ENIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE

AGENDA

11th Meeting, 2018 (Session 5)

Tuesday 27 March 2018

The Committee will meet at 9.40 am in the Robert Burns Room (CR1).

1. **Decision on taking business in private:** The Committee will decide whether to take items 5 and 6 in private.

2. **Committee on Climate Change - Annual Progress Report:** The Committee will take evidence from—

   Adrian Gault, Acting Chief Executive, Committee on Climate Change.

3. **Scottish Crown Estate Bill:** The Committee will take evidence on the Bill at Stage 1 from—

   Patricia Hawthorn, Board Member, Scottish Renewables;

   David Sandison, General Manager, Scottish Salmon Producers' Organisation;

   Mark Simmonds, Policy Manager, British Ports Association;

   Dr Alan Wells, Chief Executive, Fisheries Management Scotland.

4. **PE1646:** The Committee will consider a petition by Caroline Hayes on drinking water supplies in Scotland.

5. **Committee on Climate Change - Annual Progress Report:** The Committee will consider evidence heard earlier in the meeting.

6. **National Performance Framework National Outcomes:** The Committee will consider its approach to the Scottish Government's parliamentary consultation.

7. **Scottish Crown Estate Bill (in private):** The Committee will consider evidence heard earlier in the meeting.
The papers for this meeting are as follows—

**Agenda Item 2**

Committee on Climate Change cover note ECCLR/S5/18/11/1
PRIVATE PAPER ECCLR/S5/18/11/2 (P)

**Agenda Item 3**

Scottish Crown Estate Bill Cover Note ECCLR/S5/18/11/3
PRIVATE PAPER ECCLR/S5/18/11/4 (P)

**Agenda Item 4**

PE1646 cover note ECCLR/S5/18/11/5

**Agenda Item 6**

PRIVATE PAPER ECCLR/S5/18/11/6 (P)
Environment, Climate Change and Land Reform Committee

11th Meeting, 2017 (Session 5)

Tuesday 27 March 2018

Committee on Climate Change Scotland Progress Report

Background

1. The Committee agreed to hold an evidence session with the UK Committee on Climate Change upon publication of the “Reducing emissions in Scotland – 2017 progress report”. This was published on 25 September 2017.

2. The Committee will take evidence from the acting Chief Executive, Adrian Gault.

3. The Committee will also take the opportunity to discuss the recent publication of the Scottish Government’s Climate Change Plan and the forthcoming Climate Change Bill, on which the Committee on Climate Change has provided advice to the Scottish Government.

UK Committee on Climate Change

4. The Committee on Climate Change (the CCC) is an independent, statutory body established under UK legislation: the Climate Change Act 2008. The purpose of the CCC is to provide advice to the UK Government and Devolved Administrations on emissions targets and report to the UK Parliament on progress made in reducing greenhouse gas emissions and preparing for climate change. The CCC is jointly sponsored by the UK Government, the Northern Ireland Executive, the Scottish Government and the Welsh Government.

UK Committee on Climate Change Progress Report

5. The Climate Change (Scotland) Act 2009 set a framework by which Scotland would cut greenhouse gas emissions and established the following targets:

- Interim target of 42% reduction (from 1990 levels) by 2020
- 80% reduction (from 1990 levels) by 2050

6. Batches of annual targets are also set for the period 2010 – 2050 and the Act requires the Scottish Government to take advice on these targets. This advice is currently provided by the CCC which also reports annually on Scotland’s progress towards meeting these targets.

7. As “Emissions data for Scotland and the other devolved administrations are produced with a significant delay”, these reports examine the most recently

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1 On 25 May 2016, the First Minister confirmed legislation will be introduced to increase this target to reflect ambitions developed at the United Nations Framework Convention on Climate Change 21st session of the Conference of the Parties (COP21) in October 2015.

2 PAGE OF THE REPORT
published data. The report published in 2017 (which the Committee will consider) therefore relates to progress until the publication of greenhouse gas emissions data and report\(^3\) for 2015.

**The Climate Change Plan**

8. The Climate Change (Scotland) Act 2009 requires that as soon as reasonably practicable once annual targets are set, the Scottish Government must produce a draft report on policies and proposals which will achieve those targets. The Scottish Parliament has 60 days to consider and report on this draft.

