



OFFICIAL REPORT
AITHISG OIFIGEIL

Net Zero, Energy and Transport Committee

Tuesday 19 September 2023

Session 6



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NET ZERO, ENERGY AND TRANSPORT COMMITTEE

26th Meeting 2023, Session 6

CONVENER

*Edward Mountain (Highlands and Islands) (Con)

DEPUTY CONVENER

*Ben Macpherson (Edinburgh Northern and Leith) (SNP)

COMMITTEE MEMBERS

*Jackie Dunbar (Aberdeen Donside) (SNP)

*Monica Lennon (Central Scotland) (Lab)

*Douglas Lumsden (North East Scotland) (Con)

*Ash Regan (Edinburgh Eastern) (SNP)

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

*attended

THE FOLLOWING ALSO PARTICIPATED:

George Burgess (Scottish Government)

Mairi Gougeon (Cabinet Secretary for Rural Affairs, Land Reform and Islands)

Fiona Hyslop (Minister for Transport)

Alison Irvine (Transport Scotland)

Bill Reeve (Transport Scotland)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Net Zero, Energy and Transport Committee

Tuesday 19 September 2023

[The Convener opened the meeting at 09:20]

Decision on Taking Business in Private

The Convener (Edward Mountain): Good morning, and welcome to the 26th meeting in 2023 of the Net Zero, Energy and Transport Committee. The first item on the agenda is a decision on whether to take items 5 and 6 in private. Item 5 is consideration of evidence that we will hear under agenda item 2, and item 6 is consideration of our work programme. Do we agree to take those items in private?

Members indicated agreement.

Scottish Government Priorities

09:21

The Convener: Our next item of business is an evidence session with the Scottish Government to discuss its priorities following the change of First Minister and the associated reshuffle earlier this year. That made things more interesting—or, perhaps, more complicated—for the committee in that, instead of scrutinising the work of one Cabinet minister, we now find ourselves scrutinising the work of three.

We heard from the Cabinet Secretary for Transport, Net Zero and Just Transition in June, and we heard from the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy last week. This week, we begin by hearing from the Cabinet Secretary for Rural Affairs, Land Reform and Islands, Mairi Gougeon. Welcome, cabinet secretary.

I am pleased to also welcome George Burgess, director of agriculture and rural economy, and David Signorini, interim director of environment and forestry, both from the Scottish Government.

The evidence session takes place in the run-up to preparations for the Scottish Government's budget for 2023-24, and following confirmation earlier this month that there is to be a new land reform bill.

Cabinet secretary, I believe that you wish to make an opening statement.

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): Thank you, convener. I am pleased to be here with the committee today to outline my priorities in relation to land reform, as well as the environmental matters within my remit.

As we have set out in the new programme for government, we are clear that responding to the climate and nature crises will remain at the very heart of the Government's approach. They are the existential threat of our times and we are seeing their devastating impacts, particularly on the world's poorest, with increasing frequency.

We do not underestimate what that change means for daily life, especially during these particularly tough times. Ensuring that our approach is fair and actively tackles inequalities through a just transition is a key element of our planning. However, if managed well, addressing, mitigating and adapting to climate change, and protecting and restoring nature, will also bring us huge benefits. Those are major challenges, but they will also create opportunities.

As highlighted in the programme for government, caring for Scotland's peatlands is a critical element of our approach to tackling the linked climate and nature emergencies. Our new peatland programme will deliver an increasingly integrated and evidence-led approach to peatland restoration, management and protection.

To that end, the Government has committed £250 million over 10 years to restoring 250,000 hectares of degraded peatlands by 2030. That will complement the work that we are already doing to address the concentration and transparency of land ownership and to support more communities into land ownership through a new land reform bill.

The bill stems from work done by the Scottish Land Commission, which was established under the Land Reform (Scotland) Act 2016, and the consultation that we undertook last year. It will build on existing land reform measures, such as the register of persons holding a controlled interest in land, and complement existing community right-to-buy mechanisms to ensure that Scottish communities derive greater benefits from Scotland's land. The Scottish Government will help rural communities to take advantage of the opportunities to become more sustainable, productive and prosperous through supporting those good, green jobs in the rural economy. That investment will also play a critical part in Scotland's just transition to net zero by 2045.

I look forward to our discussion and am happy to take any questions from the committee.

The Convener: Thank you, cabinet secretary. Before we go any further, I remind the committee and the cabinet secretary of my entry in the register of members' interests, which clearly shows that I am a member of a family farming partnership and own land in Moray.

Now that that is on the record I would like to clarify something before we move to questions. When we were discussing land reform prior to the reshuffle, it fell within Mairi McAllan's portfolio. Can you confirm to me that everything to do with land reform now falls purely within your portfolio, cabinet secretary?

Mairi Gougeon: Yes, that is right. Land reform and taking forward the future land reform bill fall within my portfolio. Obviously, there are cross-cutting interests between the different portfolios, but land reform falls to me.

The Convener: So, peatlands may fall within Mairi McAllan's portfolio, but the land reform side of it, if there is land reform on peatlands, will fall within your portfolio.

Mairi Gougeon: Just for clarity, peatlands fall within my portfolio, too.

The Convener: Gosh, it is terribly confusing, but I am glad that we have got that on the record. I can look back and make sure that I get it right in the future. Ash Regan has the first questions.

Ash Regan (Edinburgh Eastern) (SNP): Good morning. I want to start by asking about land reform. We have had the community right to buy for about 20 years now, but only 3 per cent of Scotland is in community ownership. I would be interested to know whether the Scottish Government is happy with that level. Would you consider that the policy has been successful?

Mairi Gougeon: It is important to remember that land reform is a journey. You are absolutely right that it is 20 years since that policy was commenced. However, we are intent on taking that further, which is why we will be introducing another land reform bill, as we previously committed to do. We want to see more diversity of land ownership in Scotland and more community ownership.

Something that came out of one of the previous reports from the Scottish Land Commission was that, at the moment, the right to buy for communities in Scotland is seen as a means to an end when it should be something that is considered normal. It is something that we should be proactively encouraging communities to do and that communities should proactively be looking at.

As ever, there is always more work to do, but I think that the land reform bill that we will be introducing will take us a step further on that journey.

Ash Regan: Would you outline what you would see as the key barriers as they stand at the moment and whether you think that the upcoming legislation will make those barriers easier for communities to get past? Is that something that you are considering?

Mairi Gougeon: Of course, we want to remove the barriers that can prevent communities from considering ownership and, ultimately, to make the process as straightforward as possible. We have to make sure that there are checks and balances in place, obviously, so ensuring that we get that balance is critical. However, I think that we can learn the lessons from previous pieces of legislation that have been passed and identify where any of those challenges might be and what might prevent communities from considering ownership as an option.

I think that we are seeing a positive trajectory on community ownership in Scotland. A report that was done in 2021 showed that the amount of assets that were owned by the community had increased by more than 7 per cent on the previous year, and I know that the Scottish land fund is seeing quite a good pipeline of projects coming

through, so I think that the appetite is there. We are seeing that clear appetite from communities and things are heading in the right direction. I hope that, through the land reform bill that we will introduce, we will continue to see that positive trajectory.

Ash Regan: One of the issues that we are noticing is that there seems to be quite a lot of geographical disparity. I am sure that you will have noticed that yourself. Do you have any idea what the reasons behind that might be? For instance, we know that there is no community ownership at all in Falkirk and less than a handful in places such as Aberdeen, Angus—which will interest you, I am sure—Dundee, East Dunbartonshire and Renfrewshire. Does the Government have some actions in mind that it is looking at to address that?

09:30

Mairi Gougeon: We obviously want to see diversity and to ensure community ownership—whether of land, buildings or other assets—in every part of Scotland. The 2021 report on community ownership in Scotland highlighted that the greatest increases in community ownership were in the Highlands and in Argyll and Bute. You rightly identified Falkirk as an area where there is no community ownership of assets. We need to tease that out and get to the bottom of what the issues might be.

It is also important to remember that a number of things must align to enable community ownership. The relevant community bodies have to be in place and there must be the right motivations, along with the right piece of land or the right asset. It may be that all those pieces have not quite aligned, but we need to tease out what the barriers might be and look at how we can address those. What matters is how those projects come together and the overall motivation and alignment.

It is also important to highlight that information about any decisions that are made is publicly available on the Registers of Scotland website for anyone who wants to see why some community ownership plans do not go ahead.

Monica Lennon (Central Scotland) (Lab): My questions are also about the community right to buy. Cabinet secretary, can you explain why the approval rate for late applications is 42 per cent, which is lower than the 73 per cent rate of approval for timeous applications? Are the additional requirements for communities making late applications proportionate and necessary?

Mairi Gougeon: The process for late applications was a key and important part of the legislation. As I said in a previous response, we must ensure that we get a balance, which is what

the legislation tried to do. It gives communities the opportunity, in exceptional circumstances, to seek a transfer of land after the point of sale or transfer.

There are some key checks and balances within that. From the landowner's perspective, there must be proof of community interest and the community must have a plan for the land. From the community perspective, landowners cannot sell or transfer land before the community has had the chance to register or express an interest. I believe that that balance is correct, but if the committee hears any evidence to the contrary, I would be happy to hear that information.

Monica Lennon: I have been reading about the requirements for a significantly greater level of support at registration stage than is normally required. It seems that there are additional burdens there, which may not be fair. What is your feeling about that?

Mairi Gougeon: That is a fair point; there are additional barriers, particularly because of the checks and balances I referred to. Those extra steps are there to address the need for balance. If the committee hears evidence that the balance is not quite right, I would be keen to get that information. It is important that we have those protections, for both communities and landowners. I feel that the balance is currently correct and that we have the right steps in place, but I would be more than happy to consider any other information.

Monica Lennon: That is great; thank you. What action has the Government taken to respond to the Land Commission's 2018 recommendations on community ownership? What expectations does the Government have of the community land leadership group?

Mairi Gougeon: It would be fair to say that we have not made as much progress against the report's outcomes as we would have liked to. When the report was first introduced in 2018, the key focus was on implementing the 2016 land reform act. Soon after that, we had the pandemic, which rightly led to a complete shift in focus for the whole Scottish Government.

Progress has been made against some of the recommendations in that report. There is, however, one key area that I would like to take forward, and I will follow it up with the Scottish Land Commission to see how we can progress it. That area is in relation to the vision for community ownership, which was an important outcome from the report and I am keen that we progress it.

With reference to the first recommendation, we have now published national planning framework 4, which references some of the policy outcomes. The second recommendation talks about indicators, different measurements and how we

assess and monitor progress, and we have addressed that through the national outcomes. We now monitor not just the scale of what has been transferred but the number of assets that are in community ownership.

There is also scope for us to address some of the other recommendations that came out of the report through the review of the Community Empowerment (Scotland) Act 2015, which is being done at the moment. It is key to remember that the various rights to buy and community asset transfer rights do not just fall to land reform legislation but to the 2015 act, which is the responsibility of the community wealth minister. We can try to address the recommendations in the report through the different vehicles that we have got, and there are areas in which I want to make more progress.

Could you ask your second question again?

Monica Lennon: I think that you have covered most of it. It was about expectations on the community land leadership group and what action the Government is taking on the 2018 recommendations.

Mairi Gougeon: The community land leadership group had its first meeting in May this year, so it is still at the early stage of setting out its terms of reference. The group will be a positive forum for sharing challenges and ideas, and looking at any opportunities going forward. The group's minutes are published online and it will be looking at some of the key issues that communities face and how we assess and monitor our progress, which will be critical work in future. As I say, that work is in its early stages but it will be important as we move forward.

Monica Lennon: That is great. You have anticipated my final question by mentioning community wealth. I am interested to find out how the Government is working behind the scenes to make sure that it takes a cross-portfolio approach. What work is being done with other ministers in terms of land reform and your aspirations to make sure that there is alignment between just transition and community wealth building? How does that work in practice?

Mairi Gougeon: It probably comes back to the point that the convener raised at the start of the meeting. Unfortunately, some of these policy areas do not fit neatly in boxes, but we work collaboratively across the Government to address cross-cutting issues. That is the case right across my portfolio. We talked about peatland environment biodiversity earlier and community wealth building is exactly the same. As I say, communities have rights under the Community Empowerment (Scotland) Act 2015 so there is a strong link between that and our work on land reform. I engage with the Minister for Community

Wealth and Public Finance and I will engage with the work that he is taking forward through the legislation when it is introduced, as well as through the review of the 2015 act. It is important that we do not work in silos. We need to make sure that we take a joined-up approach.

Monica Lennon: Indeed. Thank you.

Douglas Lumsden (North East Scotland) (Con): Cabinet secretary, to date there have been three applications to buy abandoned, neglected or detrimental land, none of which were approved. One application has been made to buy land to further sustainable development and it is under consideration. The community right to buy does not appear to be working, does it?

