Dear Roseanna,

Environment, Climate Change and Land Reform

Thank you for attending the meeting of the Environment, Climate Change and Land Reform Committee yesterday to provide the Committee with an update on issues relating to your remit. The Committee found this a valuable opportunity to consider future priorities and thanks you for your time.

At the meeting, I noted it was our intention to follow up on several points and you also undertook to provide the Committee with detailed information on several subjects. Please find details of these in the annexe below.

I would be grateful for a response to these points by 30 July 2017. On behalf of the Committee, thank you once again for your time and I look forward to hearing from you.

Yours sincerely,

[Signature]

Graeme Dey MSP
Convener
Environment, Climate Change and Land Reform Committee
Climate Change – Climate Change Plan

The Committee noted that your statement to Parliament on 13 June 2017 outlined how development of the final Climate Change Plan is progressing. The Committee welcomed the opportunity to be able to ask you for further details on this area, and in addition to the questions posed yesterday, seeks further detailed information on the following:

- The implications of the anticipated 12 month gap between publication of the draft plan and publication of the final plan, and the reasons for this?

- In your statement to Parliament on 13 June 2017, you said “The Environment, Climate Change and Land Reform Committee recommended that we engage further with stakeholders in finalising the plan. We are taking forward that recommendation by establishing an advisory group that will contribute to the consideration of cross-cutting issues across the plan and advise on external engagement and communications.” The Committee would like further detail on the role of the advisory group, including whether its remit will extend to consideration of abatement envelopes and the policy measures?

- How and when the TIMES Model will be made accessible to academics and others?

The Committee notes your interest in hearing from it on Parliamentary engagement in the development and ongoing scrutiny of the results of the monitoring and reporting framework, and the Committee will be in touch with you in due course on this.

The Committee also welcomed your intention to keep the Committee updated of progress in the development of the final Plan as outlined in correspondence of 24 April 2017. In your statement to Parliament on 13 June 2017 you noted stakeholders had been initially consulted on your proposals to extend the scrutiny period available for future climate change plans.

While the Committee considers itself and its counterparts to be the primary stakeholders in considering the time available to Parliament to consider the draft Climate Change Plan, and that as such should have been primary consultees on this topic, the Committee welcomes your invitation yesterday for the Committee to provide its view on this and it will be in contact in due course.

Climate Change – Climate Change Bill

In your statement to Parliament on 13 June 2017 you announced a consultation would be launched within the ‘coming weeks’ and that the Bill would include proposals to:

- Increase Scotland’s 2050 emissions reduction target to at least a 90%.
- Revise the interim 2020 target upwards to a 56% reduction.
- Set all targets on the basis of actual Scottish emissions.
In addition to the information provided at the meeting yesterday, the Committee would also welcome detail on:

- When the consultation on the draft Climate Change Bill will be published?

- When the Scottish Government anticipate that a draft Climate Change Bill may be laid in the Scottish Parliament?

- How confident are you that an 18% reduction in Scotland’s emissions between 2015 and 2020 can be achieved, and does the delay in publishing a final Climate Plan until early 2018 provide the lead-in time necessary for policy or investment decisions to take effect?

- Whether the scope of the Bill is likely to go beyond setting a revised emissions target?

**Climate Change – Public Sector**

The Committee made several recommendations to the Scottish Government in relation to the role of the public sector in delivering climate change objectives in its report on the draft Climate Change Plan. A key area of concern for the Committee was how leadership was being shown across the public sector. The Committee seeks detail on:

- How the Scottish Leaders Forum have taken work forward on climate change leadership in the public sector since the disbanding of the Public Sector Climate Leaders Forum?

- How is the Scottish Government supporting climate change leadership across the public sector?

**Land Reform**

The Committee thanks you for your correspondence of 23 June 2017 updating it on progress of implementation of land reform related legislation. In addition to this information and the evidence you provided at the Committee meeting yesterday, the Committee seeks detail on:

- Whether you will consult with the Land Commission when finalising the land rights and responsibilities statement, and when it will be published?

- How do the Part 3 sections 13 – 20 of the Forestry and Land Management (Scotland) Bill tie in with the land reform and the community empowerment agenda?

- What issues do you see these provisions are required to address that are not adequately addressed by existing legislation?

- Your view on the definitions of “community bodies” in the Community Empowerment (Scotland) Act 2015 and the Forestry and Land...
Management (Scotland) Bill as the definition in the Forestry and Land Management (Scotland) Bill is not the definition used in part 4 of the Community Empowerment (Scotland) Act 2015?

- How local authorities are being encouraged to meet objectives in relation to completion of the land register in light of reports the Committee has had that councils are not on track in terms of registration of land they hold?

**Islands (Scotland) Bill**

The Islands (Scotland) Bill was introduced on 9 June 2017 and the Committee notes part 5 of the Bill provides a regulation-making power to establish a marine licensing scheme for development activities within the Scottish island marine area, whereby a person may not lawfully carry out development activities without obtaining a licence granted by a local authority. The Committee seeks clarity on:

- What types of development activity might be covered or exempted by the regulations?
- How a new licensing regime for the islands might work with Marine Scotland’s current licensing regime?
- How the Government will ensure that there is no conflict of interest between local authorities with powers over planning control as well as participating in or proposing development?

