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Environment, Climate Change and Land Reform Committee Comataidh Atharrachadh Clìomaid is Ath-leasachaidh Fearann

Environment, Climate Change and Land Reform Committee Legacy Report - Session 5



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Environment, Climate Change and Land Reform Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Environment, Climate Change and Land Reform.



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Committee Membership

Convener and previous Convener



Gillian Martin
 Convener since 11 Sept 2018
 (Committee Member
 since 6 Sept 2018)



Graeme Dey
 Convener from 14 June 2016 –
 28 June 2018

Deputy Convener and previous Deputy Conveners



Finlay Carson
 Deputy Convener since 17
 Sept 2019
 (Committee Member
 since 8 Jun 2016)



Maurice Golden
 Deputy Convener from 14 Jun
 2016 – 29 Jun 2017



John Scott
 Deputy Convener from 5 Sept
 2017 – 10 Sept 2019

Current Committee Members



Claudia Beamish
 Member since 8 Jun 2016



Angus MacDonald
 Member since 8 Jun 2016



Mark Ruskell
 Member since 8 Jun 2016



Liz Smith
 Member since 20 Aug 2020



Stewart Stevenson
 Member since 16 Nov 2017

Previous Membership

Alexander Burnett - 8 Jun 2016 – 29 Jun 2017
 Donald Cameron - 29 Jun 2017 – 6 Sept 2018
 Maurice Golden - 8 Jun 2016 – 29 Jun 2017
 Rachael Hamilton - 10 Sept 2019 – 25 Feb 2020
 John Scott - 29 Jun 2017 – 10 Sept 2019
 Annie Wells - 25 Feb 2020 – 20 Aug 2020

Rhoda Grant - 1 Nov 2018 – 20 Nov 2018
 Alex Rowley - 11 Jan 2018 – 30 Oct 2018
 David Stewart - 8 Jun 2016 – 11 Jan 2018

Graeme Dey - 8 Jun 2016 – 28 Jun 2018
 Kate Forbes - 8 Jun 2016 – 19 Apr 2018
 Jenny Gilruth - 6 Sept 2016 – 30 Mar 2017
 Emma Harper - 8 Jun 2016 – 16 Nov 2017
 Richard Lyle - 30 Mar 2017 – 22 Nov 2018
 Alex Neil - 24 May 2018 – 6 Sept 2018
 Gil Paterson - 19 Apr 2018 – 24 May 2018
 Gail Ross - 8 Jun 2016 – 6 Sept 2016

Key

 Scottish Conservative
 and Unionist Party

 Scottish Green Party

 Scottish Labour Party

 Scottish National Party

Introduction

1. This report sets out the focus of the work of the Environment, Climate Change and Land Reform Committee (the Committee) over session 5. It seeks to capture the impact of that work, lessons learned in the course of the Committee's scrutiny, and sets out the Committee's view on key issues and priorities for consideration by successor committees in session 6. The Committee also sets out its views in relation to future parliamentary scrutiny of the environment, climate change and land reform policy area.
2. The Committee's scrutiny over session 5 has been dominated by the impacts of the decision of the UK to leave the EU and the current Covid-19 health pandemic. The policy area covered by the Committee is extensive. Despite the stated intentions of the Committee at the outset of session 5 it is with regret that the Committee notes that some significant areas of policy, such as the ecological crisis and the adequacy of the Scottish Government's response to this, and a number of other Scottish Government commitments have gone unscrutinised or under scrutinised this session. The Committee notes its frustration that it has been unable to pursue important scrutiny priorities this session.
3. The Committee considers that the pressures that have developed over this parliamentary session are likely to extend and grow into session 6. The Committee believes that scrutiny of the Scottish Government response to the ecological and climate crisis and its action to deliver a green recovery will form a major part of Parliamentary business in session 6 and will need to be high on the Parliamentary agenda. Committee remits and support for scrutiny will need to reflect this. The Committee highlights that scrutiny in session 6 will be taking place post UK exit from the EU and this will have significant and lasting implications for scrutiny in areas of policy within the Committee's remit.

Committee activity in session 5

The Committee's approach to scrutiny

4. At the start of the session the Committee agreed to take a strategic and prioritised approach to scrutiny, based on the Committee's scope to influence. The Committee agreed: the principles and focus of its scrutiny; its working practices, how it wished to be supported in its work, and its engagement strategy. This set the strategic framework for the session and the Committee sought to operate within that. Further detail on this is included in **Annexe 1**. Key areas of work undertaken by the Committee and related outcomes are set out below.
5. The Committee met 168 times formally over the session for 438 hours and 47 minutes (67% of the time in public) and undertook further significant informal engagement.



**The Committee met for
 438 hours and 47 minutes
 in Session 5.**

That is 292 hours and 48 minutes in public
 and 145 hours and 59 minutes in private.

**The Committee met
 67% of its time in
 public**

Breakdown:

2016-2017	53h 04m in public	23h 49m in private
2017-2018	68h 41m in public	27h 58m in private
2018-2019	52h 40m in public	44h 31m in private
2019-2020	56h 22m in public	23h 37m in private
2020-2021	62h 01m in public	26h 04m in private



Environmental impacts of EU exit

- From the outset the Committee sought to understand the environmental impacts of the UK exit from the EU, including whether and how to: ensure the UK's future alignment with EU environmental standards; replace environmental governance arrangements that depended on EU institutions; replace the EU's review and enforcement powers over public authorities in the UK; maintain the role of EU environmental law principles in future policy making across the UK, and; how law-making and enforcement powers previously exercised by the EU will be allocated

between UK and devolved administrations after exit. The Committee also scrutinised a significant number of EU exit SSIs and SIs along with EU exit related primary legislation, often within constrained timescales. The Committee engaged with other Parliamentary Committees on EU exit including the House of Lords Common Frameworks Scrutiny Committee and House of Lords EU Environment Sub Committee, to discuss implications of EU exit for scrutiny of environmental standards, including inter-governmental and inter-parliamentary relationships and frameworks.

7. The Committee is aware of the constitutional implications of EU exit, particularly the extent to which decisions made by the UK Government may constrain the Scottish Government's ability to exercise effectively their functions in those areas of law previously in EU competence. The Committee explored this in relation to [the UK Internal Market Act 2020](#), especially the principles of mutual recognition and non-discrimination which together seek to avoid internal barriers to trade within the UK, common frameworks and the increasing number of the Scottish Parliament's legislative powers which are 'shared' with UK Ministers. The Committee has highlighted the need for the devolution settlement to keep pace with the constitutional reality of a post-EU UK. Key areas of scrutiny are detailed below.
8. **Environmental principles and governance:** The Committee focused on how and what environmental principles would underpin policy and legislation and how environmental governance would be developed to fulfil gaps left by EU exit. The Committee's work culminated in scrutiny of the UK Withdrawal from the European Union (Continuity) (Scotland) Bill - now Act - which brings environmental principles into domestic law, gives Scottish Ministers powers to keep pace with EU law and establishes a new environmental watchdog – Environmental Standards Scotland (ESS). The Bill was amended to reflect a number of the Committee's recommendations, contained in its [Stage 1 report](#).
9. **Implications for Scotland of UK Government legislation relating to EU exit:** The Committee considered relevant UK legislation, including the UK Environment Bill and the environmental implications of both the UK Agriculture Bill and the UK Fisheries Bill. The Committee [raised a number of concerns](#) and questioned why environmental powers in devolved competence needed to be made via UK primary legislation. The Committee also considered the implications of the EU-UK Trade and Cooperation Agreement and the Internal Market Act.
10. **EU exit-related Statutory Instruments (SIs) and Scottish Statutory Instruments (SSIs):** The Committee considered a large number of regulations that sought to provide legal continuity and ensure the functioning of the statute book following EU exit. Scrutiny involved significant considerations about how EU regulatory systems should be replaced or replicated in Scotland or at UK-level, such as the regulation of chemicals and emissions trading. In scrutinising the regulations, the Committee raised serious concerns including, in relation to the lack of notice of forthcoming SI notifications, poor quality of accompanying information, errors, including in relation to how powers are conferred, short timescales for consideration, and UK and Scottish Government reporting on the final regulations. These concerns remain outstanding.
11. **Post-EU exit replacement funding arrangements** for key sources of environmental funding [including post-CAP rural support, LIFE funding for conservation programmes, Horizon research funding](#) , and structural funds. The

Committee asked Parliament's [first Citizen's Jury](#) to explore how funding and advice for land management should be designed to help protect Scotland's natural environment. The Committee commissioned [follow-up research](#) to support consideration of the recommendations. The Committee pursued this in its [green recovery and 2021/22 Budget reports](#) and [recommended](#) the Scottish Government engage with the UK Government to ensure that the UK Shared Prosperity Fund is delivered from the end of the transition period and designed to further environmental objectives.

12. **Common Frameworks** and the approach to developing them. The [Committee raised concerns in 2020](#) about the pace of progress in the agreement of new common frameworks and sequencing issues. A lack of information about the timing of frameworks has made, and is likely to continue to make, the planning of scrutiny, and ensuring effective, impactful scrutiny, challenging.

Green Recovery

Green recovery

13. The Committee held an inquiry in 2020 to identify key opportunities for the economic recovery from the Covid-19 health pandemic to be aligned with sustainable development goals – a 'green recovery'. The Committee [concluded](#) that Scotland needs to lock in positive behaviours, front-load investment in the low-carbon solutions and build resilience through valuing nature. The Committee also emphasised the need to tackle the implementation gap, where solutions have already been identified but not applied, and ensure all parts of Government and the wider public sector are contributing towards strategic goals. In its [2021-22 pre-budget report](#) the Committee focused on how spend could be aligned to strategic goals on green recovery, climate and the ecological crisis, improving resilience and building a wellbeing economy. While the response of the Scottish Government was broadly positive, the Scottish Government did not respond to a number of the specific recommendations in the report. The Committee highlighted this in its report on the Climate Change Plan update (CCPu).

Climate Change and Net Zero

Climate Change and Net Zero

14. The Committee spent a significant part of session 5 engaged in climate change scrutiny. Key work included:
15. **Climate Change (Emissions Reduction Targets) (Scotland) Bill 2019 – now Act:** The Committee scrutinised and reported on the [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Bill – now Act 2019](#) at Stage 1 and Stage 2. The Act set a net zero target for the first time, for 2045. [The Committee agreed with the introduction of a net-zero target](#). The Committee called for greater urgency of action in tackling climate change across all parts of Government, across the public and private sectors and by individuals, to deliver the transformational structural change required. A number of the Committee's recommendations were included in

the 2019 Act, including: an extension of the period for parliamentary scrutiny of Climate Change Plans (CCPs); an annual reporting requirement on the progress of CCPs in meeting emissions targets; and embedding just transition principles in the CCPs. The Scottish Government committed to produce an updated climate change plan, as recommended by the Committee. During the course of the Bill's journey through Parliament, the Scottish Government set up the Just Transition Commission (the Commission), established for a two-year period to provide independent advice to Scottish Ministers on the long-term strategic opportunities and challenges relating to the transition to a net-zero economy. Interim reports from the Commission have informed the Committee's scrutiny, including 'Advice on a Green Recovery' ([July 2020](#)). The Commission will produce their final report in March 2021.

16. **2017 Climate Change Plan (CCP) and 2020 update (CCPu):** The Committee led scrutiny of the plans in collaboration with the Economy, Energy and Fair Work Committee, the Local Government and Communities Committee and the Rural Economy and Connectivity Committee. In its most recent report, the Committee made a number of recommendations, including in relation to the ambition of the updated plan, the balance of effort, key assumptions, behaviour change, key sectors and governance. The Scottish Government provided an initial response in the parliamentary debate on 9 March 2021. The Committee is seeking a detailed response to each of its recommendations.
17. **Climate change adaptation:** The Committee scrutinised Scotland's first and second Climate Change Adaptation Programmes and the Climate Change Committee's independent assessment of these. The Committee wrote to relevant parliamentary committees to bring this assessment to their attention and recognised the need for further resilience in its green recovery work. Scope for further work was limited by legislative pressures on the Committee's work programme.
18. **Effective climate change scrutiny in the Scottish Parliament:** The Committee considered the effectiveness of climate change scrutiny across the Parliament, following its work on the Climate Change Bill. The Committee considered how climate considerations can be embedded into the decision making and culture to achieve a net zero/zero emissions Parliament and ensure that climate considerations are effectively embedded in parliamentary scrutiny. A summary of the Committee's recommendations is included in **Annexe 2**.
19. **Committee engagement on COP26:** The Committee agreed that its principal focus for COP26 would be examining how parliaments can contribute to solutions to the climate crisis and effectively hold governments to account. The Committee agreed a series of key objectives for engagement with COP26 and engaged with sister committees across the UK on opportunities for a collaborative approach, including holding a joint informal meeting in March 2021. The Committee also explored the Scottish Parliament's and Scottish Government's plans in relation to COP26. Detail on proposals for further work is contained later in the report and in **Annexe 8**.

Marine Environment

20. **Marine inquiry:** The Committee took a strategic approach to its work on the marine environment. This focused on issues arising from the review of the National Marine

Plan, in particular progress in the formation of Marine Planning Partnerships (MPPs) which have delegated powers to develop Regional Marine Plans (RMPs). The Committee also considered the health of Scottish seas, and the extent to which duties to protect and enhance the marine environment are being delivered through systems such as marine planning and licensing. The Committee examined progress in establishing the first MPPs in Shetland, Clyde and Orkney and their work towards publishing Scotland's first RMPs. The Committee visited each region, meeting with stakeholders involved in regional marine planning and members of the community. It also [commissioned research](#) exploring international comparisons of the governance and implementation of marine planning. The Committee made a number of recommendations, including greater leadership and guidance from central government and Marine Scotland to increase momentum and ensure that opportunities to engage with expanding marine industries such as offshore wind, aquaculture and marine tourism are not missed. The Committee also emphasised that regional marine planning has the potential to be a key driver for delivering a Green Recovery and sustainable economic growth in Scotland's coastal communities.

21. **Aquaculture inquiry:** The Committee conducted an inquiry on the environmental impacts of salmon farming and wrote to the Rural Economy and Connectivity (REC) Committee in March 2018 with its conclusions. The Committee's work was based on a [Review of the Environmental Impacts of Salmon Farming in Scotland from SAMS Research Services](#) jointly commissioned by the Committee and the REC Committee, in 2018 to inform the work of the committees. The [Committee's conclusions included](#) : that the status quo is not an option and that the current consenting and regulatory framework, including the approach to sanctions and enforcement is inadequate to address the environmental issues. The Committee considered: an independent review of the sustainability of growth of the sector is necessary; significant gaps in knowledge, data, monitoring and research around the risk the sector poses to ecosystems need to be addressed, and; an ecosystems-based approach to planning industry growth and development in the marine environment, identifying the carrying capacity is also necessary. The REC Committee reported its findings in November 2018 and held a short follow-up inquiry on the issues in November 2020, which followed up the findings from both committees.

Freshwater Environment

22. **River gradings and protection for wild salmon:** On an annual basis the Committee considered the river gradings and the protection afforded to wild salmon. The Committee hoped to undertake further work on the freshwater environment and wild salmon but was unable to progress this due to legislative pressures on the Committee's work programme.

Biodiversity

23. **Progress to 2020 biodiversity targets:** The Committee undertook a biodiversity inquiry, focusing on progress towards [Scotland's Biodiversity 2020 Route Map](#), on

priorities for biodiversity funding, and on interim progress reports to 2020 Aichi [biodiversity targets](#). The Committee raised concerns with the Scottish Government that Scotland was not on track to meet the 2020 Aichi targets, and asked the Government to confirm what is being done. Publication of a 2019 progress report in February 2021 shows Scotland is only on track to meet 9 out of 20 Aichi targets and the most recent [Scottish Government update](#) to the Committee on biodiversity work, stated that “there is more to be done to improve the condition of biodiversity in Scotland”.

24. **Biodiversity expertise and data:** During this session the Committee explored how biodiversity expertise and the provision of biodiversity data is supported. [The Committee heard from research institutes](#) that Scotland is losing biodiversity scientific expertise. The Committee repeatedly called for the establishment of a dedicated centre of expertise on biodiversity - to play a role as a neutral focal point and higher-profile science-policy interface - driving research and providing support mechanisms in areas such as data sharing. In November 2020, [the Scottish Government announced its intention to establish a Centre for Expertise on Biodiversity](#).
25. The Committee had hoped to undertake further work on biodiversity but this was limited by legislative pressures on the Committee’s work programme.

Deer Management

26. In 2016, NatureScot (then SNH) [published a report](#) on Deer Management in Scotland which was triggered by an inquiry undertaken into deer management in Session 4 by the Scottish Parliament's Rural Affairs, Climate Change and Environment Committee. The Committee considered the NatureScot report and [held a debate on deer management in 2017](#), setting out a series of recommendations and suggested that the Government convene a working group to consider issues. Following the Committee’s recommendations an independent Deer Working Group was subsequently appointed by Scottish Ministers to recommend changes to ensure effective deer management in Scotland that safeguards public interests and promotes the sustainable management of wild deer. The Group submitted its [final report](#) to the Scottish Government in December 2019. The Committee been concerned about the slow rate of progress and has been awaiting a response from the Scottish Government. Given the significance of this issue, would expect it to be a priority for session 6.

Animal welfare

27. The Committee scrutinised [the Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Bill – now Act 2020](#). This increases penalties for serious animal welfare and wildlife offences. In its Stage 1 report the Committee supported the proposed increases and explored issues around enforcement, in particular in relation to wildlife crime, recognising that penalties form part of the solution and sufficient resources and collaboration are required to detect wildlife crime. As part of that discussion question were raised in relation to the potential for consolidation of

legislation on animal welfare. The Committee also scrutinised the [Wild Animals in Travelling Circuses \(Scotland\) Bill – now Act 2018](#), which made it an offence for circus operators to use wild animals in travelling circuses, and the draft Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2017 relating to tail shortening in dogs. Pressures on the Committee's work programme have constrained significant further work in this policy area this session, including work on a Member's Bill on the licencing of dog breeders.

Wildlife crime

28. The Committee scrutinised [the Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020](#) during this session which increased penalties for serious wildlife offences. This followed an [independent review of wildlife penalties](#) which made a number of recommendations in 2015 ('the Poustie review'). In its [Stage 1 report on the Bill](#), the Committee supported increased penalties proposed for wildlife crime, but stated that penalties form only part of the solution to addressing wildlife crime, and there must also be sufficient resources allocated to the detection of wildlife crime. [The Committee also heard calls to extend the powers of the SSPCA](#) in relation to wildlife crime to support efforts to detect and prosecute wildlife offences and agreed that in some situations the SSPCA's expertise could potentially be used more effectively by expanding their powers. The Committee has also scrutinised annual wildlife crime reports, considering ongoing issues in relation to persecution of birds of prey and other wildlife offences. However, due to pressures on the Committee's agenda it did not scrutinise the most recent annual report.

Circular economy

29. A key aspect of the Committee's work in relation to the circular economy was its [consideration of draft regulations](#) to establish a deposit and return scheme (DRS) in Scotland in 2019. Regulations were [passed in 2020](#). The Committee welcomed the expected environmental impact DRS will have and was supportive of the Scheme being as comprehensive as possible. The Committee has raised concerns recently in its consideration of the draft Climate Change Plan update that there are Scottish Government concerns that DRS in Scotland could be undermined by UK internal market legislation. More broadly, the Committee expected to scrutinise primary legislation on the circular economy in 2020 but this was delayed by the Covid-19 pandemic. The need for Scotland to transition to a circular economy was raised frequently during the Committee's green recovery inquiry, with stakeholders highlighting potential for jobs e.g. in reprocessing. A circular economy was also considered by the Committee in its report on the updated climate change plan. The Committee made a number of [recommendations](#): including that the next iteration of Scotland's Economic Strategy should be brought forward and built on the concept of a net zero, circular and wellbeing economy; an expansion of the Zero Waste Scotland Circular Economy Investment Fund, and; a circular economy approach to procurement policy and practice. The Committee considers that action to tackle Scotland's consumption emissions, through robust circular economy policies, will be critical.

Air quality

30. The Committee [conducted an air quality inquiry in 2018](#). In its report the Committee raised concerns about the pace of action on the ground on air quality and recommended that Clean Air for Scotland Strategy (CAFS) was kept under review to ensure that it remains fit for purpose, including the protection of human health. The Committee also made recommendations to support the progress of Low Emission Zones (LEZs). The Scottish Government went on to commission [an independent review of the CAFS which was published in 2019](#). The [Government consulted on a revised strategy in 2020](#) with the new strategy expected to be published in early 2021. The Committee had hoped to return to scrutinise the progress in implementation, but unfortunately it did not have the time to do this in Session 5.

Land Reform

31. Land reform has not formed the most significant part of the Committee's scrutiny this session. The Committee took evidence, considered and reported on the [Land Reform \(Scotland\) Act 2016 \(Register of Persons Holding a Controlled Interest in Land\) \(Scotland\) Regulations 2021](#). These were produced under a requirement of the [Land Reform \(Scotland\) Act 2016](#) to make regulations requiring information to be provided about persons holding a controlled interest in land and for that information to be recorded in a public register. This requirement was added to the Act on the recommendation of the previous Committee to provide transparency and traceability around land ownership. The [Committee agreed](#) that people in Scotland should know who owns the land and who benefits from that ownership, and made various recommendations about the functioning of the system and ensure that members of the public or interested stakeholders can access required information at a single point. The Committee also considered [the Right to Buy Land to Further Sustainable Development \(Eligible Land, Specified Types of Area and Restrictions on Transfers, Assignations and Dealing\) \(Scotland\) Regulations 2020](#). These regulations brought into force Part 5 of the Land Reform (Scotland) Act 2016 which created a community right to buy land for the purpose of furthering sustainable development. In its [report on its green recovery inquiry](#), the Committee highlighted that Scotland's land reform process has created opportunities for communities to build resilience through diversification of land use and to create high quality, permanent jobs. The Committee agreed that community ownership has a vital role to play in a just transition to net zero emissions and in the green recovery by diversifying how natural and built assets are owned and used. The Committee also [approved the appointment of Scottish Land Commissioners and the Tenant Farming Commissioner](#), as provided for in the Land Reform Act 2016, which established the Scottish Land Commission and considered and reported on re-appointments to the Scottish Land Commission.

The Scottish Crown Estate and Scottish Crown Estate Bill

32. The Committee considered the [Scottish Crown Estate Bill – now Act 2019](#). This established Crown Estate Scotland (CES) to manage land and property owned by the Monarch in right of the Crown in Scotland. A [key recommendation of the Committee at Stage 1](#) was that managers of CES assets should be required to operate in a way that is likely to contribute to sustainable development. The body has now [published a Plan for 2020-2023](#) setting out a commitment to “environmental wellbeing, include protecting natural capital”. The Committee took evidence from CES in 2019 as part of its marine inquiry. [CES told the Committee](#) that, as a new organisation, it wants to be proactive about how it delivers sustainable development. Due to its constrained agenda the Committee did not have an opportunity to re-engage with CES on its strategic plan.

The Scottish Parliament’s Environmental Performance

33. Over Session 5 the Committee has considered the environmental performance of the Scottish Parliament Corporate Body (SPCB), including by scrutinising its annual environmental reports. Latterly, the Committee focused on exploring how the Parliament will work towards net zero and embed sustainable development across the institution. The Committee welcomed SPCB plans to publish a Sustainable Development and Climate Change Strategy early next session and heard that annual targets for session 6 and a delivery plan will be contained within this new ‘Net Zero Ready’ Plan.

Petitions

34. The Committee’s agenda has constrained its ability to engage with petitions this session. Over the session the Committee considered and closed nine petitions and agreed to keep four open. Detail on these is included in **Annexe 8**.

Financial scrutiny

35. The Committee’s financial scrutiny primarily focused on: carbon impacts of capital and infrastructure spending; preventative spending and wellbeing; use of fiscal instruments for environmental outcomes e.g. taxes and levies, and; the role of the budget in the green recovery.
36. **Carbon impacts of capital spend and infrastructure and joint budget review:** In response to the Committee’s recommendations to improve how climate change information is presented in the Scottish Budget, and improve budgetary alignment with the climate change plans the Scottish Government committed to work with the Parliament to review budget information in relation to climate change. A joint

Scottish Parliament/Scottish Government working group was established to lead and direct this work. In its Stage 1 report on the [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Bill 2019 - now Act](#) - the Committee also recommended that a new methodology should be developed to improve assessment of the contribution made by infrastructure investment to emissions targets. This was endorsed by the Parliament and the Scottish Government started to use broad categories of low, neutral and high carbon - a 'taxonomy approach' - to give an indication of the level of alignment of infrastructure investment with climate change goals. The Scottish Government also committed to a [increase the proportion of capital spending classed as low carbon in each year of session 5](#) and [commissioned ClimateXChange to develop its taxonomy approach](#). The Committee considered the [draft Infrastructure Investment Plan \(IIP\)](#) in 2020, the first to have an accompanying Strategic Environmental Assessment which was [a recommendation of the Committee](#).

The Committee raised concerns that the percentage of low carbon programmes was significantly too low, [and recommended that the final IIP](#) avoid infrastructure that will lock-in high carbon activities and set out how it has prioritised projects that deliver green jobs. In its [green recovery inquiry report](#), the Committee also supported the inclusion of natural capital in the definition of infrastructure and said "this should lead to a fundamental rethink of how decisions are made on capital allocation".

37. **Preventative spending and developing a wellbeing economy:** The Committee's work focused on the wider economic and health benefits of environmental spend. During Session 5 the concept of a Natural Health Service has developed and [NatureScot have developed an initiative](#) to show how the natural environment can be integrated into health and social care. The Committee recommended that the Scottish Government should: consider what more can be done to extend support to environmental programmes delivering health, wellbeing and economic benefits; develop a greater focus on 'invest to save' in the development and implementation of policy and in financial allocations to the environment and natural capital, including through research to demonstrate the cost-benefits of those investments.

The Committee also explored the concepts of a wellbeing economy and recommended that all public expenditure should be consistent with addressing the climate and ecological crises, building a wellbeing economy and delivering a green recovery. The Committee also requested information from the Scottish Government on how it has built wellbeing, climate and environmental considerations into the development of private finance models.

38. **Environmental fiscal reform:** The Committee began to explore opportunities for environmental fiscal measures e.g. taxes, levies or charges, as a driver for behavioural change across different environmental policy goals, and as a source of funding to support environmental measures. The Committee agreed that it wished to commission research to review the scope of existing measures and practice elsewhere. Unfortunately, progression of the work was delayed due to pressures of other business, but it is anticipated that SPICe will progress this independently to inform the work of the successor committees.

