



OFFICIAL REPORT
AITHISG OIFIGEIL

Net Zero, Energy and Transport Committee

Tuesday 27 June 2023

Session 6



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NET ZERO, ENERGY AND TRANSPORT COMMITTEE
23rd Meeting 2023, Session 6

CONVENER

*Edward Mountain (Highlands and Islands) (Con)

COMMITTEE MEMBERS

Jackie Dunbar (Aberdeen Donside) (SNP)

*Liam Kerr (North East Scotland) (Con)

*Monica Lennon (Central Scotland) (Lab)

*Ash Regan (Edinburgh Eastern) (SNP)

*Mark Ruskell (Mid Scotland and Fife) (Green)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Bob Doris (Glasgow Maryhill and Springburn) (SNP) (Committee Substitute)

Alison Irvine (Transport Scotland)

Màiri McAllan (Cabinet Secretary for Transport, Net Zero and Just Transition)

Dan Merckel (Scottish Government)

Phil Raines (Scottish Government)

David Signorini (Scottish Government)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Net Zero, Energy and Transport Committee

Tuesday 27 June 2023

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Edward Mountain): Good morning, and welcome to the 23rd meeting in 2023 of the Net Zero, Energy and Transport Committee. We have received apologies from Jackie Dunbar, and Bob Doris is attending the meeting as a substitute member for the Scottish National Party. Welcome, again, Bob.

This is our first public meeting since our deputy convener, Fiona Hyslop, left the committee to take up her new role as Minister for Transport. I am sure that we all agree that the committee benefited greatly from Fiona's experience in government and the diligence that she showed while on the committee. We all wish her well in her new role—there are lots of things to deal with. I am glad that we have that on the record.

Under our first agenda item, we must decide whether to take items 5 and 6 in private. Item 5 is consideration of the evidence that we will hear under item 2, and item 6 is consideration of our work programme. Do members agree to take those items in private?

Members *indicated agreement.*

Scottish Government Priorities

09:31

The Convener: Agenda item 2 is an evidence session with the Cabinet Secretary for Transport, Net Zero and Just Transition on the Scottish Government's priorities that are relevant to the committee's remit. As we head into the summer recess, this will be a wide-ranging session to help the committee to understand what the new cabinet secretary's priorities will be not only in the coming months but over the remainder of the parliamentary session. We will explore the biggest challenges that she will face during that time.

I am pleased to welcome Màiri McAllan, Cabinet Secretary for Transport, Net Zero and Just Transition, who is joined by Philip Raines, deputy director of domestic climate change; David Signorini, director of environment and forestry; and Annabel Turpie, director of the marine directorate, who are all from the Scottish Government, and by Alison Irvine, chief executive of Transport Scotland. I thank you all for accepting our invitation.

Before we move to questions, I believe that the cabinet secretary wishes to make a short opening statement.

The Cabinet Secretary for Transport, Net Zero and Just Transition (Màiri McAllan): Thank you, convener. First, although I have deprived the committee of Fiona Hyslop, I am very glad to welcome her back to the Government in her role as Minister for Transport.

I am very pleased to be with the committee today. From all the evidence that the committee takes, you will be aware that we face a number of challenges as a country and more broadly. The climate and nature emergencies are front and centre of those challenges. As I see it, this is the collective fight of our lifetime, and my portfolio centres on that. My portfolio is vast, as you can see from the number of directors who are with me and, equally, from the number of junior ministers who take forward work across the portfolio on a daily basis.

I will give an initial reflection. This is the first time that responsibilities for net zero and a just transition have come together at Cabinet level. That reflects my work in rising to the imperative of tackling climate change and, equally, doing so in a way that recognises that the scale and pace of change are extraordinary and that we must ensure that we make decisions that are fair for the economy and society.

I will run through some headline priorities before we get into a discussion. On the net zero front, we

are halfway there, but the hardest part lies ahead. A significant staging post will be the publication in the coming months of the draft climate change plan, which we are working on furiously.

Transport is, of course, the largest source of our emissions. Public transport is a key driver of our net zero goals, and it needs to be available, attractive and affordable. That is one of my priorities, as is decarbonising transport, and we are working with the Convention of Scottish Local Authorities on the 20 per cent route map.

On heat in buildings, we are taking steps to decarbonise new buildings, and we will shortly publish a consultation on proposed bill measures to regulate efficiency and heating sources.

The portfolio also covers biodiversity, which includes the twin crises. My colleague Lorna Slater is taking forward a lot of work on that, including on a biodiversity strategy and natural environment bill. She also leads day to day on the circular economy and is taking forward work on a circular economy bill and a litter and fly tipping strategy, among other things.

Marine protection also comes within the portfolio. We have had many discussions about highly protected marine areas but, of course, the area is broader than that. We also have the marine protected area network, besides other matters.

The just transition is the thread that runs through the whole portfolio. A significant change agenda is before us on account of the emissions reduction targets that the Parliament has set and, more important, in the face of the climate and nature emergency that we face. However, we have to ensure that the decisions that we make are fair, take communities with us and learn lessons from the past. We seek to do that through our discussion papers and the final just transition plans to accompany all that work.

However, more needs to be done, convener. It is a very busy policy area. I am happy to answer questions on the vast scope of the transport, net zero and just transition portfolio.

The Convener: The vastness of your portfolio is fully understood by the committee, which has a vast remit as well. Sometimes, we struggle to get round to every part of it, but we will have a go today. Ash Regan will start questions.

Ash Regan (Edinburgh Eastern) (SNP): Good morning. Given that the annual emissions reduction target for 2021 was missed, and that Scotland has now missed eight out of 12 annual targets for emissions reduction, how confident are you that the 2030 interim target can still be achieved?

Màiri McAllan: That is a good point. We always have to assess the progress that we are making as well as look forward to the next targets.

Only last week, I made a statement to the Parliament on the 2021 target, which we missed by 1.2 percentage points. That told me two things. First, that, in 2021, we were tracking quite closely where our world-leading targets dictate that we need to be—we were 1.2 percentage points behind where we needed to be for that year. That is positive, albeit that I would have loved to have met the target. The other thing that that tells me is that there is much work still to be done. In all candour, that is increasingly the case as we move towards the 2030 target.

I was not in Parliament when the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 was passed, but members who were will remember that the UK Committee on Climate Change, as it was called at the time, was clear that it did not recommend the 75 per cent 2030 target. I think that it was changed at stage 3 with cross-party consensus. My view is that it is exceptionally challenging to achieve that target, but we have to do everything that we can and that, by aiming high, we will get close to where we need to be in the shorter term. I am confident of the long-term progress for the mid-century—2045—point.

Ash Regan: In its progress report for Scotland at the end of last year, the UK Climate Change Committee said that it did not see evidence of sufficient action to meet the stated ambitions. How, therefore, can the Scottish Government's monitoring report find that more than twice as many policy indicators are on track than off track? Are those indicators fit for purpose?

Màiri McAllan: I might come to my colleague Phil Raines to say something about the monitoring report and the comparison with the CCC report.

I welcome the CCC's guidance throughout, including the paper that it published in December last year on our progress on mitigation. I published my response to that last week when I made the statement on emissions reduction for 2021. We accepted 98 of the 99 recommendations, the last one being entirely reserved and not in our gift.

Things have moved on somewhat between the CCC's report in December and where we are now. We have done a number of things; for example, my colleague Mairi Gougeon has made progress on the vision for agriculture, the decarbonisation of food production and the move to regenerative farming. That means that we have moved on from where we were when the CCC first published its report.

In our policy prospectus, we have upped our commitment to peatland restoration in the near

term. We are also taking forward work on the route map to reduce car kilometres by 20 per cent.

I accept what the CCC said in December but, when we compare that with where we are now, we can see that there has been movement in what the Government has taken forward. Does Phil Raines want to add anything?

Phil Raines (Scottish Government): The CCC's criticism of the Scottish Government in December used similar language to its criticism of the United Kingdom Government in its June report. As an aside, we very much look forward to the CCC's response to and review of the UK Government's progress, which I believe is due in the next week or so.

The criticism was not so much about the lack of tangible progress as it was about what we will do next. The Scottish Government has made a commitment to a 20 per cent reduction in car kilometres, for example, so the CCC asks when the detail about that will be provided.

As was set out in the updated climate change plan—that is the existing plan that we are operating to—we have always been clear that we have ambitions and far-reaching goals for different sectors and that work needs to be done to set out the precise detail of how they will be achieved. One way in which we read the CCC's report of December is that, in a sense, it is asking where the detail is and saying that it needs to see what the next stage will be. In our view, that is very much forward looking.

The monitoring report that we produced in May, which was based on our progress on what we had said we would do in the updated climate change plan, was focused on where we are now. There is a difference in perspective. The monitoring report looks at where we are now, whereas one way to read the CCC's report is to take it as saying that that committee is less interested in the position now and more interested in the critical detail that we need to put in place to show how we will get to the 2030 goal. As the cabinet secretary said, that critical detail will be forthcoming. We accept the CCC's pressure—if you will—on us to produce that.

The CCC noted that further work was needed in three big areas—we should bear it in mind that the report was published in December. One area was agriculture. Members will note that the route map for the Scottish agricultural programme was published in February, so we have produced more detail on how we will meet our obligations and commitments under the climate change plan, and we have done what the CCC asked for.

