



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Net Zero, Energy and Transport Committee

**Tuesday 25 April 2023**

**Session 6**



The Scottish Parliament  
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.parliament.scot](http://www.parliament.scot) or by contacting Public Information on 0131 348 5000

---

**Tuesday 25 April 2023**

**CONTENTS**

	<b>Col.</b>
<b>DECISION ON TAKING BUSINESS IN PRIVATE .....</b>	<b>1</b>
<b>AIR QUALITY .....</b>	<b>2</b>

---

**NET ZERO, ENERGY AND TRANSPORT COMMITTEE**  
**13<sup>th</sup> Meeting 2023, Session 6**

**CONVENER**

\*Edward Mountain (Highlands and Islands) (Con)

**DEPUTY CONVENER**

\*Fiona Hyslop (Linlithgow) (SNP)

**COMMITTEE MEMBERS**

\*Jackie Dunbar (Aberdeen Donside) (SNP)

\*Liam Kerr (North East Scotland) (Con)

\*Monica Lennon (Central Scotland) (Lab)

\*Ash Regan (Edinburgh Eastern) (SNP)

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

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Màiri McAllan (Cabinet Secretary for Net Zero and Just Transition)

Jamie McGrandles (Environmental Standards Scotland)

Vincent McNally (Transport Scotland)

Mark Roberts (Environmental Standards Scotland)

Andrew Taylor (Scottish Government)

**CLERK TO THE COMMITTEE**

Peter McGrath

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



## Scottish Parliament

### Net Zero, Energy and Transport Committee

*Tuesday 25 April 2023*

*[The Convener opened the meeting at 09:16]*

### Decision on Taking Business in Private

**The Convener (Edward Mountain):** Good morning, everyone, and welcome to the 13th meeting in 2023 of the Net Zero, Energy and Transport Committee.

The first item on the agenda is to decide whether to take agenda items 3 and 4 in private. Under agenda item 3, the committee will consider the evidence that it will hear today on air quality in Scotland and, under agenda item 4, it will consider its work programme. Do members agree to take those items in private?

**Members** *indicated agreement.*

## Air Quality

09:17

**The Convener:** The second item on the agenda is an evidence session as part of our consideration of air quality in Scotland.

The committee has a role in scrutinising the Scottish Government's air quality improvement plan, which was prepared in response to a report by Environmental Standards Scotland that looked at nitrogen dioxide levels. As part of our formal consideration of the improvement plan, the committee also agreed to examine wider issues in relation to air quality policy.

Last week, we held evidence sessions with stakeholders and local authorities. Today, we will continue our evidence taking by hearing from Environmental Standards Scotland to discuss its views on the improvement plan.

I am very pleased to welcome Mark Roberts, who is chief executive of Environmental Standards Scotland, and Jamie McGrandles, who is head of investigations, standards and compliance at Environmental Standards Scotland. Thank you for accepting our invitation to come to the meeting.

Would Mark Roberts like to make a brief opening statement?

**Mark Roberts (Environmental Standards Scotland):** Thank you very much, convener, and good morning.

Our investigation into air quality, and specifically nitrogen dioxide, was the first major investigation that Environmental Standards Scotland undertook. It followed a judgment from the European Court of Justice that, across the United Kingdom, there had been systematic and persistent breaches of air quality limit values for nitrogen dioxide between 2010 and 2017.

Our investigation necessarily looked back at past performance. It is important to note that, over a number of years, there has been progress in improving air quality in Scotland, which is very much to be welcomed.

Underlying the recommendations in our improvement report was a desire to strengthen the system of air quality management in Scotland so that compliance with limit values is achieved in as short a time as possible and improvements in air quality continue. We very much welcome the Scottish Government's acceptance of our recommendations and the associated revisions to the policy guidance issued last month.

To look forward, as the committee heard last week, understanding of the effects of poor air quality on human health has progressed

significantly. The World Health Organization's revised guidance, which was issued in 2021, proposes more stringent standards for air quality, and the European Commission is currently considering its air quality standards to align them more with the World Health Organization guidance. Should Scotland decide to tighten its air quality standards further, having a robust system of air quality management will be essential.

I am accompanied by Jamie McGrandles, who is our head of investigations, standards and compliance. We look forward to the committee's questions.

Thank you very much.

**The Convener:** Thank you very much for that. There are quite a few questions from members of the committee. Jackie Dunbar will start.

**Jackie Dunbar (Aberdeen Donside) (SNP):** Good morning, panel, and thank you very much for coming to the meeting.

What discussions have you had with local authority environmental health officers about the challenges in the current system for local air quality management?

**Mark Roberts:** I will ask Jamie McGrandles to come in on the detail of the investigations process.

Broadly speaking, during an investigation, we would speak to many of the key stakeholders who are involved in a particular system. We discussed that issue with a number of local authorities from an individual perspective and a collective perspective. Indeed, the investigating officer who led on that piece of work was an environmental health officer by background, so we had quite a good perspective on how the system operated within the local authority framework.

Does Jamie McGrandles want to talk about the details of the process?

**Jamie McGrandles (Environmental Standards Scotland):** Yes. During our investigation, we devised a number of lines of inquiry, which we set out in our report. However, speaking directly to environmental health officers was not a line of inquiry that we followed during our investigation.

**Jackie Dunbar:** So you have not discussed with them the challenges that they could be facing.

**Jamie McGrandles:** We did not do that during our investigation.

**Jackie Dunbar:** Have you had a discussion with them since?

**Jamie McGrandles:** No, not since then. We have been following the process through and understanding the Scottish Government's position

on the recommendations in the improvement plan. There might be some actions that we will take forward following the process, but we have not, as yet, had a discussion with them.

**Jackie Dunbar:** Convener, do you want me to ask my next question?

**The Convener:** No. I think that Mark Ruskell is going to come in now. After that, I will come back to you, if I may.

**Mark Ruskell (Mid Scotland and Fife) (Green):** We are seeing variations between councils across Scotland. The achievements in air quality management that Fife Council has managed to make have been highlighted in evidence. It is almost an exemplar. Why do you think there is that variation across Scotland? Why are some councils doing better than others?

**Mark Roberts:** I think that the causes of air quality problems are very different in different parts of the country—in the Fife Council and Glasgow City Council areas, for example—so the processes that will need to be followed and the actions that need to be taken will be very different. The challenges are very different in different places.

I cannot comment in detail on this, but I think that there is greater awareness in some councils of the issues that need to be tackled. How an individual local authority can best tackle something will be important to consider within the local air quality management framework. Variability is to be expected, given the varying nature of what drives air quality problems.

**Mark Ruskell:** In your initial comments, you mentioned the Scottish Government's response in updating the policy guidance as welcome, but is that enough to drive compliance? Is that the Government's central tool?

**Mark Roberts:** We think that what we have recommended and what the Government has responded to demonstrates quite a strengthening of the system of local air quality management. As I said in my introductory remarks, air quality has improved significantly over the past year. What we see now with nitrogen dioxide—I am talking specifically about our inquiry—is that there are still a few areas and locations in which there are exceedances, but there has been significant progress.

Obviously, 2020 and 2021 were affected by Covid. That had an effect on the amount of traffic on our roads in particular. We want to see whether those sorts of reductions will continue or whether there will be a bounceback of any of the problems. We think that having a stronger system of governance around air quality management will be

significant in making sure that compliance levels are met.

I was going to go on, but I think that I was going to divert from the point.

**Mark Ruskell:** That is very disciplined of you.

**The Convener:** I would like to clarify something before I go back to Jackie Dunbar. You were quite gentle on why some councils were further ahead than others. Would it be fair to ask you whether some councils were more ready—that is, they had the facilities and the ability to act already—whereas others were trying to catch up, or have some councils simply applied themselves to the problem more quickly?

**Mark Roberts:** Based on the results of our investigation, I do not think that we could comment on that. Tackling air quality is hard and challenging and, as the Government's improvement plan states, it requires significant investment of resources and the tackling of some really challenging issues, particularly issues that relate to traffic. I am afraid that I do not think that I can comment on the extent to which the issue has been prioritised between one council and another.