Mairi Gougeon: Let us look at those applications in particular. Even though the community right to buy was part of the Land Reform (Scotland) Act 2003, it came into force in 2018, so it has only had a few years to bed in. It is important to look at those different applications and, of course, every application is assessed on its own merits. The three applications were ultimately unsuccessful for a variety of reasons. In two of them, the landowner was doing work to the land periodically, so it could not be classified as neglected and abandoned. In the other case, in the end, a negotiated transfer of the land was facilitated and funded through the Scottish land fund. Even though the transfer did not go through the process that we are talking about, the mechanism was still there. Ultimately, when it comes to land transfer and acquisition, we would like it to be done through negotiation and agreement.

Douglas Lumsden: Do we need to change the criteria to make it more attractive and to encourage more of those applications to take place?

Mairi Gougeon: That would warrant a closer look to see what the barriers are and whether there are criteria that would need to be reconsidered. We will see where the application under consideration gets to but, given that one of them was ultimately successful, I think that it is a positive step. However, it is something that we have to continue to monitor.

Douglas Lumsden: You mentioned barriers, which Ash Regan asked about earlier. What are the barriers to the applications coming forward and what work have you done to assess that?

Mairi Gougeon: Are you talking in relation to the abandoned, neglected and detrimental land specifically?

Douglas Lumsden: We can go wider than that.

Mairi Gougeon: It is not as straightforward as it can appear in relation to applications in that

category in particular: in a couple of the examples, the land ended up not falling into those categories.

Whenever there are challenges or issues we want to try to get to the bottom of them. That is where the community land leadership group can help us to look at some of the issues. For example, we know that right now the cost of living pressures and the inflationary costs that people are seeing can be a barrier to progressing transfers or acquisitions. That is why the funding and support that we provide through the Scottish land fund is critical.

George Burgess might have further information to add to that.

George Burgess (Scottish Government): If you think of abandoned and neglected areas from the perspective of community groups, there is often a reason why the land has been abandoned or neglected, and community groups might be quite reticent about jumping in. That might lie behind why we have had only a few examples so far. There is detailed guidance on the criteria that ministers use when identifying whether land is abandoned or neglected. We can look at that again, but at the moment there is relatively little evidence to work from. However, working with some of the community groups out there, we can seek to identify whether there is an untapped pool of community interest and whether there is something blocking that. I suspect that there is probably not a great deal of interest at the moment.

Douglas Lumsden: Has the Government done detailed work to see what the barriers are around community ownership? You mentioned the cost of living crisis, but what are the other reasons why people are not coming forward? There must be reasons, whether they involve a lack of help from local authorities or a perception that there is maybe too much risk. I am trying to understand what the barriers are.

George Burgess: As the cabinet secretary said earlier, the evidence from the Scottish land fund is that there is a good pipeline of projects coming forward to the fund from the community; there does not seem to be a significant lack of demand in that respect. It is perhaps around the abandoned and neglected land and the furthering of sustainable development that we have seen a rather smaller number coming through. Through further discussions with the community land leadership group and with the community ownership support service, we hope to get more of a grass-roots feel for what the issues are.

Mairi Gougeon: The review of the Community Empowerment (Scotland) Act 2015 will potentially flesh out some of that as well. I am sure that we all have examples from our constituencies or regions

of where the community asset transfer process has not quite worked out for a variety of different reasons. It is important that that review is undertaken, so that we can see how the process is working on the whole and whether there are any lessons to be learned.

Douglas Lumsden: When will we see that review coming back with the criteria changed for some of the schemes?

Mairi Gougeon: I am not in a position to outline that, purely because it is being led by the Minister for Community Wealth and Public Finance, but I would be happy to follow that up with colleagues and provide that written advice to the committee.

Douglas Lumsden: Okay.

The Convener: Cabinet secretary, before we move on from community right to buy, I have another question. Once the community has purchased the land, the next thing to do is to make sure that it is viable. Can you confirm that all the bodies involved in community right to buy have ended up being able to stand on their own two feet with their assets? If not, how much does it cost the Government to fund them annually to allow them to function?

Mairi Gougeon: I do not have that information to hand, and I do not know whether George Burgess would have any information on that. However, I would be happy to follow up on that and give the information to the committee.

The Convener: That would be helpful. Experience tells me that looking after large tracts of land with minimal assets costs, rather than generates, money. It is fine to promote the community right to buy, which I do, if a community group wants to exercise it, but the relevant point is how we fund such projects in future.

09:45

Mairi Gougeon: We talked about the different steps that need to be taken before an interest can be registered and how the process moves forward. Ensuring that we have all the checks in place is important in ensuring that, as far as possible, the community right to buy is exercised sustainably. However, I will look into the matter and provide the information to the committee.

The Convener: I absolutely understand the principle of proposing management plans and that, often, they are not followed through exactly as planned. However, it would be helpful to the committee if you could provide the information, especially with a land reform bill coming up.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Before I ask my questions on community asset transfers, I point out that the

Heart of Newhaven Community has been a tremendous success and is a good example of a community asset transfer in an urban area. Likewise, Bellfield in Ash Regan's constituency has been a successful project.

I welcome you and your officials, cabinet secretary. I have some questions about land markets. First, I am interested in your thoughts on the findings of the Scottish Land Commission's recently published "Rural Land Market Insights Report 2023".

Mairi Gougeon: To pick up on your first point, I do not know whether Granton falls in your constituency or in Ash Regan's, but I undertook a visit there in May. It was great to see what people can do through the Scottish land fund in an urban area and how important land transfers can be for community groups.

On the market insights report, we welcome the work that the Land Commission undertook. Its findings were based on desk-based analysis as well as interviews with a number of land agents and valuers. The report highlights the fact that the number of transactions in the year concerned was low. It found that the price of timber had largely impacted land values before, but it was interesting to see the impact of the changes to the woodland carbon code, which were seen to have had a cooling effect on the land market. It is valuable for us to consider such insights and how interventions that we make, such as the changes to the woodland carbon code, have an impact.

Ben Macpherson: I appreciate that responsibility for the NatureScot public-private finance pilot does not lie with you, but do you believe that private investment in ecosystems services, such as carbon sequestration, is necessary? What impact is it having, and could it have, on Scotland's land market? Is there a risk that two parts of Government could be acting against each other and each other's stated objectives, with public money for carbon sequestration inflating land prices and, therefore, limiting the opportunity to be bold and radical in diversifying patterns of land ownership?

Mairi Gougeon: There is a lot in that question so, if I forget a point, please come back to me and remind me.

On the NatureScot pilot, it is necessary that we have private investment in carbon sequestration. We cannot reach our climate targets or do what we need to do to address the biodiversity crisis that we are in without private investment. We recognised that point in our national strategy for economic transformation, and the importance of private finance has also been recognised globally through the global biodiversity framework that was

agreed at the 15th conference of the parties to the Convention on Biological Diversity—COP15.

Given the sheer scale of what is required, we cannot achieve the investment that is needed through the public purse alone with the public money and resources that we have available. However, if we recognise the need for private investment, it is critical that what we set out and want to achieve is values led and based on specific principles that are important to us in Scotland. There is also community involvement. We need to ensure that that is all in place.

The NatureScot pilot offers a valuable opportunity to consider those points and to ensure that we have a values-led, integrity-based system of private investment. I do not see that work impacting land values, because the pilot involves working with existing landowners to see how they can make it work. The pilot is happening in two parts of Scotland. It is a pilot, so we will monitor it closely—that is really important—and ensure that we learn from it as we go.

As I said in my previous response, we can see how we can make impactful interventions through the additionality that we introduced through the woodland carbon code, and it is interesting to see that work follow through in the market insights report.

Such investment is important on the whole, but we need to ensure that we manage it correctly and in a fair and transparent way that involves communities. That can be an issue, so we need to ensure that our communities feel part of the process and that they see the benefits from private investment.

On the point about whether that work contradicts other areas of policy—I think that that was the point that you raised—I do not see our policies as contradictory; if anything, I see them as complementary. We have the interim principles for responsible investment in land and our land rights and responsibilities statement, and all that sets out that we need diverse ownership and more community ownership. Our values are very much aligned in that regard. I do not see any contradiction in our policies in relation to what we have set out.

Ben Macpherson: There is a pertinent point. To invest in land measures, whether they relate to biodiversity or carbon reduction, the investor does not necessarily need to own the land—the investment can be made in agreement with the landowner. You seem to be considering undertaking a process of land reform in which we diversify who owns land but also advance necessary investments and use private finance to address the shared aspirations on biodiversity and carbon reduction.

Mairi Gougeon: Absolutely.

Ben Macpherson: I have one last question. You touched earlier on the considerations around land value. Do you want to add anything on how a more diverse pattern of land ownership will be realised when the reality is that there are increases in land value? Your further thoughts on that generic point would be helpful.

You also mentioned Granton, in my constituency, as an example of where, working with central Government, local government was able to acquire land and have the necessary flexibility and ownership of the asset in order to deliver public and social housing. Thank you for your answer in the chamber last week on those points. Although a lot of the focus will be on rural Scotland as we consider the land reform bill, land reform in urban Scotland—where there are increasing challenges for many families relating to the demand for and cost of housing—is pertinent. Do you want to comment more widely on the urban considerations?

Mairi Gougeon: Absolutely. That is a really important point, which was recognised in the changes to the Scottish land fund that were implemented back in 2016. Up until that point, there were mainly rural considerations, but it is about recognising that critical issues remain in urban areas, too.

I come back to the point that you made about the increase in land values and the impact that that has on our ability to support communities with increasing land prices. Our main mechanism for support is the Scottish land fund, which we have increased this year to £11 million. Our overall aim is to double the funding to £20 million by 2026, because we want to ensure that we assist as many communities as possible. We want to ensure that we fund as many community ownership projects as we can and that there is a spread of projects. It depends on individual applications, but we have funded projects to a significant extent through the land fund, so we have that important mechanism.

Other fundraising efforts, such as community fundraising, are also important, and private donors have had a hand to play in that regard. We can provide other support. For example, we fund the community ownership support service to provide advice and assistance. It is about ensuring that we maximise advice and guidance and our funding opportunities. We have to continue to monitor the situation closely, so that we enable communities as far as possible to have ownership opportunities.

The Convener: Before we move on to the next question, I note that we wrote to you, cabinet secretary, on the appointment of land commissioners. Andrew Thin is stepping down as

chairman, and we asked why you had chosen to extend his time in post for three months. That suggests that you started the recruitment too late or that there was a problem with it. Could you highlight the reason for that extension, please?

Mairi Gougeon: That is no problem. I understand that I still have to formally reply to the committee. It was to ensure that we had continuity through the appointments process and because we were looking to appoint new commissioners to the role.

The Convener: I am sorry—I am completely confused. I understand that you want continuity but, if you want continuity, surely you should recruit before the person's time is up rather than extending their time in post.

Mairi Gougeon: Through that period of change, it is important to have continuity rather than wholesale change in the commission. George Burgess, do you want to come in?

George Burgess: We started the process in good time, but the interaction between the Government and the committee on the appropriate involvement of the committee in the process has taken a little longer than we had expected. That has set back our timescale by a small amount, and the cabinet secretary has therefore agreed to prolong the extension.

The Convener: That is quite a comment to make, and I will check whether the committee was reticent in delaying its response. I do not believe that it was, and I will certainly not accept that. I will park that issue, because I am happy to have that conversation with the cabinet secretary offline.

Mairi Gougeon: It is important to clarify that George Burgess was not saying that it is the committee's fault that the process is late. We have been getting to grips with the new process that we are following with the Ethical Standards Commissioner—we are by no means blaming the committee. I am happy to follow up on that with the convener afterwards, but I just want to clarify that point.

The Convener: That would be best at this stage.

Jackie Dunbar has some questions.

Jackie Dunbar (Aberdeen Donside) (SNP): My question is about access. Many folk during and after Covid found or rediscovered our outdoor spaces and our gorgeous countryside. With that in mind, cabinet secretary, is the current outdoor access code sufficiently detailed and directive to cope with a large increase in access levels? What needs to be done to manage the challenges that increased visitor numbers have created, especially around popular spots?

Mairi Gougeon: Although it is a challenge, the fact that more people are enjoying our outdoor spaces should be welcomed, to a certain extent. It is exactly what we had hoped to see, but responsible access is absolutely key. The “Scottish Outdoor Access Code” was debated extensively when the legislation was first passed, and it is hugely important that we retain the right to free access. That is where education and guidance are important. NatureScot has been working with the national access forum on education and guidance, and has been looking at campaigns in that regard, but there is no getting around the fact that there have been very particular issues.

As a result of that work, visitor management groups were established in 2020, and we have also developed a visitor management strategy that we have sought to implement to try to manage any hot spots that might arise. Alongside that, there is the rural tourism infrastructure fund, which is to help with infrastructure issues in particular areas. We have, therefore, undertaken a number of measures to alleviate pressures.

On the whole, though, I think that we cannot let the behaviour of a few irresponsible people harm access rights for the vast majority who responsibly enjoy access to our countryside. There is no getting around the fact that that is a difficult thing to manage, but they are vital rights that we need to retain.

