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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 Annual Report
2020-2021**



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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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Introduction

1. The role of the Environment, Climate Change and Land Reform Committee is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Environment, Climate Change and Land Reform.
2. This annual report covers the period of 12 May 2020 to 24 March 2021, after which the Scottish Parliament will go into the campaign recess period from 25 March to 4 May 2021. The Scottish Parliament agreed on 3 March 2021 to vary Standing Orders so that committees could not meet during the pre-election campaign period (with the exception of the COVID-19 Committee, which may be convened in an emergency). This decision was taken in response to the Scottish General Election (Coronavirus) Act 2021 which provides that the Scottish Parliament will not be dissolved until 5 May 2021 to permit the Parliament to meet to legislate for a new polling date if required.
3. The report includes the previous membership of the Committee during the reporting year:
 - Annie Wells MSP (from 25 February 2020-20 August 2020)

Meetings

4. The Committee met 36 times during the Parliamentary year – 62 hours and 1 minutes in public and 26 hours and 4 minutes in private.



Impact of the Covid-19 pandemic on committee business

5. The Covid-19 pandemic impacted the Committee’s work programme during the reporting period - the final year of session 5 of the Scottish Parliament. The Committee reviewed and reprioritised its work programme and, of necessity, some items of planned business were either delayed or not progressed. The Committee reflects on this more fully in its [Session 5 legacy report](#). The Committee continued to meet and engage virtually over the year.



Consideration of Legislation

Scottish Government Bills

UK Withdrawal from the European Union (Continuity) (Scotland) Bill

6. The [UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Bill](#) was introduced on 18 June 2020. This brought environmental principles into domestic law, gave Scottish Ministers powers to keep pace with EU law and established a new environmental watchdog, Environmental Standards Scotland (ESS). The Environment, Climate Change and Land Reform Committee was assigned as a secondary committee in scrutinising the Bill and focused on the environmental policy aspects of the Bill. The Committee issued a call for views, took oral evidence, and published its [Stage 1 report](#) on 22 September 2020. The Scottish Government set out its [response](#) to that report in October 2020. The Committee [considered amendments to the Bill at Stage 2](#). The Bill was amended to reflect a number of the Committee's recommendations and received Royal Assent on 31 January 2021.

Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill

7. The [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Bill](#) proposed increases in penalties for serious animal welfare and wildlife offences and introduced powers for Ministers to make regulations for fixed penalty notices. It also proposed increased protection for service animals (a Scottish 'Finn's Law'). The Bill contained significant proposed changes and new powers to enable relevant persons to take animals into care without a court order and to make speedier arrangements for re-homing of animals where needed. 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.

The Committee [considered the Bill at Stage 2](#) in May 2020. Members were successful in pursuing some amendments and on securing agreement from the Scottish Government to collaborate on other issues.

Ahead of Stage 3, the Committee received correspondence from the Minister for Rural Affairs and the Natural Environment regarding [the formation of a taskforce to consider the possible extension of powers to the Scottish Society for the Prevention of Cruelty to Animals](#); the [inclusion of new amendments in relation to seal licensing](#), and; compliance with the Bees Act 1980 and orders made under that Act. The Bill received Royal Assent on 21 July 2020.

UK Government Bills

8. The Committee considered the implications for Scotland of UK Government legislation relating to EU exit, including the UK Environment Bill and the environmental implications of both the UK Agriculture Bill and the UK Fisheries Bill. The Committee [wrote](#) to the Rural Economy and Connectivity Committee to raise concerns in relation to the Agriculture and Fisheries Bill and [reported](#) on the UK Environment Bill. The Committee [raised concerns](#) about why powers in areas of devolved competence need to be made via UK primary legislation in that

correspondence and in its report on the UK Environment Bill.

Statutory Instruments

9. During the course of the reporting year, 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. The Committee also considered a number of further Scottish statutory instruments, including on that was subject to an enhanced scrutiny process, establishing a Register of Controlled Interests in Land. In total the Committee scrutinised:

- 8 SSIs subject to the affirmative procedure
- 10 SSIs subject to the negative procedure; and
- 1 SSI and 22 SI notifications in relation to the European Union (Withdrawal) Act 2018.