National Performance Framework (NPF)

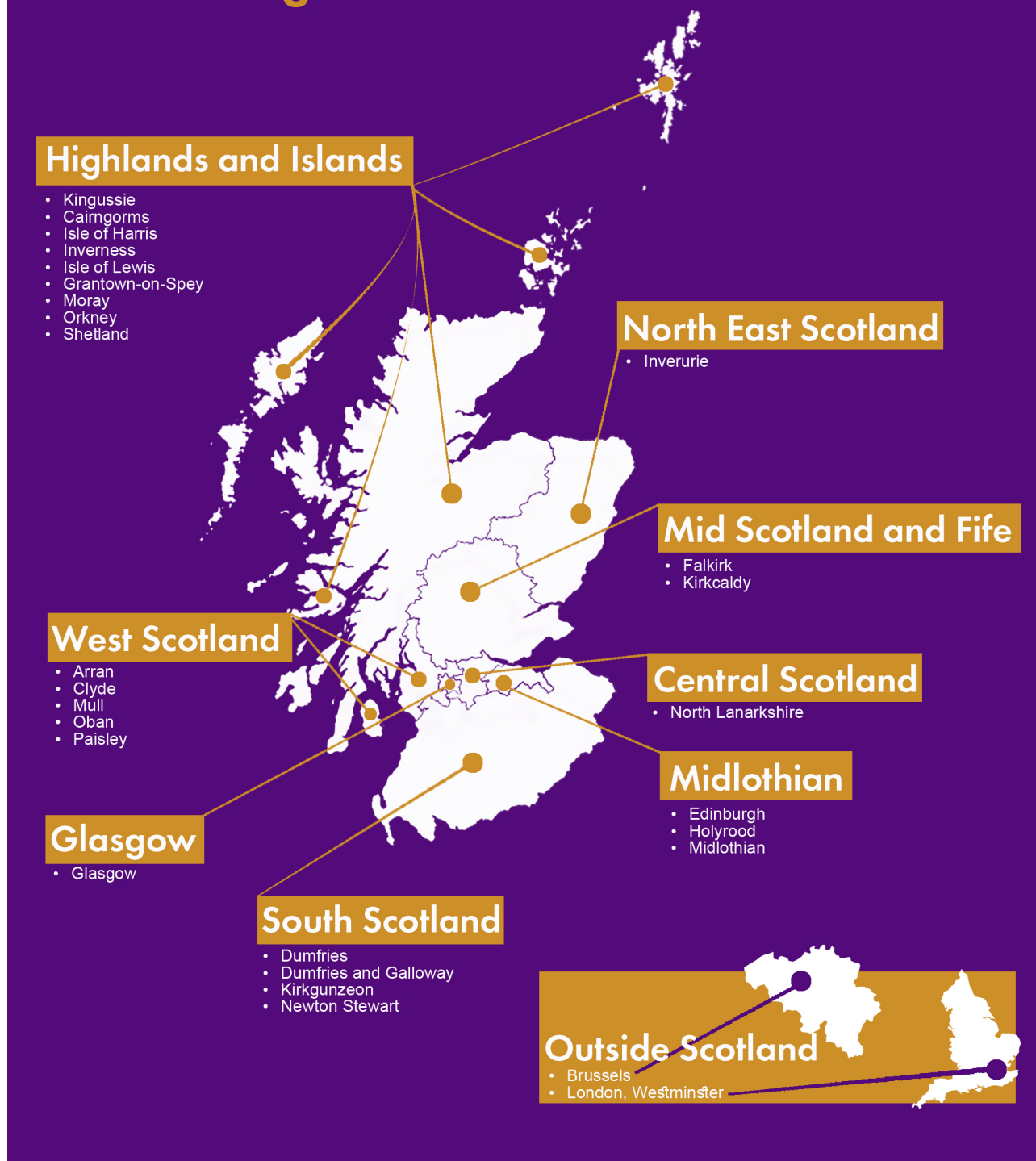
39. Scotland's [National Performance Framework \(NPF\)](#) is Scotland's wellbeing framework. It sets out a vision for Scotland through eleven National Outcomes and associated indicators and provides the framework for implementing the sustainable development goals (SDGs). The Committee scrutinised the 2018 refreshed NPF [and recommended](#) further consideration of climate change adaptation and mitigation indicators, indicators related to the green economy, land ownership, resource efficiency and air quality. The Committee also raised concerns about adequate time for Parliamentary scrutiny of revised National Outcomes in its conclusions on this – recommending a change to the Community Empowerment (Scotland) Act 2015.

Engagement and communication in Session 5

Engagement

40. **Engagement Strategy:** The Committee agreed its engagement strategy at the start of the session. Its aims, objectives, outcomes and approaches to engagement are set out in **Annexe 3**. The Committee specifically sought to hear from individuals with lived experience and from young people and used different methods to do this.

Session 5 engagement and fact-finding visits



41. **Extending engagement into communities:** Using a community development-based approach the Committee sought to work in partnership with voluntary sector organisations through the Parliaments' Outreach team to co-develop appropriate methods to reach easy to ignore communities, people with lived experience, and to hear from particular people, groups and communities impacted by legislation. Where possible the Committee identified particular groups who may be more vulnerable to the impact of certain legislation or policy and sought approaches to involve these groups in scrutiny. These have included: island and rural communities; older and younger people; people with learning and or physical

disabilities; people who are socially and/or economically excluded, and: people who were shielding. The Committee engaged with children and young people on a number of consultations and enquiries. Members also undertook a number of visits to communities and to environmental projects across Scotland. In **Annexe 4** the Committee includes a case study of its engagement on climate change to illustrate its approach to engagement this session.

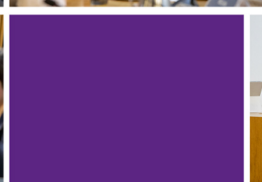
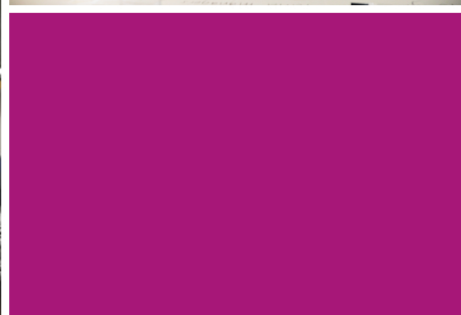
42. **Cross Parliamentary engagement:** The Committee engaged formally and informally over the session with sister committees on issues of mutual interest, including the implications of EU exit, common frameworks, EU exit legislation and COP26. Ensuring a more systematic approach to cross parliamentary engagement will be critical in Session 6 as the scrutiny landscape for environmental policy is now more complex.
43. **International engagement:** The Committee travelled to Brussels early in the session and engaged directly with the European Commission and third countries, including Iceland, Canada, Norway and Switzerland. The Committee has engaged with, and presented to, the Arctic Circle on human rights and the environment and has engaged with a number of other international bodies and legislatures, including from Norway, Ireland, Sweden and New Zealand and the Nordic Council. The Committee also engaged directly with the UN IPCC and held a joint event with the IPCC and young climate strikers from across Scotland.
44. **Approaches to engagement:** A number of approaches were used to effectively inform scrutiny, and to develop a meaningful and sensitive approach to hear from a diverse range of people with lived experience. A summary of engagement activity and approaches used is included in **Annexe 5**. In addition to calls for views, evidence sessions in formal committee meetings and members travelling to meet stakeholders and communities across Scotland to gather information and scope pieces of work, the Committee engaged with people by:
 - Using a partnership approach with the third sector, trusted organisations, umbrella bodies, grassroots groups and networks who have: established relationships with individuals and communities.
 - Setting up external meetings in informal, local, known and trusted settings.
 - Exploring different means of gathering and presenting evidence, such as staff working to a remit agreed by Members and reporting back, using different methods such as video clips, oral presentation and written report.
 - Providing advance information and 'getting to know you' sessions for individuals and groups, feedback and follow up after engagement.
 - Presenting information in different and more accessible formats.
45. The Committee also undertook the first Scottish Parliament deliberative engagement event and the Committee explored using digital platforms to widen the discussion on specific topics and new platforms to manage submissions to call for views. Various enquiries were promoted in Gaelic via twitter and the Parliament's Gaelic blog and the Committee produced executive summaries of some reports in Gaelic.

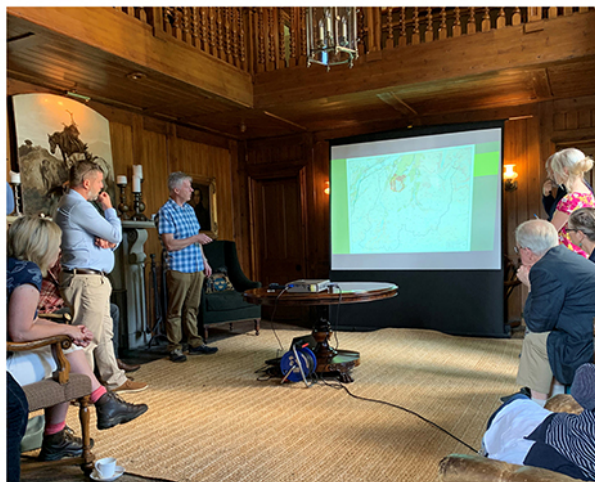


Communications

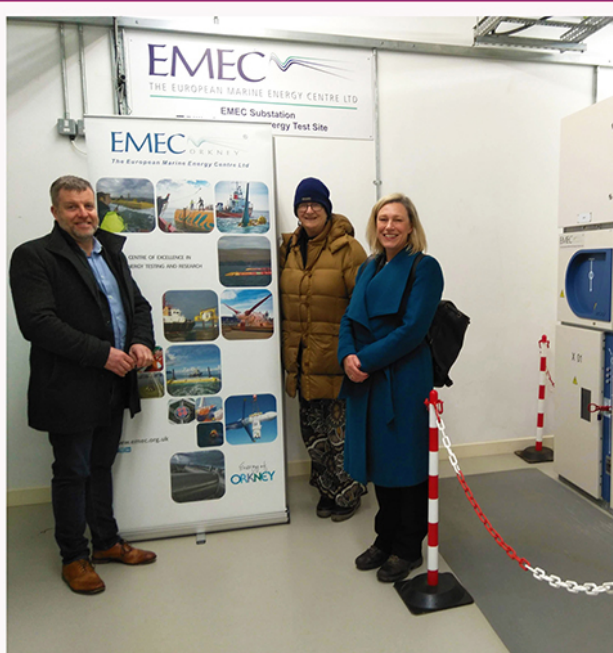
46. The Committee sought to ensure that communications were integral to its work. Media and social media opportunities were identified and incorporated into Committee work from the start. The Committee also agreed its strategy for media and social media involvement from the outset of inquiries, including agreeing goals in advance and identifying the target audience(s). The Committee established and maintained a strong media presence over session 5 which included national, regional and broadcast media, online and social media. Communications focused on topical inquiries and issues of general public interest. This aided the generation of coverage and the overall promotion of the work of the Committee.
47. The Committee benefited from having an active presence on social media, primarily via twitter. The account grew by over 1000 followers during the course of the session, and now sits just under 4000 – the second-highest of any parliamentary committee. Creating regular, engaging content has been key to this growth including: [short clips](#) of witnesses from weekly meetings; [convener videos](#) when reports are published; [vox pops](#) promoting call for views and expanding the use of [podcasts](#), [explainers](#), [threads](#) and the use of [Instagram](#) and Facebook.
48. At a national level the Committee's meeting with [young climate change strikers](#) in a round table discussion generated significant interest. Work on Regional Marine Planning was successful at a local level – generating local print and radio broadcast pieces and the final report generated specialist trade press. A [creative approach on social media](#) along with an educational podcast produced excellent results. The Green Recovery Inquiry was a topic of universal interest, generating coverage in all key national papers and national radio broadcast. A podcast was included on the release and was downloaded 260 times with further output on [Twitter](#), [Facebook](#) and [Instagram](#). This led into promotion of the Committee's work on the Climate Change Plan Update.











Lessons for scrutiny in Session 6

Impact of EU exit on devolved competence and scrutiny

49. The Committee considers that the EU-UK Trade and Cooperation Agreement is likely to affect Scottish Ministers' ability to effectively exercise devolved powers and Parliament's ability to effectively scrutinise in those areas of law previously in EU competence. The extent of this, however, remains uncertain. Scrutinising the implications of EU exit, including related EU Exit legislation, has significantly impacted the Committee's work programme, as a result of the volume, timing, complexity and lack of detail provided to the Committee. This, alongside the anticipated additional work in relation to environmental governance, monitoring Scottish Government action in relation to keeping pace and engaging with the new reporting requirements contained in the Continuity Act is likely to continue to have significant and lasting impacts on scrutiny, particularly in the environment policy area.

Changes will be required to the Scottish Parliament's, and successor committees, scrutiny approach. The Committee considers that there is a significant challenge for successor committees in managing and resourcing the additional work required. Successor committees will also need to build strong relationships with sister committees across the UK to underpin effective scrutiny.

Committee remits constraining effective scrutiny

50. Addressing issues within the environment policy area is often complex and following Cabinet Secretary remits means the scope for committees to scrutinise complex and systemic issues is limited. In session 5 this has resulted in uncertainties over the responsibility for scrutiny, overlaps and gaps in scrutiny and in some cases, some duplication in scrutiny. This has been particularly challenging for this Committee in session 5 where the responsibility for rural economy, environment and land reform policy has been split across committees and where climate change has not been a separate committee responsibility. This has made coherent scrutiny very challenging, as many issues of concern, and the means to address those issues, sit in different committee remits. The additional scrutiny requirements across this portfolio going into session 6 are considerable and include significant additional reporting requirements arising from the recent Continuity and Climate Change Acts. The Committee considers that it will be impossible for one committee to effectively scrutinise across this extensive portfolio. To ensure effective, focused and impactful scrutiny in session 6 the Committee recommends that the responsibility for land management, the rural economy and environment is combined and scrutinised by one committee, as was the case in session 4, and climate change is the sole responsibility of a Net Zero Committee. The Committee suggests the following approach:

Establishing a Natural Resources/Natural Capital Committee

51. The ecological crisis is recognised as a twin crisis alongside the climate crisis. Effective management of Scotland's environmental resources (land, fresh-water, marine and air) will be critical in building resilience and addressing the ecological crisis. Similar to the rationale for a Net Zero Committee, establishing a Natural Resources or Natural Capital Committee could work to bring together all aspects of management of Scotland's natural resources and consider the extent to which policies contribute to the effective management, protection and enhancement of Scotland's natural resources. This would include: the use of natural resources (including farming, forestry and fishing); biodiversity; environmental governance; land reform, the Land Use Strategy, and the associated regulatory framework. It would also include waste and the circular economy. This approach would reflect a more coherent approach to policy development and scrutiny and would combine issues that sat within the remit of one committee in session 4. It should also provide a greater opportunity for the Parliament to lead scrutiny and undertake 'own initiated' work.

Establishing a Net Zero Committee

52. The Scottish Government has declared a climate emergency and has committed to putting climate change at the heart of government and policy making. The Committee considers that the Scottish Parliament needs to provide a strong commitment to prioritise climate change scrutiny. While we should look to embed climate considerations across the work of all committees via the recommendations for action as proposed by the Committee, we should also set up a Net Zero Committee to lead and drive climate change scrutiny and action in the next session. Establishing a Net Zero Committee in advance of COP26 could have a global impact, encouraging other legislatures to look at how climate scrutiny is organised. The concept of a Scottish Parliament Net Zero Committee was endorsed by the independent Climate Change Committee. A Net Zero Committee could:

- Have a clear mandate as a connecting, strategic committee, considering the alignment of key Government strategies across portfolios with net zero goals;
- Explore strategic areas such as the wellbeing economy, pursuit of the UN SDGs, alignment of net zero and the National Performance Framework, embedding just transition and human-rights approaches, green recovery, innovation, behaviour change and the circular economy;
- Lead and co-ordinate scrutiny of work on climate mitigation: including the Climate Change Plans; the annual monitoring reports on progress with the Climate Change Plan; annual reports on emissions reduction targets; annual reports on consumption emissions and; sectoral delivery of targets;
- Lead and co-ordinate scrutiny on the Adaptation Programme: Climate Ready Scotland: Climate Change Adaptation Programme 2019-24 and; the annual Adaptation Programme progress reports;

- Lead scrutiny of the climate impact of the Infrastructure Investment Plan;
- Lead scrutiny of the Just Transition Commission's recommendations (from their final report in March 2021) and the Scottish Government response to it;
- Lead work with the Government on reporting of the climate impact of the Budget, including the joint Scottish Parliament/Scottish Government Budget Working Group and lead scrutiny of the climate impact of the Budget;
- Lead engagement with the people of Scotland in delivering net zero; lead engagement with the Citizen's Assembly, scrutiny of the Scottish Government response to their recommendations and scrutiny of Scottish Government climate change engagement;
- Lead committee engagement in COP26. There are significant opportunities and demands for Parliamentary engagement presented by COP26, including opportunities for Committees to explore how COP26 can drive domestic action, showcase best practice, and give Scottish people a platform on climate issues;
- Support and take a lead on developing inter-parliamentary climate scrutiny. [The CCC has advised](#) that Scotland cannot deliver net zero through devolved policy alone but will also require UK-wide policies to ramp up, and;
- Consider the Scottish Parliament response to the climate change targets and the effectiveness of climate change scrutiny across the Scottish Parliament.

Scrutinising systemic and cross cutting issues

53. Members have recognised the value of working with other Committees in achieving effective scrutiny of complex issues – examples of this include the work of the Committee in relation to: the environmental impacts of salmon farming; the Climate Change Plan; assessing the carbon impacts of the Budget, and; a green recovery from Covid-19. The Committee has also sought to engage constructively with the Scottish Government - examples of this include: the Climate Change (Scotland) Bill and Climate Change Plan; establishing a joint Scottish Parliament/Scottish Government working group on climate change and the Budget, and; early and continuing engagement on EU exit and the implications for environmental governance. Such approaches take more effort from members and from officials behind the scenes (for example clerk to clerk conversations, and SPICe/Legal Services support to multiple committees at once), but the ensuing benefits are clear.
54. The Committee considers that in session 6 there is merit in the Parliament giving early consideration to how best to facilitate a strategic and systematic approach to scrutiny across committees and to how best to develop collaborative approaches to dealing with challenges such as: climate change; recovery from the health pandemic, and; ensuring a coherent approach to a green recovery – which are the responsibility of all parts of Government and should be at the core of the work of all Cabinet Secretaries and committees. Parliament could also make more use of flexible, short term inquiry and legislative committees, drawing members from across existing committees, where there are cross committee issues that require

scrutiny. There may also be scope to make more use of working groups (which the Committee has done this session in relation to legislation that crossed committee remits and in progressing issues such as air quality and deposit and return) and giving further consideration to the use of committee reporters (as the Committee did in respect of Europe and Human Rights). The Committee notes that changes to Standing Orders may be required in order to facilitate this.

Integrating sustainable development thinking into scrutiny

55. Section 44 of the [Climate Change \(Scotland\) Act 2009](#) puts a legal duty on public bodies, including the Scottish Parliament, in exercising their functions, to act in the way best calculated to contribute to the delivery of Scotland's climate change targets, and in a way that it considers is most sustainable. This means it is incumbent on the Scottish Parliament to build sustainable development thinking in its scrutiny. Progress has been made during this session on how to use sustainable development thinking to improve how the Parliament scrutinises the Government and makes law, and how the Parliament meets statutory duties under the [Climate Change \(Scotland\) Act 2009](#). The Committee has supported the development of a Sustainable Development Impact Assessment Tool, used to frame discussion of policy or legislation and highlight the interaction of socioeconomic and environmental issues. This was used to underpin the Committee's inquiry work and sustainable development thinking framed our Green Recovery work. The Committee considers that this could be used as a 'gateway' assessment tool for successor committee(s), and all committees, to incorporate progress towards the Sustainable Development Goals and meet the statutory and other requirements on Parliament to take a human rights approach, and to embed equalities within scrutiny. Changes to Standing Orders may be required in order to facilitate this and the Committee encourages Parliament to give early consideration to this in session 6.

Improving climate change scrutiny across the Parliament

56. The Committee reflected on what is needed to ensure effective climate change scrutiny across the Scottish Parliament and set out a number of recommendations, particularly in relation to building capacity and ensuring 'buy-in' across committees, which it discussed with the Clerk/Chief Executive. Recommendations for action in the short to medium term are included in **Annexe 2**. This extended the work that began this session on the review of Parliamentary plans and action to support sustainable development and climate scrutiny and consider how climate scrutiny can be prioritised to enable Scotland to move at pace towards net zero. This includes upskilling of members and staff on climate change and sustainable development, how climate and sustainable development considerations are effectively embedded in parliamentary scrutiny via briefing, use of experts and advice, integrating the sustainable development tool into committee scrutiny. The Committee notes that the Climate Change Act creates considerable new reporting

requirements and scrutiny challenges that should engage all relevant committees. The Committee considers that a review of Standing Orders should be undertaken as a priority to ensure that climate change and sustainable development scrutiny is given as much prominence as equalities and human rights and scrutiny of sustainable development and climate change is embedded in the work of committees.

A strategic approach to working

57. The successes of the Committee have been underpinned by the way the Committee has operated and the constructive way members have worked together to achieve shared objectives and agreed outcomes. Members agreed a strategic approach and strategic priorities from the outset, including a strategic approach to engagement and have worked consensually over the session. This is included in **Annexes A and C**. The Committee has been focused on outcomes and achieving impact and has been able to make strong and challenging recommendations for change, which have been acted on by the Scottish Government. The Committee sought to follow through on work from previous sessions, and from earlier in the session, to ensure that recommendations have been implemented, but this was increasingly challenging. The Committee recommends that successor committees adopt a similarly strategic approach from the outset – identifying key scrutiny priorities for the session. The Committee notes that the ECCLR remit is extremely broad and is significantly underpinned by legislation and the requirement to scrutinise developing policy and legislation as a result of exiting the EU has the potential to dominate the work programmes of successor committees. Committees will continue to be challenged in considering how best to ensure that the legislative burden is balanced alongside time for own initiated work. Successor committees will need to create space for this. Consideration is likely to be needed to enhanced approaches to scrutiny including: the use of sub committees; creation of committees to manage specific bills; shorter inquiries and; more innovative scrutiny approaches, including how best to engage outwith committee meetings.

Approach to scrutinising public sector bodies

58. Earlier in the session, the Committee was more able to devote time in formal meetings to engage with public bodies in relation to their annual reports or other reporting requirements. Latterly, Committee time to engage with public bodies in this way has been significantly constrained, however, the Committee has sought to engage with public bodies through incorporating engagement across relevant workstreams e.g. on climate change, biodiversity, the green recovery. The Committee considers that the latter approach has potentially been more effective in embedding engagement with the public sector and prioritising key issues. However, the Committee recognises that the role of public bodies is key in the transition to net zero and addressing the nature crisis as well as across other priority areas and considers there is value in a successor committee(s) considering a strategic approach to engagement with public bodies in the next session.

Building knowledge, expertise and capacity in the Committee and across parliamentary committees

59. **Membership of the Committee:** There has been consistency in membership of the Committee across parliamentary sessions (and in clerking and other committee support teams) which, in tandem with the small number of members on the Committee, has enabled members and the Committee to build understanding, expertise and strong and cohesive relationships with each other and with stakeholders. The Committee encourages the Parliament to consider establishing committees with a small membership from the outset, enabling members to specialise on one committee/policy area and maintain a consistency of membership over the session, to enhance the effectiveness of scrutiny.
60. **Reporters and Working Groups:** The Committee used working groups to engage on specific issues and report back to the Committee – effectively freeing-up time in formal meetings. While this proved to be very useful in developing an understanding of issues and directly hearing a variety of perspectives it was also time consuming for both members and staff. The Committee appointed EU and Human Rights reporters, however, as events developed over the session their role was inevitably constrained. There is scope for committees to give consideration to developing specialist roles and expertise within the committee. Successor committees may wish to consider the value of appointing an EU reporter to take a lead in reviewing regulatory alignment.
61. **Training and resources:** The Committee considers that the training and resources available to committees and members has limited the Committee's approach and capacity for effective scrutiny in session 5. The Committee considers that there are gaps in training that need to be addressed urgently – including in climate and human rights literacy. The Committee makes a number of recommendations – **In Annexe 2** – that relate to training (induction and CPD) in session 6. These include ensuring that all members understand the impact of climate change and the legislative and policy framework for addressing the challenges and committees understand climate impacts within their remit, how best to embed climate considerations into scrutiny and the annual reporting and scrutiny cycles.
62. **Use of advisers and experts:** The Committee agreed to precede or begin inquiries with evidence from academic/expert panels. Taking a scientific and evidence-based approach to its work has been important in understanding the detail and potential impact of policy and legislation. The Committee has benefited significantly this session from having standing advisers on EU exit and on climate change. The advisers have supported the Committee in developing a strategic approach to its work, providing advice on scrutiny priorities and providing specific briefing. Given the nature of the scrutiny challenges in session 6 the Committee recommends that successor committees appoint standing advisers from the outset. In particular, the Committee sees a significant value in retaining standing advisers to support ongoing work arising from the UK exit from the EU and the climate challenge. The Committee considers that successor committees would also benefit from appointing advisers to support work in relation to challenges such as achieving a green recovery, embedding a circular economy, meeting the biodiversity challenge and ensuring land management frameworks that effectively deliver public goods.
63. The Committee considers that, similar to the Finance and Constitution Committee, a

Net Zero Committee should consider appointing a standing advisory panel to ensure that there is consistent and ongoing support for the work of the Committee on key elements of its work, including on: climate change and the budget; the Climate Change and Adaptation Plans; assessment of the newly introduced annual reports on progress with the Climate Change Plan; emissions reduction targets and consumption emissions, and; the annual reports on adaptation and the assessment of sectoral strategies. The Committee also encourages the Parliament to consider how best to make use of external advisers in supporting committees effectively embedding climate considerations into scrutiny. The Committee considers that a standing panel of advisers with specialist expertise on climate change which committees could draw on when required would be a significant additional support to ensuring effective climate scrutiny by parliamentary committees.

64. **Use of independent research:** Much of the most effective work of the Committee this session was underpinned by commissioned research. This was particularly the case with the Committee's work on the environmental impacts of salmon farming and regional marine planning. When considering priorities for scrutiny the Committee encourages successor committees to actively identify work that could be progressed via commissioned research and opportunities to engage with committees in jointly commissioned research that impacts across committee remits. The process from determining the scope of work through commissioning to conclusion can be lengthy, so early consideration is vital.
65. **Engagement with commissions and expert groups:** The Committee is conscious that it has not had the opportunity to engage as extensively as it wished with Commissions and expert groups, including the Scottish Land Commission, the Animal Welfare Commission and the Climate Change Committee. This session also saw the establishment of Environmental Standards Scotland. The Committee recognises the significant expertise that exists in such bodies and recommends that successor committees engage with them early in session 6 and makes more use of them throughout their work.
66. **Direct Parliamentary staff support:** In session 5 the Committee significantly extended the use of the Engagement team to support its engagement. This has been a valuable resource enabling the Committee to extend and broaden its scope for engagement, including engaging remotely. The Committee anticipates that this level of support will continue and extend into session 6. The Committee also extended the support of the Legal Services and SPICe teams on its scrutiny of EU exit legislation. This was often on technical and complex issues, within challenging timeframes and often with little or partial information. These scrutiny challenges will remain and extend into session 6. The Committee recognised the value of the additional support, including additional clerking support, and expressed its concerns in relation to ongoing resourcing in two letters to the Finance and Constitution Committee reflecting on the challenges post EU exit, the significance of the level of resources required to give a proportionate and effective level of parliamentary scrutiny and the need for sufficient resource to meet the scrutiny challenge. The Committee stated that it is fundamental that committees have access to sufficient clerking, research and legal resources to ensure parliamentary consideration is meaningful. Looking ahead to support for climate change scrutiny and the scale of the challenge the Committee encourages the Parliament to consider the merits of establishing a climate/sustainable development scrutiny unit to support scrutiny across committees, operating in a similar way to the Financial Scrutiny Unit in SPICe.