10:00

Jackie Dunbar: As someone who visits the Highlands regularly, I absolutely agree. Education is the key, but the sad fact is that a small number of folk will not abide by the rules and will behave irresponsibly when they are out and about. Are the current byelaws appropriate and proportionate for managing that behaviour, or is there some other solution?

Mairi Gougeon: I would be interested to hear the committee’s thoughts on that. Byelaws are an important mechanism for trying to manage risks relating to irresponsible behaviour, or to address issues of public safety, but we also know of successful campaigns in areas where byelaws have not been used. A good example is the “Lek it be” campaign that is being run in the Cairngorms. It seeks to manage the really difficult issue that I referred to earlier, of allowing free access while trying to protect what is a hugely important species—the capercaillie—for us in Scotland. That work, which has been carried out with ecologists and other groups, has been shown to be successful.

It is also right that the national parks have the mechanism to introduce byelaws when they think

that they are necessary. Enforcement is only ever a last resort, but it is an important mechanism that the parks have; indeed, there has recently been a review of the byelaws in the Loch Lomond and the Trossachs national park, after an increase in incidents at the loch resulting from greater numbers of people being outdoors. We have heard about the tragic incidents there. It is important that the national park is able to take measures to address such issues when it can, in the interests of public safety, while enabling people’s enjoyment of and access to the outdoors. I think that we have struck the right balance in enabling those things but—again—I am more than happy to hear the committee’s thoughts and views on the matter.

Jackie Dunbar: Thank you.

The Convener: We move to questions from Mark Ruskell.

Mark Ruskell (Mid Scotland and Fife) (Green): I want to turn to Crown Estate Scotland and its role in addressing climate change. We are developing a new climate change plan at the moment. As a result, we will need innovation and new policies. What is CES’s role in that? Is it feeding into the plan? What are the opportunities in CES’s role that will help us to take the action that will meet the ambitions that are set out in law?

Mairi Gougeon: I think that CES has an important role in a number of ways. Indeed, for all our agencies—for Crown Estate Scotland, in particular—there are opportunities to lead by example. I know that CES has its own climate change action plan for the Crown estate, and that it is part of the environment and economy leaders group, which includes the chief executives of all the main public bodies as well as their sponsoring divisions in the Scottish Government. The group ensures that there is collaboration across the piece on climate change and adaptations, and that those agencies feed into the broader policy objectives. It is critical that CES is part of that work; it does feed directly into it.

As for its future work, CES is commissioning work on adaptation and what that might look like for the estate, and it is also looking at forestry, peatland and what it can do with its assets. I see it as being a critical part of the work that we are taking forward on climate change.

Mark Ruskell: Is enough innovation taking place? With regard to the marine environment, I note that CES is doing work on whether blue carbon is an acceptable route for bringing in private investment. There is also a need for innovation on marine energy technologies. Are you comfortable that CES is pushing into such spaces and trying to make sense of things and

think of appropriate ways forward, or is there more to do in that respect?

Mairi Gougeon: Again, we probably cannot say that everybody is doing enough. There is always more to do, especially when it comes to climate change and the nature crisis.

This point is slightly off topic, but I am reminded of when we talk about Crown Estate Scotland leading by example in relation to land reform. The Scottish Land Commission is taking forward a community land accelerator pilot, which shows that it has the opportunity to act in that space and to make a difference in relation to achieving, ultimately, all our shared objectives. There is always more that can be done, but given the land, marine and built assets that it owns, it is in a unique position to take the lead in those areas.

Mark Ruskell: We now have the strategic framework and delivery plan in relation to the other crisis—the biodiversity and nature crisis. Do you see key opportunities there? I highlight aquaculture in particular, because we still see widespread community concern about its growth in Scotland. There is a view that it is not being appropriately regulated, and there are criticisms of CES and others in that regard. Given that challenge, and other challenges and opportunities, could and should CES be doing more to deliver our biodiversity strategy?

Mairi Gougeon: Again, there is a lot to unpick in the elements of that question.

Mark Ruskell: Yes—I am sorry about that.

Mairi Gougeon: Having done a separate aquaculture session, I can say that a lot of work is going on on it, at the moment. To address it in particular, I note that we published our “Vision for Sustainable Aquaculture” over the summer. The committee will see that, as part of that, we included enhanced emphasis on climate and the environment as well as on community benefit. We want to ensure that we see more benefit going to communities across Scotland who host aquaculture.

There are also a number of key commitments in relation to, for example, going beyond the regulatory limits when it comes to waste discharge and how we can collect that waste and use it better as part of our circular economy. There are a number of new commitments.

It is also important, as well as considering regulation, to recognise the innovation in technology that is going on in the aquaculture sector to address some of the key challenges that it faces. I do not necessarily agree that there is not enough regulation, but there are a number of bodies involved in regulation of aquaculture and we know that we need to make improvements in

that regard. That is where the work that we are taking forward from the Griggs review is really important.

We have the Scottish aquaculture council. A key thread of its work at the moment is in relation to consenting; we have a consenting task force. It is not about there being less regulation, but about there being more efficient and transparent regulation of the industry and how we make that work more effectively with all the key bodies. We hope to introduce a pilot very soon so that we can see what improvements can be made to the system. A body of work is being done.

Crown Estate Scotland also has a key role to play in relation to biodiversity. I talked about how it is part of the environment and economy leadership group in relation to climate change. It is also part of the Scottish biodiversity programme, which is about engaging with stakeholders on the biodiversity strategy. It is starting to embed that in the work that it is doing with its farming tenants, which we are seeing. CES has an environmental grants scheme that is for getting rid of invasive non-native species and doing all sorts of other things in relation to biodiversity. There is always more that can be done, but it is doing a lot of work in that space, which will continue as we look forward to the biodiversity strategy and delivery plan.

Mark Ruskell: In response to the convener, you clarified earlier your role in relation to peatland restoration, which is a shared priority across Government, with various ministers feeding in. Why has peatland restoration been so difficult to achieve at the scale at which we need to achieve it if we are to tackle the climate emergency? What is the problem, and what can be done to increase the rate of restoration?

Mairi Gougeon: We know that more needs to be done to accelerate peatland restoration, but there are a number of challenges in that. First of all, there is only a short season in which the work can take place. There is also a challenge in skills capacity. I think that there were also challenges in the past in relation to the overall future commitment to funding, but—of course—we now have the 10-year funding commitment of £250 million.

There are a number of factors at play, but we are taking action to address the key bottlenecks. NatureScot is leading on a peatland skills action plan. We also have a delivery improvement plan to identify the key challenges and the actions that we will take to mitigate and address them.

To end my response on a positive note, I highlight that, even though the peatland restoration rate is not what we would like, and we know that we need to go further and do more, the

trajectory is in the right direction. Our target this year, which we set out in the PFG, was to restore 10,700 hectares. That is a 40 per cent increase on the restoration rate that we saw in the previous year, in which 7,500 hectares were restored. Even those 7,500 hectares represent a 35 per cent increase on the previous year. Therefore, even though we are not where we need to be, the trajectory is strong and we are, because we know that we need to do more, taking action to address the challenges that we know exist.

Mark Ruskell: Is there a role for private sector natural capital investment in peatlands? Obviously, its focus so far has been on woodlands, but what about peatlands?

Mairi Gougeon: Yes, absolutely. We also have the “Peatland Code”, but there have been issues with validation of projects through that, which need to be addressed. As I said in a previous response, private investment will be essential in those key areas, going forward. We need to manage that and ensure that we have an integrity-based and values-led market in that respect. Again, we know what the issues are. We are doing what we can to address them and to ensure that we are seeing the restoration rate increase.

Mark Ruskell: Thanks.

The Convener: Thank you, Mark.

I have questions on islands, which also fall within your portfolio. The Circular Economy (Scotland) Bill has been published. I suspect that if it is implemented as it stands it will produce some challenges for islands in terms of how they cope with its requirements. How did you feed into that process and what do you see as being the key challenges?

Mairi Gougeon: Again, I suppose, as with anything, where there are challenges, there are also opportunities. We see that with the work that we are doing with climate change on the islands. They will be at the forefront of the climate change impacts that we see, but I think that they have the capabilities to deal with that. I see the same with the circular economy.

As part of the work on the Circular Economy (Scotland) Bill, there has been an island communities impact assessment, which shows that benefits are expected for businesses on the islands. We are trying to support that work already, including through the islands programme and the funding that we offer through it. Earlier this year, I visited Shetland to announce which projects we were providing funding for. A particular one is a project that will look at the circular economy there and how we can improve it.

Again, there is no getting around the fact that there probably will be issues, but it is important

that our islands feature in the work, as we go forward. Part of the bill is about a circular economy strategy, so I know that there will be engagement with island local authorities. It is critical that they are part of the process, because they can devise many of the solutions in what we are trying to achieve.

The Convener: In the interests of people who are watching the meeting, can you confirm that the island communities impact assessment has been published and that you have highlighted within it what changes might be needed to the islands plan?

Mairi Gougeon: I know that the assessment has been undertaken. I presume that it has been published, but I can double check that for you.

The Convener: That would be useful. We will flag up where it is, if we can find it easily.

Mairi Gougeon: No problem.

The Convener: My other question is about decarbonisation of islands, which you briefly mentioned. That might prove to be problematic in some respects. Where do you think the problems might be, when the islands try to keep pace with everything that is happening off the islands?

Mairi Gougeon: There is an awful lot going on at the moment in relation to decarbonisation; the carbon neutral islands project is a key part of that. In January this year we published an update on where we were in the project, which has obviously moved on since then.

We are working across six islands. The carbon audits have been undertaken and the climate change action plans were published at the start of the summer this year. The next stage in the process is in relation to investment strategies and how we build on the actions that are set out in the reports. I would be happy to keep the committee updated on that work because, of course, it will feed into other parts of Government.

As I said, the islands will be at the forefront in facing the impacts of climate change, but I also think that they hold a lot of the solutions to climate change. There will, within that process, be critical learning that can be shared.

However, when I look to the other parts of my portfolio, those will also have an impact on islands—how they adapt to climate change and how we can help them to adapt to climate change. We were talking about peatlands; change might also happen in relation to forestry and agriculture reform, on which, as you know, we will introduce a bill. All those things will have an impact, so we must ensure that we are, as ever, working with our islands to identify solutions as we look to implement changes.

The Convener: So, the bottom-line question is this: will the two issues that we have just discussed cause changes to the islands plan and will there be additions to the plan, as a result?

Mairi Gougeon: It is important to remember that so much has changed and so much has happened since "The National Islands Plan" was published. We are reviewing the plan at the moment. There are a number of consultation events in that review to ensure that the 13 strategic objectives that we set out are still relevant, and to find out whether there are other areas that we need to look at or focus more on. That review will be crucial in identifying other areas to consider.

The Convener: Okay. Thank you very much, cabinet secretary. It has been a fairly full session. I am just looking around to make sure that I have not missed any member who wants to come in with another question. I think that that is it.

I will suspend the meeting briefly, but before I do so I remind you that the committee will be writing to the Government with our pre-budget observations later in the autumn.

10:16

Meeting suspended.

10:25

On resuming—

The Convener: We are now going to hear from the Minister for Transport on the Scottish Government's transport priorities for the transport policy—that is quite a mix-up of words. As with the earlier part of the meeting, this will be a wide-ranging session with an eye on the Scottish Government's next budget and future recommendations that the committee might make on that.

I welcome Fiona Hyslop, the Minister for Transport for the Scottish Government. It is nice to see you at the opposite end of the committee table rather than sitting next to me—that is a new experience for us both. I also welcome Alison Irvine, interim chief executive for Transport Scotland; Bill Reeve, the director of rail for Transport Scotland; and Chris Wilcock, head of ferries branch for Transport Scotland. Thank you for joining us today. We are pleased to welcome you back, minister. I believe that you want to make a brief opening statement.

The Minister for Transport (Fiona Hyslop): Yes, convener, it will be brief. Good morning. It is good to see familiar faces from my time as deputy convener of the committee. I also recognise and acknowledge the two new members. I am pleased

to be making my first appearance at the committee as a minister following my appointment to the new role in June.

A fortnight ago, the First Minister presented the 2023-24 programme for government to Parliament. Our transport package represents a clear focus on the First Minister's priorities of equality, opportunity and community, and it builds on our previous record of delivery for all of Scotland.

We are making our transport system more accessible. We know that good public transport is a key economic enabler that provides opportunities in training, education and employment. We recently introduced regulations to enable the bus franchising and partnership options of the Transport (Scotland) Act 2019. They will come into force on 4 December and will allow transport authorities to begin developing their preferred options for improving their local bus services. We intend to introduce further regulations before the end of this year to begin to give those powers full effect.

Other regulations are also planned in relation to pavement parking, road works and zero-emission vehicles, and we also expect a number of United Kingdom statutory instruments to come before the committee.

Starting in October, we will undertake a six-month pilot to remove ScotRail peak time fares. The pilot will make rail travel more affordable and accessible during that period of time, and it will help to identify longer-term steps to reduce car use.