The two other big areas are heat in buildings and the route map to reduce car kilometres by 20 per cent. To borrow the cabinet secretary's word,

we are working "furiously" to provide the detail on that so that we can set it out in the coming months.

I am sorry that that was a long answer, but I hope that it provided some detail.

Ash Regan: It did—thank you.

The Convener: In 2021, we were still struggling to come out of the pandemic, and emissions were naturally lower, because fewer people were travelling and fewer things were happening. Despite that, you narrowly missed the target. Does that mean that the next target will be more difficult to reach?

Màiri McAllan: There is a balance. My officials and I have discussed the question, too. I say from the outset that, when I presented the 1.2 percentage point miss, I was clear that we thought that that had happened because of a rebound in transport emissions following a year of lockdown in 2020, as you said, and because we had had one of the coldest winters in a decade, which meant that emissions from heating our homes were higher.

I have been thinking about whether transport had largely settled in 2022—about whether people were not using transport because of a fear of Covid or whether a behavioural change has started to set in because people's need to travel to work and their lifestyles have changed. The answer is that I do not know the extent to which that return to transport emissions will be seen into 2022. I think that there will be some. We might see some aviation emissions rebound in that.

However, I would also like to think that a positive that came out of the plethora of incredible negatives of the pandemic was that change in people's lifestyles; for example, in how they travel to work. I hope that we will hold on to some of those changes in the 2022 results. All the time, we seek to introduce policies that will make changes now and will be borne out in future targets.

09:45

The Convener: We have seen more people moving back to trains and, hopefully, buses too. If more people are using transport, that will definitely increase emissions. If you encourage people to use trains and public transport, it is going to be a problem to get the balance right.

I will move to the next lot of questions, which come from Mark Ruskell.

Mark Ruskell (Mid Scotland and Fife) (Green): Good morning, everybody. Are we still on track for a November launch date for the climate change plan?

Màiri McAllan: Yes. I aim to lay a draft in Parliament in November.

Mark Ruskell: Great. I will go back to the points that Phil Raines raised around critical detail, which was a feature of the UK CCC's comments. Can you give us a bit more explanation? When it comes to the individual policies listed in the climate change plan, will it be really clear what the expected reduction in emissions will be, and what underlying modelling and assumptions have been used? In previous climate change plans it has been almost impossible to see what is going on behind the assumptions, particularly because of the use of the TIMES model. Previous cabinet secretaries have said that it is incredibly complex and they cannot explain it because it is a big computer model.

How clear will the plan be to people looking through it, in particular for sectors that will have to make quite big reductions in emissions and respond to the opportunities around heat and other areas?

Màiri McAllan: I will hand over to Phil Raines in a moment.

For my part, I see the TIMES model as a well-regarded and exceptionally rigorous tool, which is critical to our ability to plan sector envelopes for emissions reduction. Equally, it is a model and we have to apply human judgment to much of what it throws up as being the pathway to net zero of least cost. That is the job that the civil servants and I will do: we will apply judgment to what TIMES tells us. We will be as explanatory and transparent as we can be.

One of the great benefits of this strand of work is that we have a tangible measurement for emissions reduction so that we can set out in great detail the emissions reduction policy. That is quite different to something like biodiversity gain. Where we have such tangible measurement, I am keen that it is as clear as possible what each policy accrues to. I will hand over to Phil Raines, whose days are probably very much filled with this just now.

Phil Raines: The legislation is clear: when we put out the climate change plan, we have to say what the policies are and what the costs and benefits are. Our intention is to set out exactly how it will build on those. With all those things there will be assumptions because we are making guesses about technological developments and behavioural change. We are drawing on a field in which there are different views. That is one reason why we seek to speak to as many people as possible. As you will know, the cabinet secretary chairs a climate change plan advisory group that pulls in individuals to represent that diversity of

views. However, the plan needs to be very clear about how all those things work.

In some areas, we will have to make our best guesses. Some of those guesses relate to the intentions of others. It goes without saying that in order to achieve our climate change targets, we need the UK to provide contributions for our plan, particularly in areas where many of the powers are reserved—the industry envelope, as we call it—just as much as the UK Government needs action by the Scottish Government in Scotland to achieve the UK-wide targets. We will need to make assumptions about that.

The November document is the starting point for that discussion—with Parliament, with the public and with stakeholders. Over the next 18 months—or however long it is until March 2025—the debate about our assumptions and so on will go on. We need to be as clear as possible about that.

TIMES is part of that; it is a tool. If we are considering how a house is being made, it is good to understand what tools the workmen have used, but it is the quality of the work that is probably the essential thing.

Mark Ruskell: With previous plans, it has been very difficult to understand what is happening in some sectors, as there has been a lack of data and information. It is felt, rightly or wrongly, that, because there is a lack of data on farming and land use, for example, and a lack of clarity as to what individual actions will do to reduce carbon emissions, certain sectors are almost being given a bye or being let off. In other sectors, however, such as transport or heat in buildings, it is very clear what certain actions will do to reduce carbon emissions. How do we bring the data up to a point where we can understand exactly what is happening across different sectors and exactly what the various measures will achieve? There seems to be a bit of fuzziness in some areas around what making a change might result in—people are not exactly sure.

Màiri McAllan: You should certainly come back in on this point, Phil, but I would begin by saying that it certainly does not feel to us like any sector is being given a bye. Ms Regan asked about the long-term targets. The stretch and the pressure that our targets place on every sector across our economy cannot be understated. I take the point about how we set those things against each other.

I will bring Phil Raines in, but first I want to draw out some points that he has already made. When we are making policy to 2040 in a fast-paced area in which we require innovation to come to our aid, we have to be able to give some scope to technological advance and to actions that the UK Government might take.

You mentioned agriculture, Mr Ruskell. I take the strong view that technological advances will come to our aid to an extent in the decarbonisation of agriculture. Some of those advances are in train, so we can allude to them and build them in, and some of them will undoubtedly come on track before 2040—we do not even know about them yet.

Phil Raines: There is absolutely no sector that will be—I do not know whether the *Official Report* can capture scare quotes—“protected” as such. Just as climate change affects the whole of Scotland, across every community, every sector and every individual, the work to address climate change will affect everyone—I do not want to use words like “sacrifice”. Part of the beauty of the legislation—and I use the word “beauty” deliberately—involves putting in the idea of just transition. That should not be seen as sacrifice or as the loss of the world that we had; it should be seen as embracing the change to ensure that Scotland gets the full benefit of it. That is one of the reasons why it is one of the three key goals in the policy prospectus.

There will be some fuzziness around some of the data, just because of the complexity and the state of research. Peatland is a great example, because our understanding of peatland emissions is changing monthly.

Mark Ruskell: Thanks for that.

The last area that I want to ask you about is negative emissions technology—comprising bioenergy carbon capture and storage—BECCS. The Climate Change Committee highlighted the continuing uncertainty around that. Around a year or two years ago, it recommended that there should be a plan B, which is very challenging. How do you respond to that?

Màiri McAllan: That is indeed very challenging. It goes back to a point that I was trying to make previously: that no stone can be left unturned. If, for whatever reason, a significant stone such as carbon capture, use and storage cannot be overturned by the Scottish Government and we require intervention from the UK Government, that makes things very difficult, because there is not really scope across other sectors of the economy to compensate for that.

In my role, I can continue working with UK Government colleagues, including through the net zero interministerial group, to impress on them the ample scope that we have in Scotland for CCUS and the necessity of bringing that on track as soon as possible because it is mission-critical for the decarbonisation of industry. The CCC has made it very clear that this is not something that is nice to have but is essential, and I share that view.

I will continue pushing on CCUS. There has been some positive movement of late, but I need a timescale for when track two will be complete, particularly because of my work on the climate change plan.

We have also been trying to take forward other work. We have set up a working group to look at bioenergy and CCUS and are trying to progress that as far as possible. If the question is whether we can compensate elsewhere for work that is not done, the answer is that that is very difficult to do.

The Convener: I have a couple of housekeeping points. Someone talked about agriculture getting a bye. I remind the committee that I have an interest in an agricultural holding, in the form of a farm that my family runs and operates. We have trees on that farm, in case we get on to the subject of trees, and I have houses on that farm, which are let out. I say that so that there is no dubiety and not because I am trying to cut anyone off.

I also remind witnesses that they certainly do not have push the buttons on their microphones. In fact, if they push those buttons, that will probably turn them off when we are trying to turn them on. Leave the button alone and we will ensure that everyone can hear your dulcet tones. I say this with a smile: if you move your microphone away and suddenly get to speak, we will not be able to hear you. I am not looking at anyone in particular.

The next few questions come from Liam Kerr.

Liam Kerr (North East Scotland) (Con): In 2019, the Scottish Government published its second adaptation programme, “Climate Ready Scotland”. In March 2022, the Climate Change Committee’s progress report noted that

“Progress in delivering adaptation has stagnated”.

That was 15 months ago. What work has been done to address that stagnation?

Màiri McAllan: It is very pertinent that we should discuss adaptation after discussing mitigation. You will be aware of the second Scottish climate change adaptation programme—SCCAP2—which contains 170 policies, most of which are within my area of direct responsibility.

Flood risk is one of the greatest adaptation challenges that Scotland faces. We have been funding that to the tune of £42 million a year and will continue to do so. We have also made more funding—£158 million during this session of Parliament—available for distribution to manage flood risk in Scotland.