Engagement

67. The Committee was open to using a wide range of tools for engagement and piloting new approaches over the session. Early and direct engagement out-with formal committee meetings has been invaluable in helping members understand the impact of issues and identifying workable solutions. The Committee would encourage successor committees to engage informally and across Scotland to hear from people in their communities. The Committee considers that there is no substitute for this. As the Committee moved through the session the scope for this has been limited as a result of the Covid restrictions and in the final year engagement was entirely remote and digital. Use of virtual meetings is likely to continue to be a feature of engagement and the Committee encourages the Parliament to actively look to improvements in the application of remote technologies to facilitate engagement.
68. The Committee was interested to understand how effective its engagement had been over the session. The Committee undertook an evaluation of its engagement by sending an online survey to those who had engaged with it and by holding an online meeting. The Committee asked: what has worked well for you in engaging with the Committee this session; what could work better; if parliamentary committees are equipped to respond to the climate crisis/ecological crisis/green recovery and; your priorities for engaging with the Committee next session. 52 individuals, organisations, staff and Members took part in the survey and 15 people attended an online meeting led by the Convener. Feedback was generally very positive and there were some constructive suggestions for improvements. The majority of people felt confident that their views are valued by the Committee, they feel informed, engaged and involved and would engage with Committee again. The key findings are summarised in **Annexe 6**.
69. Lessons learned from the evaluation exercise included:
- **Improve communication** - about Committee business, work programme and develop understanding of parliamentary procedures. (i.e. timescales impossible to change);
 - **Clear contact for advice, support and information;**
 - **Clear accessible information** – for all ages and abilities, provide questions in advance;
 - **Capitalise on digital resources;**
 - **Keep up what is working well** - continue with visits and outreach, openness and flexibility;
 - **Internally** - improve cross team working and planning, and;
 - **Other ideas to explore** - travelling library – to find out about Parliament and give views on issues.
70. Successor committees might wish to consider: agreeing a strategic approach to engagement – aims, key outcomes and audiences, from the outset; early and direct engagement with stakeholders and communities; developing an ongoing dialogue

on key issues such as climate change, and using approaches such as deliberative engagement, digital engagement. In order to hear from people with lived experience in a way that is supportive, meaningful and ethical, in Session 6 it is suggested that effective ways to support this are:

- Working in partnership with organisations who have established trusted relationships and methods of working with the people the Committee seeks to hear from, and to co-develop approaches together. For example, with Third Sector Interfaces;
- Allowing engagement staff, where appropriate and as agreed by Members, to work independently to co-produce sessions and deliver them with or without Member involvement. Staff can explore different and creative ways of doing that and report back to Committee;
- Using a partnership approach brought new and different groups together to share experiences and approaches and to work together. There could be added benefit in developing as a facilitating and networking role;
- Communicating and producing information in a number of different formats and media, making it clear and accessible. Before during and after engagement, and;
- Integrating engagement planning and outcomes across all teams.

Communications

71. Agreeing strategic priorities for communications, engaging on issues of national and local interest and responding to issues that are high on the public agenda has proved successful this session. Successor committee(s) may wish to consider their audiences and how to ensure that its messaging is clear and accessible. Over the course of Session 5 the Committee sought to produce shorter, more focussed reports, in plain English which contained executive summaries or key messages to ensure accessibility to both the press and the public and made more use of letters. The Committee also used infographics and embedded clips can to help 'bring these to life'. Some of the approaches successor committee(s) may wish to consider in promoting their work include:

- Further expansion of social media opportunities and platforms, use of clips, blogs, videos;
- Negotiating a media exclusive with the environment correspondent of a leading Sunday newspaper followed up by a wider news announcement;
- Issuing press releases under embargo with the offer of pre-records or a press briefing in advance of publication to aid information gathering;
- Setting up photo-calls to highlight an issue through personalities, something novel/creative;
- Making more use of letters – clear, direct and concise letters to the Scottish Government can help promote transparency and maintaining a story in

between evidence sessions;

- Promoting evidence sessions in advance (sometimes with a convener quote or video clip) and where appropriate flagging to press key take-aways from a meeting;
- Issuing pro-active and reactive media statements, releases and interviews, and;
- Producing short, focused reports.

Future issues and priorities for consideration

Context for scrutiny in Session 6

72. The implications of EU exit in Scotland, which will include the formation of new institutions, policy frameworks, inter-governmental and intra-UK ways of working, are likely to feature strongly in scrutiny through Session 6. Supporting a green recovery and responding to the twin climate and ecological crises are heavily inter-related themes likely to dominate the next session of the Scottish Parliament in this portfolio area and more widely. A detailed analysis of future priorities and issues for consideration is included in **Annexe 8**. A summary of the future priorities and issues for consideration is set out below.

Building effective post-EU exit environmental governance and funding regimes

73. Successor committees may wish to consider early in the session how they will play an active role in scrutinising Scottish Ministers' use of the keeping pace power and the extent to which Scotland seeks to align with EU standards, and how it will monitor the ongoing implications of EU exit for devolved competence on the environment, and well as on environmental outcomes. Opportunities for influence or further work to ensure effective scrutiny may include:
- Scrutinising the monitoring framework for the Environment Strategy and consider the Scottish Government's performance against the Strategy;
 - Engaging with the development of Common Frameworks at an early stage in their development, including consideration of whether they align with key Scottish environmental legislation and policy and continuing to develop interparliamentary approaches to scrutiny in this area;
 - Monitoring implications of the UK Internal Market Act for environmental standards in Scotland;
 - Consideration of the mechanisms by which the Scottish Parliament becomes appraised of developments in EU law;
 - Monitoring the implications of the EU-UK TCA for environmental standards in Scotland, including the representation of Scottish interests in the governance of the TCA;
 - Exploring the implications of future UK trade deals for Scotland's environment;
 - Engaging with Environmental Standards Scotland as it develops its strategy, including how it will work with other UK governance bodies and engage with civil society, and considering what approach will be taken to consideration of any improvement notices;

- Scrutinising forthcoming guidance on environmental principles;
- Monitoring how shared powers in the UK legislation, such as the Environment Bill, are used and whether the Scottish Parliament is able to meaningfully scrutinise UK Statutory Instruments in devolved areas, and;
- Scrutinising plans for EU replacement funding, in particular for rural support, and the extent to which they align with ambitions for net zero and nature recovery.

A green recovery amid twin climate and ecological crises

74. Successor committees may wish to prioritise the green recovery in their financial scrutiny, monitoring progress and impacts of Green New Deal commitments and opportunities to scale-up the flow of private finance into net zero goals and Scotland's natural capital. Opportunities for influence and further work may include:
- Scrutiny of Green New Deal commitments in budgets including the potential for frontloading of low carbon investment and conditionality of support;
 - Continuing to work with the Government - through the Joint Budget Review - on how climate change information is presented in the Scottish Budget and how budgets are aligned with Climate Change Plans;
 - Exploring innovative mechanisms for investment in low carbon and natural capital programmes including engaging with the newly established SNIB, and;
 - Building in consideration of the potential for environmental fiscal reform in relevant policy areas, such as the circular economy.

Infrastructure for net zero, nature and wellbeing

75. Successor committees may wish to engage with development of policy on infrastructure and placemaking to ensure it is aligned with net zero goals and the need for nature recovery. Opportunities for influence and further work may include:
- Considering the Scottish Government's infrastructure investment priorities and infrastructure's role in reaching the net zero target in 2045 and reversing biodiversity decline;
 - Considering Scottish Water's investment priorities in the context of the net zero target and affordability for customers;
 - Scrutinising NPF4, considering alignment with the Climate Change Plan, Land Use Strategy and other key strategies;
 - Exploring how provision of greenspace can be integrated into planning and

infrastructure provision for wellbeing and biodiversity, including opportunities for vacant and derelict sites to be used for green infrastructure, and;

- Exploring the role of mechanisms such as City Deals and Sustainable Growth Agreements in delivering low carbon and natural infrastructure.

Mainstreaming nature recovery and net zero into land management

76. Successor committees may wish to work to identify the key interventions needed to mainstream nature recovery in Scotland, including opportunities to address climate change and biodiversity loss as twin crises. Key opportunities for further work and influence may include:

- Considering of how any global biodiversity agreement should be translated into biodiversity targets and action in Scotland;
- Scrutinising the third Land Use Strategy and consider its alignment with other key strategies such as the updated Climate Change Plan, future rural policies and NPF4;
- Monitoring the implementation of the Land Use Strategy through the Scottish Government's annual reports to Parliament and assess the extent to which more integrated land use is visible in practice;
- Considering how to engage across Parliament on nature recovery e.g. integrating issues in scrutiny of planning, infrastructure and financing policies;
- Engaging with the Government, Scottish Land Commission and other stakeholders on the development of Regional Land Use Partnerships;
- Monitoring implementation of recommendations of the Werritty review, in particular exploring the most appropriate model for grouse moor licensing;
- Monitoring implementation of the recommendations of the Deer Working Group report;
- Monitoring achievement of targets for nature-based solutions, and;
- Scrutinising the coherence of Government policy on peatlands across commitments on peatland restoration and peatland protection.

Linking land reform and the green recovery

77. Successor committees may wish to further explore the role of land reform in supporting a green recovery, including its role in supporting community action and social resilience in relation to climate change, the wellbeing economy and nature recovery. Opportunities for future work and influence might include:

- Engaging with the Government, Scottish Land Commission and other stakeholders on the development of Regional Land Use Partnerships;
- Exploring the recommendations of the Scottish Land Commission in relation to concentration of land ownership, and;
- Continuing to work with the Scottish Land Commission including scrutiny of its research, proposals and strategic plan.

Restoring marine and freshwater biodiversity - a blue recovery

78. Successor committees may wish to ensure marine issues are integrated across relevant areas of scrutiny to ensure steps are taken to enable nature recovery in the marine environment e.g. integrating marine considerations into any future work on nature-based solutions, replacement EU funding and planning and infrastructure. Opportunities for future work and influence could include:

- Scrutinising the Blue Economy Action Plan and 2021 review of the National Marine Plan and Marine Protected Areas from a marine environment perspective, taking account of previous Committee work on regional marine planning, aquaculture, blue carbon, and marine planning and enhancement;
- Exploring how the Fisheries Management Strategy 2020-2030 will support nature recovery and net-zero;
- Continuing to explore the opportunity for strategic mechanisms to deliver enhancement of Scotland's marine environment;
- Exploring implications of the post-EU exit governance framework for marine biodiversity including funding and governance arrangements;
- Scrutinising the outcome of annual post-Brexit fisheries negotiations between the UK, EU and other coastal states and its implications for sustainable fisheries in Scottish waters;
- Scrutinising the forthcoming Joint Fisheries Statement published by the four UK governments, and the extent to which it demonstrates how fisheries objectives will be met to ensure sustainable management of the marine environment; and keeping a watching brief on the Secretary of State Fisheries Statement with regard to potential implications for sustainable management of Scottish fisheries;
- Scrutinising ongoing work to improve the environmental performance of Scottish salmon farming, e.g. as part of scrutiny of the NPF4, and reviewing the Scottish Government's response on interactions between wild and farmed salmon;
- Scrutinising forthcoming post-2020 biodiversity policy in relation to the health of the freshwater and marine environments, and;

- Scrutinising annual changes to river gradings to monitor the health of the freshwater environment.

Developing Scotland's Circular Economy and achieving sustainable consumption

79. Successor committees may wish to explore the required actions to transition to a circular economy in Scotland for net zero and nature recovery as well as reducing Scotland's carbon footprint. Opportunities for future work and influence may include:
- Exploring Scotland's global environmental impact related to consumption including the need for any further governance around consumption emissions;
 - Scrutinising the implementation of DRS in Scotland;
 - Reviewing how the UK legislation on producer responsibility, DRS and the Internal Market Act interact and impact plans and delivery in Scotland;
 - Monitoring to what extent the Scottish Government is keeping pace with EU developments under its Circular Economy Programme;
 - Considering how the Scottish Parliament engages with the development of and scrutinises any secondary legislation introduced by the UK Government using powers Environment Bill e.g. on producer responsibility;
 - Scrutinising routemaps for meeting waste and recycling targets and circular economy ambitions promised in the draft Climate Change Plan update;
 - Exploring with public bodies how they are using public procurement to further net zero and circular economy ambitions, and;
 - Exploring use of environmental fiscal reform to support the green recovery and the transition to a circular economy.

Improving Scotland's air quality

80. Successor committees may wish to work to ensure that opportunities to improve air quality, including any lessons learned during Covid-19 restrictions, are integrated into green recovery plans and related areas such as infrastructure planning and investment in green infrastructure. Opportunities for future work and influence may include:
- Monitoring the next Scottish Government's response to the CAFS review and scrutinise the new air quality strategy in 2021;
 - Scrutinising the rate of progress on LEZs and their ambition, and;
 - Engaging with local authorities as part of any work on air quality.

Protecting animal welfare

81. Successor committees may wish to engage with the new Scottish Animal Welfare Commission on its workplan and priorities including any work on animal sentience, to inform its approach to animal welfare during the next Parliamentary sessions. Opportunities for future work and influence may include:
- Exploring the relevance of animal welfare standards to Scotland's resilience to zoonotic diseases;
 - Engaging with any future legislation on fox control;
 - Engaging with NatureScot on relevant workstreams on wildlife management relevant to animal welfare such as its forthcoming review of snaring, and;
 - Considering the petition on greyhound racing in Scotland.

Reducing Scotland's emissions

82. Successor committees may wish to scrutinise the Scottish Government response to the climate emergency and commitment to put climate change at the heart of government and policy making. Opportunities for future work and influence include:
- Reviewing the Scottish Government response to the recommendations of the four parliamentary committees on the updated Climate Change Plan and reviewing the final updated Plan;
 - Co-ordinating a review of the implementation of the Climate Emergency Skills Action Plan (as published in Dec 2020);
 - Engaging with parliamentary committees and reviewing the annual monitoring reports on progress with the Climate Change Plan (due in May 2021);
 - Reviewing the annual reports on emissions reduction targets (Due in May 2021), the nitrogen balance sheet and on consumption emissions and reviewing the Committee on Climate Change Annual Progress reports to Parliament (starting in September 2021);
 - Considering the sectoral delivery of targets;
 - Reviewing the ECCLR Committee's recommendations for a green recovery and the Scottish Government's response to that report;
 - Considering the Scottish Government's response to the Just Transition Commission's recommendations (from their final report in March 2021);
 - Leading work with the Government on reporting of the climate impact of the Budget, including the joint Scottish Parliament/Scottish Government Budget Working Group and lead scrutiny of the climate impact of the Budget, and;
 - Engaging with the Climate Assembly scrutiny of the Scottish Government response to their recommendations and scrutiny of Scottish Government

climate change engagement.

Engagement in COP26

83. Successor committees may wish to review Parliamentary and Scottish Government plans and action to engage in COP26, and consider playing a key role in engaging with the COP26 audience and exploring how COP26 can be used to boost domestic climate action. Opportunities for further work and influence may include:
- Reviewing the focus and Committee plans for engagement in COP26 (examining how parliaments can contribute to solutions to the climate crisis and effectively hold governments to account);
 - Engaging with parliamentary committees within the Scottish Parliament on a joint approach;
 - Engaging with parliamentary committees across the UK on a joint and co-ordinated approach and internationally, especially with the global south;
 - Reviewing the focus and plans for Scottish Parliament engagement in COP26, and;
 - Reviewing the plans for Scottish Government engagement in COP26.

Increasing Scotland's climate resilience

84. Successor committees may wish to integrate themes of climate and ecological resilience across its scrutiny. Opportunities for future influence and work may include:
- Scrutinising progress reports on the second [Scottish Climate Change Adaptation Programme](#) (due May 2021) and taking into account the CCC Evidence Report due in 2021 when undertaking work on climate adaptation and resilience;
 - Scrutinising SCCAP3 due for publication in 2024;
 - Considering how work on supply chain resilience in light of the pandemic can include opportunities for sustainable development such as creating green jobs and transitioning to a more circular economy;
 - Reviewing approaches to building climate resilient infrastructure and communities;
 - Reviewing opportunities to maximise nature-based solutions to improve Scotland's resilience, and;
 - Considering the extent to which climate justice is being adequately addressed across policy.

Scottish Parliament's environmental performance and response to the climate emergency

85. Successor committees may wish to monitor progress in the Parliament's environmental performance and development and implementation of plans to achieve net zero emissions. Opportunities for future work and influence may include:
- Reviewing the Sustainable Development Annual Report and forthcoming routemap to zero emissions targets, and;
 - Reviewing how effectively a climate change and a sustainable development approach is being embedded into the decision-making processes across the Parliament.

Enhancing climate change scrutiny and engaging with forthcoming human rights legislation

86. Successor committees may wish to review Parliamentary plans and action to support sustainable development and climate scrutiny and consider how climate scrutiny can be prioritised to enable Scotland to move at pace towards net zero. Opportunities for further work and influence may include:
- Reviewing plans and progress in upskilling members, their staff and parliamentary staff on climate change and sustainable development;
 - Ensuring climate and sustainable development considerations are effectively embedded in parliamentary scrutiny via briefing, use of experts and advice and integrating the sustainable development tool into committee scrutiny;
 - Reviewing Standing Orders to identify necessary changes to ensure climate change and sustainable development scrutiny are given as much prominence as equalities and human rights;
 - Considering opportunities for inter-parliamentary climate scrutiny;
 - Considering the role of cross-Committee work on scrutinising progress towards the SDGs, and;
 - Engaging with debates on human rights mainstreaming in relation to the relevance to the environment and considering how Committees may best prepare to scrutinise any forthcoming human rights legislation

Financing the green recovery

87. Successor committees may wish to prioritise the green recovery in their financial scrutiny, monitoring progress and impacts of Green New Deal commitments and opportunities to scale-up the flow of private finance into net zero goals and

Scotland's natural capital. Opportunities for influence and further work may include:

- Scrutiny of Green New Deal commitments in budgets including the potential for frontloading of low carbon investment and conditionality of support;
- Continuing to work with the Government - through the Joint Budget Review - on how climate change information is presented in the Scottish Budget and how budgets are aligned with Climate Change Plans;
- Exploring innovative mechanisms for investment in low carbon and natural capital programmes including engaging with the newly established SNIB;
- Building in consideration of the potential for environmental fiscal reform in relevant policy areas, such as the circular economy, and;
- Considering how public bodies are funded, supported and governed to ensure they are best placed to support the delivery of a green recovery.

Annexe 1 - The principles and focus of scrutiny in Session 5

Approach to working: The Committee agreed it would seek to:

- develop a consensual approach to working
- avoid duplication of Scottish Government work streams
- focus on holding Government agencies to account
- engage in agenda setting
- develop an innovative approach to working (open to committee bills, sub groups, working informally)
- focus on impacts and outcomes
- embed financial scrutiny throughout its work
- consider a strategic approach to the work of the committee towards the end of the first year

Working practices: The Committee agreed it would seek to:

- work as far as possible in public
- continue to have 'open' conversations with stakeholders working informally and formally in a variety of ways and locations
- precede or begin inquiries with evidence from academic/expert panels
- focus on pre-inquiry scoping/exploratory work to clearly define the issue/question(s) and desired outcomes and impacts
- identify the most efficient way of achieving the desired outcome and avoid a standardised approach to inquiries
- avoid duplication of evidence (private and public, oral and written)
- establish a positive relationship and a regular informal 'catch up' meeting with the Cabinet Secretary (convener to discuss with the Cab.Sec.)
- identify opportunities for cross committee and collaborative working and establish a dialogue with other committees in the Parliament in areas of shared interest
- focus on short reports with key recommendations to maximise impact
- include the approach to monitoring and review of individual pieces of work in the initial approach papers
- committee meetings to be preceded by an informal pre-brief, time to be formally scheduled to discuss evidence within the meeting (if required) and regular post

meeting informal catch up on issues of interest

Briefing and Support: The Committee agreed to:

- use academics and experts to support the committee's understanding of issues within its remit
- identify where commissioning research could be effective to support the work of the committee
- be provided with contextual and issues-based briefing with short questions or areas to explore for evidence sessions
- focus procedural briefing at the appropriate point in time
- be provided with briefing on best practice approaches to monitoring and assessing the impact of committee engagement
- explore the scope for questioning skills training for the committee
- review the approach to briefing and questioning on a regular basis

Annexe 2 - Recommendations for the Scottish Parliament Climate Change Scrutiny Action Plan – proposed priorities from October 2020 onwards

	Short (Oct – Jan)	Medium (Feb – August)	Long
Building Capacity <ul style="list-style-type: none"> Briefing materials Access to expertise Staff knowledge, understanding and skills Member knowledge, understanding and skills. 	<ul style="list-style-type: none"> SPICe CCP briefing Blogs/snippet sessions relating to key components of CCP Scope potential to develop a small panel of standing experts that could be drawn on (by this Committee, or all Committees). Potentially could be linked e.g. to budget, CCP, SCCAP. Review existing climate training/skills/knowledge programmes (e.g. RSGS/Institute of Directors and KSB initiatives) to identify relevance and applicability for supporting staff and also Members induction (Session 6) [parallels corporate work on same] Support embedding of climate change and SD scrutiny into Standing Orders for bill consideration Support embedding of climate change and SD scrutiny into Convenors Group legacy report 	<ul style="list-style-type: none"> Prep SPICe climate briefing tailored to each subject Committee for start of session 6, and related presentation to Convenors Group, subject committees and/or party groups Scope development of COP26 scrutiny and intra-parliament collaboration programme linked to COP26 (committee meetings, Parliament event, briefings, blogs, snippets) Review SPICe briefings – how climate and sustainable development considerations can be best reflected Identify Members and staff feedback on potential climate training/CPD and scope to embed into CPD plan (Session 6) 	<ul style="list-style-type: none"> Consider development of a framework contract (e.g. with a University) to provide climate change expertise [Note different model from panel of experts] Refine and deliver climate training/skills programme for MSPs and MSP staff as part of wider CPD (and use opportunities where appropriate to link to CCP, SCCAP and COP) Potentially commission research to explore mainstreaming/integration from other jurisdictions, and share our learning (Note links to COP26)

	Short (Oct – Jan)	Medium (Feb – August)	Long
Priorities for scrutiny <ul style="list-style-type: none"> • Governance • Legislation • CCP • SCCAP • Budget • Annual review processes • Scottish Parliament performance 	<ul style="list-style-type: none"> • Integrate themes around governance across climate scrutiny work (e.g. CCP and with CCC) • Draw out themes from forthcoming CCC annual progress report to support CCP scrutiny • Stage 1 outcome of joint Budget Working Group • Review SP climate performance/ plans – Session with CEO in November • Mainstream climate change into subject committee, and CG, legacy papers 	<ul style="list-style-type: none"> • Consider evidence taking from joint Scottish Government directors-general and/or NDPBs (climate governance). • Explore scope for information that accompanies legislation to better reflect climate change considerations (tools, techniques, learning from SD) • Stage 2 outcome of joint Budget Working Group • Develop a schedule of annual events/documents scrutiny for parliamentary committees • Review of necessary standing order changes/committee guidance • Review Infrastructure Investment Plan, SG Capital Spending Review & UKG Comprehensive Spending ReviewDiscuss and agree approach to COP26 engagement. 	<ul style="list-style-type: none"> • Annual cross committee review of key reports and documents including SG Budget, SP performance, CC monitoring reports, targets and duties • Collaboration with UK Parliament Committees on post Brexit CC issues

	Short (Oct – Jan)	Medium (Feb – August)	Long
Engagement <ul style="list-style-type: none"> • COP26 	<ul style="list-style-type: none"> • Develop SP plan for engaging in COP26 – showcasing parliamentary scrutiny and the role of parliamentarians (Cross SP approach required to reflect global significance of the negotiations) 	<ul style="list-style-type: none"> • Liaise with House of Commons Library, POST & SPICe equivalents in NI, Wales to explore COP briefing/ engagement plans and potential for collaboration. 	<ul style="list-style-type: none"> • Confirm approach to COP26 engagement.

Annexe 3 - Engagement Strategy in Session 5

AIMS

Promote engagement and participation to support the work of the Committee (and by consequence the Scottish Parliament) and to enhance parliamentary democracy

Ensure legislation and scrutiny undertaken by the Committee reflects a wide range of knowledge and experience

OBJECTIVES AND OUTCOMES

Increase engagement with those affected by the matters considered by the Committee

Increase participation and direct involvement by stakeholders in the work of the Committee

Ensure all those who engage with the Committee view this as a positive experience

Increase efficiency in working practices to maximise the opportunity for engagement by stakeholders

Audiences: The Committee also identified its audiences and agreed that it would endeavour to:

- Engage young people in the work of the Committee (by engagement with groups such as the Scottish Youth Parliament and schools)
- Work with local communities (through activities such as visits and formal meetings of the Committee held outwith Holyrood)
- Hear from those with lived experience of matters being considered (including those below chief executive level and practitioners)
- Promote gender equality in its practices and create an inclusive environment to facilitate this

ECCLR Session 5 witness gender split



Activities: The Committee also agreed its activities and agreed it would:

- Ensure its engagement and communication activities are relevant to the audiences with which it seeks to engage
- Ensure its engagement and communication activities are consistent with its role as an environmental role model
- Maximise modern technology and media solutions, and be innovative in its use of these in its evidence taking practices (for example utilising video conferencing facilities within the Parliament and around Scotland)
- Develop excellent working relationships with stakeholders
- Actively promote its work directly to stakeholders (including cross party groups)
- Maximise media opportunities and foster excellent working relationships with specialised media (such as through hosting a media stakeholder event and creating local versions of press releases for Members to highlight their role in the Committee's work locally)

The Committee also agreed that it would seek to measure its engagement activities based on its intended outcomes and report on these publicly in its annual report.

Annexe 4 - Engagement Case Study - Climate Change

The Committee includes a case study of its engagement on climate change to illustrate its approach to engagement in Session 5.

Over the session the Committee undertook a significant body of work on climate change. Engagement involved inviting submissions through a 'Call for Views' and evidence sessions. In addition, the Committee sought wider engagement and sought to hear lived experience around behaviour change and the impact on society and communities. The Committee was particularly keen to hear from individuals and communities who may be more vulnerable to societal change to achieve net zero. This included people from: island and rural communities; older and younger people; people with learning and or physical disabilities; people who are socially and/or economically excluded; people who were shielding. A number of different approaches were used and are highlighted below.

Outreach events – Sep, Oct 2018

Climate Change (Emissions Reduction Targets) (Scotland) Bill 2019.

74 people attended 3 community events in Glasgow, Elgin, Kirkcaldy looking at what behaviour change is required in order to help Scotland reach more ambitious targets. Local grassroots environmental organisations, youth groups schools, church of Scotland and other charities and community groups. A follow up invited participants from each session to the Parliament to report back to the Committee.

Meeting with Youth Strike for Climate leaders and the IPCC, 31 March 2019

A group of 13 young campaigners from across Scotland, aged seven to 17, were invited to meet with the Committee as well as with leading global scientists on climate change, the Intergovernmental Panel on Climate Change.