To support our island communities, which rely on our ferry services, we have frozen fares on the Clyde and Hebrides and Northern Isles routes, and we will continue with the construction of six major vessels.

The fair fares review will report by the end of this year. It will recommend a package of measures and actions for the future of public transport in Scotland.

We are continuing to improve our infrastructure. Progression of the A9 dualling continues to be a Government priority, as demonstrated by the First Minister's announcement of new procurement for the dualling of the A9 between Tomatin and Moy. We will also reopen the railway line to Levenmouth, including new stations at Cameron Bridge and Leven.

This month, I confirmed funding of £140 million that will ensure that the delivery of the East Kilbride enhancement project and the Barrhead route electrification improvement works remains on track for completion in December. We plan to

publish a refreshed rail services decarbonisation action plan.

Measures such as those demonstrate our determination to make our transport system ever more accessible and reliable, and to reduce the impact that we have on the environment and climate. I look forward to working with the committee as a minister and, I hope, to building a constructive relationship as I account for Scottish Government policy and action and, importantly, receive advice and recommendations from the committee.

The Convener: Thank you, minister. Last week, we clarified who is in charge of what aspects of the ferries and you are in charge of actually making them work rather than the purchase and management of vessels 801 and 802 before they come into service. I am happy with that.

When it comes to major transport infrastructure, there seems to be a separation of responsibilities. Roads infrastructure falls to you, but active travel and cycling infrastructure falls to Mr Harvie. How will you take that into account? How do you work together on delivery—say, on the small bit of A9 dualling that is now out for tender?

10:30

Fiona Hyslop: You have heard from the Cabinet Secretary for Transport, Net Zero and Just Transition. She leads on major infrastructure in terms of the strategic decisions and, importantly, budget decisions that will need to be made across the piece, as you would expect.

On cross-portfolio working, active travel is really integrated in a lot of our work. I can give you a couple of examples in relation to rail. We recently opened the refurbished Stirling station, which is very much aligned with active travel. That includes accessibility to bus services and particularly to more active travel such as cycling. The same applies to the reopening of Motherwell rail station.

In relation to the A9, which you mentioned, I know that there is interest in how we can ensure that there are safe routes around the A9 in particular areas. A number of MSPs, including John Swinney, have contacted me about those issues, including cycle lanes alongside the A9.

On how we work together, we always need to look for opportunities to connect active travel and rail. That is the big vision for how we can change Scotland through our activity. If we can link active travel, bus services and rail more, with greater connectivity, that is the big picture that everybody wants to see. The challenge is how we actually deliver it, including where and when, and what the priorities are.

I hope that that assures you that we do and will work very closely together.

The Convener: Thank you, minister. Those were the easy questions. We now turn to the difficult questions, starting with some from Mark Ruskell.

Mark Ruskell: Minister, my first question is about the pilot project to remove peak rail fares, and the preparedness for that. Have any challenges in that regard been identified up front by ScotRail or Transport Scotland? If so, how are they being addressed as we move towards 2 October?

Fiona Hyslop: The proposal is ambitious, but I think that it is welcome. It is a real attempt to try to make rail a choice for people who currently use cars, for example to commute. Since Covid, we have seen changes in how people are travelling. Over the piece, 70 per cent of commuting passengers are back, but that is not the full complement. We are also seeing strong returns elsewhere in the system—for example, Saturday is now the busiest day.

The preparatory work has been on-going since the announcement that the pilot would happen. We have just confirmed the date when it will start, which is 2 October.

One issue is capacity. I have made clear to ScotRail the need to ensure that the communication is very strong, and it has also made sure that, particularly on the Glasgow-Edinburgh line, all seven or eight carriages will be used for the journeys. To date, some trains have had only four carriages. That is not going to happen during the pilot period. Additional carriages will also come in in some of the other areas that have been added, particularly the Alexandria area.

The change is very welcome. I think that people will see it as a big step forward. It will help people with affordability, particularly given that, for many people, the cost of rail is prohibitive during peak journey times. However, I recommend that everybody watches ScotRail's communications, because they may need to adjust when they travel. I suspect there will be far more appetite for rail travel.

It is a pilot, and we do not know what will happen or what changes there will be. Clearly, we have hybrid working, and the change may encourage more people to go back into offices. That is part of what we will look at, but we also want to assess whether it will lead to a shift from car to rail, with the associated decarbonisation and reduction in emissions.

Mark Ruskell: We are due to see a refreshed rail decarbonisation plan quite soon. What

changes might we expect to come through that? Are we still on track to deliver a decarbonised national rail service by the mid-2030s?

Fiona Hyslop: This is obviously a big challenge for everybody. We are all seeing the impacts of climate change globally and also locally. Within our responsibilities, transport, as one of the major emitters, has to take steps forward.

I said in my opening remarks that we anticipate that the electrification of the Barrhead route, which is a major line, will complete by December. The Government also announced that work will commence at East Kilbride. I know that the member has an interest in the Levenmouth rail line, which is ready for electrification as part of the wider work that needs to take place, and, clearly, the next steps relate to the Fife-Aberdeen lines. All of that work is subject to setting out plans, budgets and so on.

In relation to the commitment and vision, other parts of the UK look enviously at what is happening in Scotland, because there is determination and activity here. In fact, I am due to speak at a major rail conference this afternoon, and there is a lot of interest from elsewhere as to what is happening in Scotland. There are a lot of challenges, but there is also a lot of activity and commitment from partners to deliver on decarbonisation. Mark Ruskell was right to say that there will be a refresh of the rail decarbonisation plan.

Mark Ruskell: Another issue that has been highlighted in the media around the UK is the closure of ticket offices. You said previously that there will be no closure of ScotRail ticket offices, and certainly not during this session of Parliament. Can you clarify what the Government's thinking is on other changes, such as reductions in opening hours?

Fiona Hyslop: It is really important for MSPs on this committee and elsewhere to be aware that there will be no closure of ScotRail ticket offices in Scotland. The effective campaign that has been run across the UK, for what would be a damaging policy elsewhere, has impacted people in Scotland, and as a result some MSPs have written to me about constituents who are worried about their local offices closing, so I want to affirm that no ScotRail ticket offices will close.

I wrote to Huw Merriman, the UK Minister of State for Transport, to express concern about the policy. My concern relates to people who have disabilities, in particular—that is a major issue and the UK Government needs to account for it. We have said that, should Avanti West Coast's Glasgow Central office close, people would still be able to buy tickets via ScotRail offices; that option will be there.

Taking a wider look at rail, ScotRail is still looking at how it can most effectively deploy staff, primarily as an operational matter. However, one thing that we know—members have heard it directly from the rail unions—is that there are safety issues. Antisocial behaviour is an issue, and the presence of staff—whether on platforms or on trains—makes a big difference in that regard. The travel safety officers that have been deployed are making a difference already. The issue is whether staff will always be behind a ticket desk or whether they will support other work in stations. Work on that is on-going, and we are looking to review it and bring it to a conclusion to give certainty to staff. We want to work with trade unions on that, and we have a very effective working relationship with them; I point out that we do not currently have any rail disputes in Scotland.

Mark Ruskell: So, is the way in which those in customer-facing roles can be deployed part of on-going discussions with rail unions?

Fiona Hyslop: That discussion has to continue with unions, but it is important to provide certainty and stability by saying there will be no office closures. We want to ensure that there are workable and sensible operations for stations, and that has to involve getting the views of unions. Certainly, there are no strikes taking place in Scotland, and I want that attitude and relationship to continue so that we can continue to ensure that we have effective working with our unions.

The Convener: Just before we leave the topic of railways, one of the reasons that was given when ScotRail was nationalised was that Abellio was not meeting its public performance measures. However, with fewer trains and less work being done on the railways, the Scottish Government is still failing to meet its targets. What is the reason for that?

Fiona Hyslop: ScotRail is outperforming the majority of rail operators elsewhere, but we want to drive improvements in performance. My understanding—I will ask Bill Reeve to check me if my figures are incorrect—is that the performance rate for passenger satisfaction was 89 per cent until August, and we were looking for it to be over 90 per cent. However, the most recent announcement was just last week, and that showed an increase in performance levels on passenger satisfaction.

Bill Reeve (Transport Scotland): The announcement last week concerned the independent national rail passenger survey: it came through with 91 per cent passenger satisfaction, which is significantly above the average for the rest of the network.

However, I think that the convener is asking about the passenger performance figure of 92.5

per cent. ScotRail has not delivered that, but it is working hard to do so, in collaboration with Network Rail. In Scotland, we manage the railway as a system with a single target, unlike what happens south of the border, and there has been good progress. Again, I stress that we are not satisfied because it is not yet at the target, but others look on what we are doing with a measure of jealousy and—to be frank—awe.

The Convener: In my book, comparing oneself to another person and saying that you are better, although you are not reaching the standard to which you aspire, is not really a measure of performance.

I go back to the question. The public performance measure—not the public satisfaction measure—has not been met since nationalisation. Increasing performance was one of the reasons given for nationalisation. When do you think that you are going to achieve the target? What happens if you have not achieved it in, say, six months' time? There is nowhere to go after nationalisation, is there?

Fiona Hyslop: We treat the performance standards very seriously, and we will ensure that their delivery is reinforced. I have done that already in looking at the next plans across the UK—I have made it quite clear to those who are in charge of them that I expect the performance standard to be part of the plans and expectations for performance.

Passenger satisfaction is strong, but on rail performance, we are not delivering on the standards that we have set, in which we are clear about what we expect to achieve. You are right to identify that, but all that I can say is that we are driving that improvement forward. It is going in the right direction—your issue is the pace and how we can deliver that.

With regard to customer focus, since ScotRail has been under public ownership and control, that aspect really has been driven forward, as any of us who regularly use the rail system will know. In terms of time and delivery, we need to ensure that we have a reliable but safe railway; we will be looking at performance management in that regard, and I am sure that the committee will come back to that to identify how the performance standard is being reached.

The Convener: Bizarrely enough, minister, I have been listening to those assurances since 2016, since I first joined the committee that dealt with transport and trains. I heard them from Alex Hynes, when he was in charge of Abellio, and I have now heard them from you. I am sure that we will come back to that issue in six months' time, but on that note, I move on to the next questions,

which I believe are from Monica Lennon. I think that it is Monica next, is it not?

Monica Lennon: That is correct, convener—it is my turn.

Good morning, minister and officials. I welcome Mark Ruskell asking about the ticket offices, and your reassurance, minister, that there will be no closures in Scotland. I am speaking later today at the annual general meeting of Disability Equality Scotland, as its patron—that is in my entry in the register of members' interests—and I know that people there will also welcome that reassurance.

You said that opening hours are an operational matter for ScotRail. Is it your view that you would not want to see any reduction in the capacity and availability of staffed ticket offices?

Fiona Hyslop: There was an original proposal that would have seen a reduction in the number of offices that were staffed; as I said, however, there are now not going to be any closures.

With regard to the time and the capacity, there is still an issue to be finally resolved around how we get the service improvement that is needed, and how we give a sense of assurance that there are staff available at stations. The issue is how much time staff will be spending behind the ticket office desk as opposed to helping people with disabilities or other needs at the station, as those needs and expectations may have changed from five or 10 years ago.

Monica Lennon: Okay, we will keep an eye on that. I want to ask about antisocial behaviour. I was looking back at the *Official Report* of one of your last meetings as my buddy on this committee, when you were deputy convener. Antisocial behaviour is a real issue. I know from some of the questions that you asked our rail union colleagues that you totally understand that. There have been some really serious issues with antisocial behaviour and violence affecting both the public and the workforce, as you mentioned in your earlier remarks to Mark Ruskell. Can you say a bit more about the action that the Government and Transport Scotland have been taking to tackle antisocial behaviour and criminality and to understand their root causes?

10:45

Fiona Hyslop: Anybody who is committing a criminal offence should be reported. It is really important that people report offences, and I encourage people to report antisocial behaviour. There is a wider issue in society and a question about why antisocial behaviour is happening. I think that there may be post-pandemic behaviour issues and, within some groups, issues around the boundaries, so people think that some behaviour

is acceptable now that might not have been acceptable before. It is a complex area that might need to be looked into.

The issue is not rail specific or even transport specific; we see it in other walks of life. I am due to have a meeting with the community safety minister about the general issue from a Government point of view. I know that there has been close working between the unions and ScotRail and others on how to manage antisocial behaviour. I heard in one of my meetings with the unions that there had recently been a very good meeting about what could happen.

It matters so much, not least so that people feel safe and secure when travelling, but also to the workforce. The deployment of 34 travel safe officers is a fairly recent development. The feedback from that is that it seems to be helping. That is smart thinking about identifying and anticipating where and when there might be issues. Presence makes a difference, particularly for women and girls. I will take forward the previous minister's work on women and girls and safety issues. I want to bring together everybody that is involved in that. A very good report was produced, which was initiated by the former minister. I want to pursue that because we want to increase that approach.