9. Along with 3 other Committees, the Environment, Climate Change and Land Reform Committee undertook this scrutiny in February and March 2017.

10. The Committee made several detailed recommendations\(^4\) to the Scottish Government, which the latter is bound to consider and report on when publishing the final report. The Scottish Government published its final report, known as the Climate Change Plan\(^5\), on 28 February 2018. This was accompanied, as is required by the Act, by a statement\(^6\) detailing how the Scottish Government considered representations made during the 60 day scrutiny period.

**Climate Change Bill**

11. In its Programme for Government 2016-17\(^7\) and 2017-18\(^8\), the Scottish Government signalled its intentions to legislate to create new, more pressing climate change targets via new legislation. The Committee on Climate Change has been asked to provide advice on this legislation and this was published in March 2017.

12. The Committee on Climate Change’s 2017 Progress Report focuses not only on how efforts to reduce emissions address the current targets, but also considers what will be required to meet the proposed targets.

**Environment, Climate Change and Land Reform Committee work**

13. A detailed timeline of the Environment, Climate Change and Land Reform Committee work on climate change since the beginning of the parliamentary session is included at Annexe A.

**Clerks, Environment, Climate Change and Land Reform Committee**

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Timeline of the Environment, Climate Change and Land Reform Committee work on Climate Change and other significant events

14 June 2016
The Cabinet Secretary for Environment, Climate Change and Land Reform wrote to the ECCLR Committee on the publication of the publication of Scottish Greenhouse Gas Emissions 1990 - 2014

13 September 2016
The Committee on Climate Change published its 2016 Progress Report

27 September 2016
The Committee on Climate Change published its independent assessment of the Scottish Climate Change Adaptation Programme.

30 November 2016
The ECCLR Committee wrote to the Cabinet Secretary on Climate Change regarding its work on the 2016 Progress Report.

1 December 2016
The Committee received further information from Scottish Government officials on public sector bodies leadership and climate change.

9 December 2016
The Environment, Climate Change and Land Reform Committee wrote to the Scottish Government on its work on the Committee on Climate Change’s Adaptation Sub-Committee independent assessment of the Scottish Climate Change Adaptation Programme.

16 December 2016
The ECCLR Committee received a response from the Cabinet Secretary for Environment, Climate Change and Land Reform on its work on the 2016 Progress Report of the Committee on Climate Change.

10 January 2017
The Cabinet Secretary for Environment, Climate Change and Land Reform responded to the ECCLR Committee’s work on the CCC Adaptation Sub-Committee independent assessment of the Scottish Climate Adaptation Programme (SCCAP).

20 January 2017
The Scottish Government laid the draft Climate Change Plan in the Scottish Parliament. Over the 60 days period of scrutiny, four committees considered the draft Plan.

10 March 2017
The Environment, Climate Change and Land Reform Committee (along with other Committees) published its report on the draft Climate Change Plan.
16 March 2017  A debate was held in the Scottish Parliament on the reports of all four committees on the draft Climate Change Plan.

22 March 2017  The Committee on Climate Change wrote to the Cabinet Secretary for Environment, Climate Change and Land Reform providing advice on the new Climate Change Bill.

29 March 2017  The Committee wrote to the Cabinet Secretary for Environment, Climate Change and Land Reform on the publication of the final climate change plan, noting it looked forward to “continued engagement in development of this important strategy and anticipates the update on the timing of publication will also provide an opportunity to hear how stakeholders have been further involved in the development of the final Plan”.

12 April 2017  The Committee received an update from the Cabinet Secretary for Environment, Climate Change and Land Reform on the 22 March advice of the CCC.

24 April 2017  The Cabinet Secretary for Environment, Climate Change and Land Reform responded to the Committee stating an update would be provided to Parliament in June 2017 once the 2015 Scottish Greenhouse Gas Emissions statistics had been published.

13 June 2017  The Cabinet Secretary for Environment, Climate Change and Land Reform made a statement to Parliament on the Greenhouse Gas Inventory 2015.

27 June 2017  The Committee took evidence from the Cabinet Secretary for Environment, Climate Change and Land Reform on her portfolio at the end of the parliamentary year and took the opportunity to ask about the climate change plan and proposed bill. No further work had been undertaken on the Committee’s recommendations of further TIMES Model runs with adjustments relating to carbon capture and storage and active travel at that time. The Cabinet Secretary also stated: “We will be back in touch with you to discuss how best to engage Parliament and parliamentary committees in that monitoring process.”