**Mark Ruskell:** Further to the convener's point, we have had a response from the Convention of Scottish Local Authorities in the inquiry, which is, of course, a broader inquiry that incorporates your report and looks at air quality in a broader sense. That response suggested that councils have been very busy on climate change and perhaps have not prioritised air quality. I am trying to tempt you to comment on leadership. Do you think that there is an issue around leadership in individual councils or across local authorities as a whole in Scotland? It was quite disappointing to get just a one-page letter from COSLA that said that councils have been quite busy and that there are resource issues.

**Mark Roberts:** It is not for me to speak on behalf of local authorities or COSLA. However, I am very much aware that there are real challenges with local government financing and resourcing, and that there are real demands and a real need for local authorities to take action on net zero.

A lot of the actions to do with better carbon management, emissions reduction and trying to achieve net zero may well also contribute to better air quality. Therefore, the two things are not mutually exclusive.

As I said in response to the convener, trying to tackle air quality is very challenging. The monitoring equipment is complex and expensive. However, we are increasingly seeing just how important air quality is to public health. Therefore,

where that fits into local authorities' overall register of priorities is a real question for them.

**Mark Ruskell:** Thanks.

**The Convener:** That was a very diplomatic answer. I think that Jackie Dunbar has a question.

**Jackie Dunbar:** Do you think that the updated policy guidance is enough to ensure that local authorities comply as soon as possible, or do you think that strengthening statutory timescales might be a better way to go?

**Mark Roberts:** The revision to the guidance is a significant step forward, and it should move us closer to being able to improve air quality in as short a time as possible. That is the underlying principle underneath anything. The critical part of the process will be the role of the monitoring body in keeping an eye on whether that is happening and providing oversight of whether it is happening in as short a time as possible.

The reason why we recommended that there be a monitoring body was our sense that that oversight had not been there quite so much, so perhaps insufficient pressure was being applied through a system of accountability to make sure that action was taken quickly. We think that the revisions to the guidance that the Government has put in are a positive step and should strengthen things further.

**Fiona Hyslop (Linlithgow) (SNP):** Good morning. Your investigation has led to the Scottish Government coming up with improvements in its revised guidance, which has been referred to. Do you think that your investigation has had a direct impact on local authorities and change?

09:30

**Mark Roberts:** It is hard to say whether it has yet. We do not have detailed evidence and have not done any work to look at that, but I obviously hope that our investigation will have an impact. I would like to think that the existence of ESS, looking at these items in detail and applying an extra level of scrutiny should help and should focus attention on air quality, as, of course, will the committee's inquiry.

It is worth putting on the record that air quality with regard to particulate matter, which the committee heard about last week, is one of the priorities for our analytical and monitoring work. Throughout the three-year period that our strategic plan covers, we will be looking at developments and performance in that area, and I hope that that work will be influential in further improving air quality. The Scottish Government will review its cleaner air for Scotland strategy over the next couple of years, and I hope that the existence of ESS and its views will influence that.

**Fiona Hyslop:** Do you have a view on the Scottish Government's support for local authorities that have been failing to meet their objectives under local air quality management systems? Is there any evidence of improvement in the support that is being provided?

**Mark Roberts:** The simple answer is that I do not know. The question about what additional support is being provided to local authorities that continue to face challenges might be one for the Government.

**Fiona Hyslop:** On timescales for improvement, your view is that a five-year review cycle is not consistent with trying to get compliance as soon as possible. Are you satisfied with the Government's response on that?

**Mark Roberts:** Although we understand the logic of why a five-year review cycle was proposed, that does not quite fit with the concept of trying to do things in as short a time as possible, which I mentioned in response to Jackie Dunbar's question. That is the underlying principle—we always want that to happen because that will reduce the number of people to whom harm can be caused by poor air quality. We should be trying to do things in less than five years if that would be possible, appropriate and effective.

**Fiona Hyslop:** To put the issue in context, I note that, if we use that timescale, a child who starts primary 1 aged five will almost have left primary school by the time of the review. I am not saying anything about a particular school but, conceptually, in relation to improvements, five years is quite a long time in the life of a child.

**Mark Roberts:** Absolutely. As the committee heard last week, the science shows that even very short-term exposure can be quite significant.

**The Convener:** If five years would not be appropriate, could you clarify what you think would be appropriate?

**Mark Roberts:** I do not want to put a number on it because, depending on the issue, action might need to be taken significantly before the five-year point.

**The Convener:** That makes it quite difficult for the committee, in the sense that we are looking at a plan and at reviews, so I was trying to tie you a bit more tightly into giving a view.

**Mark Roberts:** The plan and the cleaner air for Scotland strategy present a range of actions. It would be appropriate for some of them to be done on short timescales, but it might be more appropriate for others to be done on longer timescales. The default being a five-year review period is the issue, because we might want to be much more selective in having different review periods for different actions.

**The Convener:** Okay. I understand.

**Monica Lennon (Central Scotland) (Lab):** Good morning. I am interested in exploring ESS's key findings concerning oversight of the review and reporting on local air quality management. Do you have a view on the adequacy of the Scottish Environment Protection Agency's current enforcement powers and on how well they are being used?

**Mark Roberts:** I will ask Jamie McGrandles to come in on that in a moment. Broadly speaking, I think that SEPA has those powers but has, historically, not used them. In its improvement plan, the Government has said that SEPA should be using those powers more effectively. It will be interesting to see whether that starts to happen in response to the revised policy guidance that the Government has issued.

There is a second element. We want SEPA to look at all aspects of local air quality management. It should look not just at whether things are being done within a specific timescale or by a specific date but at how effectively they are being done. As I said, SEPA has not done that previously, so it would need to meet that extra demand from within its resources. I recognise that challenge, but that would be quite a powerful mechanism by which we could provide better oversight and progress a local air quality management system in the future.

**Jamie McGrandles:** Under section 85 of the Environment Act 1995, SEPA has quite broad powers in this area. I have tried to work out whether the things that the Scottish Government's improvement plan envisages SEPA doing in the future currently sit under section 85. We will have to look at that pretty closely. As it stands, SEPA has quite significant enforcement powers in this area.

**Monica Lennon:** You are satisfied that there are powers that SEPA could be using. There are existing powers, but they might not be being used as often or as well as they should be. Do you have a view on why that is the case? Has there been an assessment of that? Have you had discussions with people at SEPA about any constraints or barriers that they face?

**Jamie McGrandles:** Our investigation concentrated on the future. Given that the investigation was into the Scottish Government and we were looking to strengthen the system and the structures for the future, we did not dig too deeply into why those powers have not been used in the past. However, the basic numbers, which show that there were no interventions in the past 20 years, speak for themselves.

**Monica Lennon:** I am not sure how formal this would need to be, but are you suggesting that additional duties need to be placed on SEPA?

**Jamie McGrandles:** The report sets out that we are looking for SEPA or the monitoring body to have oversight of all the responsibilities of local authorities in this area. If that can be covered by section 85, that is great, but we need to look at that carefully.

**Monica Lennon:** I have a query about recommendation 4, on introducing an air quality monitoring body. The Government has given its response. What would be an appropriate model for an oversight body for air quality compliance and monitoring?

**Jamie McGrandles:** One of the most important things is transparency. Whatever the monitoring body is and whatever actions it takes, Joe Public should be able to see what is happening, the reasons for the decisions that are being taken and the outputs.

**Monica Lennon:** Currently, is there not as much transparency as there could or should be?

**Jamie McGrandles:** In our report, we mention that some of the governance arrangements are opaque. We say that based on the fact that it would be very difficult for a member of the public to find out who is taking action in certain areas and what the outputs are.

**Monica Lennon:** Mark Roberts said that a stronger system of governance would be desirable.

**Mark Ruskell:** SEPA has section 85 powers and enforcement powers, but we also heard evidence that it is involved in local air quality management groups on the ground. Do you see that role as important? If SEPA is involved in developing plans on the ground, do you see the potential for conflict? SEPA obviously has expertise and can give scientific advice, but it is also an enforcement agency. What should SEPA's role be in the future? Do you see a conflict?