Environmental implications of UK exit from the EU

10. The Committee continued its scrutiny of the impact of EU exit on environmental policy in Scotland and the Committee adviser, Professor Colin Reid from the University of Dundee, continued to support this work. Towards the end of the year the Committee took evidence from experts, regulators and the Cabinet Secretary to explore the environmental implications of the EU-UK Trade and Co-operation Agreement. The Committee is aware of the constitutional implications of EU exit, particularly around the extent to which decisions made by the UK Government will constrain the Scottish Government's ability to exercise 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 highlighted the need for the devolution settlement to keep pace with the constitutional reality of a post-EU UK and raised concerns in relation to the role of the Scottish Parliament and EU exit in a [letter](#) to the Finance and Constitution Committee.

Consideration of other significant matters



Common Frameworks

11. The Committee continued to consider legislation that will form part of common frameworks in its scrutiny of SI notifications and SSIs and considered the approach to developing the frameworks. The Committee [commented](#) on common frameworks, in response to the request from the Finance and Constitution Committee and [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 the planning of scrutiny challenging over the course of this year. The Committee [raised concerns in relation to common frameworks](#) in a [submission](#) to the [House of Lords Common Frameworks Scrutiny Committee's inquiry into post-Brexit common frameworks](#). This written evidence was elaborated on by the Convener of the Committee when she appeared as a witness in front of the House of Lords Committee in a virtual meeting.

The Committee also met informally and virtually with the House of Lords EU Environment Sub-Committee, to discuss Scottish plans for post-transition environmental enforcement and to explore developments on an environment level playing field, particularly in relation to the EU-UK Trade and Co-operation Agreement, the implementation of the Northern Ireland Protocol and the UK Internal Market Act 2020.

Environmental Governance – Environmental Standards Scotland (ESS)

12. The Committee met with nominees to the Board of Environmental Standards Scotland (ESS) during the passage of the UK Withdrawal from the European Union (Continuity) (Scotland) Bill. From the 1 January 2021, ESS has been working on a non-statutory basis to support and advise on the work to create statutory governance arrangements and to provide advice on the performance of the Scottish Government and relevant public authorities in complying with environmental law, improving the effectiveness of environmental law, and, its implementation and application.

Climate Change

13. The Committee continued its scrutiny of climate change, and the Committee adviser, Dr Dan Barlow from the University of Edinburgh, continued to support this work.

Climate change scrutiny in the Scottish Parliament

14. The Committee considered the effectiveness of climate change scrutiny across the Parliament, following its work on the Climate Change (Emissions Reduction) (Scotland) 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 how climate considerations are effectively embedded in parliamentary scrutiny. A summary of the Committee's recommendations is included in its Legacy report. The Committee [wrote](#) to the Presiding Officer, SPCB, Chief Executive, Conveners Group and subject committees to highlight its consideration and recommendations.

Climate Change Plan update

15. The [Climate Change Plan update \(CCPu\)](#) was laid in the Scottish Parliament on 16 December 2020. This updated the previous Climate Change Plan which was [published in 2018](#). The Committee led scrutiny of the updated plan in collaboration with the [Economy, Energy and Fair Work Committee](#), [Local Government and Communities Committee](#) and the [Rural Economy and Connectivity Committee](#).

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. Following evidence sessions in January and February 2021, the four committees ([ECCLR](#), [EEFW](#), [LGC](#), [REC](#)) reported directly to the Parliament in March 2021 and the Scottish Government provided an initial response in the parliamentary debate on 9 March 2021. The Committee wrote to the Scottish Government seeking clarity on the process for taking the recommendations of the parliamentary committees into account.

Climate Change Plan update social media

Call for views

Can Scotland meet its climate change targets with this latest plan?

Share your views with us

Agriculture, forestry, transport and rural affairs sectors

Share your views with us

Renewable energy, electricity generation and industry sectors

Share your views with us

Local governments, planning, housing, building sectors

Share your views with us

Water, land use, waste, marine and circular economies

COP26

16. The Committee agreed its approach to engaging with COP26 and agreed that its principal focus 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. As part of this, the Committee met informally and virtually with sister committees across the UK in a roundtable session on 15 March 2021. The Committee also explored the [Scottish Parliament's plans in relation to COP26](#) and held an evidence session with Scottish Government lead officials on COP26 at its [meeting on 9 March 2021](#).

