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AITHISG OIFIGEIL

DRAFT

# Meeting of the Parliament

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# Scottish Parliament

Thursday 3 April 2025

*[The Presiding Officer opened the meeting at 11:40]*

## General Question Time

**The Presiding Officer (Alison Johnstone):** Good morning. The first item of business is general question time.

### Antisocial Behaviour (Disguised Perpetrators)

1. **Daniel Johnson (Edinburgh Southern) (Lab):** To ask the Scottish Government what its position is on the reported prevalence and trend of crimes committed where the perpetrator was wearing a disguise, particularly in relation to antisocial behaviour. (S6O-04528)

**The Minister for Victims and Community Safety (Siobhian Brown):** The wearing of disguises is not a new phenomenon, and it is a matter for Police Scotland to take account of as part of its operational response.

Any recorded instances are a very small proportion of reported crime. Police Scotland uses a range of powers to prevent and tackle antisocial and criminal behaviour. In certain circumstances, those can include stop and search and the removal of head and face coverings. A code of practice exists to ensure that that is done in a manner that is lawful, proportionate and accountable.

**Daniel Johnson:** I thank the minister for that answer. We have become all too aware of instances of people wearing balaclavas in order to facilitate crime, whether that is riding illegal electric motorcycles or antisocial behaviour. It is definitely a component of the increasing violence against shop workers. Those issues have been rehearsed in the chamber.

It is frustrating for the police, because the simple act of wearing a balaclava to conceal one's identity in order to facilitate a crime is not a crime in and of itself, although it is a crime in other countries. In England and Wales, in certain US states, in France and in Queensland in Australia, the use of a disguise with intent to commit crime is an offence. It stands to reason that, if a person conceals their face in order to facilitate crime, the police should be able to stop them and that it should be a crime. Does the minister agree with that, and will the Government review the legal situation?

**Siobhian Brown:** As I said, Police Scotland has stop and search powers. Where it is appropriate

and necessary, Police Scotland also has powers under section 60 of the Criminal Justice and Public Order Act 1994, which allows searches to be carried out in a particular locality for a specific period of time, and police can ask for the removal of face masks. The issue is important, and I am happy to meet the member to discuss it further.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** An uptick has been reported in the utilisation of such disguises in some crime and antisocial behaviour in the capital. Those trends are developing partly through social media. What recent discussions has the Scottish Government had with its counterparts in the United Kingdom Government about the responsibility of social media platforms to prevent the spread of harmful content that promotes copycat crimes and antisocial behaviour, often involving face coverings?

**Siobhian Brown:** The member is right to refer to the influence of social media and the impact that it can have. Although regulation of the internet is reserved to the UK Government, we have been engaging extensively with UK ministers on its Online Safety Act 2023 to strengthen protections for young people.

We responded to Ofcom's consultation on illegal harms online last year, which influenced its codes and guidance in relation to duties for online providers to protect users from harm, including threats, abuse and hate offences. We continue to engage with Ofcom and the UK Government to understand the impact and effectiveness of those actions, and I am happy to keep Ben Macpherson updated.

### Protecting Vulnerable Groups Scheme

2. **Liz Smith (Mid Scotland and Fife) (Con):** Before asking the question, I declare an interest in that I hold a protecting vulnerable groups certificate.

To ask the Scottish Government whether it will provide an update on the protecting vulnerable groups scheme, including the most recent data for the number of registered persons with PVG certificates. (S6O-04529)

**The Minister for Children, Young People and The Promise (Natalie Don-Innes):** On Tuesday 1 April, it became a legal requirement for anyone carrying out a regulated role to be a member of the PVG scheme. There are currently 1,693,115 PVG scheme members. After a person joins the PVG scheme, Disclosure Scotland continuously monitors them to ensure that they have not become unsuitable to carry out a regulated role.

**Liz Smith:** It is good to see that the law has been tightened up in that regard. However, I was not able to establish through my own research or

that of a constituent whether the change to the law also includes changes to the criteria for the designation of qualifying voluntary organisations that are not required to pay the £59 fee for their employees.

**Natalie Don-Innes:** The two main sectors in which additional PVG checks will be required as a result of the legal requirement or the move to regulated roles are the health sector and the voluntary sector. The Disclosure (Scotland) Act 2020 puts greater emphasis on those who have power and influence over children and protected adults in determining whether an individual is in a regulated role. I would be more than happy to update Ms Smith about the fees following question time.

### ScotRail Ticket Office Staffing

**3. Richard Leonard (Central Scotland) (Lab):** I remind members of my voluntary register of trade union interests.

To ask the Scottish Government whether it will provide an update on staffing at ScotRail ticket offices. (S6O-04530)

**The Minister for Agriculture and Connectivity (Jim Fairlie):** This week, ScotRail has commenced its operation of ticket offices in accordance with the revised opening hours, which reflect the changing preferences of its customers. I am pleased to confirm that no jobs or working hours have been lost. ScotRail has assessed the requirement for staff to allow it to adhere to the revised opening times, and it currently carries out recruitment for ticket office staff where necessary.

**Richard Leonard:** Under this Government's stewardship, peak fares have returned to Scotland's railways. This week, all fares increased by 3.8 per cent and, on Monday, 2,800 hours were cut from staffing at ticket offices across Scotland. Those measures, which were approved by the Scottish Government, all diminish passenger service, passenger safety and passenger accessibility, and they all make the jobs of railway workers more difficult. Will the Government think again, take the bold action that is required and reverse those decisions?