**Mark Roberts:** I do not think that we necessarily see a conflict. As you say, SEPA has a wealth of scientific and technical expertise to offer. For example, its modelling expertise is very important. I do not see any real difficulty in SEPA being involved in discussions about how best to do things as well as being the regulator and overseer.

As I said in response to Fiona Hyslop's questions, ESS now exists and we scrutinise SEPA, too. Given that air quality is a priority area for us, we would look at how SEPA was discharging that responsibility, if that ends up being the route that is taken. We would want to check that that was happening.

**The Convener:** ESS has responsibilities, and you are asking SEPA to ensure that there is enforcement. My concern is that SEPA suffered a massive malware attack, is being given extra

responsibilities relating to the deposit return scheme and is now being asked to do more in this area. Although SEPA might have the necessary powers, are you confident that it has the resources to use them? There is no point in ESS doing all its work if, when you pass it to the next level, nothing happens.

**Mark Roberts:** I am cautiously optimistic rather than confident. I absolutely appreciate the challenges that SEPA continues to face, but, if air quality is a priority, if we want action to be taken and if we might even want air quality limits to be strengthened in the future, it is very important to have that system of governance. If SEPA was to take on the new and expanded role that we envisage for a monitoring body, I would expect it to have conversations with the Scottish Government about how it should best be resourced. I come back to the point that, in SEPA and across Government, air quality is a priority.

**The Convener:** We can ask the next panel that question, because we know where SEPA's budget is going as a result of the last budget review.

The next questions are from Ash Regan.

**Ash Regan (Edinburgh Eastern) (SNP):** Thank you, convener. I think that Monica Lennon covered the question that I was going to ask, but I will come back in if I think of another one.

**The Convener:** Perfect—so it is back to Mark Ruskell.

**Mark Ruskell:** On air quality management, you make the point that air quality has a potential impact on vulnerable people, the elderly and schoolchildren. What should be done about monitoring around those populations, for example at schools and hospitals? What are you looking for the Scottish Government to conclude about what an adequate form of monitoring should be? Should all schools and hospitals be covered by air quality monitoring? Should it be targeted at certain areas? We have not had a response on that from the Government yet, because it is reviewing what the monitoring might look like, but what is your view at the moment? What are you looking to see?

**Mark Roberts:** As we said in our response to the committee, we are very interested in looking at what the Government's review says about monitoring. However, I think that it is becoming overwhelmingly clear from the scientific evidence that poor air quality has a significant impact on vulnerable groups. Sometimes that is geographically located, for example at schools and hospitals. We know that our current system of monitoring may not necessarily pick up all those things, and if we tightened the standards further, it would bring many more areas into consideration.

We have a monitoring network and we will see from the Government's review whether it meets current requirements, but we also need to start thinking about whether we should be further tightening air quality limit values and whether we need an expanded and more comprehensive monitoring network. The outcome of the review will be critical in terms of the scale of the monitoring system that we will need in future.

**Mark Ruskell:** From where you are sitting right now, does that mean monitoring at every primary school, secondary school and hospital?

**Mark Roberts:** I do not know whether I could comment on whether every single one ought to have a monitoring system. I think that there would be a lot to be learned from understanding where potential hotspots of pollution were in a local area and what the modelling data at a local level says. However, I think that it is about making sure that we understand where the potential risks are. Based on our better understanding of the science, we now know that those risks are probably more acute than we thought 10 or 15 years ago.

09:45

**The Convener:** In the evidence session last week, we heard that there were hotspots, that they had been investigated and that some of them had been taken off the investigation. Would you welcome more areas being sampled in the short term and then progressive action taken on air quality in the hotspots that were identified from that?

**Mark Roberts:** Local understanding of where the hotspots are is—obviously—critically important in making sure that monitoring is targeted. My key concern is whether where those monitoring networks and those hotspots are now is where they are going to be in the future as we further tighten the standards. If we chose to tighten the standards further, it could bring many more areas than there have been in the past into consideration. I am sure that SEPA and local authorities have a good understanding of where they might be. I am not yet clear about where the monitoring network is relative to that.

**The Convener:** That is interesting.

**Fiona Hyslop:** You indicated that you were aware of the evidence that the committee has had previously. One of the messages that we were getting is that, because we know that poor air quality probably has an impact at a much lower level than the current standards, it is more important to have an agenda of continuous improvement than to focus on standards affecting some hotspots in some areas. Is that something that you have a view on now?

**Mark Roberts:** We would absolutely support that. A continuous improvement agenda would be welcome, because things can always be made better. We know that even very short-term exposure may impact the health of individuals and we would welcome any kind of progress to reduce impacts, irrespective of what the particular target, standard or limit value was.

**Fiona Hyslop:** I have a question just to understand your role as well. There are some standards for which it is easier to see where the Scottish Government is complying and so on. How would ESS monitor a continuous improvement agenda to show progress?

**Mark Roberts:** We would be looking at the regular updates of air quality data being produced by the Government. We would be assessing whether progress was being made over a period of years. If we saw issues, we would report that to this committee and publicly, and we would be engaging with the Government on the progress that it was making. It would be part of our monitoring programme. Air quality is one of our strategic priorities, so we will dedicate resources to looking at it.

**Fiona Hyslop:** Would that—I am sorry, convener.

**The Convener:** I am sorry, but you are stepping on some of the questions that Liam Kerr was programming himself to ask. I will bring Liam Kerr in now and come back to you, if I may, Fiona.

**Liam Kerr (North East Scotland) (Con):** You made some recommendations on cleaner air for Scotland 2. When I asked about it last week, various stakeholders said that, although cleaner air for Scotland 2 made some good links to things such as national planning framework 4, the linkage was not quite so precise with some other areas, such as Transport Scotland strategies. What impact might that lack of linkage in some areas have on our ability to deliver the continuous improvement that you have been asked about? Does that need to be looked at again?

**Mark Roberts:** Without doubt, it is essential that all these related strategies, which are identified in CAFS2, are made effective. With regard to this investigation on nitrogen dioxide, Transport Scotland strategies are critical, and the implementation and effectiveness of low-emission zones will be critical. Those linkages have to work. We would like to see better connectivity between all those things. It will be quite important to build into the future air quality strategies some kind of mechanism to evaluate how well those things connect.

**Liam Kerr:** I am very grateful. I have no further questions.

**The Convener:** Fiona, is there anything you want to add?

**Fiona Hyslop:** Apologies for straying on to a colleague's area of questioning, but I was more interested in the five-year review and how that sits with a continuous improvement agenda, which everybody seems to recognise we need to have. Does that relate to your point about there being certain things that we would need to assess more regularly than every five years? That is more of a policy agenda? We know that we need standards. However, we do not want compliance with standards to get in the way of what seems to be a wider continuous improvement agenda that can be monitored and assessed more regularly. Is that your view?

**Mark Roberts:** I do not see the two things being at odds with each other. I think that you could have that longer-term, five-year review period with the caveat that there might be things that you would want to look at in a shorter period if you could do something about them. That could be the regular monitoring and reporting of air quality standards and the oversight within local authorities by SEPA and ESS. It could all provide a way of continuing to monitor whether things are happening year by year, which is how the data is reported. There are adequate systems in place. Whether they are attracting as much profile as they ought to for something as significant as air quality remains to be seen.

**Fiona Hyslop:** Which is why we are having this inquiry session.

**The Convener:** Liam Kerr, do you have a couple of follow-up questions?

**Liam Kerr:** Yes. If we are finished in the substantive session, can I go back to a couple of points that you made back at the start and put a direct question? In your view, given what you have recommended and what you have looked at, do local authorities have sufficient funding to effectively monitor air quality?

**Mark Roberts:** I do not think that I am in a position to comment on the adequacy of local government funding. The committee will have heard last week about the pressures on environmental health departments and the difficulties that the profession is facing. There are challenges in terms of whether we choose to go further with air quality targets and how hard that would be to do. I think that it would present significant difficulty. I suspect that whether local authorities are adequately funded is not a question for ESS, but I would have concerns about it.