We also fund work on coastal erosion, which I know is of interest to Mr Kerr given his region. The dynamic coasts project works with local authorities

and provides funding not always to shore up coastline but with an understanding that coastlines need to move and that our communities must adapt to deal with that.

We are also developing a programme that is due to be published in 2024 and will respond to the CCC's comments and to the need for adaptation in Scotland.

Liam Kerr: The Climate Change Committee also called for

"urgent implementation of a monitoring and evaluation framework"

which will, presumably, become even more critical in order to ensure that the funding that the cabinet secretary has just described is spent well and is effective.

The Scottish Government committed to making progress on such a framework, but, as of May 2023, that framework remains merely in development. Why is that taking so long, particularly given that the Climate Change Committee said that this is an "urgent" priority?

Màiri McAllan: I will hand over to Phil Raines, but the work is taking longer because monitoring is exceptionally difficult. This goes back to my point about emissions reduction numbers and the ability to measure emissions in megatonnes of carbon.

However, it is not as easy to measure adaptation. Phil Raines will correct me if I am wrong, but I think that the approach that has been taken to date to our adaptation programme is to assess the fulfilment of the policies that we have identified will contribute to adaptation. It is harder to have separate monitoring of adaptation as a whole, because it is so many different things in so many different circumstances. Phil, is there anything that you can add to that?

10:00

Phil Raines: I note that the Climate Change Committee recognises that this monitoring and evaluation is new territory. My understanding is that it is doing work at the moment on how it can enrich the research base and provide advice on what that monitoring and evaluation would look like across the board. That work is still to come.

The fact is, though, that it is difficult to do, and as the cabinet secretary rightly notes, we are more about measuring the outputs than the outcomes. We recognise that we still need to do something around outcomes. We intend to put that in place over this calendar year, so that we are able to take forward a framework that we can continue to improve on and enrich as better ways of doing things and better advice come forward.

You are right to call us on that, as it is right to call on just about everyone else who is trying to wrestle with this difficult problem. We fully intend to try to put something in place and get better at doing that as the years go by.

Liam Kerr: I am grateful.

The Convener: We have a series of questions from Monica Lennon.

Monica Lennon (Central Scotland) (Lab): Good morning to the panel. I want to start by asking about water scarcity, which is an issue that has been in the news recently and which has been discussed in Parliament with you, cabinet secretary. How will water scarcity and flood management be strategically resourced and prioritised over the summer, when we are all in recess, and what is the longer-term outlook?

Màiri McAllan: If you do not mind, it would be helpful to separate those issues out in my thinking, because they require different things. I often think that I sometimes hope for rain and sometimes hope that the rain will stop—there are different issues.

First, given that we are in a period of the year in which water scarcity is a problem, I arranged for a round-table discussion last week because I understand how much the issue might affect constituents just now. Ultimately, I am very confident that, between us in the Scottish Government, the Scottish Environment Protection Agency, which is the independent regulator that oversees CAR—Water Environment (Controlled Activities) (Scotland) Regulations 2011—licences and abstractions from the environment, and Scottish Water, which is responsible for the public water supply, we have a robust means of monitoring water levels in the country virtually 24/7, 365 days a year.

The political challenge is on abstractions and what happens when the water levels are particularly low and SEPA observes that there could be a risk to the environment. We then get into the situation where licences for abstraction have to be curtailed. Last year was the first summer that we have ever had to do that, and we were very deliberate in the aftermath of that to take time to learn all the lessons from it, including that we should have communication as early as possible about the risk of prolonged periods of dry weather. We also had a clear idea for farmers, businesses, aquaculture and hydro businesses about the conditions in which their abstraction licences might be changed. On your question about the suitability of the current framework, we have tried to do all that.

I move on to flooding, which is another significant issue. There are two points to make about flooding. The first is about funding and the

second is about the future framework and preparedness. I mentioned in response to Liam Kerr's question on adaptation that, under an agreement that we reached with the Convention of Scottish Local Authorities—in 2008, I think—we have provided £42 million per annum to councils for flooding. It was agreed that 80 per cent of that would be spent on the strategic project, and 20 per cent would be distributed among the other 32 councils for other projects. We have made £150 million available in this parliamentary session.

However, it has to be said that, as the risk of flooding increases, the need for investment in projects is beginning to outstrip the funding that is available. We have a Scottish Government, COSLA and local authority working group that is looking at funding for flood mitigation schemes across the country. It is looking not only at levels of funding but at how the funding is distributed. I await recommendations on that because I recognise that we have some very expensive schemes in the pipeline, and I want us all collectively to be prepared to do what we can.

I have slightly forgotten what my other point about flooding was. Yes, sorry—it was about funding and the strategy. The other bit of work that we are doing is about making sure that we are as up to speed as we possibly can be on everything that flooding demands of us, as we set out a new draft strategy. It is the very beginning of the process, and we are working across civic society on it. In particular, I have asked that it be made a great deal clearer whose responsibility it is on the ground and that there is better joined-up working among agencies.

As we all know, in our constituencies, when something happens, you wonder whether it is the road network and gullies that have caused the blockage, what SEPA's responsibility is, where the council comes in and where we come in. I hope to make that much clearer.

Monica Lennon: That is a very helpful update. As part of that work, will the Government be looking at whether there is a need for any change to legislation or the governance arrangements? It can be quite complex, with a number of agencies involved. At the moment, do you have any sense of whether current legislative and governance arrangements are sufficient to tackle both the current and the future challenges and the risk profile that you alluded to?

Màiri McAllan: That is the question for the strategy. I am not envisaging a change to legislation just now; I expect that it will be more a clarification of roles and a reinforcing of my expectation that, both before and after a flooding event, all agencies with responsibility work together and communities are really put at the heart of it. That is my objective.

Monica Lennon: Thank you. You did mention communication at the start, so I am sure that that is appreciated.

To come back to water scarcity, because I am sure that it might be an issue over the summer, have discussions been taking place between the Scottish Government and the UK Government on that issue?

Màiri McAllan: It is not something that I discuss regularly with the UK Government.

Monica Lennon: About 10 days ago, I think, I read reports in the media of some restrictions in parts of England on the use of hosepipes and sprinklers in people's gardens. Is that something that could be introduced in Scotland this year?

Màiri McAllan: I suppose that those measures are always in the toolkit. Right now, I do not foresee our having to do that. Our public water system is very resilient, thanks in large part to a great deal of investment that Scottish Water has made to provide resilience between areas. We have issued guidance, asking people to be very responsible about how they use the public water supply during periods of scarcity.

More vulnerable is the private water supply network in Scotland, with many supplies running dry right now. That is why we have made the bottled water scheme available very early. That is a way of dealing with it in the here and now, but we also have a longer piece of work on-going to see what would be required to connect those who remain on the private supply into the public network.

Monica Lennon: Thank you. I have a few more questions, which are on environmental protection and biodiversity. Regarding progress with the Scottish environment strategy, what work is being undertaken to identify additional indicators, and what is your view on how the strategy and its monitoring framework can be used to have a tangible impact in the context of multiple other strategies?

Màiri McAllan: That question demonstrates the vastness of the portfolio.

The biodiversity strategy is an important piece of work. In one space, it collates all the many important interventions that the Government is making across the piece. It should also be the platform from which we strive for greater progress. Officials from David Signorini's team have been undertaking quite a bit of work on it. Recently, research has been commissioned against two or three of the outcomes that we published alongside the vision for the strategy. That work is on-going. I think that we had done economy and one other outcome and were looking to commission research on the social outcome.

Monica Lennon: The panel will know that the Scottish environment strategy is a requirement of section 47 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, that the act enables ministers to keep pace with European Union law and that its design ensures that Scottish environment law and standards can keep pace with EU developments. To that end, what actions are ministers and officials taking to ensure that environmental law keeps pace with EU standards, including work that is progressing on ecocide law?

Màiri McAllan: We scan the horizon for EU developments in the environment. We have just been talking about water, which is a key example of that: the new water directive has come through and we have done what we can to comply with it. Ecocide is another issue, which I know you are close to. I have sought advice and my view is that, in taking forward the right to a healthy environment via the human rights bill, we should be able to achieve a great deal of what the development of an ecocide law might do. I do not turn my mind away from doing something on ecocide domestically but, for now, I feel that some of those objectives are being taken forward in the right to a healthy environment. That work is being led by the Cabinet Secretary for Social Justice.

Monica Lennon: Yes—that is interesting. I am sure that we will continue that conversation in the months ahead.

We received a letter from the minister in November stating that the process for developing a biodiversity delivery plan will involve

“identifying the priority actions”

as well as

“identifying delivery partners, mechanisms for delivery, and the targets and indicators needed to successfully deliver those actions.”

Can you update us on how you are determining priority actions? How are you engaging with stakeholders and securing buy-in across multiple sectors?

Màiri McAllan: I assume that the letter from the minister was from Ms Slater, because she is leading on the biodiversity strategy and the overlap with the proposed natural environment bill. As I understand it, she will go out to consultation on that in the summer, which will be the first step to gathering the public view that you have, rightly, asked about. I understand that the consultation will be in two parts. One part will be on the draft biodiversity strategy and the delivery plan that you mentioned and the other part will be about some of the early proposals for the natural environment bill and our intention to legislate for nature recovery targets.

