes. This is reviewed regularly with the Legal Strategy Group/Trustees and includes a traffic light system on progress. There is also excellent online communication so that new opportunities can be responded to timeously. This practice will continue so that any slippages in timescales because of external factors such as the impacts of Covid-19, or internal risks to compliance can be addressed and objectives reappraised if necessary.

A new risk register will be compiled annually to review the risks ERCS as a charity may face. It will include internal and external factors and the systems and procedures designed to minimise any potential impact on the charity should they materialise. The most critical risks include reduced levels of income, the recruitment of staff with the appropriate expertise and skills to develop our work programmes, and likewise the loss of expertise and knowledge through departure of key staff.

Appendix 1: ERCS Theory of Change



Appendix 2: Balance sheet as at June 2020

Environmental Rights Centre			
1 Jan 2020 - 31 December 2020			
Project Financial year 1st January - 31st December	Start up		
	Original Budget	Forecast	ACTUAL
Income			
Joseph Rowntree Charitable Trust	40,000	40,000	30,000
LINK DPF	10,000	10,000	10,000
Private and LINK member donations	12,500	12,500	12,500
Friends of Earth Scotland	5,000	5,000	-
Rent and services (1) - Inkind support from RSPB (£7500)	7,500	7,500	7,500
Line management/mentoring, LINK Chief Officer	2,500	2,500	2,500
ERCS / LINK Service level agreement (in-kind start up year)	2,500	2,500	2,500
		-	
Total income	80,000	80,000	65,000
Expenditure			
Salaries & related employment costs for			
Development Manager 0.8 FTE	20,797	24,217	8,152
Programme Manager 0.4 FTE	20,797	14,793	6,974
Advocacy Officer 0.4FTE (6 months start-up) £28,500		6,156	
Other costs to be confirmed in start-up year		9,834	
Accounts, payroll, insurance, professional fees			
Travel, subsistence & phone	500	500	99
Equipment - Start up costs PC, phone, IT set up, software, design etc	3,500	3,500	1,208
General office / IT costs	-	-	-
Website set up and maintenance	3,500	3,500	518
Research/Consultancy	5,000	1,000	
Public education resources	2,000	1,000	
Running meetings and events	2,000	1,000	
Recruitment	1,000	2,000	2,079
Rent and services (1) - Inkind support until 31/12/21 from RSPB (£7500)	7,500	7,500	7,500
Line management/mentoring, LINK Chief Officer/LS Convenor	2,500	2,500	2,500
ERCS / LINK Service level agreement (in-kind start up year), LINK yr 1, In-house thereafter	2,500	2,500	2,500
Direct project expenditure	71,595	80,000	31,530
Project balance to be Carried Forward		0	
Colour key			
Monies already secured			
In-kind support			

