



ERCS AGM 2022

Key achievements

Our vision is of a Scotland where every person's right to a healthy environment is respected, protected and fulfilled

Operational journey Jan 2020 – Sept 2022

...in numbers

Staff team

- 1.2 -> 3.9 -> 5 full-time equivalents / 6 staff members
- Chief officer, Solicitor, Assistant Legal Officer, Rights Officer, Policy & Advocacy Officer, Finance & Admin Officer

Finance

- £67,500 -> £101,400 -> £168,246 -> £178,906

Members – thank you

- 100

Our mission: what we do

- **Awareness-raising** of legal rights and remedies and supporting participation in environmental decision-making
- **Advice**, assistance and representation to increase access to justice and holding public authorities and polluters to account on the environment
- **Advocacy** in policy and law reform to improve environmental law
- **Strategic public interest litigation** to tackle systemic environmental problems

Key achievements 2020 - 2022

- ERCS with good governance, clarity of purpose and vision
- Strong relationships within networks of environmental, legal and human rights organisations
- Open communication with Scottish Government civil service teams
- Online briefings, guides and information on environmental rights
- June 21 – formal launch with UN Special Rapporteur on human rights and environment
- June 21- free legal advice service with over 100 cases in the first year

Key achievements 2020 – 2022

- Sept 21 – only environmental NGO on the Human Rights Bill Advisory Board
- Dec 21 - Advocacy Manifesto and online petition for an enforceable human right to a healthy environment
- Jan 22 - Rights Officer to outreach to equality groups and areas of highest disadvantage
- July 22 - Exemption of court fees for Aarhus Cases
- Aug 22 - Representation to Environmental Standards Scotland on the barriers to access to justice
- Aug 22 - Communication to Aarhus Convention Compliance Committee on equal rights of appeal

Strategic outcomes: what we will achieve

- Our resources and outreach have **increased awareness of environmental rights and how to exercise them**
- Our advice, assistance and representation has **enabled action on holding public authorities and polluters to account on the environment**
- Our advocacy on policy and legal reforms has **secured concrete progress on environmental rights** in Scotland and reduced barriers to access to justice
- Our strategic public interest litigation has **improved accountability and enforcement of environmental law**

ERCS's future priorities

- What do you think we have done well so far?
- What are the opportunities we should focus on in the next three years?
- What are the challenges we need to tackle?
- How will we know we have achieved our priorities?

Advice Service activity

- 100 queries since launch June 21
- Initial assessment, advice letters, drafting and submitting complaints and appeals
- Representation submitted to ESS on access to environmental justice
- Communication submitted to ACCC on equal rights of appeal in planning



Advice Service outcomes

- Public authority suspended works on a road development in the Cairngorms National Park
- Complaint to SEPA about noise from a metal recycling plant encouraged intervention to reduce noise nuisance
- Obtained Scottish Government report on the health and environmental impacts of sewage sludge. Government now to have a consultation on strengthening regulation of sludge use
- Assisted numerous clients to access information through FOI rights –and submitted several appeals to the Scottish Information Commissioner (SIC) and Information Commissioner's Office
- ERCS appeals record is 3 successful appeals to the SIC - all against SEPA

Our advice, assistance and representation have enabled action on holding public authorities & polluters to account

Priorities

- Grow Scotland's only free legal advice service on environmental law to strengthen democratic accountability
- Monitor outputs and outcomes from the Advice Service to evidence impact, environmental improvements, trends and areas for reform
- Encourage a public law culture in Scotland so that the credible threat of legal action encourages better environmental governance