**Liam Kerr:** On a related point, we heard the Royal Town Planning Institute Scotland say that a quarter of planning department staff have been cut since 2009. Does that concern you? Does that

give us a challenge around implementing what we need to implement?

**Mark Roberts:** Given what we have just been discussing about the importance of connecting things such as NPF4 with air quality management planning, yes, that reduction in the numbers of planning staff concerns me. Also, when that is allied with concerns over the number of, say, environmental health officers who are in operation in local authorities, it will be very challenging for local authorities. However, I will go back to my point that air quality is very important and that we are learning more and more about the fact that it impacts public health significantly.

**Liam Kerr:** I have no further questions.

**The Convener:** The final questions are from Mark Ruskell.

**Mark Ruskell:** You mentioned the tightening of air quality regulations quite a lot this morning and you alluded to the WHO limits. How do you see them driving targets in Scotland? Will the WHO limits drive European targets? The Scottish Government's commitment is to stay broadly aligned. Would you expect a process of adopting certain milestones relating to WHO targets or a wider approach that looks at continual improvement? I am trying to get a sense of where you think those targets might be going. Your report is very much about existing targets and existing challenges around governance and creating a governance system that is fit for the future, but I am not quite clear what that future is going to be.

**Mark Roberts:** I think that that might be a question that you wish to ask the cabinet secretary but, from our point of view, the review of how well cleaner air for Scotland 2 has functioned—and that process is scheduled to start next year—provides an opportunity to say what is happening at the international scale from the WHO and at a European scale in terms of the current revisions, and the ambient air directives that are going on. All those things ought to be factored into where Scotland wants to position itself with respect to ideally having the best air quality that it can have. The review provides the mechanism for doing that.

On the question of whether what matters is standards or continuous improvement and that type of thing, I think that you can be driving for continuous improvement while still having standards that you are aiming to meet.

**Mark Ruskell:** My final question is about local development plans. They are obviously on a continual rolling cycle of revision and development. Did you look at whether LDPs are broadly compliant with the air quality limits that we have? Are there any concerns around that process about how they are developed?

**Mark Roberts:** I will check with Jamie McGrandles as to whether we looked at that. I suspect that the answer is no.

**Jamie McGrandles:** No, that was not a specific focus of the investigation.

**Mark Roberts:** However, the interaction between the planning system and the system of environmental regulation has been an issue for many, many years and is critical, as I said in response to Liam Kerr. The need for those two things to fit together is critical.

**The Convener:** Thank you, Mark Roberts and Jamie McGrandles, for your evidence this morning. I think that you have left a few questions hanging for the cabinet secretary, who is coming in next. Thank you again for coming in.

09:56

*Meeting suspended.*

10:14

*On resuming—*

**The Convener:** I welcome everyone back after that short suspension. We will continue with our evidence taking on air quality improvement with a panel from the Scottish Government.

I am pleased to welcome Màiri McAllan, the Cabinet Secretary for Net Zero and Just Transition—congratulations on your appointment and expanded role, cabinet secretary—who is joined by Andrew Taylor, policy manager, Scottish Government, and Vincent McInally, environment and air quality manager, Transport Scotland. Thank you for accepting our invitation.

Before we go to questions, cabinet secretary, I believe you want to make a brief opening statement.

**The Cabinet Secretary for Net Zero and Just Transition (Màiri McAllan):** Yes, thank you, convener. I will be very brief.

I am very pleased to be here this morning as the committee continues to take evidence on its inquiry into air quality, and I welcome the opportunity to try to highlight the wide range of policies and initiatives that the Scottish Government and our partners are implementing to further improve air quality in Scotland. Things have improved markedly in recent years and Scottish air quality, in particular, compares well with that in the rest of the UK and the European Union.

I expect that we will get into some of that but, just on that point, I am really pleased to be able to say that, for the first time outside of recent lockdown periods, there are no monitoring sites in

Scotland exceeding air quality objectives. We referred to that in our improvement report in response to Environmental Standards Scotland, but at the time, we had to caveat it, because the figures had not yet been quite ratified. They have now been ratified and the position is confirmed, and I think that it shows that the actions that we are putting in place are delivering for the people of Scotland.

However, as our knowledge of the effects of air pollution on human health continues to develop, it is becoming increasingly clear that we need to build on those successes, never be complacent and continue to drive down air pollution. That is what we are doing. Indeed, as we have set out in our improvement plan, we welcome and accept all six recommendations from ESS.

In May 2022, low-emission zones were established in Scotland's four largest cities, which is a key initiative in improving urban air quality. We are also taking forward many of our actions under our cleaner air for Scotland 2 air quality strategy. Finally, I would just add that Scotland was the first country in Europe to include in legislation the WHO 2005 guideline value for fine particulate matter, which of course is a pollutant of particular concern to human health.

All of that is helping support our vision of a Scotland with the best air quality in Europe, a quality of air, of course, that aims to protect and enhance human health, wellbeing and our environment.

**The Convener:** Thank you, cabinet secretary. The first questions come from Jackie Dunbar.

**Jackie Dunbar:** We have heard that some local authorities are further on than others in achieving their objectives under the local air quality management system. What support is the Scottish Government giving local authorities that are failing to achieve their objectives?

**Màiri McAllan:** This is up to local authorities, and we do not want to fetter their discretion when it comes to deciding how to operate. Instead, what we do is provide guidance on the backdrop of the Environment Act 1995 and supplement that with funding. In response to ESS's recommendations, we have agreed to update or clarify the guidance in a number of ways, and it is all to do with how local authorities produce their own air quality action plans and, I suppose, operate within the system itself. In short, we are providing support through funding and guidance, especially the most recently updated guidance in response to ESS.

**The Convener:** Before I bring in Mark Ruskell, cabinet secretary, you said that you had provided additional funding. Can you clarify whether it is a separate budget line? Is it ring fenced? Can we as a committee identify it?

**Màiri McAllan:** I have a note of the funding, convener, and I will try to put my hands on it. If any of my colleagues wanted to say anything while I did so, I would be grateful.

**Andrew Taylor (Scottish Government):** Perhaps I can step in while the cabinet secretary does that.

We provide three separate funding streams to local authorities in relation to air quality. We provide funding for air quality monitoring equipment; funding to allow them to undertake the actions set out in their air quality action plans and to support them in activities related to clean air day, which takes place annually in June; and funding to enforce anti-idling legislation and undertake roadside vehicle emissions testing.

**Màiri McAllan:** Convener, I know that your question was about ring fencing, in particular. The two pots of money in question come via the block grant, which is not ring fenced, and the money is supplemented by grants, some of which Andrew Taylor has just alluded to.

**The Convener:** I think that Liam Kerr wanted to come in here, too.

**Liam Kerr:** I will be very brief. The question was about the support that you are giving; we have heard about the funding and the cabinet secretary has talked about other initiatives, but what was previously done to establish from local authorities what was actually required? In the earlier session, ESS told us about concerns, at least, about planning departments. What was done at an earlier stage to look at the funding and resource needed to achieve what everyone wants?

**Màiri McAllan:** One of the examples that I pulled out in response to Jackie Dunbar was the updating of guidance, which supports local authorities in meeting requirements under the 1995 act. We have made changes in response to ESS, but I also point out that our cleaner air for Scotland 2 strategy already contains a commitment to establishing a working group to look specifically at some of those questions. In that group, we worked very closely with local authority representatives and SEPA, and it was an appropriate forum for discussing a lot of the issues.

**Mark Ruskell:** Cabinet secretary, I want to ask you about ESS's views on the review cycle for the air quality action plans. I think that you have decided to stick with the five-year review cycle, but ESS has said that it does not think that that is consistent with the aim of achieving compliance in "as short a time as possible".

Can you say more about why the Government has decided to align itself with a five-year review cycle rather than something shorter?

**Màiri McAllan:** I suppose that there are two quite simple responses to that question. First, it was a case of making a judgment about the appropriate balance to be struck between making changes and giving them the opportunity to bed in and monitoring them thereafter. Secondly, the approach aligns with the same judgment that we made in the cleaner air for Scotland 2 strategy that five years was the appropriate time for that to be done. We believed that it was the same thing here.