Your Priorities online discussion Climate Change and You – Nov/Dec 2019

Climate Change Plan Update 2020

An open online discussion forum [Your Priorities](#) was used to gather views on behaviour change to inform scrutiny of the 2020 Plan update. 397 people participated in the forum, creating 139 new ideas and 523 discussion points.

Community meetings, workshops and pop up stalls were planned across Scotland to hear views on behaviour change and the Climate Change Plan update, during winter/spring 2020.

Materials were designed using the ISM model, (Individual, Social Material) to discuss behaviour change: a workshop was held with Midlothian Voluntary Action; pop up stalls were held at Paisley shopping centre, The Gathering and at the Garioch Women for Change event. All further sessions were cancelled due to Covid-19

Outreach events – Sep, Oct 2018



Working with voluntary sector partners – July and August 2020 Green Recovery - Postcard consultations and virtual community meetings

Working with voluntary sector partners we aimed to hear from individuals and communities who: had been adversely impacted by the Covid pandemic; are vulnerable to societal change; were shielding and were digitally excluded. A postcard consultation and activity packs were designed, and different approaches used.

3 community meetings and 68 postcard consultations were undertaken. 88 members of the public engaged aged from 5 to 80, from Arran, Edinburgh, Moray, North Lanarkshire and the Western Isles.

The Education Service facilitated an external meeting between Committee Members and Wallacestone primary school Eco Committee in November 2018 as part of the Climate Change Bill consultation process. Three members worked with P5-7 pupils to discuss ways of changing behaviours to tackle climate change at a personal, local and national level.

Annexe 5 - Approaches to Engagement in Session 5

Lived experience and wider engagement

A number of strategies were used to effectively inform scrutiny, and to develop a meaningful and sensitive approach to hear from a diverse range of people with lived experience. In addition to calls for views, evidence sessions in formal committee meetings and members travelling to meet stakeholders and communities across Scotland to gather information and scope pieces of work, the Committee engaged with people by:

- Using a partnership approach with the third sector, trusted organisations, umbrella bodies and grass roots groups, networks who have: established relationships with individuals and communities.
- Setting up external meetings in informal, local, known and trusted settings.
- Exploring different means of gathering and presenting evidence, such as staff working to a remit agreed by Members and reporting back, using different methods such as video clips, oral presentation and written report.
- Providing advance information and 'getting to know you' sessions for individuals and groups, feedback and follow up after engagement.
- Presenting information in different and more accessible formats.

Deliberative Approaches

- **Citizen's Jury on Land Management:** On the 29th-31st March 2019, 21 randomly selected citizens from all over Scotland came to the Scottish Parliament to spend the weekend learning about and discussing the question: How should funding and advice for land management be designed to help protect Scotland's natural environment? Throughout the weekend participants heard from experts and stakeholders and deliberated together to reach their conclusions. You can see the citizen's jury at work [here](#).

Digital Engagement

- **Virtual Committee and community meetings:** Since the Covid-19 pandemic the Committee adapted to meeting online. Feedback from witnesses has suggested that this has been more inclusive for some (ref evaluation) and has great potential for future engagement. The ability to reach wider geographical audiences enabled community meetings with grass roots groups to be held during the summer 2020 lockdown in Arran, North Lanarkshire and Moray and in February 2021 an online evaluation event was held with 15 participants from across Scotland. Stakeholders report appreciating the flexibility, accessibility and sustainability of not having to travel. The Committee continues to use other strategies to ensure people digitally excluded can still participate (see green recovery work below).
- **Online discussion platforms:** The committee explored using digital platforms to widen the discussion on specific topics. (see Climate Change Plan Update - Your

Priorities below) and new platforms to manage submissions to call for views.

Visits and community meetings

Where possible the Committee sought to travel to meet stakeholders and communities across Scotland to gather information and scope pieces of work.

- **Land Management** – in the summer of 2016 the Committee visited land managers and the Crown Estate in Dumfries and Galloway, in advance of its work on the Crown Estate Bill.
- **Land management and biodiversity** – in the summer of 2019 the Committee visited the Cairngorms to explore land management and biodiversity and met with a broad range of stakeholders.
- **Climate adaptation** – in 2019 the Committee travelled to Inverness and met with stakeholders to explore practical solutions to climate adaptation.
- **Management of the marine environment** – in the summer of 2017 the Committee visited SAMS in Oban and travelled to Mull to meet fishermen, environmentalists and other stakeholders to explore the management of the marine environment. The Committee also travelled to the Moray firth in 2019 to explore issues for tourism and marine management.
- **Marine Planning Partnerships** - In winter 2019 Members of the Committee travelled to Orkney, Shetland and Clyde as part of an inquiry into Regional Marine Planning. Members met with a broad range of key stakeholders in each area and conducted three community meetings open to the wider public. Stakeholders, Members, and staff reported the value of the visits. Meeting the Committee face to face, in their area and the space to explore and hear about issues first hand and in private. A greater depth of understanding and trust was formed that informed the outcomes. (ref evaluation)
- **Community meetings and workshops** were held across Scotland to hear views on: Climate Change (Emissions Reduction Targets) (Scotland) Bill 2019. Climate Change Plan Update, Green Recovery, Marine Partnerships, and the Scottish Governments' proposed Deposit Return Scheme.

Diversity and Inclusion

The Committee has where possible identified particular groups who may be more vulnerable to the impact of certain legislation or policy and has sought approaches to involve these groups in scrutiny. These have included:

- **Island and rural communities** - In order to understand the impact on island and rural communities we worked with third sector partners who supported us to hear from grass roots groups all over Scotland. For example: on Climate Change working with Moray TSI and Arran CVS; Deposit Return Scheme, Harris CVS and Midlothian TSI where we held community meetings and met local groups.
- **Older and younger people** - Approaches included: inviting leaders from the Youth Strike for Climate movement to meet with the Committee and the IPCC; an Eco school visit, (see Engagement Case study below); a pop up stall at SYP sitting to gather views on the Deposit Return Scheme (73.); a series of workshops were planned with young people for spring 2020 as part of the Climate Change Plan update

and Circular Economy scrutiny but which were cancelled due to Covid -19, these included with the Scottish Youth Parliament, Calders Youth, Edinburgh, and in Arran with an older people lunch club, an intergenerational activity group, a befriending group, the Umbrella group and with Arran Youth Foundation. During summer 2020 lockdown using a postcard consultation and in partnership with Northern Corridor Volunteers, Edinburgh & Lothian Greenspaces Trust, Pilmeny Development Project and the Speak out Group on Arran different approaches were used to hear from younger and older people.

- **People with learning and or physical disabilities** - The Committee sought to hear from a range of different groups on topics that directly impacted them. Such as from people who are part of the The Learning Disability Alliance on the Deposit Return Scheme, the Speak out Group in Arran on a Green Recovery and young people from [ENABLE Scotland](#) on Climate Change.
- **People who are socially and/or economically excluded**
- **People who were shielding** - During summer 2020 lockdown as part of the Green recovery inquiry we sought to hear from people who had been adversely impacted by Covid and who may be shielding. We worked with third sector partners to develop ways to reach people and to understand the impact on them and to hear their views.(see engagement Case Study below). This involved a series of community meetings hosted in different areas and a postcard consultation working with groups who were supporting people who were vulnerable and living areas high in SIMD index.

Community Engagement Partnerships

Using a community development-based approach the Committee sought to work in partnership with voluntary sector organisations through the Parliaments' Outreach team to co-develop appropriate methods to reach easy to ignore communities, people with lived experience, and to hear from particular people, groups and communities impacted by legislation.

- **Deposit Return Scheme** – Working in partnership with TPAS Scotland, Harris Voluntary Service, The Learning Disability Alliance and the Scottish Youth Parliament views were sought on potential barriers in the Deposit Return Scheme. 3 workshops and a pop-up stall were undertaken by the community outreach team and reported back to Committee. 63 members of the public engaged in September and October 2019. Video clips of individuals in the workshops were replayed in Committee meetings as part of the reporting. The Scottish Parliament Education Service worked with 533 pupils across 11 schools, plus a group of students from Edinburgh college to answer questions on the proposal and the proposed level of deposit.
- **Green Recovery** – Working in partnership with Arran CVS, Northern Corridor Volunteers, Edinburgh & Lothian Greenspaces Trust, Pilmeny Development Project, the Speak Out Group Western Isles, TSI Moray and VANL the Outreach team developed and adapted approaches to suit groups needs and to ensure that the Committee heard from a range of participants. (See below). Positive feedback on the approach was received from partners.

Gaelic engagement

Various enquiries were promoted in Gaelic via twitter and the Parliament's Gaelic blog and

the Committee produced executive summaries of some reports in Gaelic. The Committee considers that further consideration is required as to how best to engage with the Gaelic community in Gaelic in online discussion tools, questionnaires, virtual meetings, informal committee meetings and by other means in order to facilitate and encourage participation through Gaelic in line with the SPCB Gaelic Language Plan.

Engagement through the Education Service

The Education Service offers schools the opportunity to become involved in consultation work around bills and committee enquiries and it worked with the Committee on a number of consultations and enquiries, primarily in running sessions with classes to gather evidence from young people for the Deposit Return Scheme consultation.

Annexe 6 - Evaluation of Engagement

Virtual engagement

Covid -19 pushed the Committee to expand its digital use and a number of benefits of doing that have been identified above (accessibility and inclusion due to timing and geography for example). There is great potential to further communicate and connect with stakeholders and communities across Scotland through virtual community meetings, workshops, informal briefings etc. And to do that in a way that is meaningful and creative.

The potential to build relationships and trust through learning and participation sessions in collaboration with other parliamentary teams: Events, Visitor services, SPICe, and other Committees could address some of the communication issues identified by stakeholders in the evaluation (add link) and can do that in an informal way which was also identified as being beneficial and having positive outcomes in some of the inquiries (such as Regional Marine Planning). This can support and inform formal evidence gathering.

Online discussion tools can also support this engagement and be explored further to gather views on specific Bills and inquiries.

This should in no way undermine or replace physical visits and face to face meetings for which there has been a clear message of the value and feedback was clear from stakeholders that this is irreplaceable.

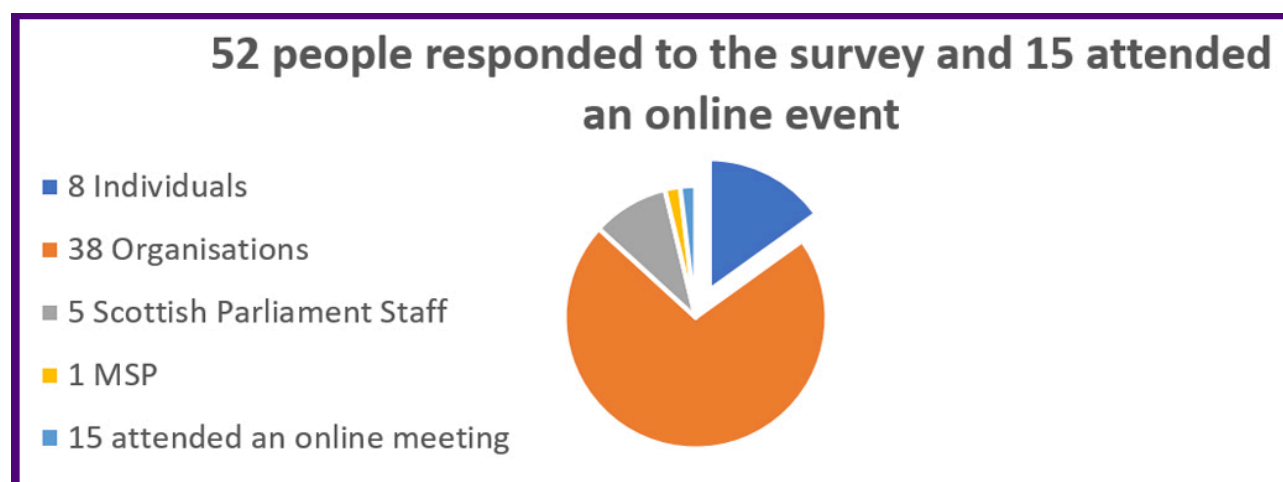
Deliberative engagement

The Committee undertook a deliberative engagement exercise – A Citizen’s Jury on Land Management. There is great potential to use this model further as an effective way to engage the wider public in decision making and to tackle wide ranging and difficult issues.

Through learning, questioning, discussion, deliberation, consensus finding and subsequently production recommendations. There needs to be a commitment however to ensure that any recommendations produced by a panel will be used by the Committee.

Scottish Parliament Environment Climate Change and Land Reform ECCLR Committee Session 5 Engagement Evaluation - February 2021

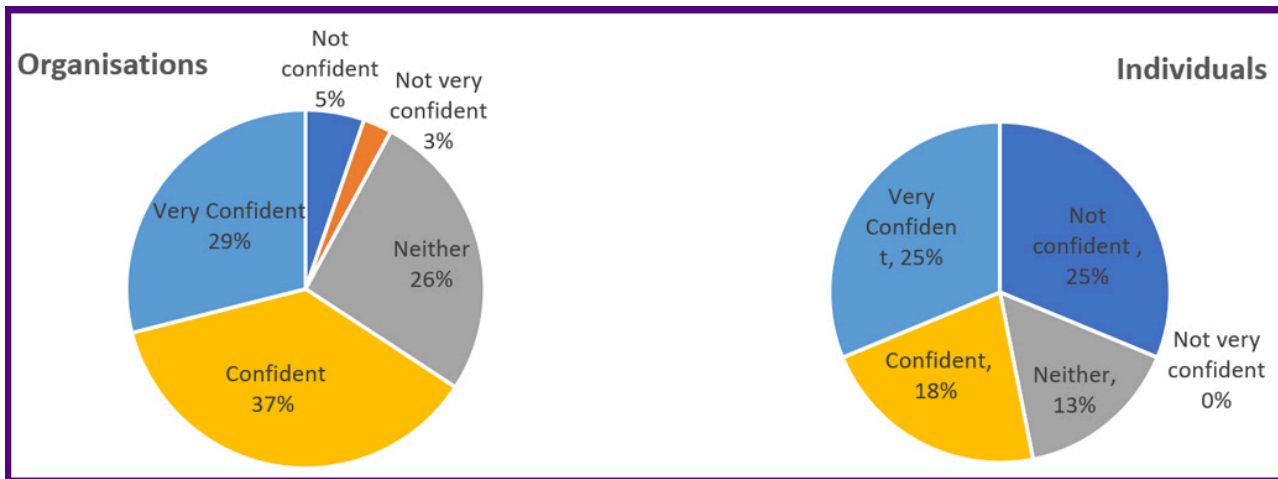
Summary of Digital Survey and Online Event



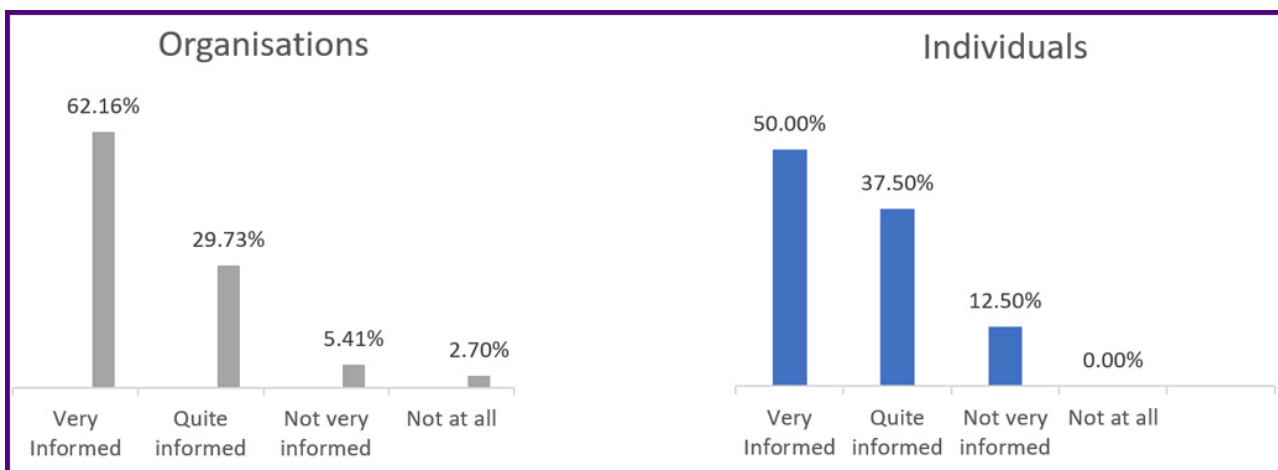
In engaging with the Committee over Session 6 people took part in:

call for views, committee meetings, online discussion forums, events, workshops, community meetings, visits, citizen jury, online meetings and digital tools.

66% of organisations and 43% of individuals felt either 'very confident' or 'confident' that their views were valued by the Committee.



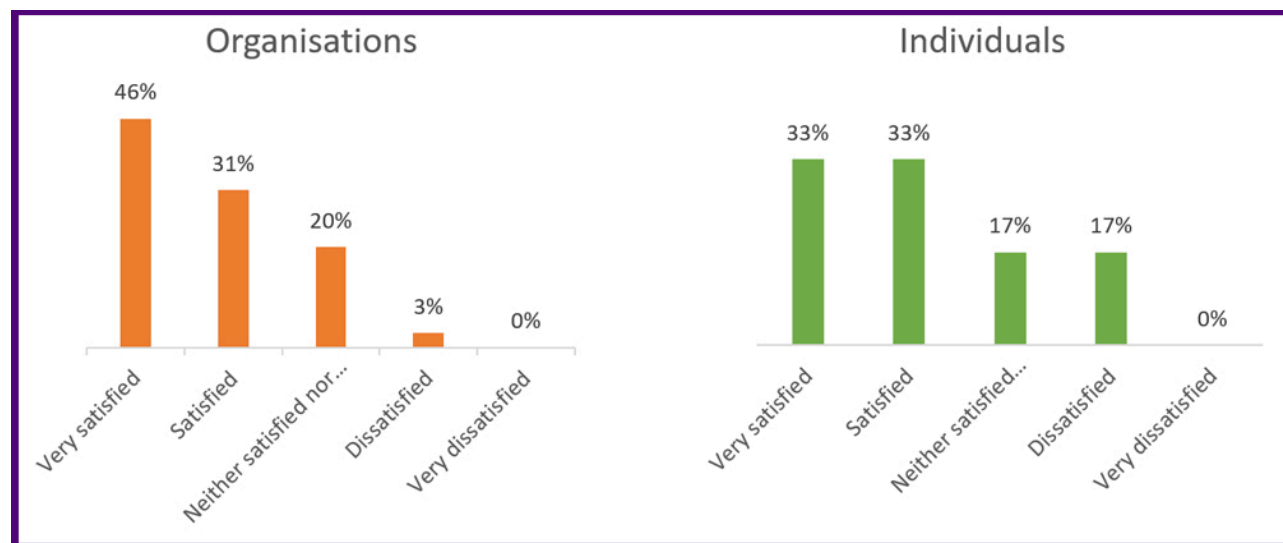
92% of organisations and 87 of individuals felt 'very informed' or 'quite informed' in advance of the engagement.



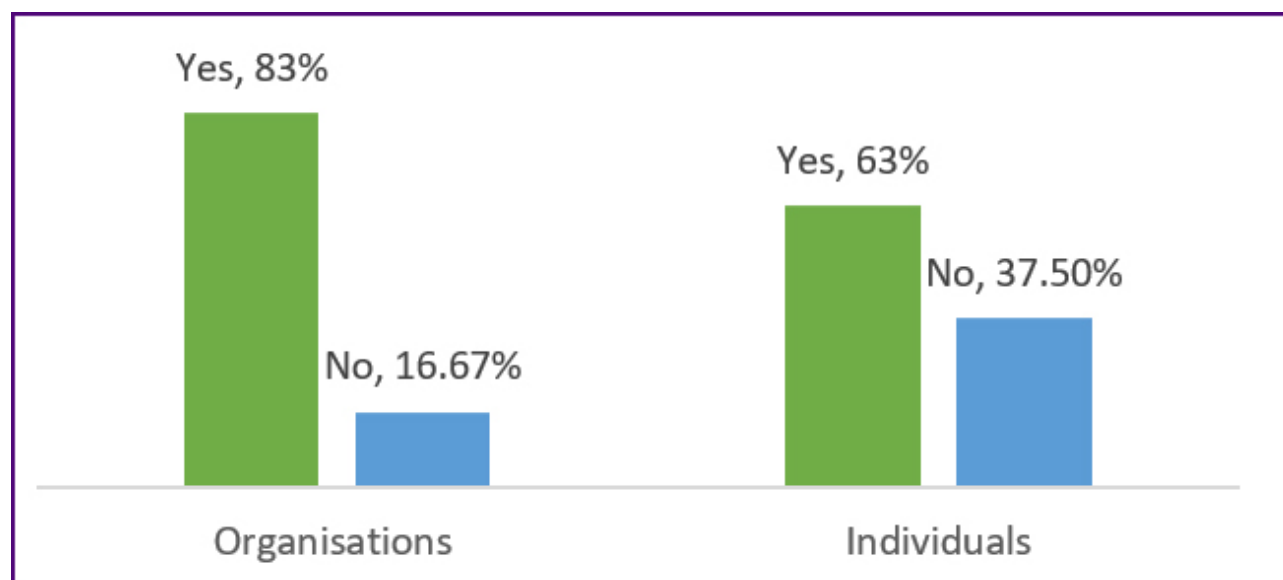
98% of organisations and 100% of individuals felt either 'very comfortable' or 'comfortable' sharing their views?



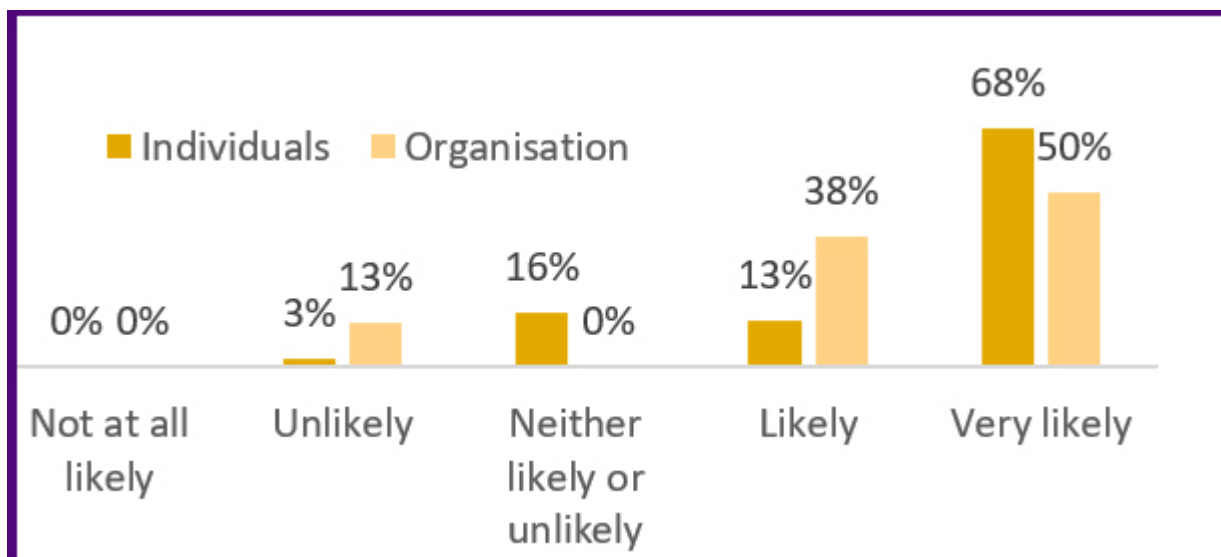
77% of organisations and 66% individuals were satisfied that they felt safe and empowered by the design of the sessions.



83 % of organisations and 63% of individuals said Parliament kept them up to date. 37 % of individuals said it hadn't.



88 % of organisations and 81% of individuals said they were 'likely' or 'very likely' to engage again.



Summary of qualitative questions

Questions asked in the digital survey and in the online meeting

1. What has worked for you in engaging with the ECCLR Committee this session?

- **Support** - supportive, encouraging, effective, civilised and respectful, good process 'supportive facilitating framework', staff always helpful, 'the Committee listens', good follow up.
- **Virtual meetings** - well thought out, positive, inclusive and flexible, accessible and environmentally sustainable, a better quality of evidence as people have easier access to laptop papers etc.
- **Committee visits** - successful in building trust and understanding between stakeholders and Committee Members and produced good outcomes.
- **Informal briefings, breakfast meetings, roundtables** - useful to prepare on both sides in advance of a call for views or evidence sessions and to build relationships (including with parliamentary staff).
- **Community engagement** - praised and encouraged to do more to involve the wider public, easy to ignore and diverse groups and communities.
- **Committee has been effective in addressing issues** – could play a role in enabling stakeholders who have become polarised.

2. What do you think could work better?

- **Timescales** - more notice given for submission of written evidence or attending as a witness, early sight of meeting papers, questions in advance, tight timescales with gov should be challenged, longer evidence sessions to explore issues.
- **Support** - guidance on how much to write for submissions, support before attending witness sessions, build confidence and understanding.
- **Information in advance** – advance sight of questions and papers
- **Communication** - more information about procedures and timetables; forward work

programme, which Committee to engage with, follow up after engagement, online sessions to summarise the Call for views, interaction during legislative process, informal briefing meetings at the start of legislative process, Convener video's to inform of work programme.

- **A digital revamp** – better use of the website to communicate and inform. Reminders for deadlines, eg using social media tags, video updates from the Convener talking about the work programme (rather than written).
- **Witness diversity** - reach out to all communities, ensure not speaking to the same groups, balance round the table during evidence sessions.
- **Flexibility** - leeway with supplementary questions, 'right of reply'.
- **Research** - Newsletters with info from SPICe incorrect, SPICe to do more primary research.

3. In your view, is the Committee (or Parliamentary Committees in general) equipped to respond to the climate crisis/ecological crisis/green recovery?

- A mixed response to this question. Some yes and some no. Many people felt that the ECCLR Committee had done an effective job in its scrutiny role.
- Many people said that climate change should not be confined to one committee, environment, climate and sustainability should be at the heart of Committee scrutiny; more joined up work across Committees. Parliament, Government and Civil servants needed. More engagement needed with the harder, longer term issues such as greenhouse gas removal technologies.
- Permanent committee on climate and sustainability/Net Zero Committee is needed.
- Support for Members needed on climate and biodiversity literacy needed through briefing and education.
- More diversity needed to ensure wider audiences are reached. (Gaps in engagement).
- Some felt that Committees are well placed to respond but are limited in the mechanisms available to influence change.