**Waste**

The Committee was pleased to hear the final stakeholder workshop as part of the Scottish Government’s consideration of deposit return schemes took place yesterday. The Committee requests details of:

- When the findings of the workshops will be completed and whether these will be published in advance of the introduction of the proposed Circular Economy Bill?

**Air Quality**

The Committee asked a series of questions yesterday on air quality. In addition, the Committee would like to ask:

- Why the [Scottish Government’s Cleaner Air for Scotland – the Road to a Healthier Future (CAFS)](https://www.gov.scot/publications/cleaner-air-scotland-road-healthier-future-cafs/) strategy aims for 2020 to be fully compliant with EU air quality legislation? How was that date decided upon?

**Flood prevention and protection**

The Committee continues to take an interest in issues relating to flooding and would like to ask:
• What work is being carried out to analyse the suitability and effectiveness of the methodology used to designate Potentially Vulnerable Areas and whether SEPA will consider new evidence and information when reviewing and updating Local Flood Risk Management Plans?

The Budget Process

Last year, the Committee took evidence from the Scottish Environment Protection Agency, Scottish Natural Heritage and Marine Scotland as part of its budget scrutiny. Two of the Committee’s recommendations called for further details on the potential implications for Scotland’s landscapes, habitats and wildlife, as well as seeking updates on what the future regulatory and management responsibilities of these agencies would be once in the UK has left the European Union. The Committee therefore seeks further detail on:

• What planning has been done to identify and cost which additional responsibilities SEPA, SNH and Marine Scotland might have to take on, once Britain has left the EU?

• What discussions the Cabinet Secretary has had with SNH’s new chair (Dr Mike Cantlay) on funding and future direction for the agency?

Biodiversity

In your letter to the Committee of 12 April 2017, you stated that the 3 yearly biodiversity strategy would be published “shortly”. The Committee seeks an update on:

• Timescales for publication of this?

• In light of the delay, whether you will reconsider the Committee’s suggestion that this should be accompanied by a statement to the Scottish Parliament on the subject?

On 28 June 2016, the Committee questioned you regarding the structure of the biodiversity and land use governance structures, as the Scottish Biodiversity Committee had not met for some while. You indicated this was something you would be considering as part of your role and officials noted there had been oversight through the RAFE Delivery Board. In November 2016, the Committee considered the:

• Scotland’s Biodiversity – A Route Map to 2020 First Progress Report 2015/16 - the first annual review of the Route Map to 2020;

• Scotland’s Biodiversity Progress to 2020 Aichi Targets Interim Report 2016.

It subsequently wrote to you, and you responded to the Committee in March 2017 indicating Ministers were “yet to consider what formal arrangements they wish to see in place of the RAFE Delivery Board, and also how they wish to deal with biodiversity and land use governance”. The letter also indicates there are informal meetings at official level. The Committee seeks:
• What formal meetings have taken place on biodiversity structure and governance since the election in May 2016?

• What Ministerial involvement has there been in this?

• Have Ministers considered how they would like to replace the RAFE Delivery Board? If not, when will this decision be taken?

In your letter of March 2017, you indicated the original 13 ecosystem health indicators were on track for publication in September 2017 and the Committee would welcome an update on whether this is still the case.

Deer Management

The Committee recently undertook a detailed and thorough inquiry into Deer Management in Scotland - SNH Report to Scottish Government. During the debate in the chamber on 2 May 2017 you said:

“We will shortly set out a clear plan of action to focus on the need to build on and maintain momentum and to ensure that land is managed to safeguard public interest.”

At its meeting yesterday, you informed the Committee this plan would be published “imminently”. The Committee requests an update on:

• What will be included in the clear plan on deer management?

• When the Committee can expect a response from the Scottish Government to its report on Deer Management in Scotland?

Scottish Water and Business Stream

The Committee understands work is underway to begin to set the framework for the next regulatory period – 2021 to 2027.

• What is the Cabinet Secretary’s early thinking about the next phase of planning for Scottish Water, from 2021 to 2027, and for example the focus of the new Ministerial objectives?

• What are the implications for Scottish Water of some of the longer term changes in population, technology, politics and economics, and the environment?

The opening of the retail market in England in April 2017 is expected to create significant opportunities for Business Stream, with access to 1.2 million business customers and £2.5 billion of revenue”. In June 2016 Business Stream purchased the order book of Southern Water’s non-domestic customer base, as “a springboard for growth ahead of the English market opening next year”.

• What are the risks and opportunities to Business Stream itself, and to its existing customer base of moving into the English market?
• Is the Cabinet Secretary satisfied that Business Stream is providing an effective service to Scottish businesses?

Crown Estate

The Committee is aware of the recent consultation on the longer term arrangements for the Crown Estate in Scotland. The Committee seeks detail of:

• What was the flavour of the responses to the consultation on the long term future of the Crown Estate, and how are they shaping the interim body’s corporate plan, and the government’s forthcoming legislation for the long term future?