**Mark Ruskell:** In the previous session, Fiona Hyslop talked about the need to move rapidly to tackle air quality, particularly given the nature of vulnerable groups, young people and older people, and pointed out that five years is a long time in someone's lifetime. Five years can be a long time for councils, too. Local development plans and development proposals can come and go; bus companies can pull out of certain investments; and other things can come forward. A lot can happen in five years in the life of a plan in any area in Scotland. Do you not think that, in that context, five years could be too long and that councils could quite quickly find their plans out of date and overtaken by events on the ground?

**Màiri McAllan:** Please be assured that all that you have mentioned—the speed at which things happen and the speed at which things change—was taken into account when we considered ESS's recommendations. However, we reached the same conclusion that we reached when considering the best monitoring period for CAFS2, which was that five years was an appropriate period to give us the opportunity to implement the changes, to see their implications and to monitor them.

I do not know whether Andrew Taylor can add anything helpful to that. That is how we made the assessment.

**Andrew Taylor:** Perhaps I can add a little bit more context. Our thinking in settling on the five-year time period was that although the overall action plan should be reviewed every five years, for the reasons that the cabinet secretary has set out, the expectation is certainly that, given the wide range of individual actions in any particular action plan, some actions will be achieved in a much quicker timeframe than five years. We are not expecting local authorities to set out an action plan in which every single action will take five years to implement; indeed, we expect some of them to be completed on a much shorter timescale.

**Mark Ruskell:** Would you expect local authorities to continually update their action plans if there were some significant change such as, say, a new agreement being struck with a local bus company or a new LEZ being brought in? Would you expect them not to wait five years and,

instead, work with stakeholders and produce something on an iterative basis? Who would ensure that that sort of thing was happening?

**Andrew Taylor:** Local authorities are required to submit an annual progress report each year to the Scottish Government and SEPA, setting out their air quality activities in the previous year, and those reports will not only include monitoring data but cover progress in implementing air quality action plan actions. They are reviewed by us and SEPA, and if we see anything that suggests that some actions should possibly be revised, we will discuss that with the local authority. There is therefore an annual opportunity to make any updates considered appropriate.

**Màiri McAllan:** In response to your specific question about the triggering of a review, I would point out that, as a result of the updates to the guidance that we have made following ESS's recommendations, a significant change of circumstances in an air quality management area will trigger an automatic review of the air quality action plan to ensure that it remains able to achieve compliance in

"as short a time as possible",

per the recommendations of ESS.

**Monica Lennon:** Good morning. I do not know how much you caught of the earlier discussion with ESS, but we basically heard the view that SEPA should be using existing powers more effectively. What is your assessment of the reason for the lack of enforcement action by SEPA with regard to insufficient progress by local authorities in meeting local air quality management duties? Can you help to explain that?

**Màiri McAllan:** SEPA is an independent environmental regulator and it is very important that I do not encroach on its discretion when it comes to using its powers. Our concern is to ensure that it is empowered in the correct way by ensuring that the legislation is correct, that supplemental guidance is where we want it to be and that funding is in place. Incidentally, SEPA has assured us that it is able to fulfil additional requirements on it as part of our improvement plan, within existing budgets.

I suppose that the point particularly comes to mind when we consider the recommendation for a monitoring body. I am sorry, but I did not catch the earlier discussion—I was caught up in other things—but we considered closely whether an additional body was required. Looking to the Environment Act 1995 and everything that SEPA is empowered to do, our view was that it was not appropriate or justified to have an additional body, because the underpinning legislation is there. For example, in section 85, there is a whole list of powers that SEPA has. I do not want to read them

all out, but it can carry out an air quality review and an assessment, and it can make an order designating an air quality management area, revoke an air quality management area order, prepare an action plan, modify any action plan and implement any actions in an action plan. Those are wide-ranging powers.

I take on board ESS's comments—I think that it said that we need more than an administrative body or administrative functions. That is not personally how I see the environmental regulator operating. It is a great deal more than that.

**Monica Lennon:** We are trying to have a wider discussion about what changes need to happen, but we need to get that baseline agreement. Do you agree that SEPA has the right powers right now? I take the point about discretion, but is it your view that SEPA should be using existing powers more effectively? We need a sense of your view of that before we decide what happens next.

10:30

**Màiri McAllan:** Of course. I see our job as to absolutely make sure that everything is there to facilitate the regulator to make the decisions as it sees fit. We have made changes. I cannot find it just now, but we have changed the guidance so that SEPA's enforcement powers should be used as a matter of course when a local authority is failing manifestly to complete its obligations. I think that that is right, and I see that Andrew Taylor agrees. That was a change in the guidance from something that was more case by case. We are looking for ways to strengthen our expectation, but I cannot encroach on SEPA's judgment on environmental issues.

**Monica Lennon:** I am sure that most people would agree that having discretion and flexibility is important and that is a good thing in the system, but we have also heard from ESS about a need for more improvements in transparency in governance. What steps can the Scottish Government take to improve transparency in governance?

**Màiri McAllan:** I suppose that the previous example that I gave is one of the key ones that I would draw out. Members of Parliament and others have raised a concern about SEPA's readiness to use the powers that it has. As the Government, we have at our disposal things like the guidance—as I said, we have strengthened that in places where we felt that we were able to do so. That should make a difference but, as I said, we are doing so without encroaching on SEPA, not just for reasons of its discretion and flexibility, but because it has the expertise to make the judgment, which the executive is not placed to have.

**Monica Lennon:** ESS recommended that the Government should establish a new oversight body. My understanding is that that is not where you want to go. What steps will you take to ensure that there is holistic oversight of the system of air quality monitoring? Will you keep an open mind on whether there should be an oversight body in the future?

**Màiri McAllan:** On that last point, I want to be clear that, although we very much appreciate ESS's recommendation and have considered it carefully, our view is that SEPA is the correct body to have that function and that the powers that are underpinned by the Environment Act 1995 already allow it to fulfil that role. I have pointed to the updated guidance, in which we have said, "Use this as a matter of course, not just where authorities are demonstrably failing and not just case by case."

There is evidence of that happening. SEPA used some of the section 85 powers earlier this year, in issuing a warning letter to a local authority that had failed to submit its outstanding air quality annual progress reports, despite having been provided with extensions to do so. On receipt of the warning letter, a timescale for compliance was required, and that has now been met. That is a good example of how the powers are there and are being used. Where Government can, it will strengthen guidance to ensure that our expectations are clear about when and how often the powers are used.

**The Convener:** I have a question, before we leave the discussion of SEPA. I think that the SEPA budget went up by £7 million this year. That is on the back of it coming out of a massive problem with its information technology system, taking on the responsibility of DRS and also taking on the air quality issues. You say that SEPA's funding is sufficient. Are you confident that the increase will allow it to do all the things that it is being asked to do? There are some concerns about that.

**Màiri McAllan:** Absolutely, and it is always right that, as we continue to develop the obligations on Government or on our agencies, we consider that. However, as I said, we have spoken directly with SEPA about its existing budget and its ability to manage the additional requirements within that, and it has given us an assurance that it is able to do so.

**Mark Ruskell:** A number of members are interested in monitoring. I am aware that there is a current Scottish Government review into provision of data monitoring. To go back to the vulnerable people in our society who could be most affected by poor air quality—even poor air quality that is compliant with legal limits—is there an understanding of what proportion of schools and

hospitals are currently covered in Scotland by air quality monitoring? What investment might be needed to ensure that all the appropriate schools and hospitals are covered?

**Màiri McAllan:** There are a few things there, and I do not want to forget to come back to any of them. First, on whether there is an understanding of what is already covered, as part of a review of data that we were undertaking as part of CAFS2—ESS noted in its report that we were undertaking that—we worked with SEPA to produce a data sheet showing exactly where all the monitors were, including the automatic ones and the diffusion tube monitoring locations, and to note against that where there had been any breaches. Therefore, we have that data. We have about 100 automatic monitors and about 1,100 diffusion tube monitoring locations.