4. What are your priorities for engaging with the Committee next session?

- Climate Change - route map to net zero, energy and just transition, encouraging members to understand and champion nature-based solutions (climate, health, economy, culture and biodiversity), decarbonisation and adaptation, community climate action, carbon literate Scotland,
- Green recovery - bringing diverse voices to green recovery, warm homes, skilled jobs.
- COP 26
- A cross committee inquiry into the impact of Covid 19.
- Animal welfare – The Protection of Wild Animals Act, licensing

- EU Exit and Common Frameworks
- Circular Economy Bill
- Deer management, marine environment, salmon farming and wildlife crime, fox hunting, biodiversity, ecology, land use, water quality, re-wilding, reforestation, interplay of socio-economics and environment (eg fishing communities), Just Transition, salmon and seaweed farming, Regional Marine Planning
- Diverse communities
- Sustainable development and ecosystem analysis
- Establishing an environmental court
- Human rights and the environment
- Advancing Digital engagement
- Learning disability, older people, time-banking, volunteering

Lessons learned

- **Improve communication** - about Committee business, work programme and develop understanding of parliamentary procedures. (I.e. timescales impossible to change)
- **Clear contact for advice support and information.**
- **Clear accessible information** - ages and abilities, Questions in advance.
- **Capitalise on digital resources.**
- **Keep up what is working well** - Continue with visits and outreach, openness and flexibility.
- **Internally** - improve cross team working and planning.

Other ideas to explore traveling library – to find out about parliament and give views on issues.

Some feedback received from Engagement through Session 5

“The experience was excellent. Well organised, clear instructions, easy to use and well supported”.

“In general, we have found engagement with and communication from the Committee to be highly effective”.

“Virtual engagement has been good, we don’t feel much loss from face-to-face engagement”

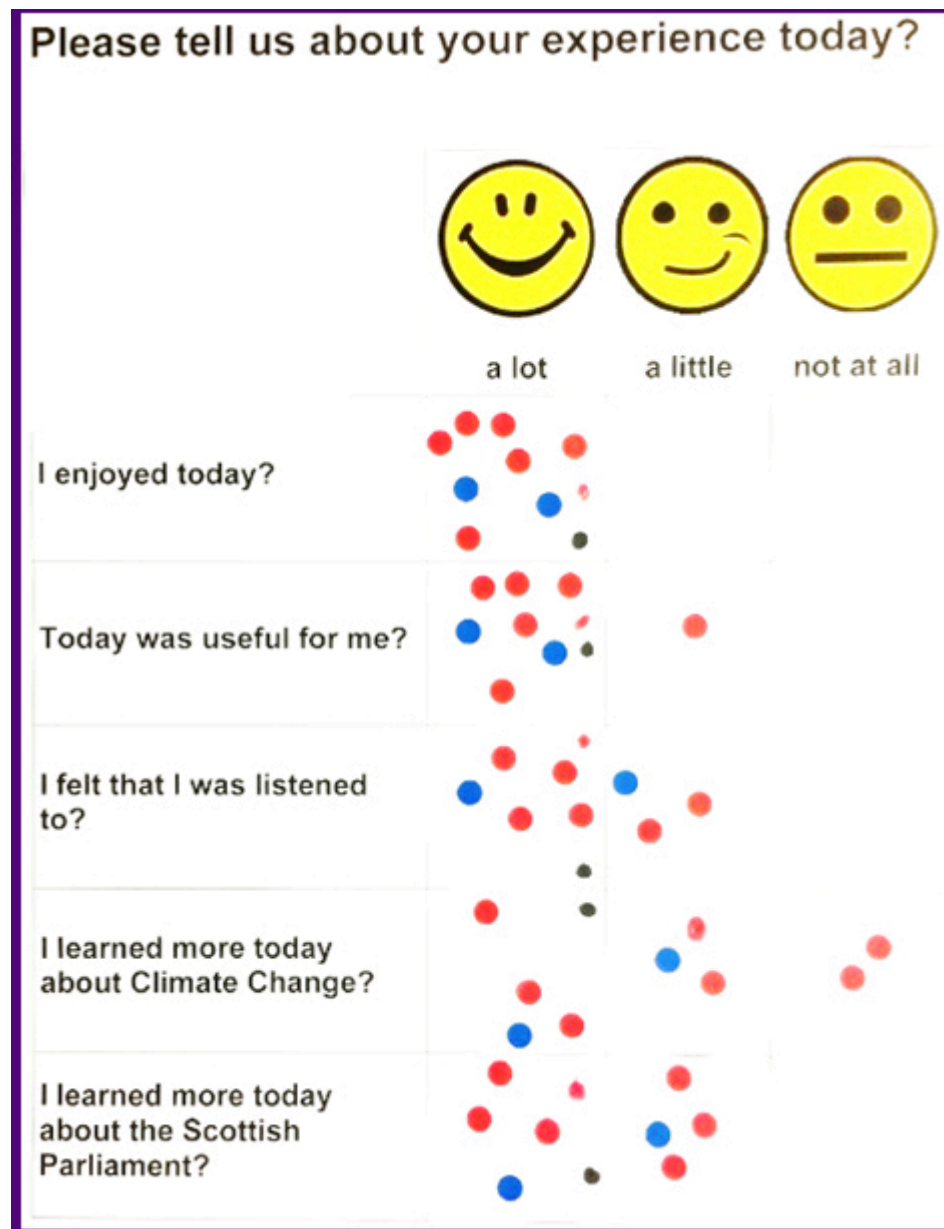
“Excellent, guided through the process, everything explained clearly.”

“I was very impressed by the help given to us (as we are a small NGO), by civil servants and Committee clerks”.

"The fact that people had to put hands up and were speaking over top of each other means that they understood what you were asking and had time to process - this happens Very rarely without intervention! The group have said that you are very welcome to join us again and are looking forward to any updates! The visuals were fantastic... especially the 4 pack of coke!"

"I found it valuable, was positive that things kept going."

"Here is the questionnaire, completed to the best of my ability - I actually quite enjoyed doing it! Thank you for the pens, they are really lovely."



Annexe 7 - Note from the ECCLR Committee's EU Exit Adviser, Professor Colin Reid: Future Work for the ECCLR portfolio arising from EU exit

1. The past session has been dominated by progress towards Brexit and the establishment of new post-Brexit governance frameworks. The formal structures of the Withdrawal Agreement and EU-UK Trade and Cooperation Agreement (TCA) are now in place, together with the associated legislation for Scotland (UK Withdrawal from the European Union (Continuity) Scotland Act 2021 (the Continuity Act)) and the UK (European Union (Withdrawal) Act 2018, European Union (Withdrawal Agreement) Act 2020, United Kingdom Internal Market Act 2020). However, there remains great uncertainty over how these will operate in practice, with much of the administrative structure required under the TCA still to be put in place. These will give rise to several strands of work, some related to specific actions/documents by other bodies, some more general.

2. Starting with the work with a specific focus, the Continuity Act establishes Environmental Standards Scotland (ESS) as a new environmental “watchdog” with an overview over the implementation of, and compliance with, environmental law in Scotland. This body is already operating on an interim, non-statutory basis, with the relevant statutory provisions likely to come into force later in 2021. Three specific tasks may arise for the Committee (in what follows I use the term “the Committee” to cover both the current Committee and its successor(s), however formed):

- Although the Act allows for any members of ESS appointed prior to the legislation coming into force to continue in post as if statutorily appointed, during one of the Cabinet Secretary’s appearances before the Committee it was suggested that there would be a formal process for the renewed appointments, which entails parliamentary approval. The Committee saw the current interim appointees before they were confirmed and might be expected to have a role in the (re)appointment process to come.
- ESS is required to produce a strategy setting out its priorities, arrangements for handling representations made by the public and its relationship with other bodies, including Audit Scotland and the Committee on Climate Change. This is likely to be of interest to the Committee.
- One of ESS’s powers is to issue Improvement Reports to Ministers when it is considered that environmental law is not being effectively implemented. Ministers must respond by producing an Improvement Plan which must be submitted to Parliament, with the potential for Parliament to reject it and require a revised plan to be produced. The Parliament will have to determine how such plans are to be considered and assessed and any parliamentary role in the arrangements for future monitoring of progress in their implementation.

3. The Continuity Act contains three further provisions which may well involve the Committee:

- The establishment of legal status for environmental principles in Scots law; public authorities, including Ministers, must “have due regard” to these in formulating policy. The Act requires the Ministers to prepare guidance on the principles (e.g. their meaning and application and the relationship with other duties on authorities). This must be laid before Parliament, which can decide that it is not to be published.
- A requirement for a review of environmental governance, including access to justice and the potential for an environmental court. The consultation paper on this and a summary of the responses and the Ministers’ recommendations must be laid before Parliament. The Committee heard on several occasions that the Act was a welcome attempt to plug gaps being created as a result of the loss of the EU’s oversight mechanisms on environmental matters, but also that there were thought to be considerable weaknesses in the position even before Brexit. This process is likely to attract considerable engagement from a range of interested parties.
- A requirement on Ministers to produce an Environmental Policy Strategy, setting out objectives, policy proposals and monitoring arrangements; again this must be laid before Parliament, as must annual progress reports.

4. The wider picture following withdrawal from the EU and the end of the transition period raises a number of significant issues. The Committee heard from the Cabinet Secretary on 23/2/21 about how much remains uncertain in terms of the meaning and effect of the TCA and the same can be said in relation to any future trade deals that may be made by the UK Government with other partners and the operation of new legislative frameworks being established at Scottish and UK levels for the post-Brexit position. There are several interlocking strands to be considered:

- The level playing field provisions of the TCA commit the UK to non-regression, preventing any slippage below current environmental (and other) standards, but only to the extent that changes will affect “trade and investment between the parties”. A degree of divergence between standards in the UK and EU can therefore be expected and accepted, potentially allowing deregulation at the UK level, but when the boundary will be crossed so as to trigger a response under the TCA is not clear.
- The Scottish Government is committed to a policy of keeping pace with EU law. The Continuity Act grants Scottish Ministers wide powers to legislate to secure alignment, raising questions over the scrutiny of such legislation and of any decisions not to keep in step with EU developments. A consequence of this policy is that the position in Scotland may diverge from that in England and/or Wales if they adopt either higher ambitions or a more deregulatory approach; the Northern Ireland Protocol ties Northern Ireland to alignment with the EU (see below).
- The TCA requires the establishment of a considerable number of new bodies – the Partnership Council, specialised committees, working groups, Civil Society Forum and dispute resolution bodies. It is far from clear how far and in what way Scottish (and other devolved administration) institutions will be involved in these and their interests reflected, and there is no obvious route for direct parliamentary scrutiny.
- The TCA further requires certain arrangements in relation to Good Regulatory Practices which place obligations on the UK Government which do not sit well with the nature of devolution. The UK Government has to discuss various aspects of regulation with the EU, but is not itself directly responsible for many of these since they lie in the hands of the devolved administrations. It is not clear how the UK Government is going

to organise the level of intra-UK collaboration necessary for it to fulfil its obligations to the EU.

- Many important matters affecting Scotland, including in devolved areas, will be hugely affected by decisions of the UK Government, in implementing the TCA and resolving any disputes thereunder (a matter firmly in the political, not the legal, sphere) and in negotiating further international trade agreements. These are beyond the practical scrutiny of the Scottish Parliament since they involve the exercise of reserved powers.
- Many provisions in Westminster legislation looking beyond Brexit (e.g. Fisheries Act 2020, Environment Bill) contain powers for UK Government Ministers to legislate or develop policy by agreement or after consultation with Scottish Ministers, even within areas of devolved competence, raising questions over the Parliament's ability to exercise scrutiny over the final outcome and over the Scottish Ministers' contribution to the process.
- The effectiveness of the exercise of devolved powers may be affected by the application of the market access and non-discrimination principles in the United Kingdom Internal Market Act 2020, allowing continued access to the market in Scotland for goods that do not meet Scottish standards. One example of this (on the basis of the current differences between the schemes proposed in different parts of the UK) may be the operation of the forthcoming deposit and return schemes for plastic bottles etc.
- The process of developing common frameworks, formally establishing agreed positions which the UK and devolved governments will adopt rather than exercising their powers to regulate independently, has proved to be slow and lacking in transparency in its early stages. This again poses a challenge for parliamentary scrutiny which comes only at the final stage before adoption, when it is difficult to exercise substantial influence.

5. In all of these areas, the capacity of any committee of the Scottish Parliament to exercise effective scrutiny is constrained by the constitutional dominance of the UK Government and Parliament and the absence of any clear and consistent procedures for involving Scottish Ministers in decision-making which might itself provide a structure for calling Ministers to account. The general lack of transparency, especially at early stages, further handicaps the effective development of parliamentary scrutiny. Monitoring how the new arrangements bed in will be important and there might be a need for some creativity in establishing forms of oversight, e.g. in liaison with other parliamentary bodies and other committees or building on features such as the annual report on the exercise of the "keeping pace" powers in the Continuity Act as a focus for more thorough scrutiny of plans and actions.

6. Other topics (outwith my specific remit) that are likely to require the Committee's attention include:

Climate: The holding of CoP26 in Glasgow in November 2021 will throw further emphasis on what is already a significant issue for the Government and Parliament, and a new Climate Change Plan can be expected in the near future, alongside the annual progress reports (which of late have not been wholly promising).

Biodiversity: The Scottish Government has, in *Scottish Biodiversity Strategy Post-2020: A Statement of Intent*, committed to producing a new Biodiversity Strategy within 12 months

of the meeting in May 2021 of CoP 15 of the Convention on Biological Diversity. That *Statement of Intent* includes specific commitments in relation to the area of land and sea covered by some legal protection and more generally to ensure greater regard for biodiversity concerns across all policy areas.

Wildlife law: Following the Government's response to the Werritty Review on grouse moor management, legislation has been promised to implement its recommendations, including the licensing of grouse shooting and greater controls over muirburn and other aspects of grouse moor management. Many details of the controls remain to be worked out, and the proposals are likely to generate considerable (and heated) stakeholder debate, as is the operation of the new licensing controls on shooting mountain hares. Similarly, a Government response is expected imminently on the report of the Deer Working Group, which again is likely to require legislation. Reviews of snaring and other relevant activities are also under way.

Environmental rights: During the next Parliament progress can be expected on the development of a new framework for human rights in Scotland, building on the work of the First Minister's Advisory Group on Human Rights Leadership. This issue obviously extends far beyond the work of this Committee, but since a right to a healthy environment has been expressly included along with other socio-economic rights to be given greater status, there will be a substantial impact on the framework for environmental governance.

Annexe 8 - Future issues and priorities for consideration

Building effective post-EU exit environmental governance and funding regimes

Sustainable Development Goals (SDGs) in focus:

PEACE, JUSTICE AND STRONG INSTITUTIONS



1. Environmental governance in Scotland is going through a period of fundamental change, driven by EU exit but also by the need for robust governance to address the climate and ecological emergencies. There are a number of elements to this with significant implications for successor Committees.

Environmental Standards Scotland

2. The [UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#) established a new public body, Environmental Standards Scotland (ESS), designed to provide "continuity of environmental governance". ESS will monitor public authorities', including Scottish Ministers', compliance with environmental law, the effectiveness of environmental law, and how environmental law is applied.

3. ESS was established on an interim basis in 2020. Future appointments to ESS, including reappointments, will be subject to Parliamentary approval. ESS has the power to issue 'improvement reports' where it finds a failure to comply with environmental law. In response to such a report the Scottish Ministers must present an improvement plan to the Scottish Parliament – a new process with implications for successor Committees. When Scotland was in the EU, the European Commission would consider compliance with EU law, not domestic regulations, so the possibility of improvement reports being laid before the Scottish Parliament on any aspect of domestic environmental law is also a significant change. ESS is also able to look at the implementation of international obligations.

4. The UK Environment Bill seeks to establish a new environmental governance body in England called the Office for Environmental Protection (OEP). The Committee raised concerns this session that there could be gaps in environmental governance between the OEP and ESS. Given the UK Environment Bill has been delayed in Westminster, any further exploration of how the bodies, including the OEP in Northern Ireland and Wales, will work together to provide effective long term arrangements for governance and avoid governance gaps will necessarily take place in the next Parliamentary session.

Keeping pace

5. The [UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#) gives

Scottish Ministers a new power to introduce Regulations with a view to keeping devolved law aligned with EU law i.e. 'keep pace' following EU exit. The Act sets out certain purposes which Ministers must have due regard to in using the keeping pace power, including to contribute towards maintaining and advancing standards in environmental protection, animal health and welfare. It also requires Ministers to publish a policy statement on factors to be taken into account and process to be followed when considering whether or not to use the keeping pace power.

6. A new challenge for committees in subsequent sessions will be in determining how they scrutinise any commitments to keep pace with EU law, including how they will be made aware of, or monitor significant developments in EU law. With that challenge in mind, the ECCLR Committee recommended in its Stage 1 report on the Continuity Bill, that the Scottish Government should publish periodic reports summarising significant developments in EU law. The Government responded that given the broad nature of EU law, and the different scenarios that may be faced, the involvement of Parliament in debates, and participation in the decision-making framework, would be much more beneficial and effective.

7. The Scottish Government committed to develop a decision-making framework for future alignment with EU law. The Committee understands that the Finance and Constitution Committee and parliamentary officials are in early discussion with the Scottish Government on this. The Committee considers that it is important that systems are developed to enable effective engagement with the Parliament, which take into account the capacity of committees to monitor the EU policy landscape. The Committee remains of the view that the Scottish Government should provide information about whether or not it intends to use the keeping pace power to align with developments, and to provide reasons for its decision.

8. Areas where successor committees might wish to closely monitor the extent to which Scotland remains aligned with EU environmental standards include:

- EU measures designed to support the green recovery or address the climate and ecological emergency. For example, as part of the EU's 2030 biodiversity strategy, the Commission is [expected to propose binding nature restoration targets](#) by the end of 2021;
- Comparative functioning of UK or GB-systems put in place in devolved areas to replace EU systems such as for chemicals regulation, or emissions trading;
- How the Scottish Government responds to changing technical or detailed requirements in relation to environmental regulation at EU level that previously would have applied directly in Scotland.

Common Frameworks

9. The UK and devolved governments have agreed that Common Frameworks will be needed post EU exit to ensure that, in certain policy areas, there is a degree of alignment where needed or desirable.

10. Non-legislative frameworks are expected in the following environmental areas:

- Air quality
- Best Available Techniques (for preventing or minimising emissions and impacts on the

environment.)

- Strategic Environmental Assessment
- Public procurement
- Radioactive substances

11. Legislative frameworks are expected to be required in the following environmental areas:

- Implementation of an EU Emissions Trading System (ETS)
- Various agricultural areas including agricultural support
- Animal health and welfare
- Chemicals and pesticides
- Fisheries management and support
- Ozone depleting substances and F-gases
- Resources and Waste

12. No Common Frameworks have been finalised yet although a small number of provisional frameworks have been published in other portfolio areas. Provisional Common Frameworks are in place for chemicals and pesticides, and emissions trading, although they have not been shared with the Scottish Parliament. The pace of progress of development of Common Frameworks, uncertainty about the overall process and governance arrangements for Frameworks, and how they relate to EU-exit related legislation that has been introduced in the meantime in the Scottish Parliament and UK Parliament, have presented scrutiny challenges in the latter part of this session in relation to enabling scrutiny of post-EU exit governance.

13. The Scottish Government has recently informed the Scottish Parliament that the impact of the EU-UK Trade and Co-operation Agreement in 2020, alongside the implementation of the Northern Ireland Protocol and the passing of the UK Internal Market Act, means that it is now necessary to review a number of draft frameworks.

14. The Scottish Government told the Committee in February 2021, that the Scottish Government will continue to push the UK Government to link the UK ETS with the EU ETS – the aspiration for which is set out in the EU-UK TCA. The Committee also heard concerns from stakeholders in relation to chemicals regulation, that there is pressure from the chemicals industry to move away from the EU REACH model. There are likely to be questions in the next session about how the Scottish Parliament engages with issues around UK-wide systems in devolved areas, and how proactively the Scottish Government will seek to influence those systems and respond to any pressure to change systems at UK-level.

15. The development and agreement of Common Frameworks will be very important for successor Committees. In addition to scrutinising Frameworks for their implications for Scotland, and their alignment with key Scottish environmental strategies and legislation including climate targets, successor Committees may also need to take Frameworks into account when future policy and legislation is proposed.

16. In the latter part of this session, the Committee engaged with a House of Lords Committee inquiry on the scrutiny of Common Frameworks and raised that it will be vital that UK legislatures invest in and nurture parliamentary connections across the UK in order to share information to co-ordinate scrutiny. It is recommended that successor Committees continue interparliamentary engagement both with the UK Parliament and counterpart committees in the Welsh Parliament and Northern Ireland Assembly.

The UK Internal Market Act 2020

17. The Scottish Parliament [voted not to give legislative consent to the UK Internal Market Act](#) in 2020. From a devolution perspective a key element of the Bill is the introduction of a Market Access Commitment, underpinned by the principles of mutual recognition and non-discrimination for trade in both goods and services across the four nations of the UK. A number of stakeholders highlighted to the Parliament that a functioning UK internal market is important for them, but concerns were raised that the Act may lead to deregulatory pressure and could undermine devolved competence in relation to some areas of environmental policy.

18. There is outstanding uncertainty about how Common Frameworks will interact with the Act. It is possible that Frameworks, as well as promoting common approaches, may also provide agreement on areas where divergence is possible or desirable. The Act provides that the UK Government can decide to disapply the market access principles in relation to statutory provisions giving effect to a Common Framework, but only if the UK Government puts this in regulations.

19. The Act also adds “subsidy control” to the list of reserved matters in the Scotland Act. Regulation of State Aid was an EU competence whilst the UK was a member of the EU. Upon leaving the EU’s legal framework there was disagreement between the UK and Scottish Governments as to whether State Aid/subsidy control was a devolved or reserved matter. The Act puts this beyond doubt. and the Act also gives UK Ministers powers to provide financial assistance across the UK for the purposes of funding specified areas including infrastructure. This raises questions around how Scottish devolved competence to, for example, develop rural support schemes, or allocate funding to low carbon infrastructure may be impacted in future. The UK-EU Trade and cooperation Agreement provides governing principles and formal structures that impact subsidies.

The Environment Strategy for Scotland

20. The Scottish Government published an [Environment Strategy for Scotland](#) in 2020, seeking to create an overarching framework for existing environmental strategies and plans. This Strategy sits at a high level and sets a general direction but does not provide a routemap to meeting the aims. The [UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#) put a requirement for an environmental policy strategy in law, including arrangements for monitoring progress. The Act requires the Scottish Government, in preparing the strategy to have regard to the desirability of aiming at “a high level of environmental protection” and to the global climate and biodiversity crises. There is a gap between these strategies.

The EU-UK Trade and Cooperation Agreement and other trade deals

21. Level playing field provisions agreed in the EU-UK TCA commit the UK to non-regression below current levels of climate and environmental protection, but only to the extent that changes will affect trade and investment between the parties. There is

considerable uncertainty about how these provisions will operate in practice, the extent to which they provide environment safeguards, and what level of regulatory divergence or 'regulatory drift' will in practice be tolerated between the Parties. How the TCA is enforced and applied in practice across the UK has potentially significant implications for environmental outcomes in Scotland. There is also currently significant uncertainty around how Scottish interests will be represented in the governance of the TCA including in the Partnership Council, specialised Committees and in any dispute resolution. The potential role for Parliaments in or Parliamentary scrutiny of these arrangements is also as yet unclear.

22. Agreement of trade deals is a reserved area but can have implications for environmental regulation in Scotland. For example, the EU-UK Trade and Cooperation Agreement includes non-regression provisions in relation to environmental standards, which effectively sets a common floor for environmental standards across the UK. Future trade deals may have further implications. A [SPICe briefing on trade agreements and the environment](#) was published this year. Environmental groups [have raised concerns](#) about implications of a US-UK trade deal for standards on agriculture and pesticides. The Scottish Government [published a Vision for Trade](#) on 26 January 2021. It sets out "trade principles" of Inclusive Growth, Wellbeing, Sustainability, Net Zero and Good Governance, which "will underpin the trading and investment relationships we want for Scotland".

Environmental principles

23. The [UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#) brought the following EU environmental principles into domestic law in Scotland:

- the principle that protecting the environment should be integrated into making policy,
- the precautionary principle as it relates to the environment;
- the principle that preventative action should be taken to avert environmental damage;
- the principle that environmental damage should as a priority be rectified at source; and
- the principle that the polluter should pay.

24. The Act requires that Scottish Ministers publish guidance on the principles, and in developing policies including proposals for legislation, to have due regard to the principles. This Committee noted the importance of the guidance in cementing the principles within policy development and recommended its successor committee give it detailed consideration.

Environment Bill and future UK Statutory Instruments in devolved areas

25. The [UK Environment Bill](#) – introduced in 2019 but delayed in Westminster due to the pandemic - provides for a range of legislative powers to be 'shared', or held concurrently, by UK and Scottish Ministers in some areas of environmental policy. This means that powers can be exercised in relation to Scotland by either Scottish Ministers or the UK Secretary of State with Scottish Ministers' consent.

26. The Scottish Government indicated it was content with this because it may make sense to legislate in certain areas on a UK-wide basis, and some of those policy areas already operate on that basis e.g. producer responsibility, albeit previously within the

context of EU membership. The Committee recognised in its scrutiny of the Environment Bill that there are policy areas where it makes sense to legislate for joint UK schemes. However, the Committee had significant concerns about the implications of the Scottish Parliament consenting to legislative powers within its competence being delegated to the UK Government, and what the role would be for the Scottish Parliament in relation to how those legislative powers were exercised.

27. [A Protocol has been agreed between the Scottish Parliament and Scottish Government](#) on scrutiny by the Parliament of consent by Scottish Ministers to UK secondary legislation in devolved areas arising from EU Exit. This Protocol would be expected to be applied in the case of UK legislation applying in Scotland using shared powers in the Environment Bill. The Protocol recognises that the Scottish Parliament should be able to scrutinise the giving of consent by Scottish Ministers to such secondary legislation, and that scrutiny should be effective and proportionate. The operation of this Protocol in the next session may be significant in relation to post EU-exit environmental governance. There may be particular challenges where the Scottish Parliament is not able to scrutinise a draft of any secondary legislation, meaning that the provision of comprehensive information from the Scottish Government will be critical.

Environmental rights post-EU exit

28. Environmental rights have been raised during this session in various contexts – post EU exit governance, compliance with the Aarhus Convention, and discussions about introducing a right to a healthy environment. The scope of the [UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#) in relation to environmental governance was largely limited to addressing gaps from losing functions of the European Commission. The Act did not address, for example, some broader questions in relation to enforcement of environmental law and access to environmental justice, and how individual complaints routes to the Commission could be replaced. In recognition of this, the Bill was amended to include a requirement for Scottish Ministers to consult on whether the law in Scotland on access to environmental justice is effective. In light of this, there is likely to be a debate in the next session about access to environmental justice, with potential links to the development of any forthcoming human rights legislation.

Post-EU exit rural support to support climate and nature goals

29. A significant implication of leaving the EU for the environment is that the UK will no longer be part of the Common Agricultural Policy (CAP) – a significant source of funding in Scotland for agri-environment programmes. Stakeholders have suggested that EU exit presents an opportunity to design rural land management support to suit Scottish priorities, including the transition to net zero and nature recovery. [The CCC identified](#) the development of rural support that builds towards Scotland's climate goals as a priority, and a successor rural support programme is identified by the Scottish Government as a key policy in the agriculture sector's contributions to reaching net zero in the Climate Change Plan update.