30 June 2017  The Scottish Government published its consultation on the proposed Climate Change Bill.

21 August 2017  Chris Stark, Director of Energy and Climate Change wrote to the Committee seeking its views on the recommendations from each Committee on the extension of the period available for parliamentary scrutiny of the
reports on policies and proposals in the context of the consultation on the proposed Climate Change Bill.

5 September 2017 The Scottish Government published its Programme for Government 2017-18 which contained commitments on a new Climate Change Bill, creation of Low Emissions Zones, waste and the circular economy, investment in active travel, and targets for a shift to electric vehicles.

19 September 2017 The ECCLR Committee responded to the Scottish Government’s letter seeking views on the statutory period for consideration of future climate change plans.

22 September 2017 The Scottish Government’s consultation on the Climate Change Bill closed.


29 September 2017 The Committee wrote to the Cabinet Secretary for Environment, Climate Change and Land Reform following the Scottish Parliament’s summer recess to again emphasise its interest in engagement on the development of the final Plan, particularly the monitoring and evaluation framework. The Committee sought updates on various recommendations it made in its report.

12 October 2017 The Cabinet Secretary for Environment, Climate Change and Land Reform wrote to the Committee on Climate Change on its 2017 Progress Report.

31 October 2017 The Cabinet Secretary for Environment, Climate Change and Land Reform made a statement to Parliament on the Greenhouse Gas Emissions (Annual Target 2015)

7 November 2017 The Cabinet Secretary for Environment, Climate Change and Land Reform responded to the Committee’s September correspondence highlighting internal work to develop the monitoring and evaluation framework for the final Plan and engagement with the Committee on Climate Change. The letter also noted the final Plan would be published in February 2018.

14 December 2017 The Scottish Government’s draft Budget 2018-19 was published.

20 December 2017 The ECCLR Committee wrote to the Cabinet Secretary for Environment, Climate Change and Land Reform requesting details of how the Committee would be
involved in the development of the areas of the final Plan in which it had been invited to engage and to invite the Cabinet Secretary to come give evidence to the Committee.

The Scottish Government’s [Energy Strategy](#) was published.

The Chair of the Committee on Climate Change [wrote](#) to the Cabinet Secretary for Environment, Climate Change and Land Reform with updated advice on a proposed statutory framework of targets.

**15 January 2018**

The Cabinet Secretary for Environment, Climate Change and Land Reform [wrote](#) to the Committee on the Committee on Climate Change’s advice on the forthcoming Bill. This letter is available in Annexe B.

**23 January 2018**

The Scottish Government [responded](#) to the ECCLR Committee’s letter and agreed that Chris Stark, Director of Energy and Climate Change would represent the Scottish Government at the meeting of 30 January 2018.

**24 January 2018**


**30 January 2018**

The Committee took [evidence](#) from Chris Stark ahead of the publication of the final Climate Change Plan in February 2018.

**28 February 2018**

The Scottish Government published the [final Climate Change Plan](#), accompanied by a [technical annex](#) and a [Written Statement](#).

**6 March 2018**

The Cabinet Secretary for Environment, Climate Change and Land Reform made a [statement to Parliament](#) on the publication of the final Climate Change Plan.

**7 March 2018**

The Cabinet Secretary for Environment, Climate Change and Land Reform [wrote](#) to the Committee to respond to its report on the Draft Budget 2018-19. This included responses to the Committee’s concerns about long term investment in infrastructure, climate change governance and budgeting, and funding allocations for the Land Use, Land Use, Land Use Change and Forestry (LULUCF), Agriculture and Transport sectors.
15 January 2018

Dear Graeme,

Committee on Climate Change Advice on the forthcoming Climate Change Bill

On 12 October 2017 I wrote to the Committee on Climate Change to seek updated advice on the appropriate levels of future Scottish emission reduction targets and the best design of a statutory climate target framework.

I received the advice, attached to this letter at Annex A, on 20 December. The advice will shortly be published on both the Scottish Government and Committee on Climate Change websites.

I am considering the advice carefully, and my officials are discussing it with key external stakeholders as part of the final phase of the Government’s consultation on the Climate Change Bill proposals.