It is not just about rail—there are underlying issues. We can do tactical things within rail as we can in bus travel and in other areas. However, there is a general issue that needs to be more widely addressed around what is acceptable or unacceptable behaviour. There probably needs to be a wider societal think about whether certain behaviour is really acceptable and whether people should behave like that.

That is quite a general answer, but to reassure you, I agree that it is a serious and important issue. I have had the conversations with the unions and with ScotRail and I want to drive forward the safety issue, particularly for women and girls, by looking at practical ways that we can make railways safer, more secure and more comfortable for everybody to travel on.

Monica Lennon: That is really helpful. I agree that there is a wider context. However, I want to bring it back to rail staff. It is really good to hear that there are now more than 30 travel safe officers. They have an important role. I hope that that will help to improve public confidence and get people using the rail network in greater numbers. However, the rail unions, including the National Union of Rail, Maritime and Transport Workers—I am a member of the RMT parliamentary group—have raised concerns about their members, who are very much on the front line of this. What will you be doing to look at their safety and wellbeing and how they feel about the issue? As you know,

a lot goes unreported and we do not always get the full picture. As we deploy more and more workers to try to deal with the issue, they might be the ones who have to absorb a lot of the abuse. What specific actions will be taken to protect them and to make sure that there is a zero tolerance culture across the rail network?

Fiona Hyslop: You are right to identify the zero tolerance culture across the workplace and for passengers. How that is implemented, from a management and deployment point of view, is a matter for ScotRail. As I said, in my short time as minister, I have already had a number of conversations on that and I will continue to have those conversations.

When we talk about staff, we also need to look at the position of women. Recently, the Associated Society of Locomotive Engineers and Firemen—the ASLEF union—came to the Parliament to celebrate its 100th woman driver. There was also an event in Parliament on women in rail, which was hosted by Graham Simpson.

There should be zero tolerance of bad behaviour towards any staff. If we are trying to encourage more women into rail work, we must ensure that they feel comfortable in that workplace. That is why we have to look at the issue from different perspectives. Bill Reeve, do you want to add anything?

Bill Reeve: ScotRail, the British Transport Police and the transport authorities work together to explore any possible initiatives. Various measures are being deployed: for example, there are discussions with rail unions about the extent to which further use of body-worn cameras might help staff security. Behaviour on the railway is an awful problem that reflects behaviour outside the railway. Folk come into the railway and behave that way, so it is a wider issue, but there is a strong alignment of interest between ScotRail managers and staff and us at Transport Scotland to look at what we can do practically to address growing concerns about antisocial behaviour.

Fiona Hyslop: As they do in many situations, the solutions will come from those who are in the workplace. We must listen to them, rather than saying what we think will work. Dialogue is very important.

Monica Lennon: I am sure that we will return to that issue. Thank you for those updates.

Douglas Lumsden: My question follows on from Monica Lennon's and is about antisocial behaviour and violence towards staff. Will the ban on drinking alcohol on trains continue? What is the Government's thinking on that?

Fiona Hyslop: Our position, which was taken by the previous minister, is that the ban should

continue. That is particularly important late at night and for women travelling by rail. Anyone who travels by rail knows the problem of being on a train when other passengers have taken excess alcohol. That is our current position.

Douglas Lumsden: If I remember rightly, we began with a ban on alcohol after 9 o'clock, which then changed. I am not saying that I am for it; I am trying to understand the Government's position and whether, or when, there will be a review.

Fiona Hyslop: I might come back to you on that, because it is not an area that I have particularly focused on, and Bill Reeve may be able to give more recent information. The ban was brought in during the pandemic, because we were concerned about how people might behave and about the spread of Covid. We recognise that it was helpful in changing people's behaviour. There are sometimes requests for the ban to be changed. The minister was quite clear the last time that request was made. Bill Reeve may be able to give you more information.

Bill Reeve: It is striking that there is a wide range of views on the issue. The drivers union, ASLEF, is in favour of the ban continuing, but the last time we spoke with the RMT, that union wanted the ban to be lifted, based on the very practical question of whether it might be better to focus British Transport Police resources on particular trains and to have a more tolerant attitude at other times. There is a big debate about that. We have been working with ScotRail and listening to staff views and we intend to bring the minister some further advice. There is no settled view on the issue; there are strong views on both sides.

Douglas Lumsden: There is a ban at present, but ScotRail staff are being told that the police are not there to enforce it. There are not police on every train, so it is difficult to enforce.

Fiona Hyslop: We might have to ask about ScotRail's experiences and observations. There are tensions that can cause difficulties and people can behave in ways that they should not.

Douglas Lumsden: Issues such as on-board alcohol, antisocial behaviour and the switch to rail were all meant to be covered by the national rail conversation, which was meant to be launched in April. What has happened in the past six months?

Fiona Hyslop: There is constant dialogue on all those issues. It is good that we have regular dialogue with unions and management about how to improve the railway and other modes of transport.

On the national conversation, you might be aware that, around April, we had a change of First Minister and of ministers and that, subsequently,

my appointment took place. There has been quite a lot of flux and change.

In coming into post, my view is that we should focus on delivery instead of general conversation—we do not need a national conversation for us to engage with all those issues. An opportunity exists for regular dialogue, particularly with the management, the operators and the interest groups. Monica Lennon referred to mobility access groups and the Mobility and Access Committee for Scotland, which has particular leads on rail and has been quite clear about its needs and views. We are also embarking on the peak fare removal pilot, so a lot of activity is happening in this area.

As minister, I am keen to focus on delivery and I do not think that the national conversation will take place in the way that previous ministers envisaged. Now that I am the minister, my view is that I need to focus on delivery, which is what I will do.

Douglas Lumsden: So, is the national rail conversation that we had laid out previously no longer taking place?

Fiona Hyslop: No, I think that things have moved on a bit since then.

Douglas Lumsden: I will move to my next question. I remember getting on my first InterCity 125 train as a four-year-old lad, before I had even started school. That was 48 years ago, but the high-speed trains are obviously still in place. Rail unions have expressed their concerns about the crash worthiness of those trains, following the Carmont derailment. What is the current plan for retiring those trains?

Fiona Hyslop: It is essential to ensure that safe trains are operating. In relation to the review that took place and the continuing work of the replacement of the HSTs, those people who had looked particularly at the rail safety position of the HSTs reassured us that they were satisfied that the trains can still run safely. The unions are also involved in the discussions that are taking place around replacement and its timing.

We want to have a real decarbonisation, which would lead to the replacement of the HSTs by electrified systems, but the timing of that replacement depends. You can imagine that a lot of things are in play here: the timing for replacement will tie in with how we can advance the electrification. I have heard calls to try to replace HSTs midstream with other diesels, but the expense of that would have a knock-on impact, which might not help the drive for electrification. Those things are all in play. A steering group, which involves everybody who is necessary, including unions, is looking at the HST replacement issue.

Douglas Lumsden: The east coast electrification obviously has to happen before the trains are replaced, but do you expect it to happen before 2030?

Fiona Hyslop: I ask Bill Reeve to reply in relation to the timescales.

Bill Reeve: Those issues are linked to the refresh of the decarbonisation action plan for rail, which is about the optimum programme for delivery. Works are under way around some of the power supply points for electrification into Fife and beyond—some of those points have already been ordered—and the development work for the electrification to Aberdeen is continuing. The timescales remain to be confirmed as part of that refresh work.

Douglas Lumsden: Would it be possible, however, to have the line electrified by 2030? That is only seven years away, which seems quite optimistic—I might be wrong.

Fiona Hyslop: Part of the work is how we ensure that everything is aligned and that we can do the work, finance it and ensure that we have the trains that we will need, and so on. There is the question of timing. The aim is for the decarbonisation to happen by 2030—that is what we want to try to achieve.

Douglas Lumsden: Do you still think that that is realistic? That is the point.

Fiona Hyslop: Well, I am a politician, not a rail expert.

Douglas Lumsden: You are the minister.

Fiona Hyslop: That is why we ask the experts to advise us on the timescale and what is possible and when. However, we have the drive and intention to electrify the line. We just have to ensure that we put all our ducks in a row to ensure that it can happen. That is the realistic thing to do. The refreshed rail decarbonisation plan, which Mark Ruskell asked about, will help to do it.

11:00

The Convener: I presume that, when you took over the rolling stock as part of the nationalisation, there was a contract for leasing the stock, which included HSTs. When is the first time that you can get out of that contract?

Bill Reeve: It is 2030.

The Convener: So, we are stuck with HSTs until 2030 because, otherwise, you will be in breach of contract.

Bill Reeve: It might be possible to bring in other trains, but we would need to be persuaded of the economic merit of that.

The Convener: So, there might be an incredible cost if we try to do that before 2030.

The next question is from the deputy convener.

Ben Macpherson: Good morning. I have a question about prohibiting pavement parking, dropped-kerb parking and double parking. You will be aware of how much of a problem such practices are, particularly in urban environments, including my constituency. I am grateful for your response to me earlier this month, but I would also be grateful if, for the benefit of the Parliament as a whole, you could confirm that the Scottish ministers remain committed to introducing a ban on parking on the pavement, parking in front of dropped kerbs and double parking. When will that ban take effect through the implementation of the relevant provisions of the Transport (Scotland) Act 2019?

Fiona Hyslop: I might refer to colleagues for the actual date but, in my opening remarks, I referred to a number of Scottish statutory instruments on pavement parking that will come to the committee. Some of the instruments under the provisions of the Transport (Scotland) Act 2019 have already been laid before the Parliament. Alison Irvine might be able to help on the final date.

Alison Irvine (Transport Scotland): The date to which we are working for the pavement parking legislation is 2 October, with a view to it coming into force in December. That is off the back of all the consultation work that we did over the previous 18 months. That is the intention.

Ben Macpherson: So it is still on schedule, as December 2023 has been the proposed implementation date for some time.

Alison Irvine: Yes.

Ben Macpherson: Will there be any public information or communications around that period? I can speak only from experience in my constituency but, unfortunately, it seems that more people feel that it is okay to park on the pavement, so some culture change will be required as part of the implementation process.

Fiona Hyslop: There will need to be a lot of communication about what is and is not acceptable because, currently, some people think that it is acceptable to park on the pavement. Actually, it is not acceptable to do so now but, with the regulations, that will become more evident. We will work closely with our local authority colleagues on ensuring that it is clearly communicated to people.

People have a considerable amount of concern about the issue, and a number of people contact MSPs about it. People should feel comfortable using their pavements. That applies to everybody,

but if people are wheeling in any shape or form—whether wheelchair users or mothers with buggies—and they cannot get through, how can they feel comfortable in their own environment and place? Implementing these provisions is about making people feel comfortable to be active and able to walk, cycle and wheel in their areas. Clearly, we do not want people to cycle on the pavements; I am referring to the wheeling aspect.

There was a lot of publicity on the matter when Sandra White's Footway Parking and Double Parking (Scotland) Bill went through the Parliament. It was a high-profile issue and there was a lot of publicity. The committee and other MSPs might be able to help with that. There is a series of different regulations, but it might be helpful if, when we lay the 2 October ones for December implementation, we can all try to raise the profile of the issue.

Ben Macpherson: Absolutely. The regulations will be warmly welcomed in Edinburgh Northern and Leith, as well as elsewhere in the country, not just for the reasons that you have stated in relation to mobility and the fact that pavements should not be blocked because they are for the people who use them, but in relation to the quality of the paving. Too many streets are being damaged by pavement parking because of the weight of vehicles. I am grateful that everything is running to time.

The Convener: The next questions come from Ash Regan.

Ash Regan: Good morning. I turn to the subject of ferries. At the time when the minister was a member of the committee, it put together a comprehensive report. At the end of last month, we received a response from the Government that suggested that consideration would be given to the recommended merger between Caledonian Maritime Assets Ltd and Transport Scotland's ferries division. When will the Scottish Government announce what the new institutional structure might look like and when it might be put in place?

Fiona Hyslop: Many members will have heard this already, but I will repeat it. I was deputy convener of the committee when the ferries inquiry was taking place, and I took part in the evidence sessions, but at the time of production of the final report, I was no longer a committee member—I was a minister. It was appropriate that the Cabinet Secretary for Transport, Net Zero and Just Transition responded to the committee's report, which I thought was a very good one. I hope that members will recognise that the response was also good, in that it addressed all the issues raised.

The report is absolutely live and active in my considerations, but there are some competing issues. For a period of time before the committee made its recommendations on the governance review, there had been questions about the need to look at a change in governance. At that time, the ferries community board chaired by Angus Campbell had carried out its review but had not yet reported. Its report has now been published on Transport Scotland's website. The board's view was that the merger should be between CalMac and CMAL, which is not the same as the committee's view. To be fair to it, I think that the committee also said that we need to be cognisant of what the communities want.

We want simplicity and improvement at all levels. I am acutely aware of that, having spent the summer visiting and speaking to people from a number of island ferry communities. The committee itself heard a lot of evidence directly. There may be tensions, to which the committee itself alluded, about what could happen, and about what might be legally appropriate or the consequences of that. I am looking closely at that, and I know the committee's interest in the underpinning rationale of what we will be able to do and what might be desirable.