30. In 2018, the Scottish Government published its [Stability and Simplicity](#) position outlining a five-year transition period for rural support following EU exit, proposing that the majority of CAP schemes would continue during this period. In 2019, the Government set up the [Farming and Food Production Future Policy Group](#) to support development of future policy (yet to report on its recommendations), and in 2020, launched an Agricultural Transformation Programme, and established a number of farmer-led climate-focussed sector groups to support this work. In addition, NatureScot are running a pilot scheme,

trialling paying farmers for environmental outcomes, set to run to 2023.

31. Under Section 22 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020, the Scottish Government has a duty to report to the Scottish Parliament on progress towards establishing a new Scottish agricultural policy, which must include policies and proposals as to the sustainability of Scottish agriculture and its resilience to climate change, among other things. Such a report must be laid before the Parliament no later than 31 December 2024.

32. In England, a cornerstone of its new agricultural support system is the '[Environmental Land Management Scheme](#)', based on a model of 'public money for public goods'. In a land-use context, public goods could include flood protection and water purification, carbon sequestration and biodiversity enhancement amongst other things. More information can be found in the [SPICe briefing - Agriculture and Land Management – Public Money for Public Goods?](#)

33. The future for agricultural funding is likely to be a key area of opportunity in the next session to influence environmental outcomes in Scotland. The debate around post-CAP schemes may also include broader consideration of how to build resilience across food systems, an area which has gained attention in relation to the pandemic. Relatedly, this session the Scottish Government recognised the need for resilience in supply chains and committed to create a Supply Chains Development Programme.

Other post-EU exit funding mechanisms and networks

34. Scotland has benefitted from EU funds for environmental programmes including LIFE funding for biodiversity projects, and Structural Funds for low carbon and green infrastructure. The Scottish Budget 2021-2022 provided some indication of approaches to replacement funding with some funds allocated to compensate for LIFE funding, and a new Marine Fund created (within the REC portfolio) to replace the European Maritime and Fisheries Fund. Structural Funds are expected to be replaced through a UK Shared Prosperity Fund. The Finance and Constitution Committee [considered replacement funding](#) this session and recommended that Scotland's share of a Fund should be no less than funds received as Structural Funds, and that it must be flexible to fund Scottish priorities.

35. The implications of reserving subsidy control in the UK Internal Market Act, and UK Ministers taking powers to provide funding in Scotland in areas such as infrastructure have as yet not been fully explored in relation to replacement funding. There may also be further issues to explore in relation to how Scotland adapts to the loss of access to environmental networks such as the European Environment Agency. Stakeholders and environmental agencies emphasised to the Committee that the continuation of collaboration with the EU and EU bodies through both formal and informal networks will be important.

Overarching implications for Parliamentary scrutiny

36. The demands for Parliamentary scrutiny in engaging in the various workstreams above, and a lack of clarity and transparency around a number of these areas, are likely to present significant challenges for successor Committees. The Committee notes that on 12 February 2021, an expert panel advising the FCC Committee on future scrutiny challenges [published a report](#) with a number of observations about EU exit. It states:

The possibility of regulatory alignment or divergence between the different parts of the UK has not thus far been a major political issue but it is likely to become so in Session 6.

Existing mechanisms and procedures in the UK and Scottish Parliaments for the scrutiny of EU measures of political and legal significance to the UK and Scotland were predicated on the obligations to align with EU law while a member. Post-membership, the scrutiny challenge lies in understanding the reasons behind both future divergence from, and future alignment with, EU rules (or indeed other international legal norms).

37. Other challenges highlighted include:

- How the Scottish Government and Scottish Parliament will keep up to date with developments at EU level;
- Uncertainty around the circumstances in which the UK Government may use secondary powers to legislate in devolved areas;
- Significant scrutiny challenges raised by Common Frameworks;
- Scrutinising changes to public body functions and engaging with new bodies, and;
- Understand impacts arising from the operation of the UK internal market.

38. The Panel notes that taken together the various elements amount to a considerable increase in the Parliament's scrutiny role following Brexit and recommends that a more systematic and carefully planned approach is required. The ECCLR Committee is similarly concerned that the process of EU exit has fundamentally altered the operation of the devolution settlement and it is unclear, at this point, how the constitutional arrangements for Scottish devolution will operate within a post-EU UK. The constitutional impact of EU exit needs to be thought out and understood across the Committee structure, which is beyond the remit of this Committee.

Successor committees may wish to consider early in the session how they will play an active role in scrutinising Scottish Ministers' use of the keeping pace power and the extent to which Scotland seeks to align with EU standards, and how it will monitor the ongoing implications of EU exit for devolved competence on the environment, and well as on environmental outcomes.

Opportunities for influence or further work may include:

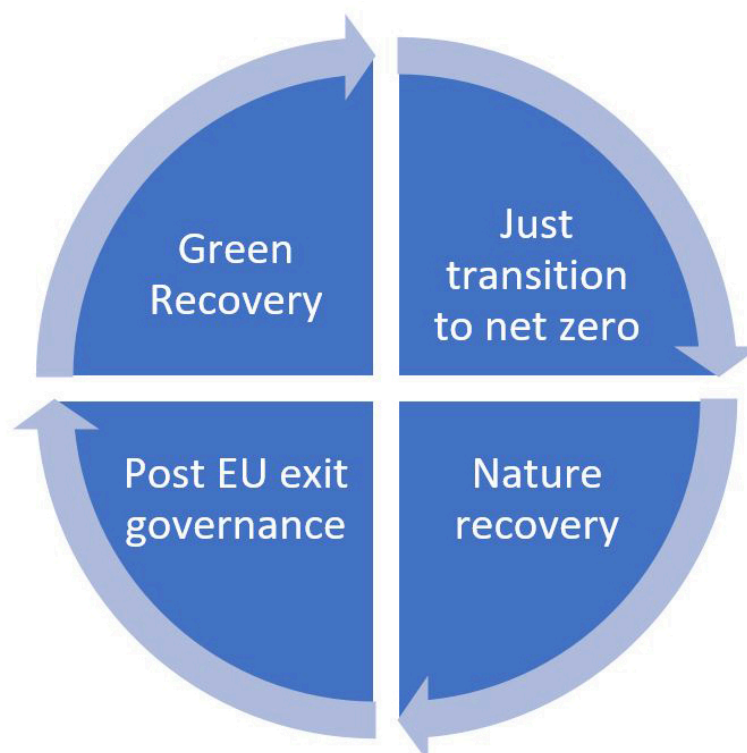
- Scrutinising the monitoring framework for the Environment Strategy and consider the Scottish Government's performance against the Strategy;
- Engaging with the development of Common Frameworks including whether they align with key Scottish environmental legislation and policy and continuing to develop interparliamentary approaches to scrutiny in this area;
- Monitoring implications of the UK Internal Market Act for environmental standards in Scotland;
- Consideration of the mechanisms by which the Scottish Parliament becomes appraised of developments in EU law;
- Monitoring the implications of the EU-UK TCA for environmental standards in Scotland, including the representation of Scottish interests in the governance of the TCA;

- Exploring the implications of future UK trade deals for Scotland's environment;
- Engaging with Environmental Standards Scotland as it develops its strategy, including how it will work with other UK governance bodies and engage with civil society, and considering what approach will be taken to consideration of any improvement notices.
- Scrutinising forthcoming guidance on environmental principles;
- Monitoring how shared powers in the Environment Bill are used and whether the Scottish Parliament is able to meaningfully scrutinise UK Statutory Instruments in devolved areas, and;
- Scrutinising plans for EU replacement funding, in particular for rural support, and the extent to which they align with ambitions for net zero and nature recovery.

A green recovery amid twin climate and ecological crises

39. In 2019, the Scottish Government declared a “climate emergency” in advance of the 2045 net zero target being adopted. The [Scottish Government also recognises that](#) nature decline in combination with the climate emergency are “twin global crises”.

40. The Covid-19 pandemic led to calls for Scotland's economic recovery to be a ‘green recovery’, integrating economic recovery with progress towards net zero and nature recovery - ‘building back better’. The pandemic has been framed as both an opportunity and risk for environmental and wellbeing goals – opportunity in that recovery can be tailored to support those goals, and risk in that economic shocks could derail progress unless a concerted effort is made to keep goals in focus.



41. Strategic advice provided to the Scottish Government on the green recovery in 2020,

for example [by the CCC](#) and [the Just Transition Commission](#), recommended bringing net zero investment and nature-recovery to the forefront of action. The [Advisory Group on Economic Recovery reported in 2020](#) that the Scottish Government needs to prioritise delivering transformational change with clear sector plans, where the coincidence of emissions reductions, development of natural capital and job creation is the strongest.

42. These overarching priorities, and the linkages between them, are themes running through the specific issues in the following sections.

43. Scotland signed up to the UN Sustainable Development Goals (SDGs) in 2015. They provide a roadmap for a healthy planet free from poverty, injustice and discrimination. The 17 goals are central to the [UN 2030 Agenda for Sustainable Development](#) ('2030 Agenda'). Policy areas in this section have been mapped against relevant SDGs. This is not an exact science; however, mapping may be useful to support discussion of priorities and highlight intersectionality of areas. The Committee has mapped the proposed future priorities against the SDGs.

Infrastructure for net zero, nature and wellbeing

Sustainable Development Goals (SDGs) in focus:

AFFORDABLE AND CLEAN ENERGY; INDUSTRY, INNOVATION AND INFRASTRUCTURE; SUSTAINABLE CITIES AND COMMUNITIES; and CLIMATE ACTION



44. The infrastructure put in place in the coming years, and how infrastructure is planned from this point on, will play a critical role in whether Scotland can reach its net zero target in 2045 and reverse biodiversity decline.

45. There have been significant developments around how infrastructure is planned and funded during this session. The [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) introduced a requirement for assessment of any Infrastructure Investment Plan's contribution to meeting climate targets. In 2020, the [Infrastructure Commission for Scotland published its first report](#) with recommendations for achieving net zero and developing natural infrastructure, stating that the change required will be 'disruptive'. This built on [the Planning \(Scotland\) Act 2019](#) which included green and blue infrastructure in its definition of infrastructure.

46. The Scottish Government published an [Infrastructure Investment Plan](#) in February 2021, which states that public infrastructure investment has a critical role to play in tackling the twin climate and biodiversity crises. It commits to increase spending on low carbon measures, climate resilience, and nature-based solutions, and set out a broad framework for taking future decisions including an 'Investment Hierarchy' which places an emphasis on maintenance of existing assets over new build.

47. In addition to seeing how these new strategic approaches to the planning and financing of infrastructure progress, the coming years will also test assumptions about the development of low carbon technologies. During its scrutiny of both the 2017 Climate Change Plan and later 2020 update, the role of Carbon Capture and Storage has continued to be controversial - in terms of the extent to which climate strategies should rely on technologies yet to be proven at scale for decarbonising key industries.

Delivering natural infrastructure

48. The [recently published Infrastructure Investment Plan](#) has expanded the Scottish Government's definition of infrastructure to include natural infrastructure, following a recommendation of the 2020 [Infrastructure Commission for Scotland report](#). This may have implications for how infrastructure planning can be aligned with nature recovery in future. Infrastructure is now defined as:

"The physical and technical facilities, natural and other fundamental systems necessary for the economy to function and to enable, sustain or enhance societal living conditions. These include the networks, connections and storage relating to the enabling infrastructure of transport, energy, water, telecoms, digital and internet, to permit the ready movement of people, goods and services. They include the built environment of housing; public infrastructure such as education, health, justice and cultural facilities; safety enhancement such as waste management or flood prevention; **natural assets and networks that supply ecosystem services** and public services such as emergency services and resilience."

49. Scottish Water sits within the ECCLR portfolio. Scottish Water published its strategic plan, A Sustainable Future Together, in 2020 which sets out its long-term strategy. The Water Industry Commission for Scotland published its Decision Paper on Strategic Review of Charges 2021-27, [Prospects for Prices](#), on 18 February 2020. The Commission has concluded that average annual charges have

50. Policy on natural infrastructure is relevant to the provision of urban greenspace. The [Scottish Government has said that](#) by 2030, in order to meet SDGs, there needs to be universal access to green public spaces. Green infrastructure policy is also inter-linked with transport policy in particular in relation to active travel. The pandemic saw local authorities [make rapid changes to transport measures and local infrastructure to make space for walking and cycling](#). There is potential for lessons to be learned about approaches to active travel and public response to change. Lockdown saw some developments in public discourse around greenspace, highlighting implications of inequality of access to greenspace during restrictions and raising the potential for more strategic links between environmental and health policy.

The role of city region and regional growth deals.

51. New funding and governance arrangements have also developed in recent years to support the delivery of infrastructure at relevant scales. The [Scottish Government said in 2020 that it will invest over £1.8 billion over the next 10-20 years](#) in City Region and Growth Deals - agreements between the Scottish Government, UK Government and regional partners brought together by local authorities, that aim to unlock economic potential. City Deals can be used to pursue low carbon and natural infrastructure. The [Glasgow City Region Deal is funding projects](#) to mitigate flood risk. In anticipation of a City Deal, [Stirling City Council worked with the Scottish Forum on Natural Capital](#) to estimate returns of green infrastructure investment.

Sustainable placemaking and the fourth National Planning Framework

52. There is clearly a significant task for the next Government in integrating, operationalising and delivering commitments on planning, infrastructure and placemaking. The [Planning \(Scotland\) Act 2019](#) for the first time put a defined purpose for planning in law: to manage the development and use of land in the “long term public interest”. The long-term public interest is defined as contributing to sustainable development or achieving national outcomes in the NPF.

53. Importantly, the next session is expected to see the introduction of the fourth National Planning Framework (NPF4), a long-term spatial strategy for Scotland that sets out where development and infrastructure is needed and informs planning decisions. NPF4 is expected to look very different to NPF3 (2014) largely due to changes made via the [Planning \(Scotland\) Act 2019](#), with a longer time horizon to 2050, and it is expected to incorporate [Scottish Planning Policy](#), previously separate. Scrutiny of NPF4 will engage policy areas across infrastructure, planning, energy, land-use, housing, biodiversity and the circular economy.

54. A Position Statement on NPF4 [published by the Government in 2020](#) committed to:

- Prioritise development that will help meet emission reduction targets.
- Plan places to reduce need to travel and build in natural solutions.
- Ensure building design is more energy efficient and sustainable.
- Actively facilitate decarbonised heating, electricity generation and distribution.
- Explore how to promote nature-based solutions to climate change.

55. Discussions around NPF4 could include consideration of mechanisms to mainstream nature recovery. [Environmental groups have recommended](#) that all new planned development should have a positive impact on nature and have called for NPF4 to be used to establish a national Nature Network. [NPF3 included a commitment](#) to develop and deliver a ‘National Ecological Network’ for Scotland, but its development did not significantly progress during this session.

Successor committees may wish to engage with development of policy on infrastructure and placemaking to ensure it is aligned with net zero goals and the need for nature recovery.

Opportunities for influence and further work may include:

- Consideration of the Scottish Government’s infrastructure investment priorities and infrastructure’s role in reaching the net zero target in 2045 and reversing biodiversity decline;
- Considering Scottish Water’s investment priorities in the context of the net zero target and the affordability for customers;
- Scrutinising NPF4, considering alignment with the Climate Change Plan, Land Use Strategy and other key strategies;

- Exploring how provision of greenspace can be integrated into planning and infrastructure provision for wellbeing and biodiversity, including opportunities for vacant and derelict sites to be used for green infrastructure, and;
- Exploring the role of mechanisms such as City Deals and Sustainable Growth Agreements in delivering low carbon and natural infrastructure.

Mainstreaming nature recovery and net zero into land management

Sustainable Development Goals (SDGs) in focus:

CLIMATE ACTION and LIFE ON LAND



56. Mainstreaming, in the context of net zero and biodiversity, means integrating actions or policies on those issues into broader development processes and sector-specific plans such as those on agriculture, fisheries, forestry, mining, energy, tourism and transport. Mainstreaming in the context of land management is discussed below.

Context - continued net loss of biodiversity in Scotland

57. During this session, [the Scottish Government committed to a step change in efforts to address continued biodiversity loss](#). The 2019 [State of Nature Scotland report](#) showed that there has been no let-up in the net loss of nature in Scotland. Key pressures were said to be: agriculture, climate change, hydrological change, urbanisation, woodland management, pollution, invasive non-native species, upland management and fisheries. The [Environment Strategy for Scotland](#) was published in 2020 which recognised that the climate and nature crises are intrinsically linked. A motion was later agreed in Parliament to treat climate change and biodiversity on a twin-crises basis. In 2021, NatureScot published a 2019 interim progress report showing Scotland is only on track to meet 9 out of 20 of its 2020 Aichi biodiversity targets. The Scottish Government said that a final assessment report will be published in the coming months. The Scottish Government document – Scottish Biodiversity Strategy Post 2020 – A Statement of Intent promised a biodiversity strategy, with expanded protected areas by mid 2022.

Agreeing post-2020 biodiversity targets - globally and in Scotland

58. The post-2020 global biodiversity framework is expected to be agreed at COP15 of the Convention for Biological Diversity (CBD) in China in [May 2021](#) and the Scottish Government committed to continuing to seek to deliver biodiversity improvements pending the preparation of a new Scottish biodiversity strategy to reflect the new global framework.

59. In 2020 [the Scottish Government also published the Edinburgh Declaration](#) on biodiversity alongside other subnational governments as part of preparations for the CBD

COP15, setting out concerns of sub-national governments that the 20 Aichi Biodiversity Targets have not been fully met, and recognising the need for transformative change across terrestrial and marine ecosystems, and across urban development and all productive sectors to reduce impacts on biodiversity. It is also worth noting in relation to post-2020 biodiversity targets, that the European Commission [has said it will propose legally binding EU nature restoration targets](#) in 2021, as a key element of the [EU Biodiversity Strategy for 2030](#).

Land Use Strategy and moving towards integrated land use

60. The term 'land use' engages policy areas across agriculture, forestry and wider land management. More integrated approaches to land-use policy and policy coherence across sectors have been increasingly called for by stakeholders in recent years, and increasing cross-over between land use sectors was evidenced in the draft Climate Change Plan update.

61. In recognition of the importance of land use in combatting climate change, land Use strategies are required by the Climate Change (Scotland) Act 2009 and must be reviewed every 5 years. The [current Strategy](#) was published in 2016. A [draft third Land Use Strategy was published for consultation](#) in 2020, and the Government [committed to commission advice from the Scottish Land Commission](#) (SLC) on how to realise opportunities from land to support economic recovery whilst protecting biodiversity. Under Section 22 of the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019, the Scottish Government has a duty to report to the Parliament on progress towards implementing the objectives, proposals and policies of the Land Use Strategy as soon as practicable after the end of each financial year.

62. The next session may also see the development of the first Regional Land Use plans. The proposal for Regional Land Use Partnerships (RLUPs) was first set out in Scotland's Land Use Strategy in 2016, and the [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) includes a requirement that Climate Change Plans set out Ministers' proposals for establishment of any regional land use partnerships. The [SLC published advice](#) on the establishment of partnerships in 2020, with key recommendations including that 12-15 Partnerships should be set up covering all of Scotland, and used to drive a collaborative approach to land use decision making in the public interest and to target delivery of public funding. The [Scottish Government has said](#) that partnerships should begin to form in 2021, and [outlined that five partnerships will be piloted in 2021](#) in Cairngorms National Park, Highland Council, Loch Lomond and the Trossachs National Park North East Region (Aberdeenshire and Aberdeen City Councils), and South of Scotland (Dumfries and Galloway and Scottish Borders Councils). In its report of the CCPu the Committee recommended that RLUPs should be rolled out across Scotland as a matter of urgency.

63. While not solely within the ECCLR Committee's remit, forestry also forms part of an integrated landscape. The Forestry Strategy, published in 2019, is required as part of the Forestry and Land Management (Scotland) Act 2018 and must set out Ministers' objectives, priorities and policies with respect to the promotion of sustainable forest management. A report on progress on the forestry strategy must be laid in the Parliament every three years, with the next progress report due in February 2022.

64. The Committee has recognised the need for greater integration as part of efforts to address climate change and biodiversity loss. A key recommendation from the Committee's inquiry on the draft Climate Change Plan update was that the Scottish

Government must “Clearly recognise that land is a finite resource. The final CCPu must take a more integrated approach to cutting emissions across agriculture and LULUCF recognising that both depend on the management of a single resource and that these sectors are expected to become more closely aligned in policy and practice.”

Grouse moor management

65. A Grouse Moor Management Group was established by the Scottish Government in 2017 to examine the environmental impact of grouse moor management practices and advise on the option of licensing grouse shooting businesses. The establishment of the Group followed publication of [a report by Nature Scot](#) which recorded that golden eagles had disappeared in suspicious circumstances on or adjacent to grouse moors. The [final report](#) (the ‘Werritty report’) in 2019 made a number of recommendations to increase regulation.

66. The Government [response to the report in 2020](#) announced plans, if re-elected to legislate to license grouse moor businesses (likely targeting driven grouse shooting) during the next parliamentary term, preceded by consultation, as well as to make other regulatory and non-regulatory changes in relation to practices such as muirburn. The introduction of legislation to introduce the licensing of grouse moors, if progressed next session by the incoming Government, is likely to attract significant debate and may link to wider issues around the management of Scotland’s uplands.

Control of Wild Goose Numbers

67. A petition on the control of wild goose numbers - PE1490 was lodged in 2013 (Session 4). In 2018 NatureScot [submitted](#) a review of the goose policy framework to the Scottish Government, following publication of [an interim review in 2017](#). That interim review states that [current goose management schemes](#) end in 2021 and that a detailed review will be undertaken in five years. The 2018 review has not been published. [The Cabinet Secretary for Environment, Climate Change and Land Reform said in 2020](#) that funding was committed until spring 2021, but commitments beyond that depended on budgetary processes. The Minister for Rural Affairs and the Natural Environment, Mairi Gougeon MSP said in Parliament on [4 June 2020](#), that the Scottish Government is currently reviewing goose management schemes and working with NatureScot to explore what future schemes might look like. [NatureScot’s website states](#) that due to Covid-19, fieldwork has ceased across goose schemes (site accessed 26th January 2021). Given that the pandemic has affected NatureScot’s ability to carry out fieldwork across goose management schemes, the Committee agreed to keep this petition open to enable a successor Committee to hear from the Government about its review and how it plans to resource goose management in Session 6.

Wildlife crime and wildlife management

68. Key policy developments in relation to tackling wildlife crime this session included:

- An increase to maximum penalties for some wildlife offences in the [Animals and Wildlife \(Penalties Protections and Powers\) \(Scotland\) Act 2020](#). Vicarious liability was also extended to apply to certain trapping and snaring offences.
- The independent review of grouse moor management discussed above;
- Pilot deployment of Special Constables to tackle wildlife crime in the Cairngorms.

69. The persecution of birds of prey has continued to be a high-profile issue, as well as the challenge of enforcement given wildlife crime typically takes place in remote areas. Satellite-tagging as a mechanism of detecting wildlife crime was considered by the Independent Grouse Moor Review Group ('Werritty' review). The [report published in 2019](#) recommended "more thorough regulation of the fitting and use of satellite tags coupled with more expeditious sharing of information". The Scottish Government said [in its response to the review in 2020](#) that NatureScot has agreed new data-sharing protocols for satellite-based tracking of tagged raptors, to be in place for the 2021 tagging season, which will implement the Werritty recommendations. The Committee considered a petition on the independent monitoring of satellite tags fitted to raptors – PE1750 and agreed to keep this petition open.

70. This session saw beavers become a protected species and licensing introduced for their control, and new protections for mountain hares. Protection for seals [was also increased](#) to prevent them being shot to protect farmed fish. These changes may have future implications for how wildlife crime is enforced or reported. The issue of beaver management has been controversial and may be a source of debate as further experience of their management has been accrued.

71. In session 5 the Committee received a petition on the translocation of protected beavers to reduce licensed killing - PE1815. The Committee's work programme did not allow it to consider this petition and it has been kept open. The petition was lodged in August 2020. NatureScot [began work in 2020](#) to survey active beaver territories and assess the health and spread of the overall population, to help inform future work. It has also commissioned research to model population changes based upon current levels of control and other scenarios. Trees for Life, has announced that it [intends to challenge NatureScot's decisions in licensing lethal control of beavers in a judicial review](#). The Committee has not had the opportunity to consider this petition in Session 5. The Committee noted that NatureScot is in the process of a survey and commissioning research. It also referenced the piloting of beaver translocations in England (as part of the River Otter Beaver Trial) and that this may deliver some useful results to guide any consideration of this petition by a successor committee. However, it would be necessary – in light of Trees for Life's intention to launch a judicial review - to check the status of any legal challenge before any active consideration by committee.

72. The Scottish Government commitment to publish 'a strategic approach to wildlife management that puts animal welfare at the centre while protecting public health and economic and conservation considerations'. The [Scottish Animal Welfare Commission has said](#) it will review these principles and approve if appropriate, expected in 2021. The statement may be relevant to debates across a number of areas of wildlife management policy such as beaver, goose and deer management.

Nature-based solutions to climate change including peatland

73. Nature-based solutions to climate change are actions to restore ecosystems and provide greenspace which store or sequester carbon. They can also provide habitats for biodiversity, jobs, climate adaptation benefits such as flood risk management, and health benefits of greenspace. The [Environment Strategy for Scotland](#) suggests that globally, nature-based solutions could provide over a third of the global effort to deliver the Paris Agreement. Relevant actions include restoring peatlands and coastal and marine habitats and expanding native woodlands

74. Nature-based solutions could be delivered through a variety of policy mechanisms

such as direct public funding or via rural support schemes, integration into planning or infrastructure delivery or via market mechanisms. The [Report of the Independent Advisory Group on Economic Recovery](#) said that the financial sector and Scottish Government should develop investments for nature-based solutions.

75. Peatland restoration has moved up the agenda during this session, with the Government committing in the [2020-21 budget](#) to £250 million over 10 years to restore 250,000 hectares of peatland by 2030. The [CCC has recommended](#) that peatland restoration in Scotland should reach 20,000 hectares per year by 2024-25. In 2018-2019, [5,800 hectares of peatland were restored](#).

76. [NGOs have however raised concerns about the coherence of peatland policy](#), in terms of the protection of peatlands from activities such as development and peat extraction. The [CCC has called for](#) the sale of peat for horticultural use to be banned. The Scottish Government [committed this session to seek to phase out the use of horticultural peat](#) in Scotland, and seek to strengthen the role of the planning system in not supporting applications for new commercial peat extraction in NPF4 and look to strengthen controls on development on peatland. While Scottish Planning Policy set out a presumption against new commercial peat extraction consents in 2014, a [review of commercial extraction in Scotland](#) found that existing permissions are lengthy and poorly regulated.

77. Peatland emissions are likely to come into increasing focus due to forthcoming GHG inventory changes. The current inventory captures less than 0.1 MtCO₂e of wetland emissions in Scotland, but all sources of peatland emissions are expected to be included in the inventory by 2024. Research finalised by the UK Department for Business, Energy and Industrial Strategy (BEIS) in February 2021 set out new estimates of UK GHG emissions for the period 1990-2018, which included estimates for emissions from wetlands. The Scottish Government has published new initial estimates of how this affects the annual Scottish LULUCF emissions from 1990-2018. The new estimates are thought to add 7.7MtCO₂e to the LULUCF sector inventory for 2018. This means that while the sector was previously thought to be a carbon sink of -5.4MtCO₂e in 2018, it is now a source of emissions, at +2.3MtCO₂e. Final figures are due to be released in June 2021. Policies and the proposals for this sector in the CCPu [were based on the assumption that this review would add 6.5 MtCO₂e in 2018](#); the Committee asked the Scottish Government to set out and address the implications of the inventory changes in the next CCPu, particularly in relation to LULUCF

78. Policy on nature-based solutions and mechanisms to mainstream their delivery, may also be relevant across a number of policy discussions – including on deer management, grouse moor licensing, and as part of rural support schemes.