Talking about who has the expertise in all of this, when I speak to officials, they tell me that, for the first time out of lockdown periods, at none of those 100 monitors are the objectives being exceeded. My question to them is, "Can I have confidence that that represents the spread of experience in the country?" In layman's terms, how I think of it is that the monitors are placed in the areas where we expect air quality to be the worst—where we expect the highest coincidence of poor air quality with people being present. Some of those will be schools. When I am told that we are not exceeding objectives at any of the monitors, which are in some of the most problematic locations in the country, we can confidently expect the rest to be a more positive picture. That gives even greater credence to the position that we are not exceeding the objectives.

**Mark Ruskell:** If air quality limits change, as they might do if the Scottish Government remains aligned with the European Union, that might open up other areas, which potentially would breach air quality limits. Does the review of the current monitoring network look at how the limits might change over time and how that might bring in more communities? Is a weighting given to vulnerability within that? Does the air quality monitoring review look at the need to particularly identify the most vulnerable people in our society?

**Màiri McAllan:** I will ask Andrew Taylor to come in on the point about vulnerabilities, but it is certainly uppermost in our minds.

On your first point, the monitoring locations are kept under review to ensure that any new pollution hotspots can be identified and targeted appropriately. Of course, as we consider the developments at a European level, as part of CAFS2, we are obviously mindful that shifts and changes might be required in future.

**Andrew Taylor:** I re-emphasise the point that the cabinet secretary made that the monitoring network is not set in stone. We keep it under regular review, not just as part of the current review that has been referred to. If new hotspots become apparent, we would expect local authorities to take appropriate action, in terms of targeting their monitoring to those areas.

On how we assess air pollution levels in areas where we do not have monitors located, we have detailed and well-established modelling methodologies that allow us to extrapolate from the monitoring site data very good estimates of pollution levels in areas where, for various reasons, we are not able to monitor. That includes anywhere where members of the public are present, so it obviously covers vulnerable groups and places such as schools and hospitals.

**Mark Ruskell:** Convener, I do not know whether other members want to come in before I move on to my next question.

**The Convener:** I am looking round the table, and it looks as though you are okay to move on to your next question.

**Mark Ruskell:** It is related to that. In relation to schools, there has been a lot of concern in Scotland about vehicle idling. How does the Scottish Government support local authorities in having the appropriate resource to enforce engine idling measures? It is a form of antisocial behaviour and people are concerned about it, but we are aware that local authorities are stretched in terms of funding.

**Màiri McAllan:** Absolutely. When we talk about schools, there are two things that occur to me. The first is the regulations from, I think, 2003 that allow local authorities to give fixed-penalty notices to any driver whose engine is idling when they have refused a reasonable request to switch it off. I will come back to that. Secondly, there are existing powers to allow local authorities to work with schools to prevent vehicles from being present in front of them. There are good examples of that in Edinburgh and Angus councils.

On the FPNs, I again come back to the point that the rules and laws are there, and they empower local authorities. It would be incorrect to impose my views or the Government's views on local authorities as to how they operate that. You mentioned the question of whether they have the resources to do it but, in some ways, the operation of fixed-penalty notices could be a revenue-raising opportunity. I encourage local authorities to utilise the powers that are there.

**Mark Ruskell:** Does it concern you that Perth and Kinross Council has not issued any FPNs for engine idling ever under that 2003 power?

**Màiri McAllan:** It is difficult to say. I do not think that I should espouse my view without understanding the position on vehicle idling in Perth and Kinross, to be honest. All I know is that—

**Mark Ruskell:** It does happen—that is the point.

**Màiri McAllan:** I do not have anything in front of me that tells me how often it is happening or how problematic it is there. However, I know that the powers are there and, as I say, I encourage local authorities to use them.

**Andrew Taylor:** In the guidance that we issue to local authorities to assist them in implementing the anti-idling powers, we strongly encourage local authorities to enforce the measures by education and awareness raising. The expectation is that fixed penalties will be issued very much as a last resort. I do not have specific figures to hand, but certainly anecdotal reports from all local authorities that are implementing the powers suggest that the majority of vehicle drivers will switch off their engines when reasonably asked to do so, without the local authority having to resort to issuing a fixed-penalty notice.

**Fiona Hyslop:** Good morning, cabinet secretary. The Scottish Government's improvement plan accepts ESS's recommendations and states that further detail has been added to the broad short, medium and long-term action categories

"to allow a more detailed assessment of progress".

You state:

"Progress will be reviewed annually and milestone/completion dates adjusted as necessary."

I think that that is about publishing against the targets and current standards. However, as you might be aware, witnesses have discussed with us the need to recognise that, despite what is set out in the standards, much lower exposure to particulates or substances in the air is damaging, particularly to vulnerable groups. We could meet certain standards and publish annually but not necessarily tackle the underlying problem, which is about air quality generally.

The issue that we are trying to wrestle with is whether your improvement plan and any changes that you might bring to CAFS2 will help improvements more widely beyond strict compliance with standards to ensure continuous improvement. What are your plans in that area?

**Màiri McAllan:** I can talk a little about the response to the sixth recommendation from ESS and the specific and measurable timescales that it asked for. As it stood, CAFS assigned to each of the plans either short, medium or long-term completion status, which meant 2022, the end of

2024 and the end of 2026 respectively. We will add further detail to all those broad categories to allow progress to be monitored more closely, and we will ensure that all non-completed actions have been given a date by which they will be achieved. I should say that we will report on progress annually.

The last progress report was due in 2022 and we will be publishing another in June 2023. As part of the structure of CAFS, I chair the ministerial board, under which there sits the delivery board, under which there sit five implementation boards. Therefore, I will be personally involved in the monitoring of the short, medium and long-term objectives.

I hope that that answers the question, but I am not sure.

10:45

**Fiona Hyslop:** It depends on what your objectives will be. Are your objectives just to meet the compliance and standards that have been set, or are your objectives in CAFS2 or any revisions to CAFS2 to improve air quality more broadly and not just in the hotspot areas that have been identified, so that there is that continuous improvement agenda more widely? Bear in mind that we now have the science and evidence that show that exposure at even much lower levels can be an issue. How do we, as a committee and Parliament, know that that is happening from what you publish?

**Màiri McAllan:** I will say a little, and Andrew Taylor might want to add something. We are not slavishly following targets without considering how science develops or indeed how European legislation develops. It is a case of continuous development and continuous improvement. As I said, as part of CAFS2, we are looking at the new WHO recommendation on nitrogen dioxide and fine particulate matter. We will consider how that could and would apply in Scotland as we develop CAFS. That is one example of how we are seeking to meet our objectives within the current monitoring framework, and to stay aligned with best practice in that regard. Those recommendations are very strict indeed and we have to consider carefully how they would operate in Scotland. We have form on that—we were the first to legislate for the previous particulate matter guidelines.

Andrew, is there anything else that we can say to give the committee some assurance on that?

**Andrew Taylor:** Yes. Obviously, meeting objectives and standards is very important and a legal requirement. However, at the same time, as the cabinet secretary has just said, continuous improvement and development are also very

important. To give a bit more context around that, in many local authorities that have declared air quality management areas and introduced action plans, many of those objectives are now being met. A number of AQMAs are in the process of being revoked or have already been revoked, which is obviously very welcome. At the same time, we expect those local authorities to continue with their monitoring and we expect them to continue implementing their action plans. Although they have achieved the objectives, we still expect them to take action to drive down the levels even further, which is part of that continuous improvement agenda.

**Fiona Hyslop:** Cabinet secretary, what are your expectations with regard to LEZs? We have heard that there will be different plans in different cities to address the local situation. We have also heard about the fact that the LEZs will have to reflect, for example, the bus fleet in a particular area. Will you share your views on that, given that we are looking at air quality more widely as part of our discussions?

**Màiri McAllan:** Absolutely. I am really enthusiastic about the low-emission zones. I mentioned that I oversee the ministerial working board for CAFS2. There is no doubt that, in the past six months, our focus has been on responding to ESS, but alongside that, one of the more significant developments has been working with local authorities to have the LEZs designed and implemented. I am absolutely thrilled about that.