I would say that the value that the Government places on the players—Transport Scotland, CMAL and CalMac—is that they all have different strengths and abilities strategically. The connections between Transport Scotland's ferries division and CMAL need to be strong, and CMAL clearly has the relevant expertise. I am struck by the need to look not only at ferries but at how ports, harbours and other assets are dealt with.

The factors in play will need to include the decision about governance, which comes following the previous project Neptune work. In addition to the governance issue, there are also the islands connectivity plan and the issues around the Clyde and Hebrides ferry services 3 contract. As the committee has identified, those matters are all connected.

We need to take a fairly major decision, and I will also need to ensure that Cabinet is involved in that, which is the process that we are currently involved in. I cannot prejudge that and tell you the timeline, because I am dependent on decision making across Government, but you will hear fairly soon.

Ash Regan: So the committee will be the second to know about it, then.

Fiona Hyslop: Probably. I will need to tell Parliament, and I will also need to get the decision through Cabinet. Given the committee's interest, we will ensure that we alert it when the announcement in Parliament is due.

Ash Regan: The Scottish Government has set out that it does not think that having an independent ferry regulator is the appropriate way forward. How, then, will it be possible to ensure the strong oversight of lifeline ferry service provisions that the committee and communities are looking for?

Fiona Hyslop: As the committee will know, many such issues stem from the need for resilience in the fleet. The focus on delivery of the six ferries is absolute.

However, within that, there is the issue of operation and how that could be improved by driving up standards of management and communication. There are issues in relation to CalMac's communication and relationships, and it knows that. When I met CalMac, I made clear my views and concerns about its lack of customer focus, and it has acknowledged that and is making steps to improve what it does. At the end of the day, that is an issue for the board that has oversight of CalMac.

The way in which we can address some of the issues is through the standards for the CHFS 3 contract and the expectations of whoever will be delivering that. The ferries community board report made strong points about what the expectations would be, and we can try to build those into the contract. The committee's report raised a number of other issues and listed the principles by which any new contract should be judged.

Driving change and improvement can and should be done through the contract change as well. Change and improvement also require acute and fastidious ministerial oversight, although there should not be any interference in things that are a matter for the board or for management. I reassure the committee that, having spent a considerable amount of time looking at the ferries issues, I will take a keen and active interest in that.

Ash Regan: That is good to hear. The Scottish Government has indicated that it has yet to make a decision on whether to tender or to directly award the next Clyde and Hebrides ferry services contract. When will that decision be made? Do you intend to award CalMac Ferries a contract extension to allow for any future arrangements to be established?

Fiona Hyslop: My answer will be similar to the answer that I gave to your first question with regard to when the governance issue will be resolved. The issues are all connected, including what happens to the governance, CHFS 3, the wider improvement delivery exercise and the islands connectivity plan. Those issues are all part and parcel of the same thing, and I am looking at them in the round. The committee recommended that the issues should be looked at in the round,

because some of them were being dealt with sequentially.

I cannot give you certainty on the date, but I can tell you that, in terms of my priorities, I am having regular and constant contact with my officials in order to get us into a position in which I can make that announcement. As I said in my previous answer, I know that the committee has a keen interest in that decision, and I will alert you about when that will be made.

The Convener: I will push you on that. We are running out of time to go out to tender for the contract. I feel that one of the most difficult decisions to make would be to recommend that it is again awarded to CalMac. Islanders are probably thinking, "How can you give it to CalMac, when it has been so bad at delivering what it has been delivering for the last contract period?"

I want to push you on when we are going to get an answer. I would also like to know what key things you will do to reassure islanders that if it is a direct award, you will be right on top of the delivery of the service. The figures that we got from CalMac on its delivery of standards were opaque, to say the least.

Fiona Hyslop: I am acutely aware of the timescale for the provision for retendering or, indeed, extension. I am not going to give you any information about what I will recommend to my Cabinet colleagues that we should do on that, but you will be one of the first to know, because of your responsibilities and interests. That is as much as I can tell you just now.

On driving improvement, you are right to identify the tensions. Clearly, there are merits and demerits in terms of the committee's recommendations, and you acknowledge that. On the views of islanders, I would lean heavily on my experience of talking to ferry committees in meetings and on visits over the past few months. They want to see service change and improvement. Some of that is about attitude, behaviour and relationship management. I do not underestimate or shy away from the fact that the fleet's lack of resilience has consequences, which CalMac has to deal with. I also make it clear that communities continuously support and praise CalMac's front-line staff, who often have to deal with the immediate issues.

11:15

There are changes that I expect to see, particularly in business-to-business aspects, such as the role of freight, whose economic value and importance we must recognise, as I know the committee has done. If we want to see the expansion of economic activity in our islands that we need—it is happening in relation to renewable

energy and whisky from Islay, for example—that must be built into the changes, improvements and service standards that CalMac or any future operator has to deliver on. We can build such service standards into any future contract.

It is incumbent on the board, whose chair I have met, to address what I expect from it. I cannot and should not have to micromanage CalMac. My relationship is with the board, so I will make clear to it my expectations. I reassure the committee that, in my very first meeting with the chair of David MacBrayne, I made it clear that customer focus is a key aspect that I want delivery on.

I know that the committee wants me to answer everything now. I cannot do that, but I will make sure that you are the first to know when such decisions are finally taken.

The Convener: It is probably fair to say—and it is not surprising—that the committee has requested a debate on ferries and the report that we produced. We have not been given a date yet but, when we have one, I am sure that you will be able to give us complete answers to all the questions.

Jackie Dunbar: Good morning. I will focus on the fair fares review, if you do not mind. Will you provide an update on the progress of the fair fares review? Its name is a tongue-twister. Are there emerging findings that you can share with the committee?

Fiona Hyslop: Yes, there are. I will meet officials this afternoon to set out the next stages for ensuring that we report by the end of this year, as intended. The name of the fair fares review is a bit of a tongue-twister and, if I wanted to make changes, I would probably change that title, not least because the review is not just about fares—it is about how we make sure that our public transport system is accessible and affordable.

We have a fragmented system that involves deregulated services, such as buses, and the nationalised rail service. We have fares issues in relation to the ferries. We are looking at what is subsidised and what provides concessionary travel. In many other countries, the concessionary travel system is more varied, but Scotland has 2 million people with free concessionary bus travel.

The fair fares review is looking at all those issues. There are plenty of suggestions about anomalies. I know that the committee has heard about the situation for accompanied people who have sight impairments and about challenges in relation to disabilities and rail services.

There are lots of individual issues—for example, can something be done for under-22s who use interisland ferries? We also want to set out parameters for what a fair system might look like.

Fares are set in advance of a period, so the idea is to produce the report by the end of the year so that implementation of recommendations can start—but not be completed—from 2024-25.

Jackie Dunbar: What engagement have Transport Scotland officials had with their UK counterparts to hear about and learn lessons from the £2 bus fare cap that was introduced in January?

Fiona Hyslop: Alison Irvine might want to say whether there has been contact at official level. Last Monday, I met Richard Holden MP, who is a UK minister with transport responsibilities. We discussed experience of the fare cap, so we will exchange information about that.

We also have an interministerial group. I am trying to remember its title. It brings us together with Wales, with the UK and with representation—obviously there is no minister at this stage—from the Northern Ireland Executive. I want to ensure that we learn from one another on lots of aspects of our experience, including on bus issues. Everybody is doing things slightly differently. Understandably, we have a major spend of £300 million on concessionary travel, with 84 million journeys having been taken by under-22s. Many families are dealing with cost of living issues, so that is helping families.

On what it means to individuals, I visited the Children 1st hub in my constituency, where staff told me how under-22s bus travel is helping looked-after children to access basic things such as health provision, which they might not access if it were more difficult for them to travel.

There are consequences from having such provisions. For older people, being able to visit, travel and be active is important. When looking at the value of concessionary travel, we must not underestimate the impact on individuals. We might be talking about 2 million people, but the individual whom I was told about is benefiting because, as a looked-after child, they are managing to access provision that they might not otherwise have accessed, and the value of that cannot be measured in pounds, shillings and pence.

The review is on track. After this afternoon, through officials I will have more information and output for the committee to assess on the stages of delivery. However, I can give you the sense now that the review is not just about fares; it is also about taking a view on how public transport can serve us. Perhaps Alison Irvine would like to come in on that.

Alison Irvine: I have just a couple of points to add. We are expecting evaluation of free bus provision for under-22s. If we do not have it already, it will come shortly, and we will use it to

inform any recommendations that we make to ministers.

As the minister has already outlined, we make quite a different offer with regard to the level of support that we provide to passengers on bus services in Scotland. Our analysts who support all that work look to draw on as much information and evidence as possible. For example, the £2 fare cap has been the approach that the UK Government has taken in England, but that is in a very different context to the one in which we are operating. When we look at the various approaches, we try to draw out the best from them, then present that to ministers as a coherent and integrated approach to how we pay for transport. When I say “we”, I mean society, which includes the contribution from Government, passengers and so on across the board. That is the challenge.

Jackie Dunbar: The challenge is also to get the routes in. We have the under-22s provision, but if they cannot get to places for work or whatever, that defeats the purpose a little bit. However, that is for another day.

Fiona Hyslop: I agree, and that is why accessibility is as important as affordability. From the figures that I have seen, I suspect that the evaluation will demonstrate that, although take-up is fantastic, particularly among people who can travel independently—the figures are very strong for the over-12s—take-up is lower in areas where buses are less available. That includes my constituency.

Jackie Dunbar: It includes mine, too, so I will contact you outwith the committee in regard to that, if you do not mind.

Fiona Hyslop: I should not have invited that. [Laughter.]

Jackie Dunbar: You have already touched on the subject of my final question. Countries including Austria and Germany have recently introduced national or regional transport tickets that provide access to almost all public transport across their country for a low monthly cost. Has the Scottish Government given any consideration to introducing that?

Fiona Hyslop: I am expecting to see such schemes among the comparators that Alison Irvine has talked about. What is interesting is that those are reduced fares—not zero fares—to encourage activity and use.

Alison Irvine: As part of the work, we have done some international benchmarking with, for example, Germany, Austria and Denmark, and we have looked at their ticketing systems. Again, however, we have to bring all that back to the reality of the complex transport system that we

operate and we have to think about how we can make such things work for us. This is something that Ms Hyslop will get some insight on later this afternoon, but there is good stuff out there.

Jackie Dunbar: Thank you. That's me, convener.

The Convener: Douglas—I believe that you have some questions.

Douglas Lumsden: I have questions on electric vehicle charging. First, I am trying to work out how both the Scottish Government and the private sector can play their parts so that we have a comprehensive charging network now and into the future.

Fiona Hyslop: One of the first things that I did as minister back in June was publish “A Network Fit For The Future: Vision for Scotland’s Public Electric Vehicle Charging Network”, in which we say that we are looking to work with the private sector to put in place an additional 6,000 EV chargers before 2026. As for current numbers, we understand that about 20,000 chargers in domestic and business settings have been receiving Government support. [Fiona Hyslop has corrected this contribution. See end of report.]

Going forward, local authorities are taking on responsibility for trying to ensure that their areas are fully covered. As far as investment is concerned, how we work with the private sector will be really important; indeed, ChargePlace Scotland has been supported by the Scottish Government for some time, and that contract will continue, I think, until 2026.

The Department for Transport produced a report on what it thought would be the number of EVs, but I think that it underestimated the number by about 16 per cent; we have far more electric vehicles on our roads than was anticipated in that initial research. As a result, we will work with other ministers to ensure that we have a good benchmark from which to monitor the number of EVs on our roads and the situation with charging. We have a very good rate of charging points compared with the rest of the UK outside London, which is very strong in this area. As everyone knows, however, we still need to improve.

The issue is the shift from initial subsidy. I have had plenty of letters from MSPs, saying, “Hang on a second—the price is going up now”, but that is because private operators are now operating systems that used to receive a great deal of subsidy. If they are not getting the electricity for free, they are obviously going to look for additional support.

I will ensure that the EV vision is sent to the committee—it might actually have been sent before you became a member, Mr Lumsden—but

it is about how we work with private operators. When I launched it in the Michelin Scotland Innovation Parc in Dundee, which I know the committee has previously visited, I saw some of the innovative work that is being done there, including a mobile EV charging facility. That is quite an innovation that can be used in rural and remote areas, where there have been problems in the past, as well as for events. Quite a lot of private sector activity is happening, but the kind of roll-out that we all want is still a work in progress.

Douglas Lumsden: We have heard evidence suggesting that it has been difficult for private firms to come in and invest in EV charging. Have you heard that, too? I am not quite sure what it was in relation to.

Fiona Hyslop: You will need to let me know what that evidence was; we can then follow it up.