Joint Budget Working Group

17. As a result of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, future Climate Change Plans will be required to include estimates of the costs and benefits of policies to reduce emissions. During Stage 2 of the Climate Change (Emissions Reduction Targets) (Scotland) Bill, the Scottish Government [committed](#) to working with the Parliament and stakeholders to review the current processes and outputs around budget information as it relates to climate change. A working group comprising officials from both the Scottish Parliament and the Scottish Government was established to take forward this work. The Committee considered an interim report by the Joint working Group at its [meeting on 9 March 2021](#).

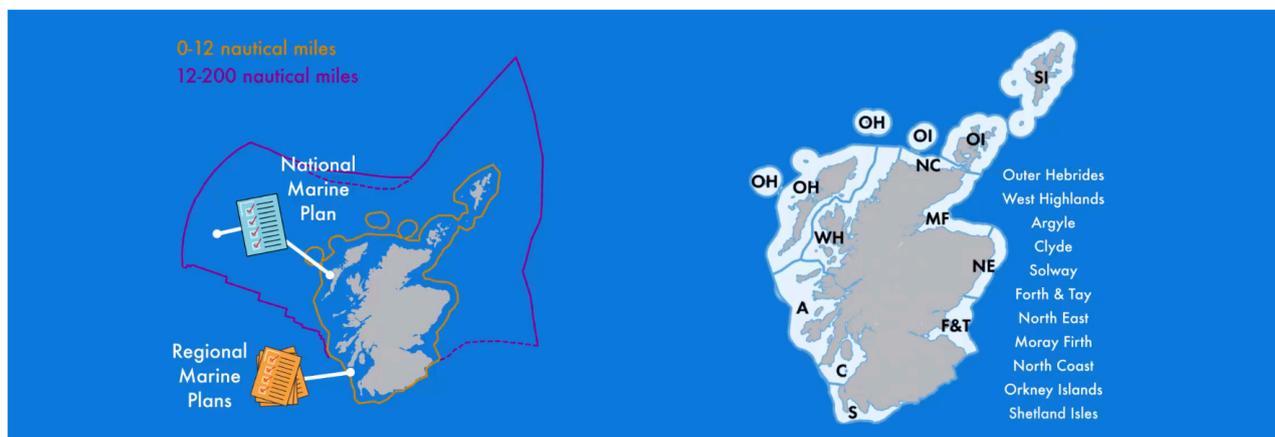
Green Recovery

18. The Committee [met with SEPA and NatureScot](#) to understand the impact of the Covid-19 pandemic. The Committee also undertook an inquiry to establish the principles that should underpin a green recovery, to identify key actions for change, immediate priorities, potential barriers to implementation and the governance arrangements needed to deliver this. A green, just and resilient recovery has been highlighted by Governments across the world, including the Scottish Government, as essential in effectively responding to the current challenges of the COVID-19 health crisis (including the social and economic challenges). The Committee received a considerable amount of [written submissions](#) in response to its [call for views](#). The Committee began taking evidence in June 2020 by hearing from the Cabinet Secretary for Environment, Climate Change and Land Reform and took evidence from ten separate panels. The Committee [published](#) its report on 8 November and concluded that Scotland needs to lock in positive behaviours, front-load investment in 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 to ensure that 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. The Scottish Government [responded](#) to the report in February 2021 and a parliamentary debate on the Committee's report took place on [9 February](#). 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).

Regional Marine Planning

19. In May 2019, the Committee agreed to examine the experience of developing and implementing Regional Marine Plans in Scotland, ten years on from the Marine Planning (Scotland) Act 2010 that provided the framework for Plans. Following extensive stakeholder engagement the Committee published an interim report, [Development and implementation of Regional Marine Plans in Scotland](#), in July 2020. This summarised the evidence heard and highlighted the key issues. The Committee also [commissioned research](#) exploring international comparisons of the governance and implementation of marine planning. Following further evidence sessions and [written evidence received](#) in response to a [call for views](#), the Committee published its final report on regional marine plans in December 2020: [Development and implementation of Regional Marine Plans in Scotland](#). 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.



