

Roseanna Cunningham MSP  
Cabinet Secretary for Environment, Climate Change and Land Reform  
Michael Russell MSP  
Cabinet Secretary for Government Business and Constitutional Relations



Scottish Environment LINK  
13 Marshall Place  
Perth  
PH2 8AH

T 01738 630804  
E [enquiries@scotlink.org](mailto:enquiries@scotlink.org)  
W [www.scotlink.org](http://www.scotlink.org)

19 December 2018

Dear Cabinet Secretaries,

### **Environmental amendments: outcome of Scottish Continuity Bill legal challenge**

We are writing to you following the Supreme Court's judgement on the Scottish Continuity Bill announced on Thursday 13 December.

We welcome the Court's decision to uphold key environmental amendments which the Scottish Government introduced following cross-party talks, and which were subsequently supported by all parties in the Chamber.

Since then, we have also welcomed Scottish Government statements to implement the commitments included in those amendments, the publication of the [Environment and Climate Change Roundtable report on environmental governance in Scotland](#) and preparatory work around the consultation on principles and governance.

The provisions in the Continuity Bill are the only legally binding safeguards providing for a process to address gaps created due to Brexit in terms of environmental protections. The amendments themselves, while very welcome, introduce a requirement to consult rather than an explicit requirement to legislate for, or otherwise address, the environmental gaps and risks identified.

While the details around the process, timing and precise terms of EU exit remain unclear, uncertainty around the potential implications of Brexit remains; as March 2019 approaches this uncertainty is heightened. The continued delay in launching the principles and governance consultation limits the time afforded to Scottish Government, Parliament and stakeholders for addressing impacts to environmental protections.

Even with the implementation period afforded by the proposed EU/UK Withdrawal Agreement, Scottish Government would need to bring forward proposals to respond to the consultation outcomes in 2019 in order for those proposals to come into force by December 2020 and ensure no gaps in our environmental protections occur as a result of Brexit.

Given Scottish Government commitments to uphold EU environmental protections as well as keep pace with EU legislation and progress, we urgently seek reassurances that the consultation on principles and governance will be brought forward as soon as possible with a view to allowing enough time to explore and address the full implications of Brexit for our environment.

We also understand that Scottish Government is making arrangements in the event of a 'no deal' scenario. We hope that in addition to the provisions being made for specific sectoral legislation, that there will be an opportunity for Government to outline its views with respect to implications for environmental principles and governance.

We look forward to continue engaging with you on these critically important issues.

Yours sincerely,



Charles Dundas

Chair of Scottish Environment LINK

*On behalf of members of LINK's Brexit Subgroup*