



OFFICIAL REPORT
AITHISG OIFIGEIL

Environment, Climate Change and Land Reform Committee

Tuesday 25 June 2019

Session 5



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ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE
22nd Meeting 2019, Session 5

CONVENER

*Gillian Martin (Aberdeenshire East) (SNP)

DEPUTY CONVENER

*John Scott (Ayr) (Con)

COMMITTEE MEMBERS

- *Claudia Beamish (South Scotland) (Lab)
- *Finlay Carson (Galloway and West Dumfries) (Con)
- *Angus MacDonald (Falkirk East) (SNP)
- *Mark Ruskell (Mid Scotland and Fife) (Green)
- *Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

- Roseanna Cunningham (Cabinet Secretary for Environment, Climate Change and Land Reform)
- Maurice Golden (West Scotland) (Con)
- Liam McArthur (Orkney Islands) (LD)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Environment, Climate Change and Land Reform Committee

Tuesday 25 June 2019

[The Convener opened the meeting at 09:30]

Climate Change (Emissions Reduction Targets) (Scotland) Bill: Stage 2

The Convener (Gillian Martin): Welcome to the Environment, Climate Change and Land Reform Committee's 22nd meeting of 2019. Before we move to the first item on the agenda, I remind everyone to switch off their mobile phones or to put them in silent mode because they might affect the broadcasting system.

The first agenda item is consideration of amendments to the Climate Change (Emissions Reduction Targets) (Scotland) Bill, at stage 2. This is our second day of considering amendments. We will be joined by Maurice Golden and Liam McArthur, who will move their amendments.

I welcome Roseanna Cunningham, the Cabinet Secretary for Environment, Climate Change and Land Reform, and her officials: Tom Russon is the bill manager, Karen Clyde is the deputy bill manager, Heather Wortley is from the parliamentary counsel's office, and Norman Munro is from the Scottish Government's legal directorate. Good morning to you all. I note that officials are not allowed to speak on the record in these proceedings.

Before we begin our consideration of the bill, I advise the committee that I intend to suspend the meeting for a comfort break at an appropriate point.

After section 17

The Convener: Amendment 116, in the name of Mark Ruskell, is grouped with amendments 117 to 119, 126 and 47.

Mark Ruskell (Mid Scotland and Fife) (Green): I thank the Government for its assistance with this set of amendments, the purpose of which is to reinstate section 36 of the Climate Change (Scotland) Act 2009, which deals with what happens when annual targets are not met.

Section 36(2) of the 2009 act requires ministers to set out

"proposals and policies to compensate ... for the excess emissions"

as soon as is reasonably practicable following an annual target being missed. The bill will repeal section 36 of the 2009 act without providing an adequate replacement; it proposes only that plans in relation to missed emissions targets be included as part of the climate change plans. Non-governmental organisations and a number of stakeholders have raised concerns that that could leave a seven-year time lag between the year in which a target was missed and publication of the next climate change plan.

The amendments in the group will ensure that ministers report to Parliament on what policies they will introduce to curb excess emissions soon after reporting on the annual target, and well before new climate plans are compiled.

I move amendment 116.

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): I would like to take the opportunity to briefly recognise and celebrate the fact that yesterday marked the 10-year anniversary of Parliament unanimously passing the 2009 act. Over those 10 years, much progress has been made: emissions have been almost halved over the long term, some annual targets have been met, some have been missed and three climate change plans have been produced.

The Climate Change (Emissions Reduction Targets) (Scotland) Bill builds on the 2009 act's already very strong and world-leading framework, and the decisions that the committee makes today will be important in that respect. As part of that process, I am happy to support all Mark Ruskell's amendments in group 1.

The bill contains a range of proposals that are intended to improve the provisions in the 2009 act that relate to the target framework and reporting on targets. One of those involves replacing section 36 of the 2009 act with an alternative catch-up duty, such that Governments must set out how they will compensate for the excess emissions following any missed targets, as part of the next climate change plan.

I am aware that various organisations are unhappy with the proposals. Having listened carefully to their concerns, I am happy to support reinstatement of section 36 of the 2009 act via amendment 47. That will ensure that ministers will continue to be required to set out their additional policies and proposals

"As soon as reasonably practicable"

after any missed target is reported, rather than to a fixed timeframe. The remaining amendments in the group are sensible measures to ensure consistency across provisions, so I also support them.

Amendment 116 agreed to.

Section 18—Provision of further information to the Scottish Parliament

Amendments 117 to 119 moved—[Mark Ruskell]—and agreed to.

Section 18, as amended, agreed to.

After section 18

The Convener: Amendment 122, in the name of Mark Ruskell, is in a group on its own.

Mark Ruskell: Amendment 122 seeks to improve the reporting requirements for greenhouse gas emissions arising from Scottish consumption of goods and services. The 2009 act established a requirement to produce a carbon footprint report on emissions attributable to Scotland's consumption, which is also a national performance framework indicator. Crucially, that includes emissions that are associated with importing of goods and services from overseas, which are not accounted for in greenhouse gas emissions reports.

The carbon footprint report tells us a slightly different story to the story in reports on our annual targets. Although Scotland's domestic production emissions have been falling, emissions that are embedded in imported goods and services have been increasing. The United Kingdom Committee on Climate Change's "Net Zero: The UK's contribution to stopping global warming" report noted that trend and stated that

"actions that the UK can take to reduce its consumption emissions could be as effective in tackling climate change as actions to reduce territorial emissions."

Our consumption emissions declined by only 8.5 per cent from 1998 to 2014. We are a rich country and our consumption emissions are far higher than those of the poorest countries, which stand to lose the most from climate change. We cannot focus solely on emissions that arise within our borders; we must consider the impact that our consumption is having on global greenhouse gas levels.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I am very sympathetic to Mark Ruskell's words. However, proposed new subparagraph (b)(c) of section 37(2) would insert the words

"state the actions taken by the Scottish Ministers to reduce"

emissions in this area. Does the member agree with me that, in relation to Scottish ministers' ability to take such actions, it is rather unfortunate that we have no control over import duties or excise duties, which might be significant contributors to effective action on controlling the flow of carbon-intensive goods into Scotland?

Mark Ruskell: I agree that if Scotland had all the powers of a normal country or state, we would have more levers. However, we can take action on an intranational basis and on a supranational basis, within the UK and within the European Union, respectively.

In order to understand better what is driving Scotland's consumption emissions and how to tackle them, more useful information needs to be presented in carbon footprint reports, and ministers should be obliged to act on that information. Amendment 122 would require that that report list the most significant categories of goods and services that are driving the trend in Scottish consumption emissions. By knowing the main sources, we could implement policies to curb those emissions.

The cabinet secretary has often referred to unintended consequences in relation to offshoring emissions; amendment 122 is a way for us to get a handle on those potential unintended impacts. It is done in Sweden—we all like Sweden, don't we? Following pressure from NGOs, the Swedish Environmental Protection Agency was instructed in 2017 to develop targets and indicators for consumption-based emissions. I advise members to look at the policy-relevant indicators for national consumption and environment—PRINCE—project that Sweden has established, which looks at 59 categories across 48 countries. Food and construction are the product groups that involve the highest level of emissions. There are many other such product groups, including textiles, chemicals and electronics. We import many such products into Scotland.

Amendment 122 would also require ministers to make a statement to Parliament alongside the carbon footprint report, which would pay greater attention to this area of our emissions and detail the actions that we can take to reduce consumption emissions.

I move amendment 122.

Roseanna Cunningham: I have considerable sympathy with the intentions of Mark Ruskell's amendment 122, for reasons that he outlined. The Scottish Government recognises that the official statistics on Scotland's carbon footprint provide a valuable measure that is complementary to the territorial statistics on which targets are based.