To go back to your question about continual improvement, I see the way in which we have designed LEZs as being an example of that. Unlike in some clean air zones down south, we have designed the LEZs in such a way that it is not an option to pay to enter. We have not treated the LEZs as a revenue-raising opportunity. We have designed them in such a way that they will robustly disincentivise driving into the areas in question. There will be a penalty, which will accumulate every time the individual comes in. That is an example of how we have designed the LEZs to be stretching and ambitious, and to bring about constant improvement.

I think that you mentioned local exemptions. We have some national exemptions that are built in, including for blue badge holders. We have a figure for how many people have applied for such an exemption so far. Local authorities have the discretion to make local exemptions to respond to their own requirements, which I think is the right way to do it.

With regard to buses, a huge amount of work has already been done to prepare for LEZs, especially, as you can imagine, in Glasgow. The bus emission abatement retrofit fund has already

awarded £21 million of grants to enable more than 1,200 buses and coaches to reduce their emissions by retrofitting the Euro 6 exhaust system. We can already see how, through the funding that we have supported and the framework for LEZs, the preparation for the policy has already driven improvements, which the implementation of it will continue to drive.

**Liam Kerr:** I have just one brief question. I would like to go back to CAFS2. One of the things that we heard about in the earlier session was the linkages between CAFS2 and other policy documents, reports and suggestions for improvement. What we heard—we were also told this by stakeholders last week—is that, although there are good linkages with things such as NPF4, the linkages with, for example, Transport Scotland policies might not be quite so robust. The question that is begged is how the Scottish Government will ensure that the policies and actions in CAFS2 are aligned with other policies and strategies, such as the climate change plans and those of Transport Scotland?

**Màiri McAllan:** We are always striving for the highest possible integration that we can manage across these issues, because they are so interlinked. You mentioned transport. I think that Vincent McInally will probably have something to say on this, but as I said previously, getting the LEZs in place has—so far—been the principal achievement of CAFS2. Equally, they are one of the best examples of integration and collaboration between the Scottish Government, Transport Scotland and our local authority partners. Alongside NPF4, I would highlight the development of LEZs. Right from the very beginning, we have all been working very closely together, including with local authorities.

**Vincent McInally (Transport Scotland):** SEPA was included in the governance group that was set up. Right from the start, Transport Scotland, SEPA and the local authorities have worked together to deliver that.

As far as the delivery of CAFS2 is concerned, there is a governance group—Andrew Taylor might speak about that—which includes Transport Scotland representation, where the strategies and policies that Transport Scotland is delivering are accounted for within CAFS2.

**Liam Kerr:** Andrew Taylor, your name was mentioned. Do you want to come in?

**Andrew Taylor:** Yes. All relevant Government portfolios are covered in the governance structure for CAFS2. For example, the Minister for Transport is represented on the ministerial group that the cabinet secretary mentioned. The next tier down from that is the delivery group, on which, as I have said, officials from right across Government

are represented. We have a very integrated governance structure for CAFS2, so that we can take account of all the different plans and strategies that we need to take account of in relation to air quality.

**Liam Kerr:** I am grateful for that. I have no further questions.

**Monica Lennon:** I am keen to return to some of the evidence that we took at last week's meeting. We had a panel of witnesses from local government. I hope that you have had a chance to look at the *Official Report* if you were not able to watch those proceedings. A witness from the City of Edinburgh Council said that there was a workforce crisis in the environmental health profession, which I thought was quite worrying. I am looking back so that I get this right; she is also chair of the Scottish pollution control co-ordinating committee, so she has a national role as well.

Evidence seems to be emerging that there is a crisis as a result of the undergraduate programme for environment health not being attractive. There are also challenges relating to the recruitment of environmental health officers, which could be part of a wider challenge around local government recruitment. I am keen to hear what discussions are taking place across Government and with partners about that. Is there a crisis? How bad is it? What can be done to address it?

**Màiri McAllan:** That is a really pertinent point. Earlier, we discussed the need for funding to be provided to ensure that the powers are realisable. Skills and recruitment are a massive part of that. We are absolutely aware that there is a shortage of people entering the profession, which is resulting in vacancies at local authority level.

In February 2023, my officials met representatives from the Royal Environmental Health Institute of Scotland and the Society of Chief Officers of Environmental Health in Scotland specifically to discuss the concerns that you have narrated. We are aware that there is only one university in Scotland that offers the accredited undergraduate course—I am sorry; you might have said that—and that that is creating pressure on local authorities in filling those important roles.

Our Scottish Government resilience team is working with the professional organisations through the environmental health policy co-ordination group. It is looking at next steps and working with the key organisations to develop plans for wider engagement on environmental health as a potential career and to look at how we could develop more routes into the profession, given how important it is.

**Monica Lennon:** I am glad that you mentioned that there is only one accredited undergrad course available in Scotland. Obviously, the entry points

have reduced, and the committee has heard a lot in various inquiries about the fact that there is a similar workforce crisis in the planning profession, which I came from. I think that we now have only two planning schools in Scotland.

It is encouraging to hear that steps will be taken to look at the issue, but I want to ensure that there is agreement that we need to widen access so that people from across Scotland can enter the profession.

**Màiri McAllan:** I agree with that point. Work is being done as part of the plan that I mentioned to look at how we can make it clear that environmental health is a career that a whole spectrum of people should consider entering.

**Mark Ruskell:** I want to pick up on an issue that was raised in the air quality inquiry that was carried out in the previous session, on which we have had a bit of evidence in this inquiry—the issue of the source of emissions in rural areas and, in particular, the role of ammonia in seeding particulate emissions. This is a question about the joined-up nature of Government policy. Is that an issue that the rural affairs secretary is considering? Is it being considered as part of the reform of subsidy for agriculture? Is action being taken elsewhere in the Government to address that issue in CAFS, as well as any other sources of emissions that we have not covered this morning?

**Màiri McAllan:** That is a good point because we have had a lot of discussion about transport emissions and the impact of those, but CAFS2 was intended to recognise that the impact on air quality goes beyond transport and that we need to look at agricultural activity, too. We have committed to working with the agriculture industry to develop a voluntary code of good practice for improving air quality in Scotland. We are also taking specific action to reduce ammonia emissions from the agriculture sector. That work will be developed as part of the prevention of environmental pollution from agricultural activity code.

We are working closely with the rural affairs secretary on all those things. Another example of that joint working is the fact that the agricultural transformation fund was included in the agri-environment climate scheme round. The rural affairs secretary and I—and my predecessor—worked closely on that. I think that the capital budget for that fund in 2023 is £5 million, which is being used to extend support for the slurry stores across Scotland. As I said, that is built into AECS, so it is integrated across portfolios.

**The Convener:** Although I did not take part in that conversation, I should say—just so that there is no doubt; the committee already knows this—

that I have a registered interest in an agricultural enterprise.

The deputy convener has another question, after which I will ask a couple of my own.

11:00

**Fiona Hyslop:** Does the Scottish Government have any views on the WHO's air quality guidelines, as revised in 2021, and whether they should be implemented in Scotland?

**Màiri McAllan:** We certainly do. Telling the committee that we are considering very closely what the revised WHO guidelines would mean for Scotland is as far as I could go today. We are doing that via CAFS and as part of wider policy development. As I think I said earlier, we have shown ourselves to be willing and able to lead the way when it comes to WHO recommendations, and work is now on-going to consider the development of those.

**The Convener:** If there are no further questions, I have a few on LEZs. I think that you said that there would be “penalties” for entering an LEZ. I understand the importance of LEZs, and I lived through the legislative process that led to the Transport (Scotland) Act 2019. However, councils told us that the money that LEZs will raise will be used purely to enforce the system. It was not suggested that any additional income would be made. Therefore, how will the Government help people in rural areas travel into LEZs where there is not sufficient public transport, whether by bus or rail? Do you have any plans to do that? That will be important.