Appendix 3: Financial projections for 2021-2023

Environmental Rights Centre											
Financial projections January 2021 - December 2023											
Project Financial year 1st January - 31st December	Year 1			Year 2			Year 3			TOTAL (excluding start-up year)	
	Budget	2021 Forecast	Actual	Budget	2022 Forecast	Actual	Budget	2023 Forecast	Actual	Original Budget	Current Forecast
Income											
Joseph Rowntree Charitable Trust	40,000	40,000		40,000	40,000		40,000	40,000		120,000	120,000
LINK DPF	-	-								-	-
Private and LINK member donations	5,000	5,000		20,000	20,000		30,000	30,000		55,000	55,000
Friends of Earth Scotland										-	-
Rent and services (1) - In-kind support from RSPB (£7500)	7,500	7,500								7,500	7,500
Line management/mentoring, LINK Chief Officer	2,500	2,500		2,500	2,500		2,500	2,500		7,500	7,500
ERCS / LINK Service level agreement (in-kind start up year)										-	-
Esmeé Fairbairn Foundation	40,000	40,000		40,000	40,000		40,000	40,000		120,000	120,000
Peoples Post Code Trust to fund additional staff/program activities	20,000	20,000					20,000	20,000		40,000	40,000
Polden-Puckham ditto	10,000	10,000		10,000	10,000		10,000	10,000		30,000	30,000
Other grants (including Government grants)	25,000	25,000		30,000	30,000		45,000	45,000		100,000	100,000
Total income	150,000	150,000	-	142,500	142,500	-	187,500	187,500	-	480,000	480,000
Expenditure											
Chief Officer FT £35,000	41,505	41,505		42,543	42,543		43,606	43,606		127,654	127,654
Legal Specialist yr 1+2 0.6 FTE; yr 3 0.8 FTE. £30,000	20,750	20,750		21,269	21,269		29,520	29,520		71,539	71,539
Advocacy Officer 0.4FTE in start-up; 0.6 FTE yr 1+2; yr 3 FT. £28,500	19,637	19,637		20,128	20,128		35,280	35,280		75,045	75,045
Advice Worker yr 1+2 0.4 FTE; Yr 3 FT. £24,500	10,746	10,746		11,015	11,015		30,161	30,161		51,922	51,922
Finance and Office Manager, 0.6FTE, £24,500	16,714	16,714		17,132	17,132		17,560	17,560		51,406	51,406
										-	-
										-	-
										-	-
Accounts, payroll, insurance, professional fees	7,500	7,500		7,500	7,500		7,500	7,500		22,500	22,500
Travel, subsistence & phone	2,300	2,300		2,300	2,300		2,400	2,400		7,000	7,000
Equipment - Start up costs PC, phone, IT set up, software, design etc.	2,000	2,000		1,000	1,000		500	500		3,500	3,500
General office / IT costs	1,500	1,500		1,000	1,000		1,500	1,500		4,000	4,000
Website set up and maintenance	600	600		600	600		600	600		1,800	1,800
Research/Consultancy	3,000	3,000		3,000	3,000		3,000	3,000		9,000	9,000
Public education resources	1,000	1,000		1,000	1,000		1,000	1,000		3,000	3,000
Running meetings and events	2,000	2,000		2,000	2,000		2,000	2,000		6,000	6,000
Recruitment	2,000	2,000		2,000	2,000		2,000	2,000		6,000	6,000
Rent and services (1) - In-kind support until 31/12/21 from RSPB (£7500)	7,500	7,500		7,500	7,500		7,500	7,500		22,500	22,500
Line management/mentoring, LINK Chief Officer/LS Convenor	2,500	2,500		2,500	2,500		2,500	2,500		7,500	7,500
ERCS / LINK Service level agreement (in-kind start up year), In-house thereafter				-	-		-	-		-	-
Direct project expenditure	141,252	141,252	-	142,486	142,486	-	186,627	186,627	-	470,365	470,365
Project balance	8,748	8,748	-	14	14	-	873	873	-	9,635	9,635
Colour key											
Request from Esmeé Fairbairn Foundation											
Monies already secured											
Monies not yet secured											
In-kind support											

Appendix 4: Organisational structure: roles and responsibilities, January 2021

<p>Chief Officer</p> <p>1FTE</p> <p>£35,000 pro rata</p>	<p>Purpose: Reporting to the ERCS Chair, the chief officer is responsible for the day-to-day operation of ERCS and the effective delivery of ERCS’s strategic vision and operational plan. Providing leadership and sound financial management and ensuring the organisation acts in accordance with its constitution and charitable requirements.</p> <p>Key responsibilities:</p> <ul style="list-style-type: none"> - Support the Board of Trustees in managing ERCS’s strategic direction and ensuring the organisation operates in accordance with its legal responsibilities, effective governance and risk management - Oversee ERCS’s organisational development within a continuous improvement framework including robust monitoring and evaluation systems - Oversee the development, implementation and monitoring of ERCS’s fundraising strategy - Maintain sound financial management and work effectively within financial parameters - Ensure ERCS has all relevant policies and procedures in place - Ensure ERCS’s work programmes meet professional and quality standards, and funding requirements - Provide leadership and mentoring for ERCS’s staff team and overall human resources function - Develop and maintain external relationships with Scottish civic, legal, environmental, academic and political fields, including with a view to partnership working - Oversee communications strategy - Ensure effective reporting on all aspects of ERCS’s work to key stakeholders - Fulfil the role of Company Secretary.
<p>Legal Specialist</p> <p>0.6 FTE</p> <p>£30,000 pro rata</p>	<p>Purpose: Reporting to the Chief Officer, to provide legal specialist input across ERCS four programmes of work as a not-for-profit, public interest environmental law organisation. To support and develop ERCS’s public education on legal rights and remedies in environmental matters; advice, assistance and representation service; strategic public interest litigation; and advocate for a legal system that is fit for purpose in the context of environmental rights and responsibilities.</p> <p>Key responsibilities:</p> <ul style="list-style-type: none"> - Maintain a thorough grasp of current relevant environmental legislation and case law developments and an overview of political developments in relation to the environment and environmental law in Scotland