Monica Lennon: It is helpful to have those timescales.

We have the biodiversity delivery plan, the investment plan and proposals for a natural environment bill. How will the Government ensure that the best effort is being made for those plans to be integrated? What resources will be allocated to them that are commensurate with the scale of the nature emergency?

Màiri McAllan: We will attribute resources in a budgetary manner in the normal way. Once the consultation has been completed and we understand how the public feel about what we are proposing and once those proposals are more concrete, I will consider that as part of the portfolio budget.

More widely, there is a question within all this about public sector funding versus private funding. The Government’s view is, first, that the public sector alone cannot pay for the restoration of nature, particularly when we set that alongside everything else that needs to be done in the climate and nature emergencies; and, secondly, that there is scope to leverage in responsible private finance. We see that as being part of the development of the delivery plan for the biodiversity strategy. However, I make it clear that that must be responsible private finance and not greenwashing. It must have integrity. We are working on all that through the interim principles for responsible investment in natural capital, which I always wish had a shorter name.

10:15

On how these things link up, as I mentioned, Ms Slater is leading on this on a daily basis, but she, Mairi Gougeon and I have regular trilaterals on natural capital and the natural environment to make sure that, from both Mairi’s perspective and mine, there is reconciliation between our portfolios. The nature emergency is also part of the Cabinet sub-committee on the climate emergency, and I expect that Ms Slater will want to present on it to that sub-committee at some point. There are, therefore, a number of ways in which we can make sure that the policies and strategies are linking up across Government.

Monica Lennon: Thank you. We have many more topics to get through, so I hand back to the convener.

The Convener: I have a question before we leave the topic of the environment, cabinet secretary. You have explained the importance of biodiversity and the aim to reach net zero. We grow a few trees on the farm, but purely for non-commercial purposes. Across Scotland, there was a commercial target for 15,000 hectares to be planted last year, but we achieved only 8,000

hectares, which is 53 per cent of the total. Since 2016, we have been gradually dropping behind the Government targets year on year. Does that worry you?

Màiri McAllan: Of course. The extent to which we are not meeting our Government targets is a concern for me wherever it occurs. However, I have great confidence in the forestry industry. I flag up that it is not in my portfolio any more, so I am freewheeling in Ms Gougeon's portfolio, which I ought not to do. Having had the role previously, however, I note that the forestry industry in Scotland is exceptionally well established. It brings £1 billion into the economy, it employs 25,000 people and it is doing exceptionally well. People around the world often ask us how they can mirror what our forestry industry has done.

We are pushing the industry with targets that are really stretching, but headwinds including Brexit, storm Arwen and a contraction in the availability of labour following EU exit have created difficulties in recent years. I want us to meet the annual targets for tree planting because that is essential to net zero. I have great confidence that the forestry industry in Scotland will face the headwinds, come through them and reach the very stretching targets.

The Convener: We saw an agreement signed between Lorna Slater and private investment to increase forestry. We tried to find out exactly what that would involve, what levels of funding were going to be generated and how the private sector was going to benefit from it—because, although it is altruistic, I am sure, in wanting to see more trees, there must be some benefit. However, I am not sure that we ever got to the bottom of that. Do you fully understand it, cabinet secretary?

Màiri McAllan: I do not know what agreement you are talking about. If you can give me more information, I will be glad to talk about it.

The Convener: Okay. I am wondering whether David Signorini knows about it.

David Signorini (Scottish Government): Are you referring to the agreement that NatureScot made? I cannot remember the names of the financial institutions, but—

The Convener: I am indeed, David. It is the one that the cabinet secretary's colleague Lorna Slater signed.

Màiri McAllan: We should clarify, convener, that forestry is not in this portfolio.

The Convener: I know, but forestry is going to play a part in biodiversity and reaching our net zero targets.

Màiri McAllan: Absolutely, but—

The Convener: I thought that, as David Signorini's role is director of environment and forestry in the Scottish Government, he might be able to answer the question.

Màiri McAllan: David can say what he wants to say on that, but I think that we should stick to the remit of the portfolio, just as we would not delve into agricultural policy or energy policy in depth.

The Convener: Do you want to comment on that, David?

David Signorini: I do not think that it is appropriate for me to comment on the arrangements that NatureScot has entered into at this committee.

Màiri McAllan: I would add, however—again, reaching back to when I had the environment portfolio—that, if it is a question of private sector-funded tree planting and what the sector gets from that, of course we need the woodland carbon code, just as we need the peatland carbon code, to have integrity and to ensure that any support is additional and does not amount to greenwashing. Recent changes in the woodland carbon code brought me great comfort in that regard, because they said—I am explaining it crudely—that if a scheme were to be commercially viable on its own, carbon credits would not be available to it. Therefore, yes, the woodland carbon code is catching up with the speed of the land market and the natural capital market in Scotland, and it is using those mechanisms to ensure that any private investment and carbon credits that come from it do not amount to greenwashing in Scotland.

The Convener: Before we move on from that matter, can you confirm whether NatureScot falls within your portfolio or Mairi Gougeon's portfolio?

Màiri McAllan: It falls within Mairi Gougeon's portfolio, I understand.

The Convener: NatureScot is controlled entirely by her.

Màiri McAllan: Ms Slater is the portfolio lead, and I understand that she works to Ms Gougeon on that. NatureScot does not fall within my remit.

The Convener: It is very confusing for us all, I am sure.

Mark Ruskell: I will move on to the UK's Retained EU Law (Revocation and Reform) Bill. We are now aware of the timescale and of the Scottish Government's concerns about schedule 1 and the list of retained EU laws that are proposed to be revoked. What are your comments on the laws in schedule 1? What is your overall impression of the bill?

Màiri McAllan: First, I welcome the change in the approach to the retained EU law bill. Its initial

formulation was one of the most foolish, idiotic approaches to developing law for a country that I have ever witnessed—and, I think, that many people who have been doing this for a great deal longer than I have will have ever witnessed. It was utterly worthy of ridicule, so I am very pleased that a U-turn has been performed and that we now have to explicitly flag something up if it is to be lost, rather than that happening by omission.

For my part, I am concerned that air quality laws are contained in schedule 1. The Scottish Government as a whole has been pressing the UK Government on matters that have been included in schedule 1, and my view is very much that air quality laws should be removed. They should not be there and I do not understand the justification for their inclusion. I do not know what the UK Government intends to do in the absence of that law. It is very concerning. We therefore asked explicitly at director general level that it be removed from schedule 1, but that has been declined. The matter is now coming to me and I will communicate with my UK Government counterparts about it.

Mark Ruskell: It is something of a relief that we are now looking at only nine pieces of legislation in schedule 1 rather than, potentially, 4,000. That would have given this committee quite a job to do, as well as the Government.

The UK Government proposes to revoke the entire national air pollution control programme. What are the Scottish Government's particular concerns about the loss of that legal air quality framework?

Màiri McAllan: The first concern is that we do not know what would replace it. Let us assume that there is no plan. The most concerning aspect would be monitoring. I am not intimately familiar with the legislation, but it is about monitoring and the transparency of monitoring. To lose that overarching piece of work would be a great concern, and that is why we have been pushing for its removal from schedule 1.

Mark Ruskell: I presume that the Scottish Government is in contact with Environmental Standards Scotland. We received a letter from it that details particular concerns about what the loss of the national plans might involve, and particularly the removal of the public duty.

Màiri McAllan: Absolutely. We share Environmental Standards Scotland's concerns about it all. ESS has put it better than I could.

Mark Ruskell: What route do Scottish Government ministers have to remove that air quality legislation from schedule 1? My understanding is that, in effect, it is a shared area of policy between the UK and Scottish Governments. What is the mechanism for

removing it? Will it now go into a common framework conversation? The clock is ticking—as I understand it, we only have until 31 October at the latest, and there are summer recesses. We do not want this to fall off a cliff. What does the conversation look like?

Màiri McAllan: I clarify that my colleague Angus Robertson leads on the Scottish Government's approach to oversight of the Retained EU Law (Revocation and Reform) Bill and the relations between us and the UK Government on that.

First, we had to undertake an enormous piece of work to find everything that had not been listed. Now that I know what is potentially under threat in my area, it is about senior civil servants and then me, in the case of a refusal, making the case for why things should not be in the schedule. However, I do not lead on the Scottish Government's response to the REUL bill at large. It would be for Angus Robertson to answer your question on that.

Mark Ruskell: Has there been a discussion specifically about the loss of the air quality plan? You said that the UK Government's position is that it is in the schedule so it is going.

Màiri McAllan: The UK Government's position is that it has declined to remove it from the schedule. When we raised the matter at director general level, the UK Government declined the request and, as far as we understand it, it has no plan to replace the plan. It is now for me to escalate the matter to my ministerial counterparts in the UK Government and to make the case very clearly as to why we believe that it should be removed from the schedule.

I am reluctant to stray into this because, as I said, Angus Robertson is leading on it. As you mentioned, it is a joint piece of work. However, as far as I am aware, we do not have any tool to change what the UK proposes in the schedule. I do not think that there is a mechanism that Scottish ministers could use to do that.

Mark Ruskell: So the plan will just go.

Màiri McAllan: I will try to build the case against that.

Mark Ruskell: Okay—thanks.