However, I do not think that amendment 122 is necessary, because the "Code of Practice for Statistics" ensures that Government analysts respond to any expression of user interest in there being additional specific content in a statistics bulletin. Nevertheless, I do not see any harm in placing the additional content requirements in the Climate Change (Scotland) Act 2009, if that provides assurance to Mark Ruskell and others.

I invite Mark Ruskell to not press amendment 122, however, because there is scope for it to be improved in advance of stage 3. In particular, adding a timing frequency requirement to the reporting duty might be welcome. I also have concerns, which I would like to discuss with Mark Ruskell, that a separate statement in relation to consumption statistics might be disproportionate. We must bear it in mind that international reporting practice is based on territorial rather than consumption-based emissions, and that there are substantial uncertainties around the data and methods that are involved in the latter.

If Mark Ruskell is prepared not to press amendment 122, I am happy to meet him to discuss those issues further, and to bring back a similar amendment for stage 3.

Mark Ruskell: I welcome the commitment from the cabinet secretary. We need to leave no stone unturned in our fight against climate change, and consumption emissions are an important part of that picture. I will welcome discussion on that and other topics over the summer to see whether we can bring back something more elegant for stage 3.

Amendment 122, by agreement, withdrawn.

Amendment 120 not moved.

Amendment 121 not moved.

Amendment 123 moved—[Claudia Beamish].

The Convener: The question is, that amendment 123 be agreed to. Are we agreed?

Members: No

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 123 disagreed to.

Amendments 124 and 125 not moved.

Section 19—Climate Change Plan

The Convener: Amendment 46, in the name of Mark Ruskell, is grouped with amendments 78, 82 and 48.

Mark Ruskell: This group of amendments deals with the timing of the climate change plans. My amendments 46 and 48 would set in legislation a

requirement for ministers to publish an updated climate change plan within six months of the bill receiving royal assent. As has already been discussed, I welcome the Government's previous assurances to committee members that it will do so. My amendment would simply place the requirement in law.

I move amendment 46.

09:45

Roseanna Cunningham: First, I will speak to the two Government amendments in the group, both of which are in direct response to recommendations by the committee in its stage 1 report.

Amendment 78 will increase from 90 to 120 the minimum number of days that a draft version of the climate change plan must be laid before Parliament. Although the committee expressed an interest in there being an open-ended scrutiny period, it heard in evidence a clear desire from stakeholders that there be a time limit to ensure that, in the words of a panel member, the process for climate change plans

"does not drift on open-endedly."—[*Official Report, Environment, Climate Change and Land Reform Committee*, 20 November 2018; c 28.]

The bill was already increasing the period from 60 to 90 days, because 90 days was the most popular length of time in the consultation. However, 120 days was also popular, so given the committee's feedback, it represents a sensible compromise that will allow a significant and increased period for parliamentary scrutiny, and will ensure that the process of developing and finalising plans keeps moving.

Amendment 82 will bring forward the timing of the annual publication of climate change plan monitoring reports so that they must be laid before 31 May of each relevant year. The previous timing requirement was by 31 October. That will give Parliament, its committees and stakeholders more time to consider the monitoring reports as part of the new all-year-round budget process. I hope that that satisfies the committee's recommendation.

The Convener: Thank you. I do not think that any other member wishes to speak to the group.

Roseanna Cunningham: I am sorry—I need to speak to Mark Ruskell's amendments.

The Convener: Ah, yes.

Roseanna Cunningham: Thanks.

I turn to amendments 46 and 48 and the timing of the next climate change plan. I strongly urge the committee to reject the amendments because they are entirely impracticable. I listened to what Mark Ruskell had to say, and I am not sure that he is

aware that his amendments, as drafted, call for a full climate change plan—not simply an updated climate change plan—and process to be completed within six months of royal assent. There might be an issue with that. Obviously, that proposition is significantly different from the committee’s recommendation that there be an update to the current plan within that same period, which the Government has accepted.

Extensive statutory requirements govern a full climate change plan process. A draft version of the plan would need to be laid and scrutinised by Parliament within Mark Ruskell’s proposed six-month window. If the amendments that I have lodged in response to the committee’s recommendations on the length of that period are accepted, the scrutiny period will occupy at least four months of that six-month period. That would leave the Government with less than two months to design the plan, which is clearly untenable.

Several statutory assessment and advisory duties relating to plans would also be undeliverable in that timescale. Draft plans are subject to strategic environmental assessment, which has statutory minimum timescales attached to it. Amendments in a later group that I lodged in response to other committee recommendations, which we will discuss, will require that the CCC’s views on draft plans be sought. It is unclear whether that would be possible within the window that is offered by Mark Ruskell’s amendments 46 and 48. It seems that that window would also leave no time for effective engagement with stakeholders during the plan preparation period.

There is a global climate emergency, and meaningful targeted action is needed in response. The current climate change plan was published less than 18 months ago, following its scrutiny by the Environment, Climate Change and Land Reform Committee and other committees. The committee called for an updated plan, and the First Minister and I have made clear commitments to delivering that. Delivering such an update within the timescale will be extraordinarily challenging for the Government, but we are committed to doing so.

I recognise that, in lodging amendments that go far beyond what the committee recommended, Mark Ruskell might, in their drafting, have gone far further than even he intended. To be absolutely clear, amendments 46 and 48 pose the real risk that a less effective set of policies and proposals will be brought forward over the next year, because of the sheer impracticality of the time that would be available to the Government. I urge the committee in the strongest possible terms to resist the amendments. If I am correct that Mark Ruskell did not intend what the amendments would do, I urge him not to press them.

Mark Ruskell: I shall reflect on those comments. I seek to withdraw amendment 46.

Amendment 46, by agreement, withdrawn.

Amendment 126 moved—[Mark Ruskell]—and agreed to.

Amendments 127 and 128 not moved.

Amendment 72 moved—[Roseanna Cunningham]—and agreed to.

Amendment 129 not moved.

Amendment 73 moved—[Roseanna Cunningham].

Amendment 73A not moved.

Amendment 73 agreed to.

Amendments 35 and 74 moved—[Roseanna Cunningham]—and agreed to.

The Convener: Amendment 138, in the name of Liam McArthur, is grouped with amendments 139, 100, 130, 134, 140, 101, 136, 102, 133, 137, 131, 132, 135, 49, 49A, 49B, 148 and 149.

Liam McArthur (Orkney Islands) (LD): I am conscious of the time pressure, so I will speak to the purpose and case for my amendments and perhaps touch on other amendments in closing.

Section 19 details the way in which climate change plans will be set out. The purpose of climate change plans is to provide

“strategic summaries of policies across all sectors of the economy that relate to decarbonisation.”

However, as it stands, the bill fails to require the inclusion of any specific policies, even those that we know will be pivotal going forward. Ambitious targets are not, in themselves, enough. The targets that are contained in the bill mean little without ambitious policies to back them up. To date, we have not seen the sort of clear, radical initiatives that are needed to achieve those targets. My amendments seek to get us closer to that point.

Amendment 138 would require the climate change plan to include details of how it will encourage the use of low-carbon heat in new buildings. Although I appreciate that that must be combined with a commitment to reducing the energy demands of any given property, it can help to ensure that the plan addresses what Scottish Renewables described as

“the next frontier for emissions reduction.”

Chris Stark said:

“If there is a test of whether we are serious, it is on heating. We have an extraordinarily useful energy system delivering heat to every home in ... the UK at the moment and it works extremely well. Sadly, it is based on fossil fuels in the main. It is not going to be easy to change that, but it

is necessary that we do so.”—[*Official Report, Environment, Climate Change and Land Reform Committee*, 14 May 2019; c 22.]

My amendment is not overly rigid, recognising that different solutions will be appropriate in different situations and will include a mix of existing and future technologies, but it makes clear the intent and the urgency.

Amendment 139 makes a similar provision for district heating in relation to new developments. I appreciate that, in part due to the extent of the reliance on gas in the existing network, the transition to low-carbon alternatives is not straightforward. However, that is an area in which other countries have been leading the way for some time now and Scotland needs to up its game.