**Jim Fairlie:** Although opening hours at ScotRail's ticket offices have remained unchanged over the past three decades, ticket office sales have reduced from 78 to 14 per cent during that period. Scottish Rail Holdings and ScotRail have rightly reviewed the situation to ensure that they are delivering services that meet customer expectations. The adjustments to the ticket office opening hours that have been implemented will enable ScotRail staff to be redeployed to focus more directly on supporting passengers. That touches on some of what the member has spoken

about, such as accessibility for disabled passengers. It will enable better assistance for passengers and staff to be more visible in order to deter antisocial behaviour and reduce fare evasion.

**Mark Ruskell (Mid Scotland and Fife) (Green):** Women, particularly disabled women, experience sexual assault and harassment on public transport and have expressed concern about being less safe in unstaffed stations. What actions does the Government intend to take to guarantee women's safety, particularly at the growing number of unstaffed stations?

**Jim Fairlie:** ScotRail undertook research and carefully considered when tickets were being purchased and when passenger assistance was required, in order to ensure that stations would be staffed when those travelling needed it. As ticket offices are not closing, passengers will still be able to get that assistance from staff. ScotRail has also given assurances that, outwith those times, tickets can still be purchased on the train, including tickets for discounted fares. Those are important improvements that we all want to see in a publicly run railway service.

### Bus Service Franchising Powers (Implementation)

**4. Paul Sweeney (Glasgow) (Lab):** To ask the Scottish Government whether it will accelerate the full implementation of bus franchising powers in the Transport (Scotland) Act 2019. (S6O-04531)

**The Minister for Agriculture and Connectivity (Jim Fairlie):** All local transport authorities in Scotland now have the power to start developing their franchising proposals. Later this spring, we will lodge a further set of regulations, which will focus on the process of transitioning from the current commercial market into a franchise, as well as transitioning out of a franchise. At the same time, officials are developing guidance for local transport authorities on the franchising process. That will cover the preparation of a franchising framework, the audit process, what an authority should expect when going through the franchising approval process, and the process for commencing a franchise.

**Paul Sweeney:** Those provisions are more than welcome. This week, bus fares in Glasgow have increased. An adult day ticket now costs £5.90 and the cost of a single ticket has risen to £3.10. For too long, Glaswegians have paid the highest bus fares of any British city for an unreliable and fragmented service, while Manchester, Liverpool and Leeds are powering ahead with bus franchising. It is a huge opportunity for Greater Glasgow to take back control of its bus system. The next transport commissioner for Scotland will convene the panel that will decide whether the

Strathclyde Partnership for Transport can establish that bus franchise. Does the minister agree that the next commissioner must not stand in the way of bus franchising, which has overwhelming democratic political support? Will he ensure that the regional transport partnership, SPT, is fully resourced for that purpose?

**Jim Fairlie:** I could not agree more with Paul Sweeney. This is an absolutely fantastic opportunity for RTPs and other organisations to take control of the public service provision of buses. I absolutely accept that point.

From day 1, we have been quite clear that we want to give local authorities and transport authorities the ability to make that transition to franchising, and the provisions that we have put in place do exactly that.

### **Energy Strategy and Just Transition Plan (Publication)**

**5. Douglas Lumsden (North East Scotland) (Con):** To ask the Scottish Government whether it will provide an update on when it will publish its energy strategy and just transition plan. (S6O-04532)

**The Acting Minister for Climate Action (Alasdair Allan):** The judgments and issues in the energy strategy and just transition plan are informed and influenced by a range of recent developments in the United Kingdom Government's energy policy and, indeed, by court decisions. Therefore, there remains a rapidly changing landscape—for example, the UK Government's consultation on future oil and gas policy will be open for stakeholder input over the coming months. We are taking time to reflect on those on-going developments before drawing any conclusions and publishing any final strategy.

**Douglas Lumsden:** This is becoming a joke. I have asked about the energy strategy 16 times in the past year, because businesses want to know whether investment will be welcomed here.

Last week, Offshore Energies UK said that another 7 billion barrels of oil could be extracted from the North Sea and that half of the oil and gas that the UK needs before 2050 could be produced domestically. In an increasingly unstable world, does the minister recognise that it is common sense to make use of our domestic supply of oil and gas rather than import it from abroad? Does he also recognise the damage that is being caused by the Scottish National Party's presumption against new oil and gas developments? Will he ditch it today and finally confirm when his party's long-overdue energy strategy will be published?

**Alasdair Allan:** Douglas Lumsden will be aware that the decision will ultimately be made by the UK

Government, but we are clear on our support for a just transition for Scotland's oil and gas sector that recognises the maturity of the North Sea basin and is in line with our climate change commitments.

Offshore oil and gas licensing, as well as the consenting and associated fiscal regime and all the things that go with it—

**Douglas Lumsden:** You have a presumption against oil and gas.

**Alasdair Allan:** I do not know why Douglas Lumsden is shouting at me, because, as I was saying, all those matters are currently reserved to the UK Government.