The advice is highly technical and I would appreciate the opportunity to discuss it with you prior to introduction of the Bill in the coming months. If you are content, I will ask my office to arrange a suitable time at your convenience.

Yours,

ROSEANNA CUNNINGHAM

ANNEX A – ADVICE FROM COMMITTEE ON CLIMATE CHANGE ON THE APPROPRIATE LEVELS OF FUTURE SCOTTISH EMISSION REDUCTION TARGETS AND THE BEST DESIGN OF A STATUTORY CLIMATE TARGET FRAMEWORK.
Introduction

1. The Scottish Crown Estate Bill was introduced in the Scottish Parliament on 24 January 2018. The Bill was published the following documents:
   - Scottish Crown Estate Bill
   - Policy Memorandum
   - Explanatory Notes
   - Financial Memorandum
   - Statement on Legislative Competence
   - Delegated Powers Memorandum

2. The Parliamentary Bureau referred the Bill to the Environment, Climate Change and Land Reform Committee to consider and report on the general principles.

3. The Finance and Constitution Committee will consider the Financial Memorandum to the Bill while the Delegated Powers and Law Reform Committee will consider the delegated powers at Stage 1.

Background to the Bill

4. The Crown Estate in Scotland was originally part of the UK wide Crown Estate, which is one of the largest property owners in the UK. It is independently managed in the UK by the Crown Estate Commissioners (CEC) which belongs to the reigning monarch ‘in right of The Crown’. However, it is not Her Majesty the Queen’s private property as Crown Estate assets cannot be sold by the monarch nor do revenues from it belong to them.

5. In 2014 the Smith Commission agreed responsibility for the management of the CEC economic assets in Scotland, and the revenue generated from these assets, should be transferred to the Scottish Parliament. This would include the Crown Estate’s seabed, urban assets, rural estates, mineral and fishing rights, and the Scottish foreshore for which it is responsible. It also agreed that following this transfer, responsibility for the management of those assets will be further devolved to local authority areas such as Orkney, Shetland, Comhairle nan Eilean Siar, or other areas who seek such responsibilities.
6. These recommendations were included in the Scotland Act 2016 and powers over the revenue and management of the Crown Estate in Scotland were subsequently transferred to the Scottish Government. It then established an interim body to take on the management functions of the Scottish assets. This body, Crown Estate Scotland, became fully operational on 1 April 2017 and operates under a framework document drawn up by the Scottish Government.

7. Crown Estate Scotland is responsible for managing:

- 37,000 hectares of rural land with agricultural tenancies, residential and commercial properties and forestry on four rural estates (Glenlivet, Fochabers, Applegirth and Whitehill);
- Rights to fish wild salmon and sea trout in river and coastal areas;
- Rights to naturally-occurring gold and silver across most of Scotland;
- Just under half the foreshore around Scotland including 5,800 moorings and some ports and harbours;
- Leasing of virtually all seabed out to 12 nautical miles covering some 750 fish farming sites and agreements with cables & pipeline operators;
- The rights to offshore renewable energy and gas and carbon dioxide storage out to 200 nautical miles; and
- Retail and office units at 39-41 George Street Edinburgh.

Contents of the Bill

8. The Scottish Crown Estate Bill makes provision for the on-going devolution of the Crown Estate to Scottish Ministers following the Smith Commission’s recommendations and makes provision for its future management.

- **Part 1** renames Crown Estate Scotland (Interim Management), established in the 2017 Order, to Crown Estate Scotland (CES).
- **Part 2** establishes the provision that Scottish Ministers may transfer management of Scottish Crown Estate assets to a ‘transferee’ (colloquially a manager) which could include CES, a local authority, another Scottish public authority or a community organisation.
- **Part 3** makes provision for a number of managerial provisions including: allowing managers to dispose and/or acquire assets on behalf of the Crown as if they were owners; to maintain the financial value of the assets; to maintain and enhance the wider socio-economic benefits of Scotland; and prepare management plans.
- **Part 4** covers a range of more general provisions, including the parliamentary procedure to be used for future regulations and the commencement of the Bill.
9. The Committee's timetable¹ for consideration of the Bill at Stage 1 is:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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</thead>
<tbody>
<tr>
<td>9 February</td>
<td>Launch of call for views</td>
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<tr>
<td>20 February</td>
<td>Evidence session with Bill Team</td>
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<tr>
<td>13 March</td>
<td>Evidence session with stakeholders 1</td>
</tr>
<tr>
<td>23 March</td>
<td>Close of call for views</td>
</tr>
<tr>
<td>27 March</td>
<td>Evidence session with stakeholders 2</td>
</tr>
<tr>
<td>17 April</td>
<td>Evidence session with stakeholders 3</td>
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<tr>
<td>24 April</td>
<td>Evidence session with Cabinet Secretary</td>
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<tr>
<td>Late May</td>
<td>Publication of Stage 1 report (depending on when agreed)</td>
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<tr>
<td>June</td>
<td>Stage 1 debate</td>
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Previous meetings