Successor committees may wish to work to identify the key interventions needed to mainstream nature recovery in Scotland, including opportunities to address climate change and biodiversity loss as twin crises.

Key opportunities for further work and influence may include:

- Consideration of how any global biodiversity agreement should be translated into biodiversity targets and action in Scotland;
- Scrutinising the third Land Use Strategy and consider its alignment with other key

strategies such as the updated Climate Change Plan, future rural policies and NPF4;

- Monitoring the implementation of the Land Use Strategy through the Scottish Government's annual reports to Parliament, and assess the extent to which more integrated land use is visible in practice;
- Considering how to engage across Parliament on nature recovery e.g. integrating issues in scrutiny of planning, infrastructure and financing policies;
- Engaging with the Government, Scottish Land Commission and other stakeholders on the development of Regional Land Use Partnerships;
- Monitoring implementation of recommendations of the Werritty review, in particular exploring the most appropriate model for grouse moor licensing;
- Monitoring implementation of the recommendations of the Deer Working Group report;
- Monitoring achievement of targets for nature-based solutions;
- Scrutinising the coherence of Government policy on peatlands across commitments on peatland restoration and peatland protection, and;
- Scrutinising wildlife crime reports considering increased protections passed during this session and monitoring resourcing of wildlife crime enforcement.

Linking land reform and the green recovery

79. Community ownership and engagement has a vital role to play in a just transition to net zero emissions and in the green recovery by diversifying how natural and built assets such as woodland, marine resources and community buildings are owned and used. The Committee set out in its [green recovery inquiry](#) report that enabling the land reform process to continue to develop will require fiscal, legislative and wider support mechanisms for more communities to deliver public and community climate benefits through land ownership, such as via peatland restoration and woodland creation.

80. The [Scottish Government's assessment of its progress towards the SDGs](#) recognised the role of land reform in placemaking and sustainable communities, highlighting legislative and funding routes to community ownership of land and assets, including rights to buy and the Scottish Land Fund. The Government expects to see a future increase in community acquisitions in urban areas, meaning the next session may see further discussions about how urban land reform processes can be aligned with environmental and other policy goals.

81. There may also be links to explore between land reform and the expected development of Regional Land Use Partnerships, discussed in sections above.

82. The next session may see the testing and implementation of new models or partnership approaches for community buy outs. During this session, the Langholm Initiative came to an agreement with Buccleuch Estates to buy 5,200 acres of the Langholm Moor and Tarras Valley, with plans to establish a nature reserve – which may

provide lessons as it progresses about how land reform processes can pursue biodiversity objectives. A [review of international approaches by the Scottish Land Commission](#) in 2020 suggested there is scope in Scotland for more diversity of ownership structures, such as hybrid ownership models that blend private, community and charitable sector resource and expertise together. The [Scottish Land Commission is also currently looking at](#) fiscal policy to see how it could support delivery of land reform objectives including in relation to vacant and derelict land.

83. In February 2021 the Scottish Land Commission published a discussion paper setting out legislative proposals to address the impact of Scotland's concentration of land ownership, following [the publication of research in 2019](#). It sets out that Scotland's concentrated pattern of land ownership is "a matter of longstanding concern" resulting in concentration of social, economic and decision-making power with negative consequences for community development and social resilience. Evidence published in 2019 showed that Scotland is an outlier by international standards in having no constraints on who can own land or how much they can own.

84. Recommendations included three proposals for legislative change:

- A requirement for land holdings over a defined scale to have a management plan allowing for community involvement;
- A statutory review mechanism providing a means of intervention to address adverse impacts of concentrated ownership in a specific land holding;
- A public interest test for significant land acquisition.

Successor committees may wish to further explore the role of land reform in supporting a green recovery, including its role in supporting community action and social resilience in relation to climate change, the wellbeing economy and nature recovery.

Opportunities for future work and influence might include:

- Engaging with the Government, Scottish Land Commission and other stakeholders on the development of Regional Land Use Partnerships;
- Exploring the recommendations of the Scottish Land Commission in relation to concentration of land ownership, and;
- Continuing to work with the Scottish Land Commission including scrutiny of its research, proposals and strategic plan.

Restoring marine and freshwater biodiversity - a blue recovery

Sustainable Development Goals (SDGs) in focus:

RESPONSIBLE CONSUMPTION; CLIMATE ACTION and LIFE BELOW WATER



85. There is a need to build the resilience of marine ecosystems and ensure that we do not put additional pressure on them. The landmark [IPBES biodiversity report published in 2019](#) highlighted the significant human pressures on the global marine environment, including fishing, climate change, pollution and invasive species, underlining the importance of addressing the dual challenges of climate change and biodiversity decline.

86. The [Marine \(Scotland\) Act 2010](#) requires the government to protect and enhance the health of the Scottish marine area, and to assess its condition. The most recent [Marine Assessment was published in 2020](#) – it highlighted pressures associated with non-indigenous species, climate change and ocean acidification. Pressures associated with bottom-contacting and pelagic (mid-water) fishing were cited as being the most geographically widespread.

87. [Scotland's National Marine Plan](#) (NMP) was published and adopted in 2015, creating a single planning framework to manage Scotland's seas. The NMP must be reviewed every three years to meet statutory requirements under the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009. Ministers will consider each review and decide whether or not to amend or replace the Plan. A first review of the Plan took place in 2018, following which, [Ministers decided not to amend or replace the NMP](#). The next review is due in 2021 and offers a significant opportunity for the Scottish Parliament to scrutinise the effectiveness of the marine planning system in managing competing demands in Scotland's seas in light of the twin climate and ecological crises, and the impacts of Covid-19 and EU Exit on the marine environment and coastal communities.

88. In 2020, the Scottish Government committed to developing a 'Blue Economy Action Plan' which will "set out clear actions to strengthen the resilience of our marine industries", as well as "recognising the vital importance to our marine economy of the abundant natural capital in Scotland's seas and rivers". The [Save Scottish Seas NGO coalition](#) have called for a 'blue recovery', saying that "nothing short of transformative change in the way we manage human activities at sea and on land will bend the catastrophic curve of decline".

89. The Committee has recommended that, in its forthcoming 2021 review of the National Marine Plan, and development of a 'Blue Economy Action Plan', the Scottish Government should set clear aims and objectives for regional marine planning to tackle environmental and socioeconomic issues facing coastal regions. The Committee also recommended the Scottish Government should demonstrate how the latest evidence on the health of Scotland's seas has informed alignment with wider policy ambitions such as the Climate Change Plan and green recovery. The Committee considers that regional marine planning has the potential to be a key driver for a green recovery and sustainable economic growth

in Scotland's coastal communities.

Fisheries management and enforcement (including post EU exit plans)

90. The management of sea fisheries in Scotland is devolved, with Scottish Ministers responsible for managing fishing activity in the [Scottish zone](#), and Scottish vessels wherever they are fishing. As with agriculture and the CAP, from the beginning of 2021 fisheries in Scotland is no longer governed [EU's Common Fisheries Policy](#) which has had a major influence on fishing in Scottish waters. [Environmental groups have called for](#) post-Brexit fisheries legislation to ensure sustainable catch limits are set in all fisheries. A [Nature Recovery Plan published by Scottish NGOs](#) in 2020 called for a new 'ecosystems approach' to fisheries management.

91. Now that the UK has left the EU and Common Fisheries Policy, it will participate in annual negotiations as an independent coastal state with the EU and other independent coastal states. These negotiations will include agreeing catch limits, quota shares and other fisheries management measures for shared stocks. The changing dynamics of these negotiations resulting from EU exit may affect adherence of the negotiating parties to scientific advice on sustainable catch limits. [Historically, catch limits have frequently been set above scientific advice](#).

92. Under the new [UK Fisheries Act 2020](#), the four UK governments must publish a [Joint Fisheries Statement \(JFS\)](#), which sets out:

- How fisheries policy authorities plan to achieve the fisheries objectives.
- How it will make use of fisheries management plans.
- How fisheries objectives have been applied in developing policy.

93. [Several of the fisheries objectives have to do with the sustainable management of fisheries](#), including a 'sustainability objective', 'precautionary objective', and objectives to manage activities using an ecosystem-based approach, to avoid bycatch, and to minimise the adverse effect of fish and aquaculture activities on climate change, and to help those sectors adapt to climate change.

94. A JFS must be laid in draft before each of the four UK legislatures, and fisheries policy authorities must respond to comments and recommendations made in producing the final JFS. The JFS must be published within two years from when the Act was passed on 23 November 2020, meaning that a JFS must be published by November 2022. A report on progress must be made to legislatures every three years, and all statements and plans must be reviewed every six years.

95. In addition, a Secretary of State Fisheries Statement (SSFS) must be published if the JFS does not cover Secretary of State policy, including determining how much of a catch or effort quota is available for distribution by the fisheries policy authorities or any other reserved matters. While this will not be laid in devolved legislatures, successor Committees may wish to keep a watching brief on issues which trigger an SSFS and the extent to which they affect sustainable fisheries management in Scotland. [A SPICe infographic sets out how this process works](#).

96. The EU-UK TCA establishes new provisions on the joint management of shared fish stocks in North East Atlantic fisheries. This includes the following provisions:

- **Access to waters:** The deal provides a continuation of reciprocal access for UK and EU vessels to each other's waters until 30 June 2026. After that, access will be subject to annual negotiations.
- **Quota shares:** The Agreement sets out new arrangements for the joint management of more than 100 shared fish stocks in EU and UK waters. There will be an 'adjustment period' over five years implementing a gradual reduction of EU quotas in UK waters. The UK's share of fishing quotas will increase by 25% of the value of the EU catch in UK waters. The agreed quota shares are set out in the [annexes of the Agreement](#). After the adjustment period, the UK and the EU will conduct annual fisheries negotiations regarding the Total Allowable Catch for shared stocks. These negotiations will also cover access arrangements.
- **Access to EU markets for seafood:** The deal maintains tariff-free access to EU markets for seafood products. However, there will be new customs checks requiring more paperwork.
- **Economic link to the fisheries agreement:** The deal ties access to waters to market access through compensation arrangements. This means that if either party breaches the agreement on access to waters or preferential tariffs on fisheries products they can introduce proportionate sanctions. These sanctions can be introduced by ending preferential tariffs not just on seafood, but on any goods included in the TCA, or suspend other parts of the TCA.

97. The TCA also establishes the objective that populations of harvested species should be above biomass levels that can produce the [maximum sustainable yield \(MSY\)](#). The provisions of the TCA will influence the dynamics of how catch limits will be negotiated for shared fish stocks in the North East Atlantic. This may influence the extent to which the UK and negotiating parties agree to setting catch limits in accordance with scientific advice on MSY provided by [the International Council for the Exploration of the Seas \(ICES\)](#).

98. The sustainability of fish stocks is one of the environmental indicators embedded in Scotland's National Performance Framework. Although it is assessed as 'performance improving', the latest figure for 2017 shows that only 54% of Scotland's fish stocks are being fished sustainably. The [Scottish Government committed during this session to working with stakeholders to strengthen the resilience of Scotland's fishing industry and communities through its Future Fisheries Management Strategy 2020-2030](#).

Marine protection and enhancement

99. Marine Protected Areas (MPAs) are a key mechanism for delivering marine protection and the network of Scottish MPAs has expanded this session, with Scottish Ministers designating a deep-sea marine reserve and a further 16 sites in 2020 - four new inshore MPAs and 12 Special Protection Areas (SPAs).

100. A report on the status of the MPA network is required to be laid before the Scottish Parliament every six years. [The most recent report was published in 2018](#). The next report is expected in 2024. Environmental groups have highlighted that management measures are not in place in many MPAs. [Concerns have also been raised](#) that fishing practices such as dredging and trawling are being carried out unsustainably in inshore areas including within MPAs, with [research published on management of Scottish MPAs in 2020](#) suggesting there may be a bias in protection for managing already relatively pristine habitats rather than areas that are intensively fished.

101. Scotland's National Marine Plan also requires that there should not be a significant impact on the national status of Priority Marine Features. The Scottish Government has consulted this session on potential fisheries management measures for Priority Marine Features deemed to be most vulnerable to bottom contacting fishing gears, but this work has been delayed by the pandemic.

102. Marine planning and licencing in Scotland have, to date, focused on managing pressures to protect the environment, but has been less successful in delivering enhancement. Future marine policy work could further explore how enhancement opportunities could receive more profile. As part of its marine inquiry, [the Committee heard from stakeholders](#) that the legislative framework for delivering enhancement is largely in place, but that work is needed on establishing management measures in MPAs and protecting and restoring Scotland's Priority Marine Features outwith MPAs. The Committee discussed potential opportunities for marine industries to contribute more to enhancement – via filling knowledge gaps through research and delivering conservation measures. Stakeholders highlighted a number of positive initiatives including shellfish restoration, coastal realignment and research to map blue carbon.

103. Challenges to delivering enhancement in the marine environment were highlighted as including a lack of mechanisms to deliver enhancement at scale, such as strategic approaches to the conservation of seabirds or restoration of blue carbon resources. Stakeholders suggested strategic marine enhancement should be linked to national priority development activities, and combine efforts of major industries such as renewables, fisheries and aquaculture. Successor Committees may wish to note that [the Scottish Government committed in 2019](#) to adopting a Seabird Conservation Strategy. It is unclear if this strategy is still being developed.

104. The Committee heard that reversing biodiversity declines will put significant demands on marine planning for example in relation to offshore wind, and also discussed the potential for marine enhancement in the context of oil and gas decommissioning. In relation to financing routes for marine enhancement, the [Cabinet Secretary for ECCLR told the Committee in 2019](#) that Marine Scotland has been asked to review its charging system, undertaking a similar review to SEPA. Amongst other things, the SEPA review sought to achieve full cost recovery for its regulatory activities. The Committee is interested in whether there are opportunities for Marine Scotland to explore, in reviewing its funding and operational models, how it could mainstream the delivery of marine enhancement.

Working towards sustainable aquaculture

105. In 2018 the Scottish Government published [Scotland's 10 Year Farmed Fish Health](#), a framework with a stated aim to “enable the sector to grow sustainably but crucially also to minimise impacts for Scotland's marine and wider environment”. A steering group continues to examine problems and solutions related to fish mortality, climate change and the use of medicines. In 2019 [the Scottish Government committed](#) to introduce legislation on aquaculture requiring reporting on sea lice, and to provide improved spatial planning advice for fish farms in 2020. A [statutory requirement to report on sea lice](#) will come into force on 29 March 2021. SEPA's [new finfish aquaculture regulatory framework](#) was published on 1 June 2019. This is one part of their [Finfish Aquaculture Sector Plan](#). In 2020, the Scottish Salmon Producers Organisation [published a Sustainability Charter](#) making a number of commitments on environmental and animal welfare standards. The Blue Economy Action Plan under development is expected to set out a strategy for “supporting the sustainable growth of aquaculture” including improved regulatory

processes. In November 2020, the Scottish Government told the REC Committee that the next step is to deliver an improved planning framework with an adaptive spatial framework and a strategic approach through NPF4. In addition, the Scottish Government is to respond to the recommendations of the [Salmon Interactions Working Group's report](#) in due course.

Wild salmon and the freshwater environment

106. The wild Atlantic salmon is an iconic Scottish species; however, their numbers are in decline as a result of a number of pressures. [A SPICe briefing sets out more information on these pressures](#). As noted in relation to aquaculture, the Scottish Government is expected to respond to the Salmon Interactions Working Group's recommendations on limiting the impact of salmon farming on wild salmon populations. In addition, Marine Scotland carries out an assessment and consultation each year in relation to the conservation status of rivers for Scottish salmon, [giving each river a grade which determines how it should be managed](#) (i.e. on which rivers salmon can be caught and kept and which ones require caught salmon to be returned to the river).

107. More generally, the restoration of freshwater habitats remains one of the Scottish Government's priority projects as part of its biodiversity strategy under the [2020 Route Map for Biodiversity](#), aiming "to secure good ecological status for more rivers and lakes in Scotland and thereby secure biodiversity gains and a range of ecosystem services; through addressing diffuse pollution, invasive non-native species, physical modifications as well as riparian and wider-catchment land management issues." Activities to achieve this include the development and implementation of [river basin management plans](#), restoration projects, and controlling invasive non-native species. The post-2020 Scottish biodiversity strategy remains under development and the Scottish Government has committed to bringing forward a new strategy within 12 months of COP15 of the Convention on Biological Diversity, to be held in May 2021 in Kunming, China.

Blue carbon

108. Blue carbon is an area of emerging research with regards to its potential for carbon storage and sequestration. Marine sediments in Scotland's seas store around [9600 Mt CO₂-equivalent](#), this is greater than carbon stores in [Scotland's forestry](#) (2050 Mt CO₂-eq) and [peatland](#) (5945 Mt CO₂-eq) combined.

109. The Scottish Government has invested in a [Blue Carbon Research Programme](#) during this session. However, specific policies to maintain or increase carbon sequestration and storage in the marine environment or integrate coastal and marine habitats into mechanisms to fund and deliver nature-based solutions have yet to develop. The Committee heard as part of its Climate Change Plan update scrutiny that there are opportunities to incorporate these ecosystems into Scotland's greenhouse gas inventories. Witnesses further highlighted that there are additional policy opportunities to protect blue carbon stores, with associated benefits for biodiversity and coastal resilience, during the next session, through processes such as the review of the National Marine Plan, and development of a Blue Economy Action Plan.

Successor committees may wish to ensure marine issues are integrated across relevant areas of scrutiny to ensure steps are taken to enable nature recovery in the marine environment e.g. integrating marine considerations into any future work on nature-based solutions, replacement EU funding and planning and infrastructure.

Opportunities for future work and influence could include:

- Scrutinising the Blue Economy Action Plan and 2021 review of the National Marine Plan and Marine Protected Areas from a marine environment perspective, taking account of previous Committee work on regional marine planning, aquaculture, blue carbon, and marine planning and enhancement;
- Exploring how the Fisheries Management Strategy 2020-2030 will support nature recovery and net-zero;
- Continuing to explore the opportunity for strategic mechanisms to deliver enhancement of Scotland's marine environment;
- Exploring implications of the post-EU exit governance framework for marine biodiversity including funding and governance arrangements;
- Scrutinising the outcome of annual post-Brexit fisheries negotiations between the UK, EU and other coastal states and its implications for sustainable fisheries in Scottish waters;
- Scrutinising the forthcoming Joint Fisheries Statement published by the four UK governments, and the extent to which it demonstrates how fisheries objectives will be met to ensure sustainable management of the marine environment; and keeping a watching brief on the Secretary of State Fisheries Statement with regard to potential implications for sustainable management of Scottish fisheries;
- Scrutinising ongoing work to improve the environmental performance of Scottish salmon farming, e.g. as part of scrutiny of the NPF4, and reviewing the Scottish Government's response on interactions between wild and farmed salmon;
- Scrutinising forthcoming post-2020 biodiversity policy in relation to the health of the freshwater and marine environments, and;
- Scrutinising annual changes to river gradings to monitor the health of the freshwater environment.

Improving Scotland's air quality

Sustainable Development Goals (SDGs) in focus:

GOOD HEALTH AND WELL-BEING and SUSTAINABLE CITIES AND COMMUNITIES



110. In October 2020 [the Scottish Government published a consultation on a draft new air quality strategy for Scotland](#), taking into account the recommendations arising from a [2019 independent review](#) of the Cleaner Air for Scotland strategy. The consultation states that Scotland is generally performing well by UK, European and global comparison, with both ambient concentrations and mass emissions of the main air pollutants largely continuing to fall - with the notable exception of ammonia.

111. A key theme of the draft strategy is 'integrated policy' – recognising the need for alignment with strategies and policies on placemaking, climate change mitigation and adaptation including NPF4. It also emphasises the key roles played by local government, largely responsible for implementing the Local Air Quality Management System as well as planning, transport delivery, public health and regulatory roles.

112. The [independent review](#) found that the previous strategy appeared to have had a positive impact but has an overly complex structure, was not wholly implemented, had insufficient authority and required effort to tackle governance. It also set out that more effective use of Air Quality Management Areas and Low Emission Zones (LEZs) should lead to improvements in air quality in the coming years.

113. The pandemic caused a delay to the roll out of LEZs. Glasgow's LEZ came in to force at the start of 2019 but LEZs in Edinburgh, Aberdeen and Dundee, due to come into force in 2020, were put on hold. The Scottish Government committed that LEZs would be established in these cities by May 2022.

114. The pandemic also highlighted other issues in relation to air quality, as lockdown caused changes to travel habits [resulting in air quality changes](#). Demand for access to local greenspace and active travel infrastructure also increased, and potential links between air quality, respiratory health and vulnerability to Covid-19 were raised.

Successor committees may wish to work to ensure that opportunities to improve air quality, including any lessons learned during Covid-19 restrictions, are integrated into green recovery plans and related areas such as infrastructure planning and investment in green infrastructure.

Opportunities for future work and influence may include:

- Monitoring the next Scottish Government's response to the CAFS review and scrutinise the new air quality strategy in 2021;

- Scrutinising the rate of progress on LEZs and their ambition, and;
- Engaging with local authorities as part of any work on air quality.

Protecting animal welfare

Sustainable Development Goals (SDGs) in focus:

GOOD HEALTH AND WELL-BEING; LIFE BELOW WATER and LIFE ON LAND



New Scottish Animal Welfare Commission

115. In 2020 the Scottish Government established Scotland's [first independent Animal Welfare Commission](#) under [the Scottish Animal Welfare Commission Regulations 2020](#), to provide scientific and ethical advice to the Scottish Government. The Government said that the group will consider how the welfare needs of sentient animals are being met by devolved policy, as well as possible legislative and non-legislative routes to further protect the welfare of sentient animals. The Commission [published a workplan](#) which includes plans to prepare a statement on animal sentience, and to consider of a range of issues including deer management, dog training, aquaculture, abattoirs and wildcat reintroduction. The Commission will be required to submit annual reports, to be laid before the Scottish Parliament.

Lord Bomy review

116. The Scottish Government announced plans in 2019 to bring forward a bill on fox control with a view to implementing [changes proposed in Lord Bomy's review](#) in 2016. Changes expected included to limit the number of dogs that can be used and consideration of licensing measures. These plans were postponed due to Covid-19 but [the Scottish Government](#) said it would seek to take proposals forward in the next parliament.

Animal welfare standards and the risk of pandemics

117. Good welfare and health in animals [increases their resistance to zoonotic diseases](#), that can be transferred to humans. In Session 5 this policy area crossed the remit of the Rural Economy and Connectivity (REC) Committee - which was responsible for scrutinising the health of farmed animals - and the remit of this Committee, with responsibility for non-farmed animals. This issue relates to animal welfare, encroachment on nature and biosecurity. The Committee has not undertaken work in this area in Session 5 but flags it to successor committees which may wish to explore the level of risk in relation to this in Scotland.

Animal welfare and performance animals

118. In session 5 the Scottish Government stated its intention to reform licensing on the use of animals in public display and performance. This legislation has not yet been put in place.

Welfare implications of lethal wildlife management methods

119. The Committee agreed to close Petition PE1762: End the killing of wildlife on grouse moors and elsewhere in Scotland which called on the Scottish Parliament to conduct a full review of the animal welfare impacts of the use of traps and snares on grouse moors and elsewhere in Scotland. The Committee noted in its consideration of the petition that a review of snaring by NatureScot was due in 2021, and that the Scottish Animal Welfare Commission are planning some work around the use of glue traps. Successor Committees may wish to engage with the outcomes of these reviews.

Greyhound racing in Scotland

120. A petition to end greyhound racing in Scotland - PE1758 was considered by the Committee. The recently established Scottish Animal Welfare Commission (SAWC) [states in its first Workplan](#) (published 2020) that greyhound racing is a potential area of work over a longer timescale. It states that there is continuing pressure from Scotland Against Greyhound Exploitation (the petitioner) in this area, and that issues to be considered could include issues with unlicensed tracks, and whether regulation is effective in, for example, reducing fatalities at tracks. The Committee also wrote to the [SAWC and received a response in January 2021](#) confirming this. The Committee acknowledged that there was an vehicle available to the petitioner to pursue concerns. However, it was concerned about the timescales for this work and agreed to write to the SAWC to ask if this could be brought forward. The Committee recommends that its successor committee reviews the response before making a decision on any action on this petition.

Consolidating legislation to protect animal welfare

121. There may be scope for consideration of the potential for consolidation of legislation on animal welfare in session 6.

Successor committees may wish to engage with the new Scottish Animal Welfare Commission on its workplan and priorities including any work on animal sentience, to inform its approach to animal welfare during the next Parliamentary sessions.

Opportunities for future work and influence may include:

- Exploring the relevance of animal welfare standards to Scotland's resilience to zoonotic diseases;
- Engaging with any future legislation on fox control;
- Engaging with NatureScot on relevant workstreams on wildlife management relevant to animal welfare such as its forthcoming review of snaring, and;
- Considering the petition on greyhound racing in Scotland.

Developing Scotland's Circular Economy and achieving sustainable consumption

Sustainable Development Goals (SDGs) in focus:

SUSTAINABLE CITIES AND COMMUNITIES; RESPONSIBLE CONSUMPTION AND PRODUCTION and CLIMATE ACTION



122. The Scottish Government's 2020 assessment of progress towards SDG12 on responsible consumption and production stated that there are "fundamental changes needed to the way that all of society produces and consumes good and services".

123. The Scottish Government set out its ambition for Scotland to transition to a circular economy this session in its 2016 [Making Things Last strategy](#). In the draft Climate Change Plan update, the Government committed to embed circular economy principles across sectors, highlighting priority sectors including construction, procurement, agriculture and energy. The next session is likely to see further debate around how public procurement can be used to support net zero, circular economy and potentially also nature recovery ambitions.

124. Prior to the pandemic, the Scottish Government was also committed to introducing a Circular Economy Bill during the session and had consulted on proposals for legislation, but a Bill was not brought forward due to the pandemic. The [CCC 2020 Progress Report on Scotland](#) said that "achieving significant emission reductions in the waste sector requires a step-change towards a circular economy", and recommended that a Circular Economy Bill should be reintroduced in the next Parliament.

125. During this session, Zero Waste Scotland have also set up an expert forum, the Decoupling Advisory Group, [who published a 2020 report](#) setting out how Scotland can use resources sustainably in a wellbeing economy. The Group concluded that this means rapidly reducing consumption of goods and materials.

126. Recycling increases and escalating landfill tax have reduced the amount of waste sent to landfill in Scotland during this session, but progress has slowed in recent years and [concerns have been raised](#) about an increased reliance on incineration of waste. [SEPA has said](#) that this is likely to be the start of an increasing trend as local authorities prepare for the ban of biodegradable municipal waste going to Scottish landfill in 2025. The Government aims that the implementation of a Deposit Return Scheme in Scotland ([due to be operational in 2022](#)), UK-wide reform of producer responsibility, and a review of the Scottish Household Recycling Charter will improve rates. During this session [the Scottish Government also consulted on](#) legislative changes to align with EU law on single use plastics.