Any further extraction and use of fossil fuels must be consistent with our climate obligations and just transition commitments. It is vital that we take an evidence-based approach to the energy transition. That is why we have consistently called on the UK Government to approach decisions about North Sea oil and gas projects on a rigorously evidence-led, case-by-case basis, with climate compatibility and energy security as key considerations.

### **Childcare (Costs)**

**6. Martin Whitfield (South Scotland) (Lab):** To ask the Scottish Government what assessment it has made of the impact of the reported rising childcare costs on families, particularly those on low and middle incomes, in light of recent research by the Coram Family and Childcare charity. (S6O-04533)

**The Minister for Children, Young People and The Promise (Natalie Don-Innes):** Supporting families through access to high-quality, affordable and accessible childcare is critical to the First Minister's mission of eradicating child poverty. That is why, since 2021, we have prioritised investment of £1 billion per year in funded early learning and childcare for all three-year-olds and four-year-olds, and the two-year-olds who need it most.

Our interim evaluation report, "Early Learning and Childcare Expansion to 1140 hours", which was published in August 2024, found that the uptake of funded hours is high and that there are promising signs that the expansion is delivering improvements in quality, flexibility, accessibility and affordability. Our full evaluation report will be published later this year.

**Martin Whitfield:** Although a part-time nursery place for a child under the age of two now costs an average of £70.51 per week in England, after working-parent entitlements are taken into account, that represents a 56 per cent decrease since last year. In Scotland, a part-time nursery

place for a child under two costs an average of £122.38, which represents a 7 per cent rise since 2024. Clearly, that will hit lowest-paid workers hardest, with many families in Scotland having to pay £50 more a week than families in England are paying for the same childcare. What will the Scottish Government do to address that inequality?

**Natalie Don-Innes:** Mr Whitfield raises an important point, but I point out that Scotland is the only part of the United Kingdom that offers 1,140 hours a year of funded ELC to all three and four-year-olds and eligible two-year-olds, and our investment is fundamental to giving children the best start in life. By contrast, the Institute for Fiscal Studies made it clear that the poorest third of families in England will see almost no direct benefit from the UK Government's childcare entitlements.

Let me be clear that this is about what is best for Scotland's children. Our offer is built for the children who need it the most. That said, we continue to work with local authorities and stakeholders to see how we can provide more support for parents. Martin Whitfield is aware of all the work that we are doing in relation to our early adopter communities and other aspects of our childcare offer. I will continue to look for ways that we can support parents with childcare costs.

**Roz McCall (Mid Scotland and Fife) (Con):** Good-quality, accessible and affordable childcare is essential to addressing child poverty and enabling parents to re-enter the workforce. Thanks to the policies of the previous Conservative Government, as has been stated, the cost of a part-time childcare place has more than halved and the cost of a full-time place has been reduced by 20 per cent. I have been highlighting in the Parliament the issues with early years childcare for working parents for some time. Will the minister agree to examine the implementation of the 1,140 hours of free childcare and adjust the policy to ensure that parents can get back into employment?

**Natalie Don-Innes:** Ms McCall talks about the UK Conservative Government's childcare policy. I seriously call into question the impact that Conservative policies have had on families across Scotland for a number of years.

As I pointed out, this is about helping children. Our offer of 1,140 funded hours is guaranteed to benefit three and four-year-olds, but the picture is a little different for children under three. How much those children benefit from early learning and childcare provision is determined by crucial factors such as their family background, the age that they start in ELC, the quality of the services and the balance of hours that they spend between care at home and in ELC settings. We have a number of

workstreams under way to increase access to childcare for parents, but I emphasise that we want to get this right for our youngest children and their families. That is what we are working towards.

### **Budget (Impact of Spring Statement)**

**7. Kevin Stewart (Aberdeen Central) (SNP):** To ask the Scottish Government whether it will provide an update on the potential impact of the United Kingdom Government's spring statement on the Scottish budget. (S6O-04534)

**The Cabinet Secretary for Finance and Local Government (Shona Robison):** As I set out to the Parliament yesterday, the Chancellor of the Exchequer has caused a great deal of concern across Scotland with her decision in the UK spring statement to short-change public services and deliver cuts to some of the most vulnerable in our society. I called on the UK Government to reject the failed approach of austerity, but, although the UK Government might deny it, for many people, this looks and feels like austerity. We are considering the impacts on Scotland's public finances, and I will set out more detail in the medium-term financial strategy at the end of May.

**Kevin Stewart:** Given that organisations are saying that, by 2030, the poorest 10 per cent will get poorer and the richest 10 per cent will get richer, what analysis has the Scottish Government conducted of the increase in inequality in Scotland as a result of the Labour Government's spring statement, which takes from the poor while protecting the rich? Is it not now apparent that the only way to create a fairer Scotland is through independence?

**Shona Robison:** Kevin Stewart is absolutely right. We are considering the impact of the UK Government's planned cuts to welfare policies on Scotland. It is clear from the UK Government's impact assessment that 250,000 people, including 50,000 children, will be pushed into relative poverty by 2029-30. That is likely to increase inequality, and it is shameful.

As I said to the Parliament yesterday, we will strain every sinew to protect disabled people from this deplorable action by the UK Government. We are committed to eliminating child poverty, but that job is being made harder by the actions of the UK Government.