10. At its meeting on Tuesday 20 February the Committee heard from officials from the Scottish Government on the Bill.

11. On Tuesday 13 March the Committee took evidence from NFU Scotland and tenant farmers representing Crown Estate Scotland’s four rural estates.

Today’s meeting

12. The Committee will today hear from those who have an interest in the management of Crown Estate Scotland’s non-agricultural assets. These are:

- James Allan, Chief Executive Officer, Royal Yachting Association Scotland;
- Patricia Hawthorne, Board Member, Scottish Renewables;
- David Sandison, General Manager, Scottish Salmon Producers’ Organisation;
- Mark Simmonds, Policy Manager, British Ports Association and ;
- Dr Alan Wells, Chief Executive, Fisheries Management Scotland.

Future meetings

13. On Tuesday 17 April the Committee will hear from a range of stakeholders on the governance and strategic direction of Crown Estate Scotland. It will then conclude its scrutiny on Tuesday 24 April when it will hear from the Cabinet Secretary for Environment, Climate Change and Land Reform.

Call for views

14. Written evidence on the Bill can be read at:


¹ The Committee agreed changes to its overall work programme at its meeting on Tuesday 6 March 2018. The timetable for its consideration of the Scottish Crown Estate Bill has since been updated to reflect these changes.
**SPICe briefing**

15. The Scottish Parliament’s Information Centre (SPICe) has also prepared a detailed briefing on the Bill.

**Clerks**

Environment, Climate Change and Land Reform Committee
Environment, Climate Change and Land Reform Committee

11th Meeting, 2017 (Session 5)

Tuesday 27 March 2018

PE1646: Drinking water supplies in Scotland

Background

1. Petition PE1646, from Caroline Hayes, was lodged on 12 April 2017. It calls on the Scottish Parliament to urge the Scottish Government to

   i) review the role of the Drinking Water Quality Regulator; and

   ii) commission independent research into the safety of the chloramination of drinking water.

2. The petition stems from an issue in Badenoch and Strathspey where a change of water supply in 2012 led to concerns about the taste and odour of the water as well as possible skin irritation.

Public Petitions Committee consideration

3. Following evidence from the petitioner at the PPC’s meeting on 25 May 2017, the Committee wrote to the Scottish Government, Scottish Water, Drinking Water Quality Regulator, the Scottish Environment Protection Agency, Water Industry Commission for Scotland, NHS Highland, Strathspey & Badenoch Water Action Group. The responses to these letters can be read on the petition’s web page.

4. At its meeting on 26 October 2017, the PPC agreed to again write to Scottish Water, which responded in November 2017.

5. The most recent submission from the petitioner was received by the PPC on 8 March 2018. The submission highlighted continuing concerns about drinking water Badenoch and Strathspey as well as problems with the Chloramination process in other parts of Scotland.

6. At its meeting on 15 March 2018, the Public Petitions Committee (PPC) agreed to refer the petition to the Environment, Climate Change and Land Reform Committee.

Environment, Climate Change and Land Reform Committee consideration

7. As the petition has only just been referred to the Committee, it may wish to defer formal consideration of the issues raised in PE1646 to a future meeting. However, as the Committee is due to hear from Scottish Water at its next meeting on Tuesday 17 April 2018, the Committee may wish to raise some of the concerns highlighted in the petition at that session.
For decision

8. The Committee is invited to consider whether it wishes to:

- raise concerns stemming from the petition with Scottish Water at its meeting on Tuesday 17 April; and
- formally consider the petition at the earliest available opportunity in the Committee’s work programme.

Clerks
Environment, Climate Change and Land Reform Committee