The Convener: I have a couple of questions on transport. In its pre-budget scrutiny last year, the committee looked at the roll-out of electric vehicles and charging points. I believe that you indicated when you wrote to us that there will be quite a lot of public investment in that—£30 million, I think—on top of the Government's investment. When you updated the committee this year, I think that £7.25 million of the funding had been allocated to date, but no new charging point installations had been

directly supported by the fund. Installations are expected to begin in early 2024.

Are we dropping behind on EV charging points? Do you think that, if we had more, there would be more EVs on the roads because people would have confidence that they could top them up when they needed to?

Màiri McAllan: I think that we always need more. That is why one of the first things that the Minister for Transport did was to launch our vision for the public charging network. To date, we have done very well. You will have heard us say ad nauseam that we have the most public charging points per head of population outside London, but we are not resting on our laurels. That is why we are, as you pointed out, making more public funding available to continue the spread.

I understand, of course, that people are more likely to have the confidence to buy an electric vehicle if they have confidence that they will be able to charge it. We have done really well to date, but we are continuing to push on. Our ambition is to double where we are today.

The Convener: I am not sure that that view is shared by those in more rural areas. In London, there is a charging point in virtually every lamp post. I also remember that Milton Keynes has a strategy whereby, if someone is more than a certain distance from a charging point, they can ask for one to be installed in a lamp post to enable them to charge their vehicle. Will the Scottish Government promote EV charging to that level or do you think that that would be unreasonable?

10:30

Màiri McAllan: You made a good point about the difference in requirements between urban and rural Scotland. It is ever thus with transport. We have to understand the requirements and respond to them, and they will be different in rural and urban Scotland, as they are in Glasgow and London.

Alison Irvine might want to comment but, as you rightly pointed out, some of the funding is currently being used for scoping, planning and development, with installations expected to begin from 2024. It is about understanding the needs of different areas, and local authorities are very well placed to speak to that.

Alison Irvine (Transport Scotland): I will add to what the cabinet secretary has said. We are at what I would describe as a pivot point with EV charging and the approach that we have taken to support provision in Scotland. There is no doubt that we need more. The Climate Change Committee was very clear on the number of charging stations that are needed to support the

level of ambition that we have. However, we do not feel that the Government can do it on its own, so we need to find a way to drive significant private sector investment.

You drew out the differences between London and some of our rural areas. Given the way in which private sector investment tends to go, some areas will need more public sector involvement, funding and support than others. Through the EV vision that was launched last week, we are trying to get to a transition point where we will be able to encourage private sector investment but also recognise where public sector investment is best made. We will do that using our local and regional transport authorities, because those organisations and people know and understand our communities best. That work is on-going.

The Convener: Is there a view that we need many more charging points? I give the example of the charging point at Achnasheen, which sat there for two years looking very pretty but did not work because it was not connected to anything. Rural areas are feeling a bit left out. Do we need more charging points? What more are you going to do if we need to move to EVs?

Alison Irvine: The Climate Change Committee said that we will need 30,000 EV charging points by 2030. That is a significant increase on where we are at the moment. Our public commitment is to get to 6,000 charging points by 2026. That was set out in the First Minister's policy prospectus, and that is the change that we are trying to drive with the EV framework.

I cannot comment on the Achnasheen charging station in particular. However, if there is a charging station anywhere that is not in action, I am held personally accountable for that. That points to the complexities of the market that we have in—

The Convener: You do not need to worry: that point has now been connected, but it took an awfully long time to get there. The point is that £30 million has been put aside and we have spent only £7 million. That is quite a drop, and there is a mismatch, if we need so many more.

Alison Irvine: I would not say that it is a drop; I would say that it is a continued challenge and that we are trying to change the mechanisms in order to bring in more public sector investment.

Màiri McAllan: It comes back to the question of the public sector's role in giving confidence to the market. We made an intervention early and we have been successful with it. It is only right that we now assess whether public funding should continue at the same level or whether the market is developing sufficiently. Alison Irvine's point—which relates to yours, convener—is that some areas of the market might not drive the required

change. That is where public funding can come back in.

We have done very well to date, but we need more charging points. It is worth pointing out that the current charging network is owned through a mixture of private and public investment.

The Convener: Okay. I seem to have sparked an outbreak of questions on EV charging points. If their questions are on EVs, I will bring in Bob Doris, Monica Lennon and then Mark Ruskell. If your question is on transport as a whole, Mark, I will ask my next question after those two and then come to you.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): My question is on EV charging, convener. It is not about Achnasheen, I have to say. It is not about charging points but about the charging regimes and length-of-stay requirements at bays in different local authority areas.

My experience in Glasgow—particularly as regards the taxi trade, which has invested in EVs—is that EV tourism is taking place whereby vehicles go long distances to get cheaper tariffs. Another issue is that drivers cannot charge their cars fully because of restrictions such as 3-hour limits, which cause a lot of issues. It is counterintuitive that EVs are travelling longer distances to get better tariffs. Is that issue on the Government's radar? Will it consider alignment and the implementation of a reasonable charging regime across urban and rural Scotland?

Màiri McAllan: I will comment on a couple of those points and I will then ask Alison Irvine whether she has anything to add.

As I said to the convener, the network is owned in part publicly and in part privately, so there is a limit to our oversight, or the local authorities' oversight, of it. Although I was not in post at the time, I felt that it was right that local authorities should begin to charge. Folks are paying a great deal for petrol and diesel, and I thought that it was right that we should be able to recoup some revenue from electric charging.

There is a question about the extent to which local authorities have taken that up—some are charging and some are not—and about the levels of charging. It comes down to the question of the local authority's right to decide on the existence of charging, to start with, and then its level. If that is causing concern, particularly among those who make their living from driving and require to charge their cars, we should look at that issue.

Alison Irvine: I do not have much to add. I confirm that the issue is on our radar. We have a myriad of different charging structures across the

country, which drives certain behaviours, as Mr Doris outlined.

If we look at—dare I say it?—the internal combustion engine and the way in which the market around petrol and diesel filling stations has evolved and matured, that is probably where we need to get to with the EV charging regime. In order to do that, we will need to take a number of steps along the way while we are still encouraging people to take up electric vehicles. The issue is complex, but it is on our radar.

Bob Doris: That is really helpful. I have already sought a meeting with the relevant political leads at Glasgow City Council about the impact on the taxi sector in the city. The issue is much wider and some aspects of it have perhaps gone unnoticed. I would welcome a meeting with Transport Scotland—separate from this committee, of course—to discuss that. For example, it is much more expensive to charge EVs in the winter because they have to work harder. I do not think that the tariffs reflect the overall costs where someone makes their living from driving a car that is as environmentally friendly as it can be. I would welcome a meeting outwith this forum to discuss that issue further—not specifically in relation to Glasgow, but focusing on a national strategy. That would be very helpful.

Alison Irvine: Subject to the cabinet secretary agreeing to that, I am happy to meet to discuss that.

Bob Doris: Of course. Thank you.

The Convener: It is quite interesting that Highland Council stopped its rates a couple of weeks ago because it was undercutting everyone else, giving cheaper electricity.

Monica Lennon is next.

Monica Lennon: My question is less about the number of chargers and more about whether we have enough rapid or ultra-rapid chargers. I think that that is the latest terminology. The vision document might cover that point—I apologise that I have not read it yet, but I am glad that Ms Hyslop is involved. As well as the roll-out of more chargers, what work is being done to upgrade existing chargers and to use the best technology to get more rapid chargers across the country?

Màiri McAllan: That is a key point, and it is one of the many complexities. There is the availability of the charge network, the speed with which people can charge and the amount that it costs. All the variables that I mentioned in answering Mr Doris's question also apply, in that the infrastructure is owned by different companies and set by different local authorities in some cases.

Obviously, our aim is to have the ultra-rapid chargers rolled out to the greatest extent possible,

because they are the quickest and most convenient. I am increasingly seeing them, and they are a mark of how the technology has developed quite quickly over the period as people's expectations of charging an electric car have grown. There is a mixed picture on the types of technology, their roll-out and the costs. Of course, ultra-rapid and fast chargers are the optimum and what we would all want to see.

The Convener: I will bring in Mark Ruskell in a moment as his question is on a different subject. My next question will not surprise the cabinet secretary; indeed, it surprised me that no one else wanted to ask it. It is about the A9. When are you going to lay out the programme for dualling the A9 that has been promised?

Màiri McAllan: I will lay that out as soon as I possibly can, with a backstop of autumn this year.

The Convener: So, by the end of autumn and before the start of winter, we will have the dualling programme for the whole of the A9 from Perth to Inverness.

Màiri McAllan: It is my intention, with a backstop of autumn this year, to set out next steps on the dualling programme. My principal objective is the quickest and most successful procurements that I can manage, ensuring value for money. All those strands are currently occupying a lot of time across the transport team.

The Convener: You used the words "It is my intention". By the end of autumn, will we have the programme, with dates for when the A9 will be dualled from Perth to Inverness?

Màiri McAllan: I am not going to pre-empt what I will tell Parliament, because there are still decisions to be made and a great deal of work is on-going. I will set out, with a backstop of autumn this year, the next steps on the dualling programme.

The Convener: I am not sure that I am any more comfortable on that. Liam, do you want to come back in on that and see if you can go further?

Liam Kerr: A similar promise was made about the A96, so the question that is begged is: when will the A96 be dualled?