If amendments 138 and 139 are agreed to, future climate change plans will include an assessment of the implementation of those policies. Amendment 148 would strengthen that further by requiring the annual progress reports to assess the extent to which low-carbon heating policies have contributed towards climate change targets.

Turning to amendments 134 and 149, if heat is the new frontier in our fight to cut emissions, transport remains the unfinished frontier. As the cabinet secretary’s recent statement in the chamber highlighted, progress in that sector has been poor. Emissions remain broadly in line with 1990 levels, and some aspects of Government policy appear to be at odds with turning that round. Solutions will need to be broad ranging, but electrification will be crucial.

Amendment 134 would require the climate change plan to set out proposals for public procurement of ultra-low-emission vehicles, which have been stuck in the slow lane. The public sector should take a lead—there are laudable examples of that, including some in my Orkney constituency, but the approach has been patchy and falls well short of where we need to be.

Amendment 149 would strengthen accountability by requiring the Government to report on levels of investment and providing an impetus for increasing investment over time. The UKCCC was clear about how quickly the shift to ULEVs needs to take place; it also noted the cost, air quality and competitive advantages of an earlier switchover. I welcome Maurice Golden’s similar amendments, but I suggest that my amendments are more robust.

I look forward to the debate and I move amendment 138.

Maurice Golden (West Scotland) (Con): I will set out the scenarios and the position in which the amendments in the group sit. The view could be

taken that no amendments should be made to the provisions on the climate change plan, because that would be too prescriptive and too onerous for this and future Scottish Governments, or the view could be taken that anything can be included, because that would bind this and future Scottish Governments to a variety of tactics.

Our view, which is a bit more nuanced, is in the middle of the two views that I have described. It is that members should be willing to consider amendments that would feed into and help with meeting existing commitments and targets. The specific wording can be looked at but, in general, amendments that would facilitate the achievement of existing commitments should be considered and are in scope.

I, too, am conscious of the time. Amendment 100 would require the Scottish ministers to include the public procurement of electric vehicles in the climate change plan. That would make a lot of sense, given the Scottish Government’s commitment on electric vehicles. Amendment 130 would promote the provision of electric vehicle charging stations for those who live in tenements, which looks to solve a weakness in our infrastructure.

Amendment 137 covers the agricultural sector’s requirement to receive support for measures that will help us to meet our targets. Amendment 131 recognises that we will have to develop technology and do research and development work to find ways of improving our overall academic backdrop and our ability to deliver more sustainable energy. The amendment suggests the establishment of a sustainable energy innovation centre.

My final amendment in the group is amendment 132, which would set out a requirement in the climate change plan for the Scottish ministers to increase funding for energy efficiency measures. Such a provision would help us to meet existing targets and is not a deviation from the current approach or too prescriptive for current or future Scottish ministers.

10:00

Claudia Beamish (South Scotland) (Lab): I will try to keep my remarks brief—I want to speak to one or two other amendments in addition to my own. I will speak to my colleague David Stewart’s probing amendment 140, as he is unable to be here because he is at a funeral.

Amendment 140 seeks to put in the bill a target to tackle transport emissions by banning fossil fuel cars and vans from city centres by 2030. That sounds like a radical idea, but it is well established in individual cities around the world. It could be a significant intervention to reduce greenhouse gas emissions and improve air quality, and it would go

further than the Transport (Scotland) Bill's LEZ section. As we know, transport emissions are on the increase, and road transport is the biggest source of emissions. Poor air quality hits the most vulnerable—the oldest, the youngest, and those with various co-morbid health conditions—the hardest. There is also the issue of socioeconomic bias; I will not go into more detail on that just now. I know that David Stewart would welcome comments from the cabinet secretary on how road transport emissions are being considered in the bill and in the plan.

I move on to Mark Ruskell's amendment 136, which I will support today. As members may know, I have for some time had an interest in bettering our understanding, protection and enhancement of blue carbon. Our environment's ability to sequester carbon is a key requirement in achieving net zero by 2045, and blue carbon should be receiving much more focus given its significant potential impact on our emissions targets if there is appropriate and sustainable management.

In 2011, a report that was commissioned by Scottish Natural Heritage—I would not have highlighted it if Mark Ruskell had spoken before me, but I think that it is important—found that marine sediments alone equate to 52 per cent of Scotland's 2011 carbon emissions. Unlike many other marine and terrestrial habitats, marine sediments can lock up carbon for many thousands of years. There were two info boxes that referred to blue carbon possibilities in the two most recent climate change plans—the first was supported in particular by the then Minister for Environment and Climate Change, Paul Wheelhouse. We have abundant sea grass and kelp beds around our coasts. The time for action is in the next plan and in successive plans, in the same way that peat research was developed and action then followed. That would send a clear signal of the importance of blue carbon, and I ask members to support amendment 136 today.

I lodged amendment 133, on land use, to establish a new duty on ministers to set out, within one year of the bill receiving royal assent, policies and proposals for the creation of regional land use partnerships and frameworks. The amendment seeks to strengthen the mandate of the land use strategy and facilitate its delivery on the ground. When the land use strategy was first published in 2011, it was world leading in its recognition of the important role that land can play in climate mitigation and adaptation. However, since the strategy was revised in 2016, little progress has been made. Although there have been two pilot schemes, there has been no roll-out of regional land use frameworks.

One of the challenges with the current legislation is that no duty to deliver the policies and proposals exists in the land use strategy; there is only a duty to produce and revise the strategy itself. As a result, the strategy has been sidelined and overlooked, despite the crucial role that it could play in addressing the climate emergency and shaping future rural policy. The CCC has highlighted the key role that land use will play in greenhouse gas removal, and regional frameworks could provide a mechanism to deliver that. They would also aid the targeting of future rural support to activities and areas that contribute most to our climate ambitions. Regional land use frameworks should identify opportunities to prioritise land use and management practices that optimise greenhouse gas removal. The Scottish Government's plan for the rural funding transition, "Stability and Simplicity: proposals for a rural funding transition period", runs to 2024, and I feel that the amendment's provisions fit well with it. We need to act fast in order to contribute meaningfully and usefully to that transition.

I have listened to Maurice Golden's comments and I will not—although I could—go into detail on those because of time.

Members well know that there is a strong mandate for Mark Ruskell's amendment 135 on fracking, as the Parliament has agreed to prohibit fracking in Scotland. I have been joining campaigners across Scotland for a number of years now, pushing the Government and considering all pathways to block those damaging techniques and give peace of mind to communities once and for all.

I urge the cabinet secretary to clear up her Government's intentions and be crystal clear, given that we are currently on the third Government public consultation on fracking—the fourth if we include my member's bill. Agreeing to Mark Ruskell's amendment would further indicate the Scottish Government's determination to prohibit onshore fracking in Scotland by enshrining the commitment to address it in each climate change plan as we progress. Fracking is not a transition fuel and we should take every opportunity to say no to it for the sustainable future of our communities, our industries and the jobs that they will bring without that inappropriate destructive distraction, and, of course, for the future of our very planet.

I support amendment 49 but, again, I will not go into the details as Mark Ruskell will highlight those himself. I have lodged amendments 49A and 49B.

Amendment 49A is on carbon sequestration. The Climate Change (Emissions Reduction Targets) (Scotland) Bill legislated for a target of net zero greenhouse gas emissions, and the "net" part of that is fundamental if we are to reach that

target. In its advice on net zero targets, the UK Committee on Climate Change states that it is confident that Scotland could feasibly achieve the higher target than the rest of the UK because of its greater sequestration capabilities. With increasing global recognition of the need for carbon reductions from land use activities, this addition to Mark Ruskell's amendment 49 offers a relatively straightforward and cost-effective opportunity to address the issue in the public interest. The process of carbon sequestration will also contribute significantly to our biodiversity targets and to the tackling of flood mitigation.