Alison Irvine: It is an interesting reflection. It was back in 2011, I think, that we started to take quite a proactive role in roll-out of EV charging in Scotland, and we have been taking quite an interventionist approach since then. However, as the vision sets out, we are now at a pivot point at which we need to be more mindful of the Government's role in supporting EV charging—not just to ensure that there is a charging network across the country but to provide the space to allow commercial operators to come in. We are doing that work hand in hand with local authorities and regional transport authorities in order to come up with the proposal that they think will best fit their areas. We will then take steps to roll that out. We are now at the point of getting local decisions and local intelligence, so we must ensure that local authority investment in the EV charging infrastructure is supported with the right level of commercial intervention. That is, I think, the pivot point that we are now at.

11:30

Douglas Lumsden: Are you happy with where we are on the number of EV chargers? We would all probably like to be installing them faster, but are we on track?

Fiona Hyslop: I think that we are on track. We have about 73 chargers per 100,000 people, which means that we are the second strongest to London on provision, but we need far more. I think that everybody understands that. We now need to know how we can do that and how we can generate private funding for it, because we have already invested about £65 million—a lot of money—to kickstart that interventionist aspect. I am not going to say that I am satisfied; I do not think that that would be reasonable, because everybody knows that we need to improve in order to give confidence for everybody for travel.

Another thing that we want to look at—I know that the committee was interested in this—is how we promote tourism using electric vehicles. We need people to be confident about that, but we have some way to go. However, if that is our drive and aspiration, ensuring that we have EV charging available to people who want to hire electric vehicles and travel across our beautiful countryside using them will help rural areas.

Monica Lennon: How important is bus travel to the Government meeting its target to reduce car kilometres by 20 per cent by the end of the decade?

Fiona Hyslop: Bus travel is crucial. Obviously, different parts of the country have different types of connectivity, but in many parts of Scotland people who use public transport use the bus. I think that the figure was that 79 per cent of people who use public transport use the bus. It is already part of our transport mix.

This is about connectivity. When I was talking about the fair fares review and the idea of accessibility and affordability—I am now going back to the convener's point about active travel—I said that how we integrate transport hubs such as railways stations with our bus network is really important. The work that took place in Lanarkshire on Motherwell train station, in partnership with the regional transport authority, was very important in ensuring that there is alignment between buses and trains and that it is easy for people to use bus travel to connect to rail travel.

Everyone is aware of the challenge: despite the considerable subsidy of the bus system—which has been important—we have a deregulated system, so people and companies can decide which routes to run. They run the buses commercially, unless they are subsidised by local authorities, so they have to make decisions about that. That is where some challenges are.

There is the community bus fund, which is offered in agreement with local authorities, and information about that will be published fairly soon. That is helping us to work out the priorities. The bus partnership fund is, as well. If I am honest, the bus partnership fund is a bit slower than I would have expected, in terms of how it can be delivered to get more focus on bus travel. The more people use buses, the more they can be prioritised. I know that that is quite controversial in some places, but it makes services more reliable, and the more reliable buses are, the more people are likely to use them instead of their cars.

It is a chicken-and-egg situation. A lot of the work has to be done with regional transport partnerships and councils. I have met the Convention of Scottish Local Authorities lead on the subject, Councillor Gail Macgregor, a number

of times since I have come into post. That relationship is key because local councils determine how they want to prioritise bus travel.

That was a broad answer, but it touched on a number of issues.

Monica Lennon: That was helpful. We all need to get on the bus a bit more often.

If we put aside the pandemic, which is not easy to do, we can see that there has been a decline in bus passenger numbers. That trend pre-dated Covid, and is despite the fact that the Scottish Government and partners have done a lot of pro-bus investment and made a lot of pro-bus policy. What explains that decline in bus patronage in Scotland?

Fiona Hyslop: That was a specific area that the bus task force, which the former transport minister put in place, looked at. It brought everybody together—operators, Transport Scotland and everybody else—to look at a number of bus-related issues. I chaired the final meeting of that group early in the summer.

We have had 84 million journeys by under-22s, which has helped to boost numbers. The challenge seems to be that over-60s have not come back to bus travel as strongly as other passengers have come back to bus and other types of public transport. That could be for a variety of reasons. More study of behaviours is probably needed, but it could be that people have decided that they prefer travelling by car because, post-pandemic, people are still concerned about health and general issues. Alternatively, people might have got used to using the car and have not come back to public transport. There could be a number of reasons. Perhaps the work patterns of people in that age group have changed. We know that many people in that group have decided not to go back to work, even if they were eligible to do so and wanted to go back to work. There are a number of areas to consider, but a particular target is about trying to get the over-60s back to bus.

Discussions have included how to improve use of buses for leisure travel, which is about timings and availability. To go back to my point that Saturdays are now the busiest time for rail, I note that we are trying to interpret that from a behavioural point of view. A lot of people who work in a hybrid way want to get out of the house and do something at the weekend. There are various behaviours; I am sure that policy analysts are looking at them, but the main concern with bus travel is about the over-60s in particular, and how to encourage people in that group to get back on the bus.

People have to feel safe, comfortable and confident to use bus services, so this is about reliability. Obviously, that is an issue for many

modes of public transport—it is about giving people confidence to travel.

Monica Lennon: The issue has a lot of strands. You have touched on behaviours and attitudes and the importance of affordability and alignment. I want to look at accessibility. Many of us support the expansion of free bus travel to under-22s, but what about communities where the availability of bus services has reduced? You would expect me to mention Hamilton and the X1 service, which I have written to you about recently. What about people over 60 and those who are under 22 who desperately want to get on a bus but for whom the service is no longer there? We have heard, including when you were a member of the committee, about communities feeling that they are now bus deserts, because there simply is not a bus to get on.

You probably have one of the toughest jobs in Government, and we all wish you well, but what is being done to look at the areas where the alignment is really out of kilter? We have free bus travel, but the buses are disappearing. Companies are saying that there are big shortages of drivers. There are big factors, including post-Brexit issues. Are we getting everyone round the table to look at the matter in a joined-up way?

When I speak to people in my local community in Hamilton, they just cannot understand why an express bus service like the X1, which took people from a major town such as Hamilton to Glasgow, no longer exists. That is at a time when people are being asked to leave the car at home, to choose active travel and to think about what they are doing in terms of the climate and nature emergencies, but the infrastructure and services that people need are simply not there.

Fiona Hyslop: The main thing to remind ourselves of in this area is that buses are deregulated and that we are talking about private commercial operators. That does not mean that we cannot try to bring everyone together to take a strategic view, which is why the bus task force was established—the aim was to address a number of the issues that you raise, including the availability of bus drivers.

For a period, it was the availability of bus drivers that led to the withdrawal of services; the issue was not necessarily that there was no custom. I know that you have written to me about that. There has been active work on recruitment. I have discussed the immigration aspect and whether we could have an access list or priorities for entry. We have pursued that issue for some time with Richard Holden MP. For example, he has been discussing what progress we might be able to make on helping Ukrainians to drive our buses and the systems that are involved in that, and he will update me on that.

Local areas have had campaigns to recruit drivers. In West Lothian, the bus companies, together with the council and the college, did a big promotion to encourage people to drive buses. The feedback from the operators is that there is less pressure now on driver recruitment than in the past, but that does not necessarily mean that drivers do not get poached from one company to another, which can cause issues from that point of view.

On the connectivity point, you have to identify when people should intervene and when they should not, and who has the power to intervene and who has the power to subsidise, which are the powers that councils now have. They have had powers for some time to set up their own companies, but that has not happened to date.

The franchising regulations have just been laid, and I know that the committee is interested in that. To take the example of the X1—I knew that you might ask about it, so I tried to find out a bit of the history of it—my understanding is that the decision to withdraw the service was taken by First Bus in 2020, and Strathclyde Partnership for Transport, the transport authority, assessed the need for a replacement service following the cancellation of the X1. However, due to other transport links in the area, including rail and bus links, it saw no case to put in place any form of subsidised fixed-route supported service. The decision was made by the relevant transport local authority in that area; whether it would make a different decision now is up to it.

The overall point goes back to my answer to Jackie Dunbar about the fair fares review. You are right to make the point about accessibility, because if you do not have a bus to go on, how can you make that shift? It is not just rural but semi-rural areas where people have to rely on cars to get to work because no buses run at the time that they need them.

There have been powers, and there are powers, for councils to subsidise buses and prioritise them. I do not want to say, “It is up to councils and that is it,” because they are under pressure as well, but bus has to be an integral part of the solution.

The laissez-faire deregulated market has not served us in the way that we might have expected, so how can we help councils take more control over the key routes that they think are important? That is why we are bringing forward those franchising regulations under the Transport (Scotland) Act 2019.

Monica Lennon: A lot of that is helpful. We would love to have you out in Hamilton to listen to residents. Taking the bus away in 2020 during the pandemic was a cynical move, and it needs to be looked at afresh. I appreciate that the issue does

not sit entirely on your desk; it needs a collaborative approach.

I think that we all welcome those powers for local government, but the resource has to match them. The community bus fund, which is worth £74 million from the Scottish Government, is for all local authorities. Glasgow City Council says that taking control of a bus operator would cost it more than £200 million, so is that £74 million enough in your assessment? Is that being looked at? What more can be done financially to support local authorities?

Fiona Hyslop: On the initial phase of the community bus fund, the figures that I have are much smaller than those you reference. It would be £5 million in capital and £750,000 in revenue to support that, which would be for the initial planning of what councils might want to do locally in relation to the community bus fund. You are probably talking more about the issues around bus partnerships and what can happen there. The initial spend is for local authorities' plans for what would be effective, such as bus prioritisation and how bus partnerships might work.

On the available funds, including the one that you refer to—I will get the name of that, and I can write back to the committee if I am wrong—my understanding is that the initial funding is to help to work out priorities in relation to private operators running certain areas and subsidising them.

11:45

On the scale of franchising, it will not happen overnight, and we do not say that it will, but we have the legislative backing to enable it to happen. Those are the key choices, and you, as a committee, will need to take a view on what should be supported and subsidised with public funds. There are subsidies for many different types of public transport. If we as a Government and you as a committee decide, along with Parliament, that bus travel should be given priority, you can communicate that. The cabinet secretary is responsible for the budget for our area and advice from the committee is always helpful in deciding public transport priorities, but you cannot have everything. We have big decisions to take.

Monica Lennon: I appreciate the convener giving me quite a lot of time.

The Convener: I know that you want to ask one more question, but I have to push everyone for short questions and answers because other people want to come in. That said, off you go.

Monica Lennon: Perhaps this can be followed up in writing. I realise that we may have got muddled and that we can clarify things in writing. The figure of £500 million relates to bus priority

measures. Is the Government still committed to that investment and when will we see those measures being delivered? If there is no time to get into that, perhaps we can get that in writing.

Fiona Hyslop: It might be helpful if I write to the committee about bus funding issues.

The Convener: I did not mean to kill all the conversation.

Fiona Hyslop: You have that effect, convener. [Laughter.] My apologies; I should not have said that.

The Convener: I am sure there will be a chance to get back at you, minister.

Mark Ruskell has some questions about buses.

Mark Ruskell: I think all my questions about franchising and municipalisation have been answered, but I have a final question if that is okay.

The Convener: Ben Macpherson and Douglas Lumsden have questions and Ben has been waiting quite patiently, so if your question does not relate to buses I would rather come to Ben and Douglas before you.

Ben Macpherson: I have asked my question.

The Convener: I thought you had another one about pavement parking, but I see that you have asked it. Over to you, Douglas.

Douglas Lumsden: Minister, you mentioned the A9 in your introduction but you never mentioned the A96, which has been omitted from the programme for government. *The Press and Journal* called that a betrayal of the north-east. That is right, is it not?

Fiona Hyslop: No. The A96 was in the programme for government, which I can send to you if you want to re-read it. I am sorry that you did not get to ask a question about the A96 in the chamber last week because the Presiding Officer did not have time for that, but you will have received a written response.

There is an on-going review of work on the A96 and the results of the first stage were published in December. It is my understanding that there was a session in February—which I think was facilitated by Gillian Martin MSP—and that the review group, the minister and members from the north and north-east were invited to hear the next steps being laid out.

The challenge with the A96 comes from the sheer number of different options, because 11,000 options were put forward. You are probably interested in when the review will report. You seem to be suggesting that it should have reported before now, but it could not do so because of the

sheer number of options. We are looking at producing an appraisal of those 11,000 options, and particularly of the 16 retained options, so that the report that you are expecting can be produced.

Douglas Lumsden: There was a Scottish Government commitment back in 2011 that the A96 would be fully dualled between Aberdeen and Inverness by 2030. Is that still on the table?

Fiona Hyslop: The commitments are in the programme for government. It is a priority for the Scottish Government to deliver on the review, to look at the assessments and to ensure that we have improvements. Our current proposal is to dual the A96, with the priority being the dualling of the section from Inverness to Nairn, where the work is more advanced.

Douglas Lumsden: Is it possible to fully dual the A96 by 2030, in line with the Scottish Government's commitment?

Fiona Hyslop: The sensible thing to do is to see what the review says and how the options are assessed, because the options that are recommended will have an impact on the timescale, as will the amount of capital that is available.