### **Secondary School Teaching Staff (Dundee)**

**8. Michael Marra (North East Scotland) (Lab):** To ask the Scottish Government what it is doing to ensure adequate provision of teaching staff in secondary schools in Dundee. (S6O-04535)

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** The Scottish Government



has provided local authorities with £186.5 million of increased funding this year as part of our agreement with local government to restore teacher numbers to 2023 levels. There is an additional £28 million in the budget to provide for additional support for learning, which can be used flexibly by our councils to invest in extra teachers in secondary schools, including in Dundee. The overall number of teachers in Scotland's classrooms has increased by more than 2,500 over the past decade as a result of direct Scottish Government investment.

**Michael Marra:** The headteacher of St John's high school in Dundee has written to parents to say that secondary 1 and 2 pupils will receive fewer maths lessons per week and that national 5 application of maths classes will see a qualified maths teacher only on a rotational basis. The responsibility for that mess lies with the Scottish National Party Government, which has slashed council budgets, presided over a decline in Scottish education and piled ever more responsibilities on to our teachers. In his letter, headteacher Seán Hagney apologises for the disruption to learning. Will the cabinet secretary join him in apologising?

**Jenny Gilruth:** Mr Marra highlights an issue that I note has received press coverage in today's *The Courier*. I have asked my officials to engage substantively with Dundee City Council.

I remind Mr Marra of local authorities' statutory responsibilities with regard to the delivery of education. As I intimated in my original response, Dundee City Council will receive an extra £5.1 million as a result of the Government's investment through the budget, which will help the council to increase teacher numbers to alleviate the challenges that he rightly raises today.

It is thanks to that Scottish Government investment that we have the highest-paid classroom teachers, the lowest pupil to teacher ratio and the highest school spending per pupil across these islands. It remains deeply politically incoherent that Mr Marra and his party voted to abstain on further investment in Scotland's classrooms, where we know and agree that it is needed most.

## First Minister's Question Time

12:01

### Trade Tariffs

**1. Russell Findlay (West Scotland) (Con):** Scotland exports around £4 billion of goods to the United States each year—it is our largest export destination. Donald Trump's tariffs will cause significant harm to many of our industries, including food and drink, textiles, engineering and pharmaceuticals. Will the First Minister instruct the Government and its business agencies to do whatever they can to support businesses and protect Scottish jobs?

**The First Minister (John Swinney):** That is absolutely what the Scottish Government and our enterprise agencies are doing. On all occasions, we work with the business community to strengthen the economic prospects of and opportunities for Scotland.

The imposition of tariffs is not good news. It will be damaging for economic activity not only in Scotland and the United Kingdom but across the world. What was applied yesterday will also have negative implications for the population of the United States.

We will, of course, engage with the United Kingdom Government, which carries the responsibility for international trade as part of the constitutional settlement. We have been engaging for some time, and we will continue to do so as part of our efforts to promote and protect Scottish business.

**Russell Findlay:** The Scottish Chambers of Commerce says that many of our firms will now struggle to survive. The US is the largest overseas market for Scotch whisky, which is worth almost £1 billion in annual sales. When US tariffs on Scotch were introduced, six years ago, they cost the industry £600 million in lost sales.

Deploying some diplomatic understatement, the Scotch Whisky Association says that it is "disappointed" by the new tariffs. Help is needed. Those tariffs follow an increase in whisky duty that was imposed by the UK Government six months ago. Will the Scottish Government back my call for the UK Labour Government to lower its record-high tax on whisky?

**The First Minister:** The United Kingdom Government will make its financial decisions, and Mr Findlay is well able to make his representations to it. I point out that, when the Conservative Government was in power, it was not shy about putting tax on Scotch whisky into the bargain. It is nice to know that Mr Findlay has had a conversion

on the road to Damascus on that particular question.

Significant issues affect the Scotch whisky industry. That is why the Government has had extensive dialogue with the Scotch Whisky Association, and it is why I will be engaging with it when I am in the United States over the next few days to mark tartan week.

I assure Mr Findlay that the Government will leave no stone unturned in ensuring that we take forward the concerns of the industry and will work with the United Kingdom Government and the industry to protect its prospects, given that it contributes very significantly to the economic wellbeing of Scotland.

**Russell Findlay:** When I speak with representatives of the Scotch whisky industry, they tell me that it is the Scottish Government that they are worried about. We need to maximise the opportunities for Scottish businesses to sell their products abroad, which will help to grow our economy and to fund public services.

Last year, the Scottish Government announced a USA export plan to identify the best opportunities for Scottish businesses, but within months it was cancelled. We called that decision short-sighted at the time. Was it a mistake? Ahead of his trip to New York for tartan week, will John Swinney reverse that decision and produce a new USA export plan?

**The First Minister:** I find that line of questioning very odd, coming from a party that wants the Scottish Government to scale back—

**Douglas Ross (Highlands and Islands) (Con):** Answer the question.

**The First Minister:** —all our international representation.

**The Presiding Officer (Alison Johnstone):** Excuse me, First Minister. Mr Ross, please adhere to our standing orders.

**The First Minister:** I find that line of questioning absolutely bizarre, because the Conservatives are the ones who demand that the Government close our international offices, which are critical to the representation of Scotland abroad and the economic success of our country. I am proud of what Scottish Development International does on our behalf, and I know that the export strategies of the Scottish Government are focused on the needs of the industry.