The committee has often discussed the complexities of reducing farming sector emissions at a greater speed, with only a 1.9 per cent decrease between 2016 and 2017. Such a holistic approach is right. Sequestration of carbon is a very important part of the role of farmers as the custodians of our land, and I am aware that farmers can feel as though their hard work in sequestration often goes unrecognised. It is essential that that is rectified, and that we all understand the significant contributions that can be made.

Agroforestry, which is the subject of amendment 49B, is proven to make a significant contribution to addressing the challenges of climate change. Agroforestry can be implemented in a number of ways. However, it is important to note that approaches can be designed in a way that avoids a trade-off between food provision and other ecosystem services. Trees can be planted along riverbanks and the edges of fields, and rows can be planted among arable crops, on separate parcels of land, and integrated with livestock and woodland pasture systems.

Among co-benefits, beyond the sequestration of carbon, is shelter from more extreme temperatures. Trees can be sun shades in summer and wind, rain or snow breaks in winter, which is valuable for our beasts. Browsing the low branches and the overhangs of tall native hedges can provide them with a range of nutrients and minerals.

Last week, I visited Whitmuir Organic Farm near Lamancha to see an inspiring and successful range of methods for myself, accompanied by owner Pete Ritchie and supported by the Woodland Trust. Adding agroforestry to Mark Ruskell's amendment 49 will focus minds on the value of that method of farming.

Support is need for percentage capital payments, design advice, planting advice and at least partial funding through a scheme. In the climate and environment emergency, we all have a responsibility to contribute as best we can.

John Scott (Ayr) (Con): I declare an interest as a farmer and landowner.

Amendment 101 is a probing amendment that seeks to create a new class of land that will identify and group types of land that have a particularly beneficial effect on climate change mitigation. In time, I would expect to create a hierarchy of land capability for the existing storage of carbon and active sequestration.

Peat bogs would be at the top of that hierarchy, which would work down to deep peat, forestry and landscapes capable of renewable energy production, through to grasslands managed for the sequestration of carbon. That would allow that type of land to be targeted for the attention or support of Government when using public money for the delivery of public good. Such a classification might also attract a new type of investor in land to Scotland, such as pension funds that want to hold and maintain land with the ability to store or sequester carbon to offset other less carbon-friendly assets in their portfolio.

Private finance for the delivery of natural capital is a concept that is supported by the Scottish Wildlife Trust, the Scottish Environment Protection Agency, the Edinburgh centre for carbon innovation, Crown Estate Scotland, Highlands and Islands Enterprise, Scottish Water and Virgin Money, and which already has a name—the Scottish conservation finance project. The £1 billion challenge to deliver on that concept was launched at the Royal Society in London on 28 February 2019.

My probing amendment would give a name to the type of land that many agree needs to be supported.

Mark Ruskell: I will speak to amendment 136, in my name, as well as amendments 135 and 49, and others.

Picking up on Maurice Golden's comments, I note that perhaps all the amendments deal with a number of weaknesses that exist in the climate change plan. They attempt to put in place policy frameworks to drive progress and, in some areas, break new ground.

That leads to amendment 136 on blue carbon. I recognise that Claudia Beamish has demonstrated leadership in this area. We have needed to take a leap of faith with blue carbon, but the evidence base on it is now building up. Amendment 136 seeks to increase the requirement on ministers to consider the role of marine carbon stores, such as kelp forests and salt marshes, in reducing Scotland's emissions. Those blue carbon features not only process and store atmospheric carbon but play a physical role in helping us to adapt to the effects of carbon change such as the rise of sea levels and, by buffering coastlines, storm events.

The recently reviewed climate change plan briefly refers to blue carbon and indicates that evidence on which action could be based is lacking. I welcome the fact that the Scottish Government has set up a blue carbon forum and is prioritising research in that field, but it is important that that research translates into meaningful policy action when the time is right.

Amendment 136 would require ministers to state their policies and proposals for mitigating greenhouse gas emissions through the good management of blue carbon features in marine areas.

Amendment 135 is on unconventional oil and gas. The debate on fracking of recent years is familiar to us all and I will not reopen arguments on that today—we could spend weeks on it.

The Government has announced an indefinite moratorium on fracking and coal-bed methane extraction in Scotland. That prohibition or moratorium—let us be careful which words we use—takes the form of statements in the national planning framework and energy strategy that rule out the development of operations in Scotland. Amendment 135 would require a similar statement to be included in the climate change plan to ensure that Scotland's opposition to fracking was embedded across the Government's full suite of policies.

It is important that there is a reference to unconventional oil and gas in the climate change plan, given that much of the context for the Scottish Government's policy position on it has come out of concerns about climate change and fugitive emissions, among other associated issues. Detailed scientific studies and other work have been done on that so, given the science base behind the Government's position, it is appropriate that it is reflected in some way in the climate change plan.

Amendment 49 is on what I am calling a whole-farm climate action plan, which the Government would be required to produce. It would be separate from but embedded in the main climate change plan.

Members are well aware of the discussions and evidence that we have had on this issue. I appreciate that John Scott's amendment is similar. The system that is used to calculate Scotland's climate change emissions separates agriculture from land use, which often means that farming gets credited with emissions that come from agriculture but not with the positive sequestering effect of good land management and forestry that also take place on our farms. The action plan that would be required under amendment 49 would bring those two areas together for the first time

and would give a net figure for the impacts that our farms have as a whole on climate change.

10:15

The provisions that the amendment would introduce would require a plan to be set out for how emissions reductions from our farms will progress, taking account of a range of areas. My intention is to bring forward a framework. It would be tempting to have targets for this and that, but the framework that I have set out will be familiar to many members. We have spoken about the importance of research, knowledge transfer, advice, land management accreditation and nutrient resource budgeting. I do not want to set exact policy prescriptions in the bill, which would have to stay there for ever; I want to ensure that good, joined-up action is being taken by the Government to bring those elements together in a sector plan that is focused and turns agriculture from being, perhaps, one of the problems that we have with climate change to one of the strong solutions.

Amendment 101, in the name of John Scott, is very similar to amendment 49—we are almost on the same page. However, I do not believe that putting a requirement into the climate change plan does what is necessary. There are already elements in the climate change plan that could be said to address the area of whole-farm emissions, but that does not deal with many of the concerns that we have had in committee about the joined-up nature of the policies that we need. I think that a separate plan needs to be built out from the main climate change plan that goes into the detail of how we are joining up that work.

I am happy to accept amendments 49A and 49B, which highlight the importance of sequestration and of agroforestry, which is massively undervalued with respect to climate change and how we make agricultural systems more resilient in the face of climate change and its impacts.

Amendment 101 would create a separate land category, using the idea of "mitigation land". I know that John Scott is keen on that, and there is a lot of merit in what he talks about, but I would be a bit concerned about what would in effect be unintended consequences if we created a climate change set-aside. That could have impacts on biodiversity. Part of the solution lies in integrating land management, for example by integrating carbon sequestration into how we graze pasture through mob grazing techniques. That is not about setting aside land and telling people that they cannot grow anything on it any more, because that is the climate change bit; it means ensuring that agricultural management as a whole delivers carbon sequestration. There may be scope to

have peat bogs and particular habitats that are set aside for climate sequestration. However, the proposals are more integrated and more holistic, to use John Scott's word from the stage 1 debate. That is what we are trying to get out of this process.

Turning to the other amendments in the group, I would say that heat is the big issue here. It was a huge issue in 2009, and an amendment was made to the bill then to require a heat target. I do not think that we have seen enough progress as a result of that. At the time, the industry believed that a target around heat would be enough to drive things, but I do not think that that has happened at a sufficient level. We now require to get more specificity and focus through the bill, as we have not had as much progress as we thought we would get.