	<ul style="list-style-type: none"> - With the Advocacy Officer, identify opportunities and advocate for reform, particularly in relation to Brexit, the new statutory framework for human rights for Scotland, and the potential for a specialist environmental court - Produce and deliver public education resources to increase awareness of legal rights and remedies in environmental matters - Lead on ERCS's advice, assistance and representation service to include interviewing clients, assessing their needs, mediating on their behalf and providing lay representation - Provide support and supervision to advice workers - Ensure quality standards and monitoring and evaluation systems are maintained - Compile statistics and reports on education and advice programmes - Identify opportunities for strategic public interest litigation, arising from advice and advocacy programmes, to challenge systemic environmental governance problems in Scotland - Respond to relevant consultations - With the Advocacy Officer, produce regular briefings/ebulletins to inform public and civil society on developments in environmental and planning law, and progress on environmental rights - Represent ERCS in external forums as appropriate - Contribute to ERCS's regular reporting and evaluation - Contribute to the development of ERCS networks.
<p>Advocacy Officer</p> <p>0.6 FTE</p> <p>£28,500 pro rata</p>	<p>Purpose: Reporting to the Chief Officer, to support and develop ERCS's advocacy strategy on the realisation of environmental rights in Scots law.</p> <p>Key responsibilities:</p> <ul style="list-style-type: none"> - Lead on ERCS's external communications and advocacy work - With the Legal Specialist, identify opportunities and advocate for reform, particularly in relation to Brexit, the new statutory framework for human rights for Scotland, and the potential for a specialist environmental court - Develop ERCS's position in the context of the substantive and procedural environmental rights agenda - Respond to relevant consultations - Establish and maintain ERCS's profile with Scotland's policy community including parliamentarians, political parties and wider stakeholders - With the Legal Specialist, produce regular briefings to inform public and civil society on developments in environmental and planning law, and the progress of environmental rights - Represent ERCS in external forums as appropriate - Contribute to ERCS's regular reporting and evaluation - Contribute to the development of ERCS networks.

<p>Advice Worker</p> <p>0.4 FTE</p> <p>£24,500 pro rata</p>	<p>Purpose: Reporting to the Legal Specialist, to provide impartial and confidential signposting, advice and assistance on planning and environmental law.</p> <p>Key responsibilities:</p> <ul style="list-style-type: none"> - Interview clients and respond to initial enquiries - Undertake full assessments and write reports - Maintain records and information systems - Prepare and distribute publicity materials about the service - Referral and liaison with other relevant organisations.
<p>Finance and Office Manager</p> <p>0.6 FTE</p> <p>£24,500 pro rata</p>	<p>Purpose: Reporting to the Chief Officer, to manage the financial administration of the organisation including all records and processing. To manage ERCS's office and systems and support other staff in relation to these. To manage ERCS's governance and its information and communication roles.</p> <p>Key responsibilities:</p> <ul style="list-style-type: none"> - Maintain a well-documented financial management process for ERCS - Manage ERCS's annual compliance with Scottish charity requirements - Take charge of office management and administration including relevant contracts and agreements - Manage and forward-plan ERCS's IT environment - Manage ERCS's overall systems for information storage including the shared electronic directory and document control ensuring compliance with the General Data Protection Regulation - Assist in preparation of reports and publications - Maintain monitoring systems and databases on programme activities - Assume website administrator responsibilities - Ensure all enquiries are handled efficiently and promptly - Support membership engagement - Support ERCS's communications and events.

Appendix 5: Biographies of ERCS staff and Legal Strategy Group/Board of Trustees

ERCS staff

Dr Shivali Fifield, ERCS Development Manager

Shivali Fifield has a PhD in Urban Studies and her thesis used environmental justice theory and participatory action research with disadvantaged groups to challenge greenspace inequality in Glasgow. Previous to this, her professional career focused on developing multidisciplinary front-line services, in both London and Glasgow, in the fields of youth work, rough sleeping and refugee integration. She has worked at a senior level in health, social work and third sector organisations to deliver robust strategic and operational responses to social, environmental and climate justice issues.

Ian Cowan, ERCS Programme Manager

Ian Cowan is a qualified lawyer in Scots law specialising in environmental and planning law. He has worked as an in-house solicitor for the Scottish Environment Protection Agency and also in private practice in Scotland's only dedicated public interest environmental law firm. In the past seven years he has acted as low-cost, freelance environmental and planning law consultant, advising and representing community groups across Scotland. He has a broad and detailed knowledge of Scottish, UK, EU and international environmental law, the Scottish legal and planning systems, and the structure and workings of the Scottish Parliament, Courts and Government.