I can assure Mr Findlay that the Scottish Government will take forward the interests of Scottish industry in all that we do. We will look at the opportunities to promote our products overseas, and we will stand shoulder to shoulder

with Scottish industry as we promote our important products to overseas markets.

**Russell Findlay:** So, no answer to that question, then.

The new Trump tariffs will put Scottish jobs at risk, they will stop businesses from growing and they will slow economic growth. John Swinney cannot stop the tariffs, but he can lower bills in Scotland.

This week, Scottish families faced more tax rises because of the Scottish National Party and Labour. Our analysis shows that an average person's bill will rise by around £1,000 because of higher income tax, national insurance, energy costs, train fares, water bills and council tax. The cost of tariffs surely makes it vital for John Swinney to look at lowering the burden on hard-working Scots and businesses—will he do so?

**The First Minister:** The budget that the Scottish Government has successfully put to Parliament, and which is now going to be implemented, involves more than £700 million of business rate reductions for companies in Scotland, and that is just one of the pro-business measures in the Scottish Government's budget. There is also the investment that we make in the enterprise agencies and in our representation overseas, which, of course, the Conservatives are opposed to.

Mr Findlay makes his call for business tax reductions, but he also made a call in the budget for income tax reductions, which would reduce public expenditure by £1 billion and would undermine the investment that we are making in the economy.

I can reassure Mr Findlay that the Scottish Government has taken forward an economic agenda that has seen gross domestic product per person in Scotland grow by 10.3 per cent, compared with 6 per cent in the United Kingdom. That is the record of a Government that is investing in the economy to boost economic performance and to create jobs and wealth in this country. That is what my Government is all about, and that is what we are delivering for people in Scotland.

## National Health Service

2. **Jackie Baillie (Dumbarton) (Lab):** On Monday, the Scottish National Party published yet another national health service recovery plan—that makes it five plans in just four years. I know that Biffa is suing the Government, but that is not the kind of recycling that Scots are looking for.

A pledge for a digital front door was made in 2021 but have not been delivered. Fast-track cancer diagnostic centres in every health board

were promised in 2021 but have not been delivered. The height of the SNP's ambition is that patients will wait "only" a year for treatment. Does the SNP really think that that is success? It is little surprise that Colin Poolman, the director of the Royal College of Nursing Scotland, said that

"nursing staff reading this will be left scratching their heads wondering just how the aspirations in the plan will be achieved in reality."

Is it not the case that the SNP Government is desperately scrambling around because it knows, as everybody else in Scotland does, that it has broken Scotland's NHS?

**The First Minister (John Swinney):** No—I do not agree with that. I accept that there are challenges in the national health service, and I am very candid about that.

I set out in my speech at the National Robotarium in January exactly how the Scottish Government is going about addressing that. Let me give Jackie Baillie some reassurance about the progress that we are making.

In April 2024, the Scottish Government provided additional funding to NHS boards to deliver 64,000 additional procedures by March 2025. By the end of January, 75,500 additional procedures had been delivered. We promised 64,000 over a whole year, and within 10 months we delivered 75,500. In addition to that, all four key radiology diagnostic tests have shown a 4 per cent decrease in the total waiting list size for diagnostic tests.

I accept that there are challenges, but the Scottish Government is focused on delivering progress for the people of Scotland, and that is what we are delivering now.

**Jackie Baillie:** The First Minister talks as if this is year zero. It is not. After 18 years in charge of our NHS, there is no one else left to blame.

Let us take the crisis in primary care as an example. Back in 2018, the SNP unveiled a big new plan with the usual fanfare. It promised to deliver 800 more general practitioners. The result is that, today, there are fewer whole-time equivalent GPs while demand has soared. In fact, since 2013, the number of whole-time equivalent GPs has fallen by more than 200 while the SNP has cut funding time and again. It is the SNP's constant cycle of failure: create a problem, announce a plan and things get worse, so rinse and repeat.

Dr Iain Morrison, chair of the British Medical Association's Scottish GP committee, told the BBC that general practice is at "crisis point". Is he wrong?

**The First Minister:** I accept that, as I have said throughout all my answers about the health

service since I became First Minister, there are challenges. Jackie Baillie ignores the impact on population health of a global pandemic that has had a colossal impact not just on the health service in Scotland but across the United Kingdom and in every affected country in the world. I recognise the challenges in the NHS.

On GPs, we have seen an increase in numbers—the total headcount—by 307 since 2017. In Scotland, we already have 82 GPs per 100,000 of population, compared to 64 in England, 67 in Wales and 75 in Northern Ireland.

We have invested in general practice to ensure that it is strong to meet the needs of the current period. We have also invested in broadening the staff base in general practice and in recruitment through health boards to ensure that allied health professionals are able to contribute to meeting the demand that, as a result of the Covid pandemic, now presents itself in the national health service.

Let me assure Jackie Baillie that the Government is absolutely focused on delivering improvements in the national health service. We are beginning to see the fruits of that plan, which is resulting in more procedures, more activity and more engagement in the national health service. There will be more of that to come in the period ahead, because the Government has put a record sum of money in to support the service.

**Jackie Baillie:** Once again, we see the SNP spin machine wanting to pretend that everything is fine, but John Swinney cannot escape his record. After a global pandemic, he was the one who cut hundreds of millions of pounds from Scotland's GPs, social care and mental health budgets. What is the result? Cancer targets are missed, waiting lists are out of control, deadly disease diagnosis is delayed and thousands of patients are forced to go private. However, we should not worry—the fifth NHS recovery plan in four years will definitely sort it all out. When it does not, there is still time to fit in a few more before the election.