As regards the focus on electric or ultra-low-emission vehicles, we must move quickly on that in a very short period of time. There are big issues there, and a focus on that in the bill would be welcome and beneficial.

The Convener: John Scott wishes to speak to amendment 102.

John Scott: Thank you, convener. I should have spoken to amendment 102 earlier—forgive me.

The intention behind the amendment is to give recognition, now and in the future, to farmers and land managers who are taking a whole-farm or whole-holdings approach to climate change and greenhouse gas reductions. Currently, farmers, crofters and estate owners get little or no credit for maintaining or restoring peat bogs or planting trees as part of agriculture's contribution on climate change.

That needs to be better understood and recognised, perhaps by a scheme that would run in parallel with Intergovernmental Panel on Climate Change measurement practices. Amendment 102 would also allow for the delivery of public or private funding to support, enhance and record the measures that are taken by managers or owners of farms and estates, so that they would be recognised for their actions and how much farmers are part of the solution to the climate change challenge would be demonstrated. The amendment is in response to recommendations 405 and 406 in the stage 1 report.

I agree with the sentiment of amendment 49, but it is too prescriptive. It introduces a sectoral approach that we were not in favour of previously, so we will not be supporting it. Notwithstanding that, I agree that the issue will need to be addressed in future, probably in a similar way to Mark Ruskell's proposal.

Stewart Stevenson: I am not entirely clear that amendment 136, in the name of Mark Ruskell, can cover the things that we want to cover. In particular, proposed new section 19(4B) refers to

“protection and enhancement of areas within the Scottish marine area appropriate long-term storage of carbon.”

I assume that that includes pipelines and drilling platforms, because new holes would need to be drilled into the geology if we are to put carbon dioxide or carbonic acid down into the rocks. However, there appears to be a specific retention of power in schedule 5(D2)(c) to the Scotland Act 1998 that relates to “offshore installations and pipelines” and may mean that we would not be able to legislate, if that is the intention—I am not clear whether it is. That is a wee technical point.

My other point may simply reflect an inefficiency in my reading. I am not sure what “carbon” means in legal terms. The 2009 act includes “carbon units”, which include all the greenhouse gases in the definition—not simply carbon dioxide; “carbon dioxide”, which is self-defining; and “carbon accounting”, which again includes not simply carbon but carbon equivalents including all the greenhouse gases. I know what the amendment is trying to say but I am not absolutely sure whether the use of the word “carbon” is sufficiently precise. The storage in the Scottish marine area would be carbon dioxide or, in its liquid form, carbonic acid, rather than other greenhouse gases, which are probably not suitable for storing in that area. I hasten to add that I strongly support storing carbon dioxide.

On amendment 49, again in the name of Mark Ruskell, I am strongly in favour of sectoral plans but strongly against sectoral targets—members will have heard me say that before. In some ways, we are sneaking up on sector targets by the way in which the amendment is constructed. For example, I do not know at this moment whether we need to do anything in agriculture. Instinctively and logically, I feel that we do, but scientifically, I do not know whether we need to do anything, because we might—this is an extreme view—be able to do all that is required to get to a carbon-neutral Scotland by doing it all in energy. I simply do not know, so I am reluctant to travel with this—

Mark Ruskell: Will the member give way?

Stewart Stevenson: I will just say one more thing. Mark Ruskell used the words

“the importance of research and advice”.

I agree with him about that.

Mark Ruskell: Can you point out anything in amendment 49 that would require ministers to set targets? I agree that targets might be necessary, but surely it is the actions that underpin targets that are important, which is why I did not seek to

set yet more targets in the bill. You might be right; it could indeed be the case that agriculture is making a wonderful contribution and we do not need to set a target to drive further action.

Stewart Stevenson: Let me say, for the avoidance of doubt, that what amendment 49 provides for approaches being a target; it is not directly a target. However, it is so prescriptive, in the advance of our having the scientific advice to inform us, that I am reluctant to support it. I will leave it at that.

Roseanna Cunningham: Of necessity, it will take a few moments to speak to the amendments in this group.

I have no doubt that the vast majority of the amendments reflect well-intentioned desires to see particular policy priorities reflected in the next climate change plan. However, I am firmly of the view that placing such requirements in primary legislation is the wrong approach.

The purpose of climate change plans is to set out, across all sectors of the economy, an overall package of policies and proposals for meeting future targets. The development of that overall package represents a key function of the Scottish ministers. The Parliament already has substantial input to the process, through scrutiny of a draft version of the plan.

Amendments that I lodged in response to committee recommendations, which we will debate in a later group, will make more transparent the role of independent, expert advice from the CCC in the plan process.

It is absolutely right that Parliament and the CCC have a strong role. It is also necessary, given the strategic and cross-portfolio nature of plans, for ministers to be able freely to consider the full range of policy options available to them in setting out an overall package that works best for the climate and for the people of Scotland.

The amendments in this group would have the effect of prescribing a set of policy areas that must be set out in all future plans. Such an approach would significantly restrict the process for preparing plans, making it unwieldy and less effective.

The proposed approach also raises fundamental questions, including of a legal nature, about whether there would then be a hierarchy of policy options, with those that were chosen to be set out in the primary legislation taking precedence over all others. Climate change plans are statutory in nature and their content requirements are subject to legal interpretation. The placing of a set of particular policies in the bill now could well be taken to imply that ministers must give priority to those matters over others, regardless of changing

circumstances, expert advice or indeed a future Parliament's changing priorities. That could lead to a situation in which ministers in the future are compelled to prepare plans that provide neither the most beneficial nor the most cost-effective overall package of measures.

The placing of a particular set of policies in the bill also poses the risk of sending unclear signals. Although I am sure that this is not the intention of members, I worry that stakeholders, including businesses, might interpret such a legislative step as a signal that all other policy options are less favoured by the Parliament—or even, in the extreme case, as a signal that no other options will be needed to meet future targets. Such unintended signalling could undermine the Government's current message, which is that, in the light of the global climate emergency, all policy options need to be kept under review, to see where more can be done.

In considering those risks, I invite members to reflect on the fact that the proposed amendments would bind the content of all future climate change plans from now until the 2040s. They would not bind just the update to the current plan that will be prepared immediately after the bill's passage.

I appreciate that there are entirely legitimate particular interests at this time around support for electric vehicles, energy efficiency and low-carbon heat, which are reflected in amendments 134, 138 and 139, from Liam McArthur, amendments 100, 130 and 132, from Maurice Golden and amendment 140, from David Stewart. I assure members that policies and proposals on all those matters will feature in the updated plan. However, it is not unreasonable to suppose that other priorities and key issues will have emerged by the time of the next plan in five years' time, or certainly by the time of the one after that.

10:30

The amendments may be overly restrictive in the context of the long-term nature of the statutory framework on climate change. They carry the risk that ministers and Parliaments during the 2020s, 2030s and 2040s would be compelled to focus their efforts on matters that are no longer pressing, at the expense of those that are. If that list of priorities is placed in primary legislation, it would be difficult to update or amend.

In light of those general points, I urge members to not press—

Claudia Beamish: Will the cabinet secretary take an intervention?

Roseanna Cunningham: Yes, of course.

Claudia Beamish: From my perspective, the reason for not going for targets—to be frank, there

has been a lot of encouragement from people and organisations outwith the Parliament to have targets—is that things should be more fluid than that. However, frankly, we are dismal on all the areas that the cabinet secretary mentioned. I did not mention Liam McArthur’s amendment on heating, but we are far behind the curve on renewable district heating compared to what is happening in Europe.

My understanding is that the purpose of the amendments is to set down markers, to focus minds in Government and to send messages to industry and others. Nobody is saying what has to be done on any of the areas covered by the amendments; nobody has proposed a target for any of them. However, if the amendments are accepted today, which I still hope very much that they will be, those issues would have to be considered.