Màiri McAllan: Work is on-going all the time. I will ask Alison Irvine to give a technical update on the bypass on the Inverness to Nairn section. Separately, we are undertaking the corridor review, and that work is on-going. I do not have a date for when that will be completed.

Liam Kerr: Will the A96 be fully dualled between Aberdeen and Inverness?

Màiri McAllan: Yes, that is still our plan.

Liam Kerr: But you have no idea when.

Màiri McAllan: We are undertaking a review, as we set out in our programme for government.

Liam Kerr: But you have no idea when, cabinet secretary.

Màiri McAllan: It is not a case of not having an idea; it is a case of being a responsible Government and minister and looking at all the matters that we have to consider against our commitment to review the corridor as a whole.

The Convener: I have one more question before I pass over to Mark Ruskell. Running along the edge of the A9 is a very important railway line for the Highlands. There has been a lot of talk of decarbonising transport, which would require more trains to go up and down that route. What are the plans for putting double tracks there in significant proportion to allow more trains to run on that route? That would decrease the travel time on the route and perhaps increase its use, rather than increasing the travel time, which is what has happened in the past 10 years.

Màiri McAllan: Convener, I am not able to speak to that particular line today. I am more than happy to go away and get more information on it, and if my colleague Alison Irvine wants to add anything on specific rail projects, she can do that.

I should say in response to Mr Kerr that we are taking forward the A9 work, part of which is a climate compatibility test. Outcomes of our work are due to be available this summer and then we will run a final consultation. It might be helpful to say to him that there will be developments this summer.

10:45

The Convener: Sorry, I will let Liam Kerr come back in, as he asked a question and now has a response.

Liam Kerr: I am grateful for the clarification, cabinet secretary. However, it begs the question whether the climate compatibility test that you just talked about could prevent the full dualling of the A96 from Inverness to Aberdeen, if its conclusions are that doing so is not climate compatible.

Màiri McAllan: I suppose that all our considerations in respect of the project could have a bearing on it. I will set out more details on that this summer, for our final consultation.

The Convener: Thank you, cabinet secretary. Any information that you can provide on the railways and the link between Perth and Inverness would also be much appreciated.

Màiri McAllan: Alison Irvine could add a spot, if that would be helpful, or we can come back to you in writing.

The Convener: We are quite close to time and we are very happy to take a written answer if that helps you, cabinet secretary. Perhaps it will give you time to find a bit more information.

Màiri McAllan: Okay, we will do that.

Mark Ruskell: It would be useful to get a written response on the corridor review of the A96, because, as I understand it, there are multiple options there, including the completion of a number of bypasses.

I want to take to the skies, cabinet secretary, and ask you about the aviation strategy. How will the aviation strategy dovetail with the climate change plan? I think that the aviation strategy was due earlier this year. We have seen a post-Covid bounceback in aviation and I am sure that the aviation sector would like a bye—it would like to see an increased number of flights and of passengers. How do we square that?

Màiri McAllan: I will ask Alison to come in with some of the details on that, but, on the generality, there is likely to be a rebound in aviation as people travel post-pandemic. I am very much of the view that we have to tackle aviation emissions—of course we do—but we are an island nation and we do not want to cut ourselves off from travel and from economic and cultural exchange and so on with the rest of the world. A number of options are open to us, including the development of sustainable aviation fuels, among others.

On the strategy, I will hand over to Alison.

Alison Irvine: The cabinet secretary has covered all the main points, but I am aware that there was a commitment to publish the aviation strategy. We are doing a lot of work on the strategy, and it is a case of bringing ministers up to speed on what it will set out so that ministers can get comfortable with that before we publish it. That work is on-going.

Mark Ruskell: Does that mean that aviation emissions are going to drop—just as they are going to have to drop on the A9 and A96 and in farming and every other sector of our economy—or are they going to grow?

Alison Irvine: As we stated at the outset of this meeting, it is obvious that action needs to be taken in every sector. What we are having to do in every sector, including aviation, is balance the economic connectivity that we want with the very significant and serious climate emissions challenge that we have. That is a very fine line to walk, and it is the path that we are taking.

Mark Ruskell: So it could be that other sectors or other parts of the transport sector might need to have steeper reductions in emissions in order to deliver the benefits that aviation—[*Inaudible.*]

Alison Irvine: Again, there is a balance that depends on where the technology is, what the opportunity is and how the cost sits with that—

Màiri McAllan: And the powers.

Alison Irvine: The powers and the role of the private sector.

Màiri McAllan: Thank you, Alison. On the point about powers, Phil Raines just said something to me about UK Government work in this area.

Phil Raines: Aviation is a similar territory to what we might think of as the wider industry envelope. There is a huge amount that we can do ourselves within Scotland, but the real bulk of it, and the powers for it, lie with the UK Government, and the UK Government has set out that its vehicle for tackling aviation from a climate change perspective is going to be tied up with the jet zero strategy.

There is much that we can do ourselves. As the cabinet secretary and my colleague Alison Irvine have pointed out, work is under way but many considerations need to be brought to bear on it. We must also recognise that we are looking for the UK Government to take the lead and, if you will, show its hand on the key measures that will form part of its approach. That context is important.

The Convener: Ash Regan has the next question.

Ash Regan: A while ago, the Environment, Climate Change and Land Reform Committee produced a report on the implementation of regional marine planning. The Scottish Government undertook to provide a response to the report, but we have still not received it. Will you give us an update on the timescale for that response?

Màiri McAllan: Yes. I acknowledge the length of time that has passed since the report's publication. We are working on our final response, which I am hoping will be published in due course.

Ash Regan: Thank you. I will move on to the Scottish Government's policy on highly protected marine areas, which is a topic on which the cabinet secretary and I have exchanged letters. The Government says that its policy will be evidence driven and evidence led. However, if we think of the Lamlash bay area as a trial, it would seem to me and to others that that is quite a small area and clearly there is not sufficient data coming out of there—very little at all. Would it not be prudent to cover a larger trial area, or even a number of trial areas, ahead of the policy being

implemented, in order to collect more data on which the Government could then base its policy decisions?

Màiri McAllan: Thank you for the question. At the outset, I stress that, in the context of issues such as HPMA, I do not discount suggestions or views on what might have worked or might work in the future.

There is evidence that enhanced marine protection is needed—not least because we and the UK are missing 11 out of 15 of the targets for good environmental status. There is also evidence that such protection works. You mentioned the Lamlash bay project, although I appreciate that that is on a smaller scale. There is also evidence from places such as California and New Zealand that having completely protected areas works as regards species abundance, ecosystem recovery, spillover and a whole series of other aspects.

On your point about trial areas, of course, the UK Government has taken that approach. I have two main concerns about it. One is that the changes that we see in marine protected areas happen over a long period of time. I would therefore be concerned that if we rested on a trial area, we would be waiting for a great deal of time to see what the impact would be before we could make the progress that science tells us is needed now.

The other reason for my thinking that it is not the right thing to pursue is that it is a top-down approach. If we had done it like that from the beginning it would have required me to say, “That site, that site and that site have been selected by the Government to become highly protected marine areas.” That process would not have had the community engagement and the socioeconomic assessment that I wanted to have running through it. However, I appreciate that how such matters should be approached involves a question of balance. That is why we did not pursue a pilot.

Ash Regan: There has been much criticism of the plans that the Government has set out. I note that the Government said that it met 20 stakeholder group representatives from marine industries and other users. However, that was prior to the consultation, which includes the organisations that are now most critical of the proposals. Will the Government provide an update on the schedule for meeting people now that the proposals are a little bit clearer? How does it intend to work with stakeholders and local communities? I note that it feels as though we have now got ourselves into quite a confrontational situation with them. How does the Government intend to move forward from that and work with communities in a way that the

communities themselves would consider to be meaningful?

Màiri McAllan: Yes, that last point is critical. The team believed that the approach that was taken, which was to consult deeply right at the beginning of the process, was the right way to do things so that we would be at the drawing board and could bring people to it with us. However, I absolutely accept that many people, in particular those who felt that they would be impacted by the proposals, did not feel that that was the right approach for them.

You mentioned the meetings. We had around 20 meetings prior to the publication of the plans, and we also held around 20 meetings during the consultation period in order to ensure that people could be taken through and could take part in the process, because that was really important to me.

Since the consultation closed, Mairi Gougeon and I have been meeting with stakeholders. She met with stakeholders in Shetland; I had a meeting with fisherpeople in Troon and with the Community of Arran Seabed Trust in Arran. I have met with Western Isles Council and with the Communities Inshore Fisheries Alliance, and I have plans over the summer to visit the Uists and—I hope—Orkney, although those are not yet finalised.

I think that it is confirmed—I do not want to pre-empt any decision of the Parliamentary Bureau—that I am due to give a statement this week on next steps on the protected marine areas. That being the case, I would not want to pre-empt any of what I say, but I note that I will be reflecting a little bit on some of the early consultation responses and giving my view on where we go from here on exactly the point that you mentioned: meaningful engagement.

Ash Regan: I have one final short question, if the convener will allow me.

The Convener: I am not sure that I have the option, so just go for it.

Ash Regan: Has the Scottish Government taken into account the criticism of the selection criteria?

Màiri McAllan: I mentioned that I will reflect on the early responses to the consultation. A much more in-depth analysis of what people told us is still developing. We invited commentary on site selection criteria, what would be protected and what would constitute an HPMA—the whole spectrum—so I have to continue looking through all that. Of course, I will reflect on every aspect.