NHS nurses, doctors and ambulance workers are not fooled. Neither are 800,000 Scots who are stuck in pain on an NHS waiting list. They deserve more than the SNP's hollow apologies and half-baked plans that never get delivered. Is it not the case that, after 18 years in charge, if the SNP had a plan to fix the NHS, it would have done it by now?

**The First Minister:** Well, that is just what we hear from Jackie Baillie every single week, and it ignores—[*Interruption.*] It ignores the facts of what is going on.

Jackie Baillie raised some really important issues about cancer care. I want to reassure members of the public—[*Interruption.*]

**The Presiding Officer:** Let us hear one another.

**The First Minister:** It is not good enough for Jackie Baillie to create alarm by putting those questions. Let us take the 31-day treatment standard. Some 94.7 per cent of patients were treated within 31 days of a decision to treat. The median wait is four days. Those figures are a demonstration of the national health service's achievements.

Most importantly, we are treating more cancer patients on time, within both standards, compared with the same quarter five years ago: the figures are 4.5 per cent more patients being seen within the 31-day standard and 1.6 per cent more within the 62-day standard. Jackie Baillie mentioned mental health services. For the first time, we are now meeting the 18-week treatment standard for child and adolescent mental health services, which reflects an important commitment to support the mental health of children and young people in our society.

Yes, there are challenges, but this Government is absolutely focused on delivering on the national health service. That is why we put record funding in place, and it is also why Ms Baillie could not find it within herself to back the Government's budget. She is not interested in investing in the national health service—it is just politics, politics, politics for Jackie Baillie.

### Rent Increases (Controls)

3. **Patrick Harvie (Glasgow) (Green):** On Monday this week, the Scottish Government withdrew critical protection against rent rises. For the first time in years, landlords will now have the power to instantly set rents back to uncontrolled free-market levels. Tenants will not be able to stop that, and they will not be able to afford it.

Let us be clear about the scale of the Scottish National Party's rent hikes. Data from Generation Rent and Living Rent shows that, even when the recent protections were in place, some landlords still tried to break the rules. In Glasgow, one landlord tried to double the rent from £700 to £1,400 per month. However, until this week, thanks to the temporary rent protections that I was proud to introduce, people such as that could be stopped. That unbelievable increase was capped by the regulator, with the rent at £784 instead of £1,400. Does the First Minister now understand why tenants across Scotland are so fearful about what he has done?

**The First Minister (John Swinney):** Presiding Officer, before I answer the substance of Patrick Harvie's question, I wonder whether you would allow me to express to Mr Harvie my good wishes on his decision to step down from co-leadership of

the Scottish Green Party. I have always enjoyed our encounters—we will have many more of them before the summer—and I wish him well for the future.

On the substance of Patrick Harvie's question, I will make two points. First, part of the answer that I would give is in the evidence that Mr Harvie put to the Parliament a moment ago. There are opportunities for tenants to seek a review of a rent increase that they believe to be unacceptable. That right was exercised, with success, in one of the examples that Mr Harvie put to me. Secondly, I underline the importance that the Government attaches to the principle that underlines Mr Harvie's point, which is why we have introduced a bill that includes the concept of rent controls. Parliament is considering, at stage 2, the Housing (Scotland) Bill, which will make provision for such issues as we move forward.

**Patrick Harvie:** I am very grateful for the First Minister's kind personal remarks, but I fear that his comments on the policy issue are complacent. He talks about the protections that I just described, but the point is that those protections ended this week—they are no longer there to protect people. Such complacency is similar to what we heard recently from the Minister for Housing. When those figures were put to him, all that he could say was that he was asking landlords to be sensible with these new, utterly uncontrolled powers.

In truth, there is now nothing to hold back a tide of unaffordable rent rises. The Scottish Government has not even published an assessment of the number of people who will lose their homes as a result. The protection that the Greens introduced succeeded in preventing eye-watering rent increases. Rents in Scotland are already too high—

**The Presiding Officer:** A question, please, Mr Harvie.

**Patrick Harvie:** —and with energy bills going up and social security under attack, people need a Government here that will be on their side. Will the First Minister think again, stop watering down the new bill and ensure that it can cut rents instead of locking in ever more rent rises for the future?

**The First Minister:** The public can be assured that they have a Government that is on their side—that is the Government that I lead. That is why we introduced the Housing (Scotland) Bill, which contains the important protections that I set out.

It is important that we recognise that there are strict legal processes that ensure that private landlords and their agents follow very strict rules about ending any tenancies. Mr Harvie makes a point about evictions; that is not an area that is without protections under the current legislative

arrangements. Measures are also in place to enable tenants to seek a review of a rent increase.

I assure Mr Harvie that the Government is absolutely committed to the terms of the Housing (Scotland) Bill that is before the Parliament. We will scrutinise that to its completion and make sure that we implement the protections that he is seeking. That is the process that the Parliament is going through, and the Government will see it through to its conclusion.