If in 2040 we are so brilliant on district heating or we have found other methods of heating that mean that we do not need to take action on heating any more, it would be quite straightforward to justify that. However, that is where we are, and that is where we need to be.

Roseanna Cunningham: That is not what would happen if the amendments were to go into primary legislation. There is a fundamental misunderstanding of the purpose and the effect of primary legislation. The effect is really important. You say that in 2040, we could choose to say, “That’s already done; we don’t have to develop that in the climate change plan, because we’ve been so good.” That is not what the legislation would say. It would say that you would have to do that, even in those circumstances. That is the difficulty of the reality of primary legislation, as opposed to anything else.

I return to my comments on the generality of this group of amendments. I reiterate that there is a risk that ministers in the 2020s, 2030s and 2040s would be compelled by law to focus efforts on matters that might no longer be pressing, at the expense of those that are pressing, that might become pressing or that we might not be able to anticipate at this point. If we place that list of priorities in primary legislation, it would be difficult to update or amend.

In the light of those general points, I urge members not to press any of their amendments in this group.

Although those general points have guided my approach to responding to this group, I offer further remarks on aspects of certain amendments. Most of my comments are on those amendments relating to land use matters, and I will begin there.

I am sympathetic to the underlying intention of Claudia Beamish’s amendment 133, which is on regional land use partnerships and frameworks to support better land use decisions. However, I have concerns about the practical implications and the timing requirements set out in the amendment, as they do not reflect current uncertainties to do with EU exit.

The Scottish Government remains committed to the vision, objectives and principles of the second land use strategy, “Getting the best from our land: A Land Use Strategy for Scotland 2016-2021”. We are making progress on a number of its policies and proposals, including through publishing in 2017 the “Scottish Land Rights and Responsibilities Statement”, which is the world’s first such statement, and publishing “Scotland’s Forestry Strategy 2019-2029”. In part because of the critical relationship between land use and our ability to meet our climate change targets—which we all accept—the Government has just established a new directorate to drive forward development of integrated, sustainable land use policy.

Crucially, the land use strategy was published just before the 2016 EU exit referendum. It is important that we take stock of its proposals, including those to encourage regional land use partnerships and frameworks, to identify actions that will best contribute to the strategy’s vision.

Previous land use strategy pilot projects in the Borders and Aberdeenshire demonstrated that there is no one-size-fits-all approach to developing regional land use frameworks or partnerships. It is therefore not clear that legislating for a regional land use approach will achieve better outcomes.

It is essential to allow sufficient time to consider and test the implications of a regional land use approach for local communities and the development of future rural policy after any EU exit. Introducing a timescale whereby ministers would have to publish their policies and proposals on regional land use partnerships and frameworks within a year of royal assent would not create space for the considered approach that is needed.

In relation to Mark Ruskell’s amendment 49 that would require the laying of an additional

“whole farm climate action plan”,

I have concerns about that pre-empting on-going data development work in this area. I also have concerns about the general approach of singling out one sector—in this case, agriculture—for more detailed reporting and planning. To be clear, the first of those concerns is not about the principle of trying to provide a better statistical representation of all that farmers do to reduce emissions across their farms, including in ways that are not credited to the agriculture sector in the greenhouse gas

inventory—of course, the inventory is not an invention of ours; it is something to which we are bound. When I wrote to the committee on 2 May and when I gave evidence on 21 May, I set out our current position on such matters, and I think that it might be helpful to do so again.

I explained that the Scottish Government is currently exploring alternative methods to provide further estimates of emissions from the wider agriculture sector. I also undertook to report to the committee on potential approaches to reporting and the likely accuracy of estimates as soon as we have progressed the work so that it is sufficiently substantial. I am happy to reaffirm that the Government is committed to that on-going work, and I note that John Scott's amendment 102 reflects a more measured approach to the matters in question than Mark Ruskell's amendment 49.

Agreeing a statutory requirement for what exactly should be reported at this time, before the landscape of data availability and quality is even understood, runs a high risk of not ending up with the best possible information. Amendment 49 also seems likely to lead to reporting that would substantially duplicate the policy information that is already set out in the agriculture chapter of the climate change plans, albeit in a different format. It is not clear to me why the agriculture sector should be singled out for additional reporting and planning in the way that Mark Ruskell proposes.

I urge members to allow the current work to develop the evidence base on whole farm emissions reporting to continue to take its course. I assure members that I recognise the importance that they attach to such matters—indeed, I frequently discuss the issue in my speeches and conversations—and to the reduction of emissions from agriculture in general, which is reflected in John Scott's amendment 102 and Maurice Golden's amendment 137. I will provide further updates to the committee on the analytical work in this area as soon as possible, and I would be happy to meet any interested members directly to discuss these matters in more detail.

Remaining with land use matters, I am interested in John Scott's amendment 101 on establishing a new land class related to climate change mitigation. I do not think that the bill is the right place for that, in part because I note that existing classifications are not statutory in nature. However, I would be happy to ask my officials to look into the idea further. I would also be happy to meet John Scott to discuss it further once that work has been done. I urge him not to move amendment 101 at this time, as it is simply too early to be making decisions on an idea that has been so little explored.

I also have sympathy for what I think might be the intentions of Mark Ruskell's amendment 136

on marine carbon storage, which I have taken to be in reference to what is commonly known as "blue carbon". Although the IPCC's emission reporting guidelines—and, therefore, the Scottish GHG inventory and climate targets—do not currently include blue carbon, that does not mean that it is not important. The Scottish Government recognises the important role of our oceans in mitigating climate change. Indeed, our current climate change plan contains a section that sets out the Scottish Government's approach to such matters. If I recall correctly, that was a late addition to the final plan, because the information had not been available when the draft climate change plan was produced. I assure Mark Ruskell and other interested members that blue carbon will continue to feature in the updated plan. I am happy to meet with any member to discuss the progress of work to develop the evidence base in the area.

Claudia Beamish: Will the cabinet secretary take a brief intervention?

Roseanna Cunningham: If it is brief.

Claudia Beamish: Well, obviously, it is—I said "brief". I need clarification, so I hope that it is acceptable to ask for an intervention.

On amendment 133, in relation to land use, which is an important issue that Scottish Environment LINK and a number of other groups have raised with me, the cabinet secretary said that a period of a year from royal assent would not give time to enable the issues to be taken forward. Will she consider meeting me to discuss the possibility of making the period three or four years from royal assent and bringing a proposal back at stage 3?

Roseanna Cunningham: I am always happy to continue to have those conversations. The substantial point that I was making is that we do not have enough information right now to be able to establish a fixed way forward. I am happy to have that conversation with the member in the intervening couple of months.

Claudia Beamish: Thank you.

Roseanna Cunningham: On Maurice Golden's amendment 131, which is on a sustainable energy innovation centre, I am unclear how that would be expected to interact with the various innovation centres that already support the renewable energy and low-carbon sector in Scotland.

As an aside, I point out that we usually hear from Conservative members about cutting down on duplication of effort. I will list some of the various innovation centres that currently exist. They include the energy technology partnership, which is funded by the Scottish Government directly; the Construction Scotland Innovation

Centre, which gets Scottish Further and Higher Education Funding Council and enterprise agency money; the Edinburgh centre for carbon innovation; the centre for energy policy at the University of Strathclyde international public policy institute; the Industrial Biotechnology Innovation Centre; the Oil & Gas Innovation Centre; and the Scottish Aquaculture Innovation Centre. It might have been helpful to have understood how the sustainable energy innovation centre would fit into all of that. Again, I am happy to discuss the issue with the member if he thinks that there genuinely is a role for another centre. We could perhaps have a conversation about how that might be reflected.