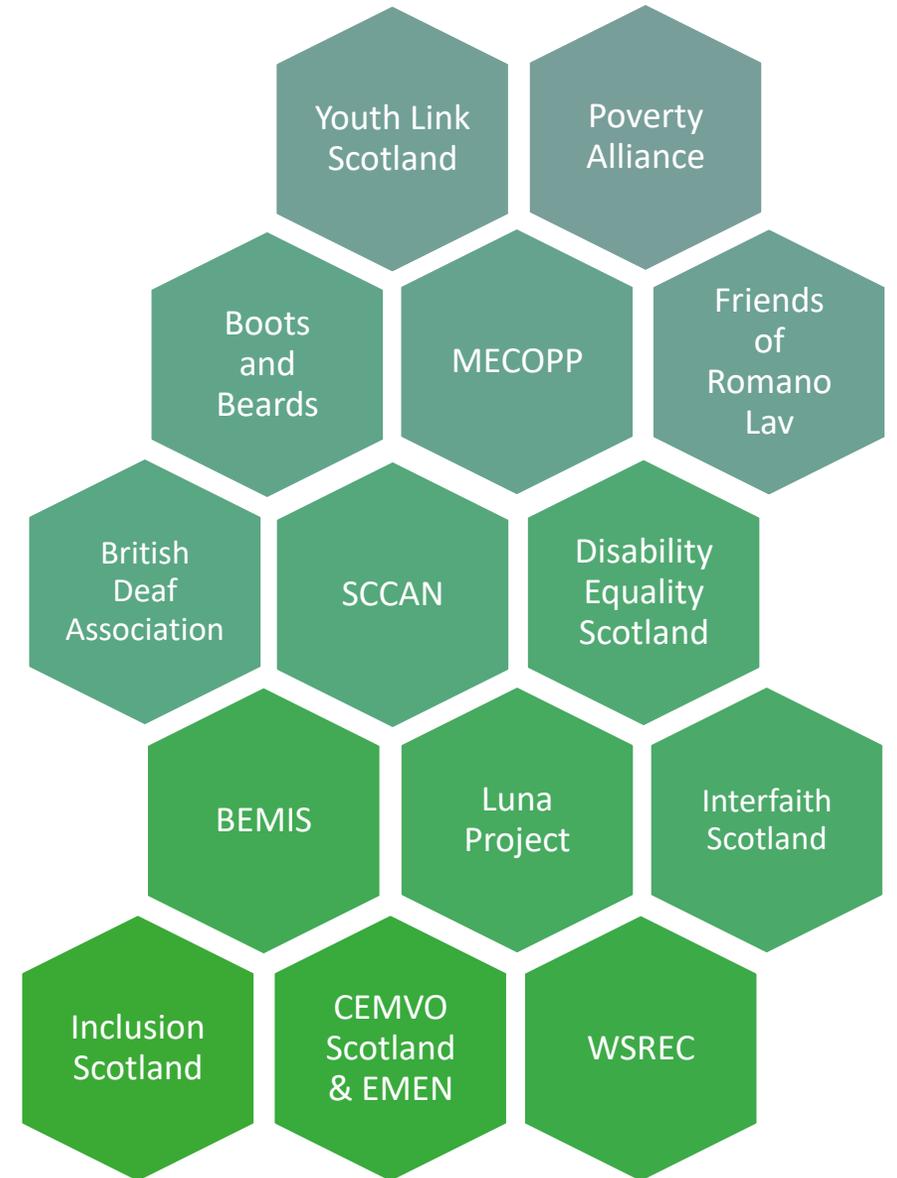
Questions

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ERCS rights awareness and outreach

Key milestones

- Outreach and awareness raising to areas of disadvantage and numerous organisations representing/supporting equality groups
- Resources
 - 'Voices for justice' - interviews, case studies, blogs
 - FAQs on substantive rights
- Community support
 - Plantation park, Glasgow
 - Air pollution advice
 - Sewage sludge consultation



ERCS rights awareness and outreach

Next steps

- Participatory action research with the Gypsy/Traveller Community in partnership with MECOPP on exercising their environmental rights
- Upcoming workshop:
 - CEMVO Scotland – exploring environmental aspirations in BAME communities
- Consultation on Human Rights (Scotland) Bill

Our resources and outreach have increased awareness of environmental rights and how to exercise them

Priorities

- Increase awareness of how environmental decisions affect our health and connect to social justice issues.
- Build people's capacity to exercise their environmental rights and participate in environmental decision-making
- Collaborate with equality groups and places of disadvantage to improve the policy and practice of public authorities

Questions

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Advocacy in policy and law reform

Advocacy activities

- Advocate for an enforceable **human right to a healthy environment** to be incorporated into Scots Law
- Advocate for Scotland's full compliance with the **Aarhus Convention**
- Advocate for a **specialist environmental court** to develop expertise, reduce costs, increase the speed of dispute resolution and achieve better outcomes for the environment
- Monitor policy and legal developments and advocate for **robust environmental standards and protections**

Advocacy in policy and law reform

Key milestones

- **Human right to a healthy environment:** proactive engagement through the Human Rights Advisory Board to uphold commitments on enforceable rights
- **Aarhus Convention:** published evaluation of the Scottish Government's MoP Action Plan, corresponded with ministers on issue of non-compliance, and secured national media coverage
- **Equal Rights of Appeal:** published briefing, submitted complaint to ACCC, corresponded with ministers, secured national media coverage
- Consultation responses to **exemption of court fees, Environmental Standards Scotland and land reform**
- Increased visibility of our **petition**, with 1,262 individuals and 58 organisational supporters
- Developed environmental rights component of **SNAP Action Plan**

Advocacy in policy and law reform

Next steps

- Consultation response to the **Human Rights Bill**
- Coordinating civil society workshops on the **human right to a healthy environment**
- Advocate to remove **judicial expenses** and make access to justice affordable
- Advocate for an **environmental court or tribunal** (consultation due May/June 2023)
- Develop **relationships** with MSPs

Our advocacy in policy and law reform has secured concrete progress on environmental rights and reduce barriers to access to justice

Priorities

- Advocate for an enforceable human right to a healthy environment
- Advocate for full compliance with the access to justice obligations of the Aarhus Convention
- Advance the debate on the intrinsic value of nature and non-human rights
- Build support with civil society

Questions

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