### North Sea Transition

**4. Kevin Stewart (Aberdeen Central) (SNP):** To ask the First Minister what the Scottish Government's response is to reported comments made by the chair of the North Sea transition task force that the North Sea's future should be a "national mission". (S6F-03982)

**The First Minister (John Swinney):** The North Sea is vital to Scotland's energy transition. However, decisions on offshore oil and gas licensing, consenting and the fiscal regime are all currently reserved to the United Kingdom Government. We have consistently called for the UK Government to approach those decisions on a rigorously evidence-led, case-by-case basis, with climate compatibility and energy security as key considerations. We are clear in our support for a just transition for Scotland's oil and gas sector that recognises the maturity of the North Sea basin and is in line with our climate change commitments.

**Kevin Stewart:** Among other things, the task force's report recommends

"a long-term, large-scale investment in low carbon technology, and ensuring that the continued (and planned) oil and gas extraction is in line with ... net zero commitments."

Does the First Minister share my view that, while it remains in charge of energy policy, the Labour Government must resource the transition appropriately to maintain and secure jobs and must map out credible energy security transition and net zero strategies in order to get this right for the future? Does he agree that, ideally, the national mission could and should be undertaken by an independent Scotland?

**The First Minister:** Mr Stewart and I share the aspiration that an independent Scotland should be able to take forward the issues and challenges that Scotland faces across all policy areas. That is what independence is all about.

The most constructive and immediate thing that can be done is that the United Kingdom Government can give an early—actually, an immediate—commitment to the Acorn carbon capture and storage project. That would transform the economic prospects of the north-east of

Scotland and enable us to take forward the just transition.

Mr Stewart will know my frustration at the lack of progress that has been made with successive United Kingdom Governments on the Acorn carbon capture project, as it could enhance the opportunities for Scotland and deliver the future of the oil and gas sector and our net zero transition. I just wish that the UK Government would get on and take a positive decision about Acorn.

**Douglas Lumsden (North East Scotland) (Con):** The transition task force also said that, while we are transitioning towards renewables, it makes absolute sense to take what we can from the North Sea. Does the First Minister recognise the vital role that oil and gas will play in the transition? Will his party abandon its presumption against new oil and gas and ditch its hostility to the sector, which supports more than 80,000 jobs in the north-east?

**The First Minister:** The Scottish Government has no hostility to the oil and gas sector—*[Interruption.]* I will say it again to reassure the Conservatives that they heard it the first time—*[Interruption.]*

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** There is no hostility in this Government to oil and gas. We are committed to a rational transition to net zero that enables us to fulfil our climate objectives. We will have to rely on elements of oil and gas for some time to come. That will be part of the approach that the Scottish Government takes, but we also have to fulfil our climate objectives.

I know that there has been another change of position in the Conservative Party. A few weeks ago, Russell Findlay said that it was refreshingly honest of Kemi Badenoch to say that we should abandon our climate change targets. What does that say about the Conservatives? It says that they are prepared to vote in this Parliament for climate change targets but, when it becomes opportune to cuddle up to Nigel Farage and Reform, they abandon the climate change targets. We all now know, because people are now deserting the Tory party, that the Tory party is in a dance with Farage. I will leave them to all of that.

**Fergus Ewing (Inverness and Nairn) (SNP):** The developers of the Rosebank and Jackdaw oil and gas fields have obtained their necessary exploration and other licences. They have complied fully with all Government regulations. On the strength of that, between them, they have invested well over £1,000 million thus far. If they are now declined final permission because the rules have changed and the goalposts have been moved, the UK Government will almost certainly

be pursued for legal claims by those companies for recovery of the sunk costs and, possibly, for the loss of profits extending to several billion pounds or more, and there will be a consequential reduction in the Scottish budget of hundreds of millions of pounds. Will the First Minister, who is not hostile to the oil and gas sector, confirm that the Rosebank and Jackdaw projects must now go ahead?

**The First Minister:** As Mr Ewing knows, I am a very strong believer in the rule of law. The issues that are—*[Interruption.]*

**The Presiding Officer:** Let us hear one another.

**The First Minister:** I will say that again, because my belief in the rule of law is part of my entire being. I know that the Conservatives are cavalier about the rule of law, but I am not—not one bit of it.

Some of the issues that Mr Ewing raises in his question are influenced by court judgments that have been made. The Scottish and United Kingdom Governments will have to consider the implications of those court decisions, and Mr Ewing, as an experienced parliamentarian and lawyer, will understand the importance of considering those particular rulings as we make decisions. Of course, there could be implications of those judgments. I assure Mr Ewing that the Scottish Government will always take a considered approach to those rulings, which we must bear in mind in any decisions that we take.

### US Tariffs

#### (Impact of Extension on Scottish Businesses)

**5. Stephen Kerr (Central Scotland) (Con):** To ask the First Minister what engagement the Scottish Government has had with the United Kingdom Government regarding what assessment has been made of the potential impact of an extension of US tariffs on Scottish businesses that export to the US market. (S6F-03977)

**The First Minister (John Swinney):** There can be no doubt that the tariffs that have been announced by the United States will cause damage to the global, UK and Scottish economies. Scottish Government officials and ministers have been making representations to the UK Government on the matter for some time. Yesterday, the Minister for Business, Richard Lochhead, spoke with Douglas Alexander, the UK Minister for Trade Policy and Economic Security, and emphasised the need to ensure that Scotland's interests are protected in the negotiations with the United States. Scottish Government agencies will work with businesses to advise and support them through this difficult and uncertain period.