Dr Deborah Long, LINK Chief Officer and trustee

Deborah Long has been Chief Officer at Scottish Environment LINK, the network for environmental NGOs in Scotland since February 2019. Her role is to ensure the effective delivery of LINK's strategic vision to deliver a strong coherent voice in pursuit of a sustainable Scotland. Key to this is providing leadership for the staff team and enabling LINK members to take effective action together. Deborah has extensive senior leadership experience in natural and cultural heritage in Scotland, and most recently led a multi-partner international consortium working with citizens, climate and soil scientists and policy makers across Europe to gather, share and use data on soil and land management. Trained as a palaeoecologist, Deborah maintains an active interest in plants and growing and spends as much time as she can outdoors in Scotland and across the world, sea kayaking, cross country skiing and hill walking. When the weather is terrible, she reads.

ERCS Board of Trustees

Mary Church, Convenor of Legal Strategy Group and acting Chair of Board

Mary Church is Head of Campaigns at Friends of the Earth Scotland. Over the past decade she has led work within FoES and LINK on environmental rights and in particular procedural rights for access to justice on the environment. Working with communities on the frontline of the fracking industry in Scotland, she led FoES' successful campaign to stop onshore unconventional oil and gas extraction, which included fighting a high-profile public inquiry. She currently works on issues including climate justice and just transition. She sits on the boards of Changeworks and Stop Climate Chaos Scotland, and is an active founder member of the COP26 Coalition.

Clare Symonds

Clare Symonds is the founder and chair of Planning Democracy, an organisation that campaigns for a fairer, more inclusive planning system in Scotland. She is the convenor of Scottish Environment LINK's Planning Group and also a trustee on Scottish Environment LINK board. Clare is also on the

executive of the Scottish Community Alliance. She has worked as a community development and sustainable development officer in both local government and the voluntary sector. She has campaigned for social and environmental change in many ways over the years from the anti-roads protests of the mid 1990's to campaigning to give communities an Equal Right of Appeal in planning in 2019. She is also a qualified nurse and keen hill runner.

Lloyd Austin

Lloyd Austin is an experienced environmental policy analyst and advocate. With over 30 years' experience working for NGOs, Lloyd has a demonstrable track record in influencing legislation and policy development. With NGOs or NGO umbrella groups, primarily in Scotland but also at UK level and overseas, he has worked as an expert in environmental law and policy. Lloyd has worked in areas such as nature conservation, climate change, marine management, planning and environmental justice/governance. He has been engaged in or led NGO arguments in several major planning cases, up to and including Judicial Review. He has presented both written and oral evidence to UK and Scottish Parliamentary Committees and to Public Local Inquiries. He is also skilled in and has experience of organisational and people management, particularly within NGOs and NGO partnerships. He is an Honorary Fellow of both Scottish Environment LINK and the Royal Scottish Geographical Society.

Dr Ben Christman

Dr Ben Christman works as a trainee solicitor at a law centre in Scotland on housing and human rights law. He wrote the 2018 report for Scottish Environment LINK on the feasibility of setting up the Environmental Rights Centre for Scotland. He has published several articles on environmental law, including a number on access to environmental justice in Scotland. He is a trustee of Planning Democracy, a Member of the Law Society of Scotland's Access to Justice Committee, a Member of LINK's legal strategy group and senior editor of the UK Environmental Law Association's elaw magazine.

Prof Campbell Gemmell

Campbell Gemmell is an Honorary Fellow of LINK, a Life Fellow of the RSA, a visiting professor at Strathclyde University Law School and a former environmental regulator in Scotland and Australia, where he was CEO of the Environmental Protection Agencies, first in Scotland, then in South Australia. He has a PhD in glaciology, academic affiliations with the universities of Stirling, Glasgow and South Australia and is a certificated mediator. He has advised Scottish and UK governments, the OECD and World Bank and institutions and agencies in Australia and across the EU on environment policy issues. He is currently Deputy Chair of the UK Committee on Radioactive Waste Management and an expert adviser on environmental regulation to the OECD.

Aedán Smith

Aedán Smith is Head of Policy and Advocacy for RSPB Scotland and a Board member of Stop Climate Chaos Scotland. He is chartered town planner and has worked on some of Scotland's most high profile and contentious environmental planning cases. Aedán has particular experience of reconciling the wildlife and climate impacts of plans and projects and of working with governments and public and private sectors to further environmental objectives.