Regional Marine Plans social media



Scottish Parliament's Environmental Performance

- Over Session 5 the Committee has considered the environmental performance of the Scottish Parliament Corporate Body (SPCB), including by scrutinising its annual environmental reports. This year the Committee focused on exploring how the Parliament will work towards net zero and embed sustainable development across the institution and [heard from the Clerk/Chief Executive to the Parliament](#) . The Committee followed this meeting with a further exchange of [correspondence](#) . The Committee welcomed the 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 the new 'Net Zero Ready' Plan.

Reappointment of the Scottish Land Commissioners

21. Earlier in the session the Committee [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. In 2021 the Committee [considered](#) and [reported](#) on re-appointments to the Scottish Land Commission in February 2021. In its report the Committee raised concerns about the process of engagement with the Scottish Parliament on the appointments and called on the Scottish Government to review its processes when the appointment of commissioners is subject to parliamentary approval.

Petitions

22. The Committee has, unfortunately, been able to spend very little time on consideration of petitions, mainly due to its consideration of legislation, including EU exit-related primary and secondary legislation and climate-related legislation. The Committee agreed to keep four petitions open to be carried into Session 6 and included reference to those in its legacy report—

- PE1490: Control of wild goose numbers;
- PE1750: Independent Monitoring of Satellite tags fitted to raptors;
- PE1758: End greyhound racing in Scotland; and
- PE1815: Translocate protected beavers to reduce licensed killing.

The Committee agreed and closed the following petitions—

- PE1615: State Regulated Licensing System for Gamebird Hunting;
- PE1636: Require single use drinks cups to be biodegradable;
- PE1664: Greater protection for mountain hares;
- PE1705: Wildlife crime - penalties and investigation;
- PE1751: Create no wild camp zones in Scotland;
- PE1755: Ban all single use plastics across Scotland; and
- PE1762: End the killing of wildlife on grouse moors and elsewhere in Scotland.

Financial Scrutiny

Draft Budget 2021-2022

23. The Committee considered elements of the Scottish Government's Budget 2021-22 that relate to its remit. The Committee agreed that the 2021-22 Budget should outline the immediate focus and priorities of the Scottish Government as it sets a pathway for green recovery. It agreed to look at how the 2021-22 Budget could

support a green and sustainable recovery and avoid locking in carbon; and what funding was needed in this portfolio to deliver a green and sustainable recovery. In its [report](#) the Committee set out a series of recommendations that were also reflected in its work on green recovery and in the scrutiny of the updated Climate Change Plan.

Outreach and Engagement

24. Outreach and engagement work over the course of the year has been mainly virtual. However, with the support of third sector partners during summer 2020 lockdown, face to face engagement took place in communities with third sector and community groups supporting children, young people and vulnerable groups. The groups used a postcard activity: drawing, crafts, telephone and virtual calls and conversation to gather views on behalf of the Committee as part of the Committee's inquiry into Green Recovery. The Parliament's Community Outreach Team also [engaged](#) directly with third sector groups and communities across Scotland through 3 virtual events, to explore the key themes and actions needed to build a just, sustainable and inclusive recovery. 88 Members of the public aged from 5 to 80 participated in the inquiry.
25. The Committee also reviewed its approach to engagement over the course of the session to understand how effective its engagement had been. 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 the Committee again. The key findings are set out in the Committee's legacy report.

Equalities

26. Equalities considerations are mainstreamed throughout the Committee's work. Consideration of climate justice and a just transition has been at the core of the Committee's work on climate change and green recovery. The Committee explored the equalities impacts and potential barriers to engagement with the Deposit and Return Scheme. Views were sought from a range of people within the following groups: island and rural communities; older people; people with learning and or physical disabilities; young people; and people who are socially and/or economically excluded.



27. The Committee also proactively sought to increase the diversity of those giving evidence. During the reporting year the Committee heard from 149 witnesses, 79 (53%) male and 70 (47%) female. This was an increase in representation of female witnesses from the previous reporting year.

Session 5 Legacy Report

28. The Committee published its Session 5 legacy report in March 2021. This sets out the work of the Committee over the session, lessons learned for Session 6 and outlines issues for consideration by the successor committees in Session 6.