**Màiri McAllan:** That issue has crossed my mind quite a lot, as somebody who lives rurally and likes to travel into Edinburgh and Glasgow on a regular basis. When we were discussing awareness raising, I remember having a conversation about the fact that it would be a real miss to target awareness raising only within the cities, because folks who are used to driving into cities from rural areas also need to be thought about.

In general, we are talking about one square mile in each of the cities, so I suspect that there will be opportunities in all of them—I do not just suspect; we know that this is the case—to take public transport all the way in or to drive a portion of the way and then take public transport so that people do not have to drive into the LEZ itself. Prime-time television slots are being used to do some significant awareness raising of that. Neither Vincent McNally nor I watch the programmes that we are advertising around, but that is happening in order to get people prepared.

On your initial point about the funding that can be raised, local authorities might have different

views on this and might have different experiences of how the scheme operates, depending on how many people intentionally or otherwise breach an LEZ, but the money from penalties can only be put towards the scheme's operational costs and its objectives—in other words, supporting air quality improvements and climate change emission reduction activities. That is designed into the system.

**The Convener:** Very real concerns were raised during the passage of the Transport (Scotland) Act 2019 that any funds generated from the Government for LEZs and improvements within them would go to the councils that had them instead of the dormitory areas outside them, where people would still have to rely on their own transport to get in. I am trying to push for an answer to that question. How much consideration are you giving to those areas, cabinet secretary?

**Màiri McAllan:** Vincent, have you been involved in the development of that?

**Vincent McInally:** Are you talking about the benefits to surrounding areas from the LEZ?

**The Convener:** Yes.

**Vincent McInally:** There are a few benefits. For a start, financial grants were given to neighbouring authorities to assist them in preparing for the zones, and a lot of those authorities took advantage of that funding to invest in public transport signage, messaging and so on.

However, the main benefit for surrounding authorities will come from cleaner vehicles travelling beyond the zone boundary. Any bus that wants to come into an LEZ has to be of Euro 6 standard; however, they all travel well beyond that boundary and, because they have had to be cleaned up, the benefits of that will be experienced in the areas outwith the zones. Similarly, any commercial vehicle that needs to travel into the zone has to be brought up to Euro 6 standard. As the cabinet secretary has said, although each of the zones is approximately only a square mile, the benefits should be experienced well beyond the boundary of the LEZs.

**The Convener:** Maybe the non-Euro 6 buses are getting pushed out to the rural routes instead of staying within LEZs.

I have another, very straightforward question. If a constituent or anyone in Scotland has to use a non-Euro 6 car to travel to a hospital in an LEZ, will they have to pay?

**Màiri McAllan:** I have mentioned the national exemptions that we have; the exemptions in the cities will be up to the local authorities. I cannot think off the top of my head whether there are any hospitals in any of the one-square-mile low-emission zones. *[Interruption.]*

**The Convener:** I am sorry, Vincent—I did not hear your answer there.

**Màiri McAllan:** There are no hospitals within the low-emission zones, as far as we think off the top of our heads, but we can confirm that in writing with the committee.

**The Convener:** That would be helpful.

I am just looking around to see whether members have any more questions. Monica Lennon, did you want to come back in?

**Monica Lennon:** Only if we have time in hand, convener.

**The Convener:** We have time for a quick question.

**Monica Lennon:** It is just because LEZs have been brought up. I am always reluctant to focus on very local examples, but I think that what I am going to talk about provides an important illustration for the national picture.

As colleagues might know, I am very concerned about the loss of our local bus service—the X1 express bus from Hamilton to Glasgow. It has forced people into their cars; they do not want to use them, but they have been left with no choice. That also includes people trying to get to hospital appointments at Glasgow royal infirmary.

Perhaps Vincent McInally can respond from a Transport Scotland perspective, because I am not bringing this up for political reasons. What I am saying is that we need to look at LEZs—of course we do—but in a joined-up way with other policies and the reality on the ground. My question is: what is being done to look at the fact that we cannot make that sort of express bus service work for a major town centre such as that in Hamilton? It is not unique in losing bus services; indeed, people have come to this committee and talked about bus deserts emerging in Scotland. What is being done to monitor impacts in terms of emissions and air quality? Since the service was removed, more people are using their cars to get to work, college or university, to shop, to meet friends or to go to hospital appointments. Has any assessment been made of that, not just in Hamilton but in other areas that have lost such key bus services? I think that we all want to make sure that we have that joined-up view.

**Màiri McAllan:** Vincent McInally has just told me that he is not placed to discuss bus policy. Moreover, we are not really here to discuss the impact of the loss of local services. However, in so far as the issue has been brought up in the context of LEZs, I would say, first of all, that the commercial decisions made by bus operators are not something for which the Government is always directly responsible. We do assess transport emissions and, indeed, have done so as we have

developed our policy to reduce car kilometres driven or to phase out, as we have pledged, petrol and diesel vehicles by a certain date. In all of that, we monitor travel patterns very closely, and the availability or otherwise of public transport is very much part of that.

You will forgive me, as I do not know the exact details of the case that you have highlighted. I suspect that I will come to look at it as I get into the transport brief more fully, but the fact is that local operators make decisions for their own reasons and not always on the basis of emissions reduction requirements.

**Monica Lennon:** I am happy to leave it there, convener. With respect, though, I was merely seeking to illustrate that, while we are putting in place important policies such as LEZs and wanting the public to understand why we are doing so, the loss of bus services at the same time is literally driving people into their cars, and that is having an impact on other policies that Transport Scotland has a key role in, such as reducing car kilometres by 20 per cent by the end of the decade. Maybe Vincent McNally cannot speak to that matter, but other colleagues certainly can.

I just wanted to bring a bit of reality to the discussion. I know that this evidence session is not about bus policy, but the fact is that, if people cannot access bus services to get to where they need to be, it will have an impact on air quality—in my humble opinion.

**The Convener:** I think that we will all agree with that. The cabinet secretary will understand the problems of buses in rural areas or those areas that have few such services, and I am sure that, after this meeting, she will accept an approach from Monica Lennon to discuss specific examples.

Mark Ruskell, I am happy to let you in if your question is very brief. I will then bring the session to a close.

**Mark Ruskell:** Further to the previous question, I know that Transport Scotland is responsible for procurement of trains, and I note that, in relation to the decarbonisation programme, there has been quite a lot of concern about the continual use of high-speed trains on the ScotRail network, not just from a carbon perspective, but from an air pollution perspective and, as the unions have highlighted, a safety perspective, too. When it looks at such big procurements—that is, the big leasing of trains over a number of years—how does Transport Scotland take air quality into account? Is that baked into the process? After all, it is clearly an area where Transport Scotland is responsible.

**Vincent McNally:** From an air quality point of view, it is fairly clear that electric trains are much cleaner than anything else. That is the progress

that is being made and the direction of travel as far as delivery is concerned.

In relation to the low-emission zones, the issue of trains and their impact has come up a few times but, according to the modelling work that has been done in the city centres, any contributions from trains are negligible and are not something that had to be included with the zones. The LEZs are very much about tackling the most polluting vehicles in a city centre—which, ironically, tended to be the buses. As the main source of pollution on the streets—as vehicles producing the highest levels of pollution in the city centres—they have been tackled first in our work on the LEZs. Indeed, when the Glasgow LEZ came in in 2018, the buses were tackled in advance of all other vehicles, and the approach has delivered an improvement there. There are definitely lessons to be learned with regard to making sure that our public transport, which we want people to use, is as clean as possible and not contributing to the problem.

**The Convener:** That was useful. The issue that Mark Ruskell has raised is something that we can take up with the Minister for Transport when we discuss Scotland's railways, as I am sure we will in the near future.

I thank the cabinet secretary and her team. Our next step is to produce a short report to Parliament on what we have found in this matter.

That concludes our public meeting today. We now move into private session.

11:12

*Meeting continued in private until 12:12.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

---

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

---

All documents are available on  
the Scottish Parliament website at:

[www.parliament.scot](http://www.parliament.scot)

Information on non-endorsed print suppliers  
is available here:

[www.parliament.scot/documents](http://www.parliament.scot/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

---



The Scottish Parliament  
Pàrlamaid na h-Alba