Remaining with energy matters, the Scottish Government cannot accept Mark Ruskell's amendment 135, which would require ministers to set out proposals and policies regarding the prohibition of the extraction of onshore unconventional oil and gas reserves in all future climate change plans. The Scottish Government's preferred policy position is that it does not support onshore unconventional oil and gas development in Scotland. Scottish ministers are entering the final stages of the policy-making process on that important issue. The preferred policy position is subject to a statutory strategic environmental assessment and other assessments before any policy can be adopted.

In the meantime, it is important to stress that, under the terms of the moratorium, no local authority can grant planning permission for any proposed fracking or coal-bed methane project without advising ministers, which then permits ministers to call in the application. The Scottish ministers would defer any decision on any planning application that came forward until the policy-making process on their preferred position is completed. The practical effect of the current moratorium and the policy-making process that is under way to finalise our position is that no fracking or other unconventional oil and gas activity can take place in Scotland at this time.

Mark Ruskell: Can the cabinet secretary confirm that the outcome of that preferred policy-making process will be reflected in the next climate change plan?

Roseanna Cunningham: I expect that it would be. Whatever the current state of it is—I am constrained in what I can say about it—I see no reason why it should not be. We should remember that the climate change plans subsist for a considerable period, and all that we can do is reflect our current position.

I turn to amendments 148 and 149 from Liam McArthur, who has been waiting patiently to have his amendments addressed. They relate to requirements for specific content within climate

change plan monitoring reports rather than within plans, so this is a slightly different aspect. The purpose of the annual monitoring reports is to set out information on progress to delivery across all areas of whatever plan is current at the time.

Singling out specific policy areas for particular assessment could create the perception that it is less important to monitor progress in other areas. That goes back to the issue that I raised at the start of my comments. I have already assured Liam McArthur that the upcoming update to the current plan will include policies and proposals on both low-carbon heat and electric vehicles. I can further assure him that those will be monitored, using appropriate indicators, in the subsequent monitoring reports.

10:45

To conclude, my view is that it is vitally important that the statutory climate change plan process continues to effectively support the delivery of Scotland's ever more challenging climate targets. Seeking to pre-determine the content of future plans by placing particular delivery policies in the bill now runs the risk of leading to a process that is overly restrictive and outcomes that are less cost effective. It also risks creating legal hierarchies among policy options and sending unintended signals that will result in some options being prioritised at the expense of others.

I ask members to allow the effective approach to long-term delivery planning established by this Parliament's 2009 act to continue. Placing a particular set of current delivery priorities, however well intentioned, in primary legislation risks fundamentally undermining that approach. As such, I reiterate my call for members not to press any of their amendments in the group. If they wish to press them, I will not be able to support them.

Liam McArthur: It has been a useful and interesting debate. At its root is the principle of finding a balance between prescription and the necessary flexibility to ensure that the legislation is future proofed. There is not necessarily any disagreement about the need to get that balance right, for a whole host of reasons. Mark Ruskell and Maurice Golden both pointed to the need for a policy framework to drive forward action. Simply assuming that action will take place is perhaps dangerous or naive. The only exception was in relation to fracking, where the amendment was less about enabling it and more about underpinning the concern that a number of us share about the state of the current prohibition of that.

I thank Claudia Beamish and Mark Ruskell for their strong support of my amendments on heat

and transport. It is inconceivable that there can be any let-up in action on heat and transport for the duration of future climate change plans, not least given where we are starting from. There will be a continuing need to keep that under review, and I suspect that the public sector will continue to be required to take the lead and drive forward progress in both instances.

Stewart Stevenson made some interesting points about clarity in the amendment on blue carbon. Some of what we know about that is less perfect than we would like, but it is, again, inconceivable that blue carbon will not play a key part in the delivery of our climate change ambitions over the duration of the plans.

One of the debates that I found most interesting was on agriculture and land management. It was reassuring to hear people agree that, although agriculture has, to date, been misconstrued and misrepresented as simply part of the problem, it is a sector that presents opportunities as well as areas in which progress will need to be made. The various amendments seek to capture those points.

The situation boils down to whether we can assume, given the way that the bill is currently drafted, that the necessary action will be taken in those areas, or whether the effort to drive forward that action will be enhanced and buttressed by some of the amendments that my colleagues and I have lodged. I think that more detail could usefully be put into the bill, and on that basis I will press amendment 138.

The Convener: The question is, that amendment 138 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 138 disagreed to.

Amendment 139 moved—[Liam McArthur].

The Convener: The question is, that amendment 139 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Carson, Finlay (Galloway and West Dumfries) (Con)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Scott, John (Ayr) (Con)

Against

MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 139 agreed to.

Amendment 100 moved—[Maurice Golden].

The Convener: The question is, that amendment 100 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Carson, Finlay (Galloway and West Dumfries) (Con)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Scott, John (Ayr) (Con)

Against

MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 100 agreed to.

Amendment 130 moved—[Maurice Golden].

The Convener: The question is, that amendment 130 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Carson, Finlay (Galloway and West Dumfries) (Con)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Scott, John (Ayr) (Con)

Against

MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 130 agreed to.

Amendment 134 moved—[Liam McArthur].

The Convener: The question is, that amendment 134 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Scott, John (Ayr) (Con)

Against

MacDonald, Angus (Falkirk East) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 134 agreed to.

Amendments 140 and 101 not moved.

Amendment 136 moved—[Mark Ruskell].

The Convener: The question is, that amendment 136 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
 MacDonald, Angus (Falkirk East) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 136 disagreed to.

Amendments 102 and 133 not moved.

Amendment 137 moved—[Maurice Golden].

The Convener: The question is, that amendment 137 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Scott, John (Ayr) (Con)

Against

MacDonald, Angus (Falkirk East) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Beamish, Claudia (South Scotland) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)

The Convener: The result of the division is: For 2, Against 3, Abstentions 2.

Amendment 137 disagreed to.

Amendment 131 not moved.

Amendment 132 moved—[Maurice Golden].

The Convener: The question is, that amendment 132 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Scott, John (Ayr) (Con)

Against

MacDonald, Angus (Falkirk East) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Beamish, Claudia (South Scotland) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)

The Convener: The result of the division is: For 2, Against 3, Abstentions 2.

Amendment 132 disagreed to.

Amendment 135 moved—[Mark Ruskell].

The Convener: The question is, that amendment 135 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

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

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
 MacDonald, Angus (Falkirk East) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Abstentions

Beamish, Claudia (South Scotland) (Lab)

The Convener: The result of the division is: For 1, Against 5, Abstentions 1.

Amendment 135 disagreed to.

Amendment 141 not moved.

The Convener: Having finished that marathon, we will have a short suspension.

10:59

Meeting suspended.

11:10

On resuming—

The Convener: Amendment 76, in the name of John Scott, is grouped with amendments 142 and 147.

John Scott: Amendment 76 seeks to amend section 19, which makes provision in relation to climate change plans and seeks to add a

requirement that each plan that is prepared by the Scottish ministers

“must set out an estimate of the costs and benefits associated with the policies set out in the plan.”

It would also allow both the Government and the public to better understand the costs and benefits—as they could best be calculated and estimated—before each new plan was undertaken. The amendment responds to the recommendation in paragraph 656 in the stage 1 report.

I move amendment 76.

Maurice Golden: Amendment 142 would introduce a requirement for impact assessment within the climate change plan and would require the Scottish ministers to consider

“how the proposals and policies set out in the plan are expected to affect”

various groups including “island communities” and “local authorities”.

Mark Ruskell: Amendment 147 would require the annual progress reports on the climate change plan to include information on the level of spending that would be put towards the plans, policies and proposals. It picks up on a stage 1 report recommendation on the annual monitoring reports. They are of benefit to the pre-budget scrutiny process, but, without the associated financial information, not as much as they should be.

I will listen to the cabinet secretary. We had a conversation on budgets last week, and she offered more discussion on budget mechanisms, but I am inclined to move amendment 147, because it would be an obvious improvement.

Stewart Stevenson: Amendment 76 is so obvious that I doubt it will take long to make the decision to support it.

