

[REDACTED]
Balfour+Manson LLP

BY EMAIL ONLY TO:
[REDACTED]

Your ref: [REDACTED]

Our ref: [REDACTED]

12 December 2023

Dear [REDACTED]

**Climate Change (Scotland) Act 2009 – Section 94A
Assessment of climate impact of Infrastructure Investment Plan
Judicial Review – further response in connection to letter before claim**

Thank you for your letter dated 23 November.

As you note, the Scottish Ministers accept that the documentation published to date falls short of the requirements of section 94A of the Climate Change (Scotland) Act 2009 and have been keeping you and ESS regularly updated on the intended remedy, on anticipated timescales, and on the plans to share the proposed assessment with ESS ahead of publication in the specific context of ESS's statutory functions and the informal resolution process.

The Scottish Ministers wish to repeat the assurances previously given that work on the remedy is advancing at pace. This remains the case and engagement with ESS continues. I understand that you are dissatisfied with the content of my last letter and would hope that these repeated assurances are of comfort. The Scottish Ministers fully appreciate your clients' concerns and cooperative approach and wish to reiterate their commitment to complying fully with the section 94A duty through the publication of the assessment as soon as possible.

Nothing in this letter is intended to restrict the Scottish Ministers' ability to advance any particular argument in the event that judicial review proceedings are raised and the Scottish Ministers reserve the right to do so.

Kind regards,

[REDACTED]

[REDACTED]