I am not talking only about the A96; I am talking about all of the transport budget. You will know that there will be a 7 per cent reduction in capital funding from the Scottish Government in the coming years, because there was no inflation proofing for capital funding. Also, as you will be aware, construction inflation has been in excess of regular inflation. There are challenges for all aspects of construction.

I think that it would be remiss of me to give you a commitment on timescales before we have done the necessary piece of work. We will report as soon as the assessments have been done.

Douglas Lumsden: My point was more that there is a commitment but it does not appear to have been met. You will understand why I am asking the question. Last Thursday, the road was closed in both directions near Huntly due to another serious accident. A response to a freedom of information request that came out just yesterday shows that, in the past four years, there have been 11 fatalities on the A96 between Inverness and Aberdeen, and 82 serious injuries.

As the project gets delayed even more, we are letting families down, because they are being seriously impacted by what is happening on the road. That is why I am pushing you on the subject and trying to get an answer. Is there still a commitment to do the work by 2030? That does not seem to be a commitment that you are able to honour at this time.

Fiona Hyslop: You asked about the timescale for the review that will indicate what the options are, what the best way to do this is and how to make sure that the improvements that are made are the best improvements and the safety issues are addressed. You are absolutely right to focus on that. It is a really important area for attention. However, I am not going to pre-empt what I will get on the review options. Clearly, we want to meet the timescales that have previously been committed to but, if you look at what the First Minister says in the published programme for government, you will see that the A96 is recognised as the priority that it is.

Douglas Lumsden: But there does not seem to be a commitment just now to do the work by 2030.

Fiona Hyslop: The timescale that you are talking about came from 2011, which is 12 years ago. I understand that all Governments need to be held accountable. This Government has been in power for a considerable time and we have focused on a number of major transport areas. The review that has taken place has been very detailed, with considerable responses from the public, and we cannot ignore that in our work. That is why the work will be done diligently and appropriately, and I say again that you will receive the report as soon as that assessment has been done.

All the stages of the strategic transport projects review appraisal—the initial appraisal, the preliminary options appraisal, the detailed options appraisal and the post-appraisal stage—have to take place in order to progress the work. That is exactly what I would expect—

Douglas Lumsden: I understand that, minister, and that is why I am saying that the 2030 commitment is now completely unrealistic because of the delays that this Government has caused.

Fiona Hyslop: I know that you have a constituency interest in the matter and I know how important it is to you, but I am not going to engage in expressing different opinions. You might want to say that. I am not going to say that.

The Convener: Mr Lumsden, I think that, in fairness—

Douglas Lumsden: I am trying to be open and honest, convener.

The Convener: —you have had a good crack at getting an answer on that. You have got an undertaking on the review, although not on dualling by 2030. I think that that is as much as you are going to get at this stage.

I think that Mark Ruskell has a question.

Mark Ruskell: The minister will have noted that, on Sunday, Wales began its national roll-out of a

20 miles per hour speed limit, with the default speed limit going from 30mph to 20mph. The Welsh councils have been doing a lot of work to prepare for that. I just want to ask about the commitment in the Bute house agreement for all appropriate roads in Scotland to switch to 20mph limits by 2025. What progress are councils in Scotland making on the roll-out of 20mph limits to save lives and make our communities safer and friendlier places to live?

Fiona Hyslop: The policy absolutely requires the co-operation and enthusiasm of the local councils that will deploy it. We are doing it in a slightly different way from Wales, where there has been an everything-all-at-once approach. In fact, I spoke to the Welsh minister, Lee Waters, about its launch just last week. I think that there are different views and opinions on whether that approach will be the most effective. At least everyone will know about it, as it is a national, all-at-once roll-out.

In Scotland, however, there has been more of a phased approach, partly to ensure that the appropriate roads are being designated. In Wales, the limit is 20mph unless there is an exception, whereas in Scotland, there has been far more consideration by local councils as to which roads should have 20mph limits. Highland Council has been a pathfinder in that regard and it is already rolling out 20mph limits.

We know the arguments for this approach, and I note that Mark Ruskell's member's bill focused on the safety issue in terms of lives saved and injuries averted. The roll-out has already started in many areas. I know that many councils are drawing up lists of which roads will be affected, and they are working with communities on what is appropriate and what is not. In the past, some of the areas where we have had 20mph speed limits seemed to be appropriate, but some caused more difficulties, so taking a considered view is important. Local councils are rolling that out; they are committed to the policy and are working on it.

I have been pleased to hear that local councils are pretty enthusiastic about some of the changes. People now have a different view of their towns than they had in the past, probably as a result of the pandemic, when they liked to use their towns—they had to, in a sense—and walked around them more often and more safely than they had previously.

We talked about pavement parking earlier, and the issue here is similar. It looks as though things are on track. It might not be in my gift, but in my regular discussions with Councillor Macgregor, council leads and regional transport partnerships, I ask how things are going. So far, it looks from the experience in the Highlands that roll-out is progressing well.

The Convener: I think that I am correct in saying that the Transport (Scotland) Act 2019 states that it has to be done by local councils, not by central Government. That is what Parliament agreed to in the previous parliamentary session.

Jackie, you wanted to come in.

Jackie Dunbar: Following on from Douglas Lumsden's question, I have a supplementary on the timescale for the A96 work. About 20 years ago, Moray Council voted against the Elgin bypass. Would that have had an impact on the timescales now?

Fiona Hyslop: I do not go back 20 years, but the member might.

Jackie Dunbar: Oh, I do.

Fiona Hyslop: She might be able to inform the committee about that, then.

There are key areas that have been under consideration for a long time; we are acutely aware of the bypass issue, and it would have been disappointing if the proposal had been knocked back at that point. However, that time is past. I have to deal with what is in my in-tray now and what is in front of me.

I will try to share as much as I can when I can, but I do not want to give you information now only to have to come back and tell you that it was incorrect. If you feel that you are not getting all the detail that you want, I give a commitment to try to follow up things in writing, where required.

The Convener: I am looking around to see whether there are any more questions, but before you think that it is all over, minister, I want to go back to ferries and just clarify what the committee report said. I want to make it absolutely clear that we said that we agreed with the direct award of the contract

"provided this arrangement is acceptable to communities and there are no legal barriers."

That was the caveat in the report. However, Angus Campbell, who is on the ferries community board, said that that was not acceptable to communities. How are you going to square that circle with less than 16 months to go?

Fiona Hyslop: Part of that is about engaging with Angus Campbell and the ferries community board about their expectations. I have met him since their report was produced and have had discussions about what the board actually wants, and what it really wants are improvements to the management of CalMac at senior level. I think that it has been absolutely clear about that requirement.

The second condition that is mentioned in the committee's report is also really important. As

unintended consequences will arise from certain decisions, those decisions must be robust. I think that that is what the committee was indicating.

It is difficult, because the committee is saying one thing and the community board is saying another, and I am left to try to navigate between the two as I come to a decision. The committee's advice is really important, but it is not the only advice, which I think that the committee has recognised.

The Convener: I want to be clear in my understanding of the situation. If the ferries community board gets the board of CalMac replaced, it is happy to recommend a direct award or contract. Is that what you are saying?

Fiona Hyslop: I am not going to speak on behalf of the community board—it is perfectly capable of speaking for itself. That is not something that I have raised or discussed with it.

The Convener: Okay.

As for the rearrangement of the structure involving Transport Scotland, CalMac and CMAL, the committee's recommendation in its report reflected the recommendation in the previous Rural Economy and Connectivity Committee's report. Two committees have made that same point. Some people might be holding out against those changes, but it is clear that two committees in different parliamentary sessions have recommended that they be made.

Are there any other questions? Douglas, you are not coming in on the A96 again, are you?

Douglas Lumsden: No, convener. It is on the fair fares review—I wish that its name would be changed.

I believe that there is a travel companion for blind persons card for buses but not for rail. Is that something that the Government will look at again?

12:00

Fiona Hyslop: I should say first that there is the general strategic approach, which is key, and then there are the individual issues that have been raised. I identified the issues with rail travel earlier, and I know that people are concerned about it. What you have highlighted happens in certain modes of transport, but rail was the issue that people raised concerns about, and I have replied to a number of members of the Scottish Parliament to say that the matter will be considered in the fair fares review.

Douglas Lumsden: Thank you.

The Convener: It really is all over now, minister. Thank you for giving evidence to the committee this morning.

I suspend the meeting briefly to allow the minister to leave. Committee members should be back in five minutes, please.

12:00

Meeting suspended.

12:05

On resuming—

Subordinate Legislation

Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 [Draft]

The Convener: Welcome back, everyone. Our next item of business is consideration of a type 1 consent notification for the Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023. This is a proposed UK statutory instrument where the UK Government is seeking the Scottish Government's consent to legislate in an area of devolved competence.

On 5 September, the Cabinet Secretary for Transport, Net Zero and Just Transition notified the committee of the UK SI. The committee's role is to decide whether it agrees with the Scottish Government's proposal to consent to the UK Government's making those regulations within devolved competence, and in the manner that the UK Government has indicated to the Scottish Government.

If members are content for consent to be given, the committee will write to the Scottish Government accordingly. In writing to the Scottish Government, we have the option to pose questions or to ask to be kept up to date on relevant developments. I remind committee members that we have written to the Scottish Government and the UK Government in relation to the SI, asking for responses within a reasonable timeframe, which I believe expires tomorrow.

Do members have any views, questions or comments?

Mark Ruskell: That was a helpful piece of information, convener. I am content to agree with the Scottish Government's recommendation.

However, I was a bit alarmed by the letter that we received from the cabinet secretary, particularly the paragraph about the national air pollution control programme legislation, which is not included in this measure to retain EU law. The cabinet secretary says:

"this is the last opportunity to seek preservation of the air quality provisions through a UK SI. By choosing to omit these air quality provisions ... the UK Government is creating unnecessary uncertainty while it develops replacement ... proposals."

She also says:

"Although the provisions fall within devolved competence in relation to air quality, it would not be possible to make a preservation SSI in relation to these provisions as they

confer functions on the UK Secretary of State – and not Scottish Ministers".

I am really concerned about this, because we are reaching a cliff edge on 31 October. The secretary of state could retain important EU laws that protect human health and our environment, yet it looks like those laws will not be retained. The UK Government and, indeed, the Scottish Government have the opportunity to work together on a replacement framework that would help protect human health and the environment, but there is no sign of that, so those important laws will go. It is not just parliamentarians who are raising those concerns—Environmental Standards Scotland and non-governmental organisations have raised them, too.

I am really concerned about that cliff edge. As we know, air pollution does not respect boundaries; it crosses them. Having a UK framework is important, as it is across Europe. Notwithstanding the fact that the committee has written to the UK and Scottish Governments, I am really concerned that this law looks like it is set to go on 31 October. We have, at this point, no understanding about what will be brought in to protect our human health and environment in the interim, however long that might be.

The Convener: Your point is well made, Mark. The committee has written to both the Scottish Government and the UK Government to ask for their opinions and what actions are available to them if this SI is passed, and we will have to consider carefully the letters that we get back at a later date.

As the Scottish Government is consenting to what the UK Government is doing, it is difficult for us to do within the timeframe any more than what is in those letters. That is the quandary in which we find ourselves. The committee will just have to understand that we will look carefully at the letters from both the UK and Scottish Governments when they come back. If we want to make recommendations, we can do so, but in the meantime, I fear that we have little or no option but to agree to the SI.

I will move to the substantive question. Is the committee content that the provision set out in the notification should be made to the proposed UK statutory instrument?

Members indicated agreement.

The Convener: I think that we are going to have to do that. We will write to the Scottish Government to that effect.

Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2023 (SI 2023/850)

The Convener: The next item of business is consideration of a negative instrument. This order is a little unusual, in that although it is a UK instrument, it has been laid in all the constituent legislatures of the United Kingdom. Once laid, it is for procedural purposes treated here in the Scottish Parliament as if it were a negative statutory instrument, which means that its provisions will come into force unless the Parliament agrees a motion to annul them. No such motion has been laid, and the Delegated Powers and Law Reform Committee has made no comments or observations on the instrument.

If members have no comments, does the committee agree that it does not wish to make any further recommendations in relation to the instrument?

Members indicated agreement.

The Convener: That concludes our business in public. We now move into private session.

12:12

Meeting continued in private until 12:31.

Correction

Fiona Hyslop has identified an error in her contribution and provided the following correction.

The Minister for Transport (Fiona Hyslop):

At col 50, paragraph 5—

Original text—

One of the first things that I did as minister back in June was publish “A Network Fit For The Future: Vision for Scotland’s Public Electric Vehicle Charging Network”, in which we say that we are looking to work with the private sector to put in place an additional 6,000 EV chargers before 2026.

Corrected text—

One of the first things that I did as minister back in June was publish “A Network Fit For The Future: Vision for Scotland’s Public Electric Vehicle Charging Network”, in which we say that we are looking to work with the private sector to put in place 6,000 EV chargers before 2026.

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