127. There are already four [UK-wide producer responsibility schemes](#) and ecodesign requirements for products apply across the UK by virtue of [harmonised EU standards](#). It is likely that post EU exit, these areas will continue to operate UK-wide. The [UK Environment](#)

[Bill](#) introduces delegated powers to enable UK-wide producer responsibility and resource efficiency schemes to be taken forward either via parallel regulations by each of the UK and devolved Governments, or by UK Regulations with the consent of Scottish Ministers and other devolved Governments. Scottish Parliament scrutiny of regulations under these shared powers, and the Scottish Government's approach to sharing information in relation to such UK-wide regulations, may be significant in relation to post EU-exit governance.

128. Waste is also an area [where a common framework is expected](#), and where the interaction between circular economy interventions ([such as Deposit Return Schemes](#)) and the implementation of the UK Market Act 2020 is likely to require future consideration.

Tackling consumption emissions as part of Scotland's global citizenship

129. The climate and ecological emergencies require action to reduce domestic emissions and restore nature in Scotland, but this represents only part of our impacts in Scotland on nature and carbon emissions. The Climate Change (Scotland) Act 2009 requires Scottish Ministers to report on emissions attributable to Scottish consumption of goods and services. These emissions are sometimes known as 'consumption emissions' or Scotland's 'carbon footprint', to distinguish this information from emissions "produced" within the country's territory.

130. The [Advisory Group on Economic Recovery's 2020 report](#) emphasised the importance of addressing Scotland's carbon footprint, stating there is a case for "a more explicit focus on consumption-based emissions", which could be in the form of targets or a greater role for consumption-based measures in decision-making.

131. The latest figures show that whilst greenhouse gas emissions on a territorial basis in Scotland fell by 45.8% between 1998 and 2017, [during the same time period the carbon footprint has only fallen by 21.1%](#) (see Figure 1).

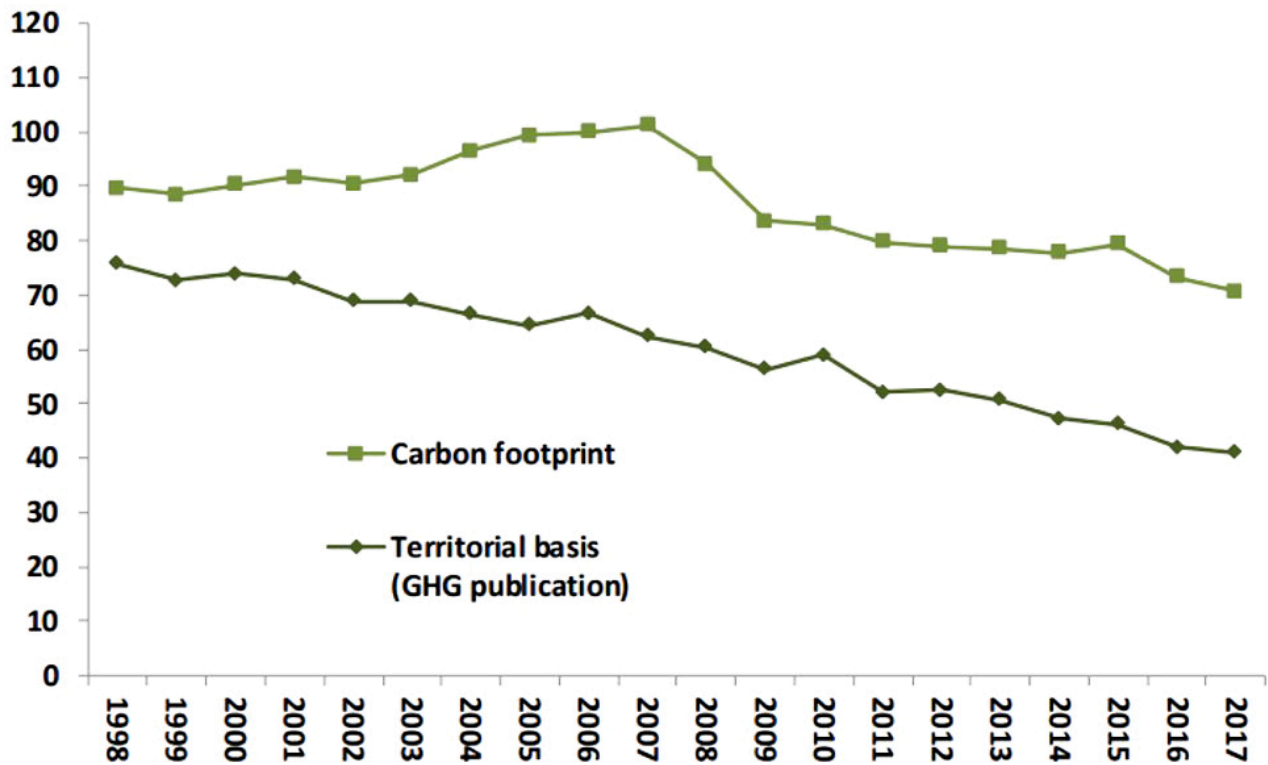


Figure 1: Comparison of Scotland's Carbon Footprint with its territorial emissions 1998 to 2017. Values in MtCO₂e.

Source: Scottish Government

132. The Scottish Government committed in its [Environment Strategy](#) published in 2020 to be “responsible global citizens with a sustainable international footprint”, stating that if everyone on Earth consumed resources as we do in Scotland, we would need three planets. The Environment Strategy also commits to “gather evidence on the nature of Scotland’s international environmental impact”.

133. Similarly, consumption in Scotland impacts on global biodiversity, for example through deforestation and other land-use change, extraction of mineral resources or pollution. The impacts of global consumption on ecosystems were brought into the spotlight through the pandemic, as it is increasingly recognised that ecosystem degradation can be linked to the spread of infectious disease.

134. The [Leader’s Pledge for Nature](#) (signed up to by the UK Government) highlighted the links between ecosystem degradation, human encroachment in ecosystems, loss of natural habitats and biodiversity and the risk of emergence of infectious diseases. [UNEP](#) commented in the wake of the pandemic that to prevent further pandemic outbreaks, “It is vital that governments, the private sector and civil society build back better by working with, not against the environment in order to manage and create resilience to future systemic threats”.

135. While some powers in relation to tackling impacts of imported products and services are reserved, there may be devolved policy levers which could be explored in future – such as in environmental fiscal reform, the ability to influence supply chains through procurement and supporting sustainable business models in Scotland.

Successor committees may wish to explore the required actions to transition to a circular economy in Scotland for net zero and nature recovery as well as reducing Scotland's carbon footprint and delivering climate justice.

Opportunities for future work and influence may include:

- Exploring Scotland's global environmental impact related to consumption including the need for any further governance around consumption emissions within the context of delivering climate justice;
- Scrutinising the implementation of DRS in Scotland;
- Monitoring to what extent the Scottish Government is keeping pace with EU developments under its Circular Economy Programme;
- Considering how the Scottish Parliament engages with the development of and scrutinises any secondary legislation introduced by the UK Government using powers Environment Bill e.g. on producer responsibility;
- Scrutinising routemaps for meeting waste and recycling targets and circular economy ambitions promised in the draft Climate Change Plan update;
- Exploring with public bodies how they are using public procurement to further net zero and circular economy ambitions, and;
- Exploring use of environmental fiscal reform to support the green recovery and the transition to a circular economy.

Reducing Scotland's emissions

Sustainable Development Goals (SDGs) in focus:

SUSTAINABLE CITIES AND COMMUNITIES; RESPONSIBLE CONSUMPTION AND PRODUCTION and CLIMATE ACTION



136. The [Climate Change \(Scotland\) Act 2009](#) requires the Scottish Government to produce a plan setting out proposals and policies for meeting future greenhouse gas (GHG) emissions reduction targets. Known as the Climate Change Plan (CCP), it is published every five years and generally covers a 15-year timespan. In 2017 the Committee considered a draft of the third CCP, collaboratively with three other parliamentary committees – all of which reported in [March 2017](#). The [most recent CCP](#) was published on 28 February 2018, and covers the period to 2032.

137. The Committee considered the Climate Change (Emissions Reduction Targets)

(Scotland) Bill between May 2018 and June 2019, reporting at Stage 1 in [March 2019](#) and at Stage 2 in [June 2019](#). The [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) amends the Climate Change (Scotland) Act 2009. It makes provision for setting targets for the reduction of GHG emissions and for advice, plans and reports in relation to those targets (including annual reports on emissions reduction targets, reports on the nitrogen balance sheets, reports on consumption emissions, and annual progress reports on the climate change plans) with the objective of Scotland contributing appropriately to the world's efforts to deliver on the Paris Agreement reached at the 21st Conference of the Parties of the United Nations Framework Convention on Climate Change. It significantly increases Scotland's GHG emissions reduction target (against a 1990 baseline) to net-zero emissions by 2045, with interim targets for reductions of: 56% by 2020; 75% by 2030; and 90% by 2040.

138. Following adoption of the new targets, the Scottish Government undertook to revise the 2018 CCP within six months of the Act. However, in [April 2020](#) the Cabinet Secretary for Environment, Climate Change and Land Reform noted that the intended laying date for the updated CCP (CCPu) was no longer practical for a number of reasons including the shock to the economy and the need to focus resources on immediate responses to the Covid-19 emergency. On 29 April 2020, the Cabinet Secretary also noted the Climate Change Plan update was to be repurposed "to inform thinking on the green recovery." The Scottish Government published the CCPu – [Securing a Green Recovery on a Path to Net Zero: Climate Change Plan 2018–2032 - update](#) – on 16 December 2020. On 12 January 2021, SPICe published two briefing papers that provide information and analysis of the draft CCPu and associated issues:

- [Draft Climate Change Plan Update – Background Information and Key Issues](#)
- [Draft Climate Change Plan Update – Key Sectors](#) .

139. The Committee conducted an inquiry into green recovery from [June to November 2020](#) and this established a strong foundation of evidence ahead of scrutinising the CCPu. With scrutiny in the context of a just transition and delivering climate justice, the Committees took evidence and reported on 4 March 2021. A parliamentary debate on the reports of the Committees took place on 9 March 2021. The Committee raised a number of concerns and highlighted significant recommendations for change. The key concerns related to: the modelling, evidential base and assumptions that underpin how the emission envelopes were determined, and the associated policy decisions chosen, throughout; how the policies and proposals deliver the envelopes presented for each sector; the understanding of the relative emissions abatement significance of the policies and proposals; clarity of timescales and pathways to delivery; the rationale for the emission envelopes described for agriculture and industry, the credibility of the schedule and associated level of abatement attributed to Negative Emission Technologies (NETs) – and the need for a plan B for how equivalent abatement could be achieved; the importance of the monitoring framework and the need to outline progress against each policy and proposal and next steps. The need for more detailed sector implementation plans (with detail of the emissions abatement attributed to policies and proposals that align with the sector envelopes, policies and proposals that are SMART, and provide clarity around delivery levers, delivery partners and financing) was considered to be critical. The Committee considered that Climate Change Plans should reflect much more developed implementation detail than is contained in the draft CCPu. The Committee also considered that greater detail about how the policies and proposals across all sectors reflect the opportunities and implications associated with just transition and green recovery and where particularly significant regional considerations exist should be addressed. The

Scottish Government response to the committee reports is outstanding. The Committee called on the fourth Climate Change Plan to be laid in draft form by the end of 2023 to ensure a final Plan is ready by the end of 2024.

140. Annual reports on emissions reduction targets are expected in June 2021. The nitrogen balance sheet report is expected after regulations are laid later in 2021. The report on consumption emissions is expected to be laid in early 2022 and the annual monitoring progress reports on the climate change plan are anticipated in May 2021. The Annual report to Parliament of the Government's climate change adviser, the Climate Change Committee, is expected in the Autumn of 2021.

Successor committees may wish to scrutinise the Scottish Government response to the climate emergency and commitment to put climate change at the heart of government and policy making.

Opportunities for future work and influence include:

- Reviewing the Scottish Government response to the recommendations of the four parliamentary committees on the updated Climate Change Plan and reviewing the final updated Plan.;
- Co-ordinating a review of the implementation of the Climate Emergency Skills Action Plan (as published in Dec 2020);
- Engaging with parliamentary committees and reviewing the annual monitoring reports on progress with the Climate Change Plan (due in May 2021);
- Reviewing the annual reports on emissions reduction targets (due in June 2021), the nitrogen balance sheet and on consumption emissions and reviewing the Climate Change Committee Annual Progress reports to Parliament (starting in September 2021);
- Considering the sectoral delivery of targets.;
- Reviewing the ECCLR Committee's recommendations for a green recovery and the Scottish Government's response to that report;
- Considering the Scottish Government's response to the Just Transition Commission's recommendations (from their final report in March 2021);
- Leading work with the Government on reporting of the climate impact of the Budget, including the joint Scottish Parliament/Scottish Government Budget Working Group and lead scrutiny of the climate impact of the Budget, and;
- Engaging with the Climate Assembly scrutiny of the Scottish Government response to their recommendations and scrutiny of Scottish Government climate change engagement.

Parliamentary engagement in COP26

141. The UN CCCP (COP 26) will now take place in Glasgow in November 2021. This is the most important gathering on climate change since the Paris Agreement in 2015 and is widely considered to be the last opportunity to significantly change the trajectory and

ensure commitments to keep global warming within 1.5 – 2.0°C. COP26 is about climate leadership and Scotland has a significant story to tell in terms of ambition, action and parliamentary scrutiny. The Committee has agreed to focus its engagement in COP26 on the role of Parliaments in the climate emergency - examining how parliaments can contribute to solutions to the climate crisis and effectively hold governments to account. The Committee also agreed a series of key objectives for engagement with COP26, to:

- improve our scrutiny on climate change by learning from international best practice,
- develop lasting partnerships with national and international organisations and legislatures to support climate change work over the coming decade,
- support our operational work to scrutinise climate change work, and
- co-ordinate, plan and deliver further opportunities offered through COP26 engagement as the UK retains COP26 presidency into 2022.

142. The Committee also agreed the key priorities for engagement:

- **Committee meeting / event with sister committees across the UK:** One of the key challenges to tackling climate change in the UK is the need for better collaboration across parliaments, as the required action is cross border and covers reserved and devolved competence. The Committee explored opportunities in the run up to and during COP26 to bring together parliamentarians and staff from each climate change committee in the UK to establish more effective collaborative working and scrutiny. The most recent meeting took place with sister committees on 15 March.
- **Development of international partnerships:** The Committee agreed to seek to engage with a range of legislatures and international organisations in the run up to and during COP26. COP26 provides a unique opportunity to contribute to and support relationship building and collaboration to drive how we improve our own scrutiny and law-making on these issues, particularly in the context of the climate emergency. Specifically, the Committee agreed to focus engagement with legislatures of the Arctic Circle, Nordic Council, and global South.
- **Education and Schools:** Building on the Committee's work with children and young people, the Committee agreed to work with the Parliamentary education service in supporting pupil learning (through arranged visits, workshops, or events at local schools during COP).
- **Parliamentary engagement:** Members also agreed to engage with Parliamentary events including: charring and participating in SPICe / Futures Forum Seminar Series on the Ecological and Climate Crisis and engaging with parliamentary authorities and other committees in the emerging COP26 events programme.

143. The Committee explored Parliament's plans in relation to COP26, including plans for international engagement, engagement with parliaments, including those in the global south, and plans for engagement and outreach activity in Scotland, including with young people. The Committee heard the Parliament has established a COP26 Project team to deliver on our COP26 Routemap and the overall plan and programme of events and activities has been approved by the SPCB. The Scottish Government set out its approach to COP26 at the penultimate meeting of the Committee.

Successor committees may wish to review Parliamentary plans and action to engage in COP26 and consider playing a key role in engaging with the COP26 audience and exploring how COP26 can be used to boost domestic climate action.

Opportunities for further work and influence may include:

- Reviewing the focus and Committee plans for engagement in COP26 (examining how parliaments can contribute to solutions to the climate crisis and effectively hold governments to account);
- Engaging with parliamentary committees within the Scottish Parliament on a joint approach;
- Engaging with parliamentary committees across the UK on a joint and co-ordinated approach and internationally, especially with the global south;
- Reviewing the focus and plans for Scottish Parliament engagement in COP26, and;
- Reviewing the plans for Scottish Government engagement in COP26.

Increasing Scotland's climate resilience

Sustainable Development Goals (SDGs) in focus:

GOOD HEALTH AND WELL-BEING; RESPONSIBLE CONSUMPTION AND PRODUCTION and CLIMATE ACTION



144. The Climate Change (Scotland) Act 2009 places a duty on Ministers to lay a programme for climate change adaptation before the Scottish Parliament in response to each 5-yearly [UK Climate Change Risk Assessment](#) (UKCCRA) which was published in 2017. The Act also requires the laying of an annual report on progress towards the current adaptation programme.

145. The second [Scottish Climate Change Adaptation Programme \(SCCAP2\)](#) was published in 2019 and covers actions until 2024. SCCAP2 addresses the priority risks for Scotland set out in the [UKCCRA](#) and its underpinning [Evidence Report Summary for Scotland](#). For Scotland, risks and need for action highlighted included:

- The need for more action to address flood risks;
- The potential for water scarcity;
- Heat related impacts on health and wellbeing;

- Risks to the natural environment;
- Risks of food price volatility; and
- New and emerging pest and disease risks, especially for Scotland's forestry.

146. The [first annual progress report on SCCAP2 was published in 2020](#). The [Infrastructure Commission for Scotland's 2020 report](#) recommended that the Scottish Government should, by 2021, consider options for longer term regulatory coherence across water provision and flood management and resilience.

147. Looking ahead to the next Parliamentary session, the CCC is working on its updated Evidence Report to underpin the next third UKCCRA - due in summer 2021, in advance of the UKCCRA in 2022. That risk assessment will in turn inform the development of the third SCCAP for publication in 2024. The CCC said in its 2019 progress report on Scotland that priority areas for the Scottish Government are to:

- Lead a strong cross-government response to the most urgent climate change risks set out in the third UKCCRA in summer 2021.
- Accelerate investments in low-carbon and climate adaptation infrastructure to stimulate Scotland's economy and improve climate resilience.

148. The Scottish Government's [assessment of its progress towards the SDGs](#) sets out that Scottish Water will "join the international trend towards Blue-Green cities" in its management of surface and storm water, by bringing water management and green infrastructure together to provide amenity and reduce flooding. Regarding progress towards SDG6 on clean water, [the Government's assessment is](#) that Scotland is on track to meet the goal, but a future challenge will be resilience to climate extremes

Successor committees may wish to integrate themes of climate and ecological resilience across its scrutiny.

Opportunities for future influence and work may include:

- Scrutinising progress reports on the second [Scottish Climate Change Adaptation Programme](#) and take into account the CCC Evidence Report due in 2021 when undertaking work on climate adaptation and resilience;
- Scrutinising SCCAP3 due for publication in 2024, and;
- Considering how work on supply chain resilience in light of the pandemic can include opportunities for sustainable development such as creating green jobs and transitioning to a more circular economy.

Recommendations to Parliament to enhance climate change scrutiny and engage with forthcoming human rights legislation

149. The Committee has considered what, in its view, is needed to enhance capacity and scrutiny in relation to climate change across the Parliament. The Committee's recommendations are included in Annexe A in this report. The Parliament's Sustainable Development Annual Report 2019/20 references the use of the Sustainable Development Impact Assessment Tool.

150. In 2018, the [First Minister's Advisory Group on Human Rights Leadership](#) recommended that a new human rights framework for Scotland should include a "right to a healthy environment". In 2019, a National Taskforce for Human Rights Leadership was set up to take forward these recommendations. Any forthcoming human rights legislation, including how a 'right to a healthy environment' should be defined and operationalised in Scotland is likely to be relevant across the ECCLR portfolio, with strong relevance to climate change policies and the just transition, land reform, air quality and access to nature, and post EU exit governance.

Successor committees may wish to review Parliamentary plans and action to support sustainable development and climate scrutiny, and consider how climate scrutiny can be prioritised to enable Scotland to move at pace towards net zero.

Opportunities for further work and influence may include:

- Reviewing plans and progress in upskilling members, their staff and parliamentary staff on climate change and sustainable development;
- Ensuring climate and sustainable development considerations are effectively embedded in parliamentary scrutiny via briefing, use of experts and advice and integrating the sustainable development tool into committee scrutiny;
- Reviewing Standing Orders to identify necessary changes to ensure climate change and sustainable development scrutiny are given as much prominence as equalities and human rights;
- Considering opportunities for inter-parliamentary climate scrutiny;
- Considering the role of cross-Committee work on scrutinising progress towards the SDGs, and;
- Engaging with debates on human rights mainstreaming in relation to the relevance to the environment and considering how Committees may best prepare to scrutinise any forthcoming human rights legislation.

Scottish Parliament's environmental performance and response to the climate emergency

151. The operating environment of the Parliament has changes in response to the Covid-19 pandemic with reducing travel and enabling participation at a distance. The Committee is conscious that the Scottish Parliament has a critical role in Scotland in leading the conversation on environmental performance and climate change, in acting as an exemplar and in effectively scrutinising the Scottish Government and public bodies on their sustainable development and climate performance.

152. The Parliament recently published its [Sustainable Development Annual Report 2019-20](#). The Parliament's Carbon Management Plan runs to 2020 and there is no published carbon plan from 2021 onwards. A diagram from the Sustainable development Annual Report explaining the scope I, scope II and scope III/expanded scope III emissions is included in Annexe B. The Parliament's current [Strategic Plan](#) does not reference climate, sustainable development or environment, however its [delivery plan](#) does and this is summarised below. The plans referenced below are not public documents:

- Develop Delivery Plan by September 2020 for agreement with the Leadership Group *(A draft plan will be discussed at Sustainable Development Board in November 2021 and if approved, presented to LG and SPCB for final sign off)*
- Prepare Session 6 Plan and budgetary assumptions by September 2020 – *(Resource plans are considered every June).*
- Increase capability on use of sustainability tool with business areas by October 2020 *(delayed until December)*
- Develop an agreed route to zero emissions targets by March 2021

Successor committees may wish to monitor progress in the Parliament's environmental performance and development and implementation of plans to achieve net zero emissions.

Opportunities for future work and influence may include:

- Reviewing the Sustainable Development Annual Report and forthcoming routemap to zero emissions targets;
- Reviewing how effectively a climate change and a sustainable development approach is being embedded into the decision-making processes across the Parliament, and;
- Reviewing how effectively Parliament is driving culture and behaviour change across all building users.

Financing the Green Recovery

Sustainable Development Goals (SDGs) in focus:

GOOD HEALTH AND WELL-BEING; CLIMATE ACTION; LIFE ON LAND and PEACE, JUSTICE AND STRONG INSTITUTIONS



Budgeting for a green recovery

153. Progress with and impacts of the Green New Deal are likely to be important areas for financial scrutiny in session 6. The Scottish Government published [a Capital Spending Review in 2020](#) containing commitments to the next tranche of the Green New Deal, with an aim to create the conditions for a “green economy”. It is designed to closely align with the [Infrastructure Investment Plan for 2021-2026](#). Capital funding includes infrastructure plans (about 90% of the capital budget) and investment in businesses to boost innovation and employment, funding for research and development, and capitalising the Scottish

National Investment Bank. The Capital Spending Review re-iterated the prior commitment to ring-fence £2 billion of new funding over the next Parliamentary term for low carbon investment and sets out a spending profile for this money.

154. In relation to economic stimulus packages, the [Report of the Advisory Group on Economic Recovery](#) advised that the Scottish Government should deploy its powers to enable recovery, with greater use of conditionality in business support.

155. As set out in the above section on financial scrutiny this session, the Scottish Parliament has formed a Joint Budget Review Group this session in order to review and improve the presentation of climate change information in Scottish Budgets. The Programme of Work is expected to include a trial of significant changes in the 2022-23 Budget and subsequent rounds. Successor committee(s) are likely to wish to engage with this work.

Mobilising green finance to tackle the climate and ecological emergencies

156. There is likely to be future debate on the tools available to stimulate private investment in net zero and natural capital, with the Scottish Government emphasising that public finance alone will be insufficient to tackle the climate emergency. Relevant developments this session included:

- A £3bn Green Investment Portfolio using the Scottish National Investment Bank.
- A [commitment to introduce a Green Growth Accelerator](#) via the Green New Deal.

157. The [AGER report in June 2020](#) recommended that the financial services sector and Scottish Government should develop nature-based investments, accompanied by the development of a Scottish Natural Capital Census. In the Draft Scottish Budget 2021-22, the Scottish Government said it was exploring innovative finance approaches to natural capital including developing ideas with the Scottish National Investment Bank.

158. SEPA also worked with the third sector during this session to launch [a route map for unlocking £1 billion of investment for nature conservation](#), which sets out a number of investment models that could be developed. NGOs have also called on the Scottish Government to target investment in nature through forthcoming Regional Land Use Frameworks and an Infrastructure Levy to fund green infrastructure.

Environmental fiscal reform

159. The CCC recommended in its advice on the green recovery, that the Scottish and UK Government should strengthen incentives to reduce emissions when considering fiscal changes. Opportunities for fiscal incentives have taken prominence in circular economy policy, with examples including the Deposit Return Scheme and reform of Extended Producer Responsibility, as well as the introduction of charges on single use carrier bags and exploration of charging on single use beverage cups. The Climate Change Plan update states that more ‘far-reaching’ fiscal incentives are likely to be needed, with work to be undertaken to examine the range of measures used by other countries to incentivise behaviours.

Adequately funding public bodies to respond to the green recovery

160. Session 5 and the previous session saw a long-term decline in real terms in funding for environmental public bodies, although the past two years have seen declines begin to

reverse. [Environmental groups calculated in 2019](#) that the aggregate SNH, Rural and Environment Science and Analytical Services and SEPA budgets have been cut by 40% in real terms over 9 years. A 2020 routemap for nature recovery published by NGOs states that the protection of nature has “historically been chronically underfunded, despite the strong investment case”. There are also questions around how funding is structured as well as considerations of total funding. [NatureScot raised](#) during this session that the scope for multi-annual funding is one of the most important elements of environmental funding, linked to enabling preventative spend. Stakeholders highlighted that a strength of EU funding for the environment was that it was often multiannual, with implications for how replacement funding is designed.

Successor committees may wish to prioritise the green recovery in their financial scrutiny, monitoring progress and impacts of Green New Deal commitments and opportunities to scale-up the flow of private finance into net zero goals and Scotland’s natural capital.

Opportunities for influence and further work may include:

- Scrutiny of Green New Deal commitments in budgets including the potential for frontloading of low carbon investment and conditionality of support;
- Continuing to work with the Government - through the Joint Budget Review - on how climate change information is presented in the Scottish Budget and how budgets are aligned with Climate Change Plans;
- Exploring innovative mechanisms for investment in low carbon and natural capital programmes including engaging with the newly established SNIB;
- Building in consideration of the potential for environmental fiscal reform in relevant policy areas, such as the circular economy, and;
- Considering how public bodies are funded, supported and governed to ensure they are best placed to support the delivery of a green recovery.