I am not sure that amendment 147 would add anything to it.

I want to pick up on Maurice Golden’s list in amendment 142. I do not know what is meant by “indigenous peoples”. In Scotland, we have had so many waves of migration over the years that I do not know whether any of us is indigenous in any meaningful sense. Certainly, my DNA suggests an extremely mongrel ancestry—as would that of most people, I suspect. I also do not know what “migrants” means. Does it mean immigrants or emigrants—in other words, people arriving or people leaving? Or are we talking about the old convention by which one migrated when one moved within the Commonwealth and one immigrated or emigrated when one moved into or away from the Commonwealth? I am not entirely clear what “migrants” are.

I know what “persons in vulnerable situations” is likely to mean, but is the amendment trying to refer to people with protected characteristics, or are they an omission from the list? If we must have a list—and I am not clear that we do—this is not one with which I feel comfortable.

11:15

Roseanna Cunningham: I support John Scott’s amendment 76. I know that the committee was keen for there to be greater information about the costs and benefits that are associated with climate change plans. It would create a proportionate duty that would ensure that the plans were required to set out useful information on the estimated costs and benefits of policies to reduce emissions.

I have sympathy for the intentions behind Mark Ruskell’s amendment 147, which would require annual climate change plan monitoring reports to include assessments of expenditure during the delivery of the plan. As the committee is aware, through my responses to the committee’s reports, I have already welcomed further engagement with the Parliament on those matters. In the debate on the grouping of amendments on budget-related matters, the Scottish Government offered to work with the Parliament and stakeholders to review the current processes and outputs around budget information as it relates to climate change, including the roles of section 94 of the 2009 act and the climate change plan monitoring reports. I am happy that Mark Ruskell accepted the offer of a joint review process. Given the importance of that discussion, I hope that he will not move amendment 147, so that the process can proceed in the way that will be most helpful.

I cannot support Maurice Golden’s amendment 142, which seeks to require that plans include an assessment of their impacts on a range of groups, communities and organisations. Although I have no doubt that the amendment is well intentioned, it would be duplicative of existing impact assessment requirements—notably the statutory duties around equality impact assessments, children’s wellbeing impact assessments, socioeconomic assessments, the new islands impact assessment and business and regulatory impact assessments. In addition, I will be a little mischievous and take the opposite position to that of my colleague Stewart Stevenson. His view is that none of us is indigenous; however, I regard us to be the indigenous people of Scotland. That said, I was also a little puzzled by the amendment’s reference to “indigenous peoples”, because I cannot really work out what that would mean.

Stewart Stevenson’s point about the category of “migrants” was well made. In addition, there is no time bracket around it, and it is not in any way

specific to particular groups of migrants. For 16 years of my life, I was a migrant—I just did not happen to be a migrant in this country. There are one or two issues around language, given the necessity to make absolutely clear in legislation exactly what is being discussed. There might be some other issues in and around that point as well.

For the reasons that I have flagged—particularly the variety of existing impact assessments that are required—I do not regard the amendment as being at all necessary. Even leaving aside the question marks over some of the categories in the list, amendment 142 would add a further administrative burden to the process of preparing climate change plans with very little—if any—added value. I therefore urge Maurice Golden not to press the amendment. If he does, I urge the committee to reject it.

John Scott: I am grateful for the cabinet secretary's consideration of the need for analysis of the costs and benefits, which the committee discussed at length. I press amendment 76.

Amendment 76 agreed to.

Amendment 75 moved—[Roseanna Cunningham]—and agreed to.

Amendment 142 not moved.

Amendment 103 moved—[Claudia Beamish].

The Convener: The question is, that amendment 103 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 103 disagreed to.

Amendment 143 moved—[Claudia Beamish].

The Convener: The question is, that amendment 143 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 143 disagreed to.

Amendment 77 moved—[Roseanna Cunningham]—and agreed to.

Amendment 49 moved—[Mark Ruskell].

Amendment 49A moved—[Claudia Beamish].

The Convener: The question is, that amendment 49A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 49A disagreed to.

Amendment 49B moved—[Claudia Beamish].

The Convener: The question is, that amendment 49B be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 49B disagreed to.

The Convener: The question is, that amendment 49 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 49 disagreed to.

Amendment 78 moved—[Roseanna Cunningham]—and agreed to.

The Convener: Amendment 79, in the name of the cabinet secretary, is grouped with amendments 80, 81 and 84.

Roseanna Cunningham: These amendments bring clarity and transparency to the role of independent, expert advice from the relevant body—which is the CCC—in the preparation of climate change plans. They represent a sensible and proportionate response to the recommendations in the committee's stage 1 report.

Currently, the CCC provides its views on any draft climate change plan through its annual reports on Scottish progress in reducing emissions, which are provided for under section 9 of the 2009 act. The current legislation already requires that ministers must have regard to any representations, resolutions or reports from Parliament on the draft plan. In addition, ministers must publish a statement alongside the final version of the plan, detailing those representations, resolutions and reports as well as any change that is made in response to them. The amendments build on those arrangements.

Amendment 84 will insert into section 9 of the 2009 act a duty on ministers to request the CCC's views on any draft climate change plan that has been laid in the previous 12 months. As the CCC's independent progress reports are annual but are not tied to a fixed date in the year, that will ensure that the CCC is requested to set out its views on each new draft plan promptly.

Amendment 79 will require ministers to have regard to any views from the CCC on a draft plan before laying the final version of the plan before Parliament. Amendment 80 will ensure that ministers must set out the detail of any views that have been received from the CCC in the statement that accompanies the final plan. Amendment 81 will ensure that ministers must set out in that statement any changes that they have made in response to the CCC's views, similarly to how they must set out what is required in

response to any representation, resolutions or reports from the Parliament.

The amendments serve to make clearer the CCC's independent advisory role in the climate change plan process. They will ensure that the CCC's views on delivery planning are sought and taken into account in an effective, proportionate and transparent manner.

I move amendment 79.

Amendment 79 agreed to.

Amendment 144 moved—[Claudia Beamish].

The Convener: The question is, that amendment 144 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 144 disagreed to.

Amendments 80 and 81 moved—[Roseanna Cunningham]—and agreed to.

Amendments 145 to 149 not moved.

Amendment 150 moved—[Claudia Beamish].

The Convener: The question is, that amendment 150 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 150 disagreed to.

Amendment 82 moved—[Roseanna Cunningham]—and agreed to.

Amendment 151 moved—[Claudia Beamish].

The Convener: The question is, that amendment 151 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 151 disagreed to.

Amendments 83 and 84 moved—[Roseanna Cunningham]—and agreed to.

Section 19, as amended, agreed to.

After section 19

Amendment 152 moved—[Claudia Beamish]—and agreed to.

Amendment 153 not moved.

11:30

Section 20—Meaning of certain terms

Amendments 36, 85, 86 and 37 moved—[Roseanna Cunningham]—and agreed to.

Section 20, as amended, agreed to.

Section 21 agreed to.

Schedule—Modifications of the 2009 Act

Amendments 38 and 87 moved—[Roseanna Cunningham]—and agreed to.

Amendment 47 moved—[Mark Ruskell]—and agreed to.

Amendments 88 to 90 moved—[Roseanna Cunningham]—and agreed to.

Schedule, as amended, agreed to.

Sections 22 and 23 agreed to.

Section 24—Commencement

Amendment 48 moved—[Mark Ruskell].

The Convener: The question is, that amendment 48 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 48 disagreed to.

Sections 24 and 25 agreed to.

Long Title

Amendment 50 moved—[Stewart Stevenson]—and agreed to.

Amendment 154 not moved.

Long title, as amended, agreed to.

The Convener: That ends stage 2 consideration of the bill and concludes the committee's business in public today. The next meeting of the committee will take place on 3 September.

11:34

Meeting continued in private until 12:28.

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