The Convener: We have some questions from Liam Kerr and then from Bob Doris. I remind members that we are quite short on time, although I do not want to curtail anyone.

Liam Kerr: Cabinet secretary, at the start of the session, you talked about the vastness of the portfolio, but many people in the north-east in particular were pretty stunned that energy was removed from net zero and put elsewhere. Just transition is in your brief, but by virtue of that earlier decoupling, it has been decoupled from energy.

Do you have any reflections on whether those choices were correct?

Màiri McAllan: I think that they were, for one key reason: just transition absolutely is oil and gas, but it is also broader than that. The climate change brief is a cross-cutting role across Government and so too is just transition, because for every decision that we make in the climate change space, which—as I have narrated today—is an enormous change agenda, it is very important that the just transition principles sit side by side with that and follow the progress on climate change throughout Government and everything that we are doing more broadly.

I think that it is the right thing to do. Just transition is not oil and gas—that is a huge part of it, but it is also agriculture, marine and transport, and everything that is encompassed in the climate change brief.

Liam Kerr: Indeed so, but in January 2023, your Government published a document called the “Draft Energy Strategy and Just Transition Plan—delivering a fair and secure zero carbon energy system for Scotland”, and committed to publishing another three just transition plans ahead of the climate change plan update, which I understand will be published in November 2023. Recent correspondence seems to suggest, however, that those just transition plans will not be published until 2024. Will they be published prior to the climate change plan as the Government has committed to?

Màiri McAllan: It is my intention that they will, yes. Phil Raines says that he can come in on that.

The statutory requirement regarding the plan is for it to be laid later than we are proposing. The Bute house agreement says that we will publish the first draft in November. My intention is that the just transition papers should go alongside that, because of the statutory commitment in the Climate Change (Scotland) Act 2009 for the Government to demonstrate that it has taken into account just transition principles. In my view, the publication of those plans is the way in which we will demonstrate how we have done that, and I think that it is right that they should coincide. I do not know whether Phil Raines wants to add anything to that—

Liam Kerr: I am sure that there is more, but you have answered the question and I am conscious of time.

The consultation on the just transition plan for energy has recently closed. What is the timeline for revising the plan in light of that consultation? Will there be a further consultation or will whatever comes out of the recent consultation be the final version?

11:00

Màiri McAllan: I am not expecting a further full consultation. A great deal of work is being done to respond to a number of comments, most of which pertain to the energy aspects of the report rather than the just transition. Although Neil Gray and I are working jointly on that, the energy teams are principally engaged in responding to the comments on energy.

Liam Kerr: Finally, on the just transition fund, we know that £25 million was released and has been applied into. The next £25 million is being made available through the Scottish National Investment Bank. Why did the process change? Will the process involving the SNIB be used in future for the rest of the funds?

Màiri McAllan: Future approaches to the distribution of the £500 million fund are subject to future budgetary choices. There is no saying that we will not return to the way that it was before and there is no saying that the next funds will be distributed by the Scottish National Investment Bank. That is the way that we have chosen to distribute the first and the second pots, and I will make my decision about the third suite of funding when I get to it.

Liam Kerr: Does the fact that it is being run through the SNIB change the thresholds for minimum applications? Is there any impact on the geographical spread of the just transition fund?

Màiri McAllan: I am really sorry, Mr Kerr, but I missed the start of your question.

Liam Kerr: Does the fact that the funds are being distributed through the SNIB this time change the thresholds for applications? The Scottish National Investment Bank usually has a threshold for applications in. Does the fact that the process has changed change those thresholds for applicants, and does it change anything about where the just transition funds should be put geographically?

Màiri McAllan: It does not change the geography, and I do not expect that it will change the thresholds, but I will check that latter point and come back to you.

Liam Kerr: I am very grateful.

The Convener: It will be interesting in future; energy remains with this committee while the just transition remains with the Economy and Fair Work Committee. I am sure that there will be some blurring of the lines as they come within your portfolio, cabinet secretary.

Bob Doris has the final questions.

Bob Doris: I will restrict myself to those on which you hoped to get comments on the record, convener.

As the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights is one of your supporting ministers, could you update the committee on when the Scottish Government plans to consult on the proposals for the heat in buildings bill?

Màiri McAllan: We are working on the final details of what we are going to consult on and we are moving to start that process as soon as we can. However, we are in quite a delicate period of development so I do not want to pre-empt it exactly. It is a major part of our draft climate change plan, which will be laid in November. I hope that that gives you an idea of timescales.

Bob Doris: Are we talking about later this year?

Màiri McAllan: Yes.

Bob Doris: I am keen to ask more but I will restrict myself because of time.

Can you update the committee on the heat and energy efficiency Scotland agency, which is being developed? I think that it is virtual, but it is not fully-fledged as yet. Where is its development?

Màiri McAllan: I am trying to retrieve from my mind the most recent update on that. We have appointed Professor Lorne Crerar, who is a well-respected lawyer, to advise on the board's remit and its setting up and so on, and I hope to receive an update on that shortly.

Bob Doris: May I ask a very brief question on that?

The Convener: Yes; but first, cabinet secretary, I understand the breadth of your portfolio, but it would be helpful to have a bit more detail in a written response to the committee when you have had a chance to reflect on it.

Bob Doris: I will forgo my supplementary question if we are going to get a written update. I know that time is tight.

Màiri McAllan: If you want to put your question on the record, I can make sure that the written update responds to it.

Bob Doris: I am just passing through the committee, cabinet secretary, but I am curious to know to what extent the new agency will be

consumer facing. I was looking at some of the various strands that it is trying to pull together, such as area-based schemes for warmer homes Scotland, the whole-house approach, the heat network fund, the social housing zero heat fund and the green public sector heat fund. Those are just some of the strands that I looked at ahead of this morning's committee. At what point will the energy agency be sector-facing? Will it join the dots of government? How will it be consumer or public facing?

Màiri McAllan: You identify an important point. A lot of that is exactly what the strategic board will look at. I expect there to be an extent to which it will work with local government and also have that public-facing and awareness-raising role. However, a great deal of that is still under development and I will update the committee in writing.

The Convener: Cabinet secretary, could you clarify something about the proposed heat in buildings bill? By my calculation, if Highland Council were to update its housing stock to give it all an energy performance certificate rating of C, the estimated cost would be £0.25 billion. Will the proposed heat in buildings bill have some detailed financial workings on how we are going to achieve its requirements?

Màiri McAllan: Absolutely. In response to Mr Doris, I mentioned how all those aspects of an enormous piece of work are being looked at: the cost, the supply chain, the skills involved in the development of the scheme, the impact on the housing market and so on. A huge amount of work is being done on all that just now. We are moving to consultation, so that will be the point at which we will seek views on what is there and anything that the committee or anyone else thinks ought to be there.

The Convener: Thank you. That brings us to—Liam Kerr is frowning. Have I missed a question that you wanted to ask?

Liam Kerr: If I may, convener.

The Convener: You may, as long as it is one and it is brief.

Liam Kerr: Thank you, convener. Cabinet secretary, when the heat in buildings strategy came out about two years ago, it quantified the cost of decarbonising heat in buildings at £33 billion. Two years on, we are in a changed situation, so what is that cost now?

Màiri McAllan: We have two sets of costs, one of which goes out to 2030 and the other to 2045. The recent figures that I have seen are still in the same area as you set out.

The Convener: Thank you for that brief question and brief answer, which bring us to the

end of this session. I will suspend the meeting until 11:15 to allow for a changeover of witnesses and let members prepare for the next item. Cabinet secretary, thank you and your officials for attending. You are staying with the committee for the next item, so we will see you shortly.

11:07

Meeting suspended.

11:15

On resuming—

United Kingdom Subordinate Legislation

Persistent Organic Pollutants (Amendment) Regulations 2023

The Convener: Our next item is evidence on a type 1 consent notification on the Persistent Organic Pollutants (Amendment) Regulations 2023.

The United Kingdom Government is seeking the Scottish Government's consent to legislate in an area of devolved competence in respect of a UK statutory instrument. On 18 June, the Cabinet Secretary for Transport, Net Zero and Just Transition notified the committee of the UK instrument. The Scottish Government asked whether the committee could, exceptionally, consider the regulations by 28 June, in order to complete parliamentary consideration before the summer recess. I agreed to place the item on the agenda for this meeting.

The committee's role is to decide whether it agrees with the Scottish Government's proposal to consent to the UK Government making the regulations within devolved competence, and in the manner that the UK Government has indicated to the Scottish Government. We aim to come to a view on that after today's evidence.

I am pleased to welcome back Màiri McAllan, Cabinet Secretary for Transport, Net Zero and Just Transition. The cabinet secretary is joined by Dan Merckel, chemicals team leader from the Scottish Government. Before we move on to questions, would you like to make a brief opening statement, cabinet secretary?

Màiri McAllan: I will be as brief as I can, convener, although sometimes in such complex matters it is helpful to set out the discussion in the clearest terms possible.

I am here to discuss a proposed UK statutory instrument to extend the expiry date for the specific use of a chemical called perfluorooctanoic acid or PFOA, which is a persistent organic pollutant that is regulated under the UK POPs regulations.

The purpose of the amendment regulations is to extend the expiry date from 4 July 2023 to 3 December 2025 to allow the continued use of PFOA in specialist textiles for oil and water repellency, for the protection of workers from dangerous liquids that comprise risks to their health and safety.

The UK POPs regulations implement the Stockholm convention in the UK. POPs are chemicals that remain intact in the environment for long periods and become widely distributed geographically, accumulate in the tissues of humans and wildlife, and have harmful impacts on human health or the environment. POPs therefore present a risk to the environment and people that extends beyond national borders and so require a coordinated international response.

The chemical commonly known as PFOA was listed as a POP under the convention in 2019 and is subject to elimination. That means that it cannot be made, imported, sold or used in signatory countries. Several time-limited exemptions are included in its listing, reflecting the continued need for its use in a number of critical applications in signatory countries. One such use is the subject of the UK statutory instrument. The use of PFOA is required for a defence-critical capability; the use is small, critical and the chemical is used and disposed of by professionals.

Having considered the matter, I am happy that that use presents a very low risk to the environment. I am less happy about the timeframe in which the Scottish Government has been asked to respond, and consequently the impact that that has had on the committee's schedule. However, I understand that there were good reasons for the timescale and that ministers and officials in the UK Government alerted us as soon as they were able to. The committee should also note that the UK Government is having to break its own 21-day rule in order to lay the instrument before 4 July 2023.

In summary, I consider consenting to the UK instrument to be an appropriate course of action to allow continued access to a critical defence function, and its availability across Great Britain, including Scotland.

The Convener: Thank you, cabinet secretary. I am sure that you are happy to take questions. The first one is from Mark Ruskell.

Mark Ruskell: Am I right to say that PFOA is what is known as a forever chemical and that those are being banned under the regulation on the registration, evaluation, authorisation and restriction of chemicals? Is PFOA scheduled for withdrawal from the market under the REACH regulation?

Màiri McAllan: Yes. I think that the phrase that I used in my opening remarks was that it was scheduled for elimination, but I will let Dan Merckel give us a brief update on that in the context of perfluorinated and polyfluorinated substances, or PFAS.

Dan Merckel (Scottish Government): Good morning. Yes, it is one of the few PFAS chemicals that have already been banned. There is a small

number of those, and PFOA is subject to complete elimination under the Stockholm convention.

The work that you refer to in the UK is much broader and is looking at PFAS chemicals as a whole, which is a class of more than 4,700 chemicals, depending on how you count them. The Health and Safety Executive, which is the agency for the UK REACH regulation, published a risk management options analysis earlier this year, which made recommendations on how to regulate those chemicals as a whole. Those actions will be taken forward, starting with work this year under UK REACH that will be published shortly.

The Convener: Before you ask your next question, Mark, I think that part of your question was not answered, because I think that you referred to withdrawal from the market. It would be helpful for the committee to know about that. Mr Merckel, it is not a market, is it? Is it not correct that that chemical has one specific use?

Dan Merckel: Yes, we are talking about just one specific use today. There is currently an exemption under the UK POP regulations.

The Convener: Therefore, it is not being sold.

Dan Merckel: That is right.

Mark Ruskell: Generally speaking, PFOA is not available in a wider market. There is just the single exemption that we are discussing today, so I will turn to that matter. Is it the case that the Ministry of Defence or defence-related contractors apply for exemptions from environmental regulation? On the face of it, if you are a civil contractor wearing protective clothing, the use of PFOA in that clothing would be banned, whereas if you are working in a defence-related sector or industry, its continued use is allowed. Therefore, there is a bit of divergence between the situation for people who are working in defence-related industries and the situation for people who work in civilian areas, where there is no exemption for that chemical. It might be a minor divergence, but I wonder how those issues are discussed and resolved. Is it something that you just have to accept—that is the decision that the UK Government has made on that—or is there a protocol with the MOD or defence sector more generally around lower or different environmental standards?

Màiri McAllan: Dan Merckel might want to say something about the interaction with the UK Government and the MOD. What makes answering that difficult is that we are limited in the information that we can give regarding the specific use of the chemical. It is for a defence-critical capability. It is small and critical and the chemical is used and disposed of by professionals, so it pertains to that specific use, the exact details of which we are not liable to share.

The other critical point is that the current scientific research suggests that only that substance provides the high level of protection that is required for that unique capability, which is why that exemption is required in that instance. There might be nothing to add on the MOD aspect.

Mark Ruskell: Okay. Am I right that its use will be phased out by 2025 anyway?

Màiri McAllan: That is the plan, yes.

The Convener: Are you happy with that, Mark, or do you want to hear from Dan Merckel?

Mark Ruskell: I am happy, unless Dan has anything more to say.

Dan Merckel: The only thing that I would add is that PFOA is still also restricted under UK REACH. When that restriction was put in place—it includes very similar provisions to those of the Stockholm convention—there was a thorough consultation in the EU, because we were still in the EU at the time, and that is where that date of 4 July 2023 comes from.

I emphasise that we are not entirely clear on the exact use, but we do not need to know that from the point of view of environmental risk. However, for the other uses, there are alternatives that will be sufficient for the application in question.

Bob Doris: Cabinet secretary, you said that only that particular substance, PFOA, can be used, and that there is no substitute or alternative, so what happens on 3 December 2025? Does the need for it just disappear, or does the UK Government move away from its Stockholm obligations? Has that conversation been had with the UK Government?

Màiri McAllan: I would not expect either of those things to come to pass. The reason why the extension is required just now is that the technical progress on an alternative has not reached a sufficient stage, as I understand it. I expect that the extension would focus the work on that technical alternative and give the time to develop it. That is our expectation anyway.

Bob Doris: Scrutinising in the dark is a bit odd, cabinet secretary, but I appreciate what you say. In our committee papers, the Government says that

“Continued use is required for a defence-critical capability; the use is small, critical and the chemical is used and disposed of by professionals.”

Have you had reassurances from the UK Government on the monitoring and reporting of that to make sure that there are robust protocols in place, rather than an assertion that there are robust protocols in place?

Dan Merckel: I emphasise that it is a continuation of a use that it already has. I am not aware of what the specific monitoring and reporting requirements would be, but all that we are doing here is changing the deadline for that use to stop. Everything that is in place to make sure that the chemical is used safely will continue.

Bob Doris: I am not minded to oppose that. I get that it is based on trust as much as anything, but I wanted to ask those questions to get some of that on the record. Thank you.

The Convener: That is helpful. If there are no other questions, we will consider the consent notification. Cabinet secretary, as you have answered all the questions that you have been asked, I am content if you would like to leave at this stage. I thank you again for your attendance for both evidence sessions this morning.

Màiri McAllan: Thank you very much.

The Convener: Agenda item 4 is to formally consider the type 1 consent notification by the Scottish Government relating to the Persistent Organic Pollutants (Amendment) Regulations 2023 in light of the evidence that we have just heard. If members are content for consent to be given, we could write to the Scottish Government and ask it to keep us up to date on developments at a reasonable stage in the future. We could also write to the Government and say that we are not content.

Is anyone on the committee not content to grant consent? It appears that we are all content to ask the Government to grant consent. It would therefore be appropriate if the committee agreed that we ask to be updated in a year's time to find out how we are moving forward on finding an alternative. That might be the most appropriate thing to do. Is the committee content to do that?

Mark Ruskell: I am content with that course of action. It is a slightly odd situation because of the defence-related nature of the chemical's use. There is a lack of transparency there. Bob Doris's points on that are well made. Perhaps there will be an issue about ensuring that there is adequate opportunity for scrutinising how the Ministry of Defence applies environmental management and wider health and safety requirements.

We are taking it on trust that there is a defence-related use of the chemical and that it will be dealt with in a responsible way, but there is no real way for us to scrutinise that. It is worth putting on the record that this is not the only area that I have come across in this committee and in predecessor committees where environmental regulation has come up against a defence exemption. You are left wondering what the actual protocols and protections are for workers and the environment in the Ministry of Defence and related industries.

The Convener: We could, as part of writing to the Scottish Government, say to it that we would like to be kept updated and that we would like comment from it on whether it feels that sufficient protocols are in place for disposal after use. We could easily do that as part of the letter.

Mark Ruskell: My understanding is that, in the past, there has been a memorandum of understanding between the Scottish Government and the Ministry of Defence on a range of areas, most notably environmental compliance, habitats regulations, environmental management and that side of things. Obviously, this strays more into health and safety. It is clear that there is environmental compliance in the Ministry of Defence, but scrutinising that is pretty hard. This is another example of that. Such examples come up from time to time.

Bob Doris: This is a very helpful discussion. In any letter that is sent, it would be worth asking whether such protocols have previously existed, what the current situation is, and whether consideration has previously been given or could be given in the future to how committees in the Scottish Parliament can appropriately scrutinise such matters. I am sure that we all agree that it is absolutely necessary but deeply unsatisfactory that what has been proposed has been proposed within days of the expiration and that there is no meaningful scrutiny. It has all been taken on trust.

The Convener: Okay. I take that point. The committee could easily write a separate letter to the Government to ask it to identify that.

The substantive question is, is the committee content that the provision that is set out in the notification should be made in the proposed UK statutory instrument?

Members indicated agreement.

The Convener: We will communicate that to the Government. That concludes the public part of the meeting.

11:31

Meeting continued in private until 12:39.

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