**Stephen Kerr:** I might take a slightly different tack to the issue. There is no doubt that the new tariffs that were announced last night will hit some of Scotland's most valuable exports—Scotch whisky, salmon, pharmaceuticals and power-generating equipment among them. Will the First Minister use his visit to the United States this weekend to make the case for fair and reciprocal trade? Will he work closely with the UK Government to protect Scottish jobs and businesses? Rather than retaliate, we need to stay calm, keep a level head and focus on reaching a deal that shields Scotland from the worst economic impacts.

**The First Minister:** There is a lot in Mr Kerr's question with which I agree. I am a believer in free and open trade, and I am a believer in exporting and international business activity. That serves Scotland well. Organisations such as the Scottish Council for Development and Industry, which is now known as Prosper, have led the debate for most of my life on the importance of exporting and broadening the export base of the Scottish economy.

As I said, there is a lot in what Mr Kerr said with which I agree. However, we have to recognise the severity of the economic impact that will come as a consequence of the tariffs. Different responses to those can be formulated. I give him the assurance that there will be close dialogue with the UK Government on the question—as I said, Mr Lochhead discussed the subject yesterday. Before Lord Mandelson took up his role as His Majesty's ambassador to the United States, he and I had a conversation about the important issues that mattered to Scotland in relation to that role. Lord Mandelson generously gave of his time to make sure that he was aware of those issues before he took up his office.

We will leave no stone unturned to promote and protect Scottish business and to find our way through the challenges, but we must all be aware that, based on what we heard yesterday, there will be negative implications.

### Prisoners (Annual Costs)

**6. Katy Clark (West Scotland) (Lab):** To ask the First Minister what the Scottish Government's position is on whether the reported increased annual cost of Scotland's prisons to over £77,000 per prisoner represents good value for public money. (S6F-03996)

**The First Minister (John Swinney):** The figure of £77,000 is wrong. It mistakenly includes capital spending in estimating the cost of a prisoner place in Scotland, by taking total spend and dividing it by population. The average cost of a prisoner place in 2023-24 was £47,140. That information was

released by the Scottish Prison Service in February.

**Katy Clark:** As the First Minister knows, Scotland has the highest number of prisoners in western Europe, per head. If we want to reduce prison costs, we must reduce the number of people in custody and the levels of offending. Some people must be kept in custody but, as a country, we spend comparatively little on community justice. Does the First Minister accept that we need to shift resources significantly to robust alternatives to custody, which the evidence suggests are more effective at reducing offending for many prisoners?

**The First Minister:** Fundamentally, I agree with the point made by Katy Clark. We incarcerate a greater proportion of our population, per head, than almost all other European countries do. That results in a larger prison population. Katy Clark and other members will know from the transparent engagement of the Cabinet Secretary for Justice and Home Affairs with the Parliament that the size of the prison population is a significant challenge that we are managing.

Katy Clark made a point about the importance of investment in community justice. I agree with her. That is why, over a two-year period, there has been a £25 million increase in investment in community justice activity. The Government will look for opportunities to ensure that we expand that capacity, because doing so is one way of ensuring that we achieve better outcomes and avoid the situation that we are experiencing of record levels of incarceration.

**Kenneth Gibson (Cunninghame North) (SNP):** In November 2022, when flat cash funding was proposed for the Scottish Prison Service, Katy Clark said:

“The most basic functions of our criminal justice system and prison service are under threat because of these cuts ... A properly supported criminal justice system is fundamental to our democracy—but these dangerous and disastrous cuts threaten its very existence.”

Today, in her initial question, she complained that too much is being spent on our Prison Service. Does the First Minister agree that that type of opportunistic nonsense simply discredits the Labour Party, and that Scotland’s Prison Service deserves much better?

**The Presiding Officer:** First Minister, your answer should be only on matters for which you are responsible.

**The First Minister:** The Government is working carefully to ensure that we have a sustainable prison estate. That involves ensuring that we have adequate capacity in the prison estate but that we also take measures to shift the balance of criminal justice, where it is safe to do so, to enable

individuals to have different approaches to remedy as a result of criminal justice cases, rather than simply the option of incarceration.

**Liam Kerr (North East Scotland) (Con):** The lack of a holistic strategy has led to the cost of our overcrowded prisons spiralling. In response, the Government dropped a proposal to let long-term prisoners out early, but it did not rule out doing so in future. Victim Support Scotland, Rape Crisis Scotland and Scottish Women’s Aid all say that such a move would be a threat to victims and to the public. Will the First Minister put the public interest first and rule out the early release of long-term prisoners—yes or no?

**The First Minister:** In a sense, that question sums up the problem that we have here. *[Interruption.]*

**The Presiding Officer:** Let us hear one another.

**The First Minister:** Apparently, the Conservatives believe in free speech—unless it is me who is speaking. Really!

Liam Kerr has said that there is a lack of a holistic strategy, and he has then gone on to suggest one of the options that could be considered as part of such a strategy. I dispute Mr Kerr’s claim—I think that we have a holistic strategy. The Cabinet Secretary for Justice and Home Affairs has been completely open with the Parliament about all the challenges that we face, and, in my opinion, she has handled those challenges superbly well.

Liam Kerr has asked me for a holistic strategy but has ruled out one of the possible options in that regard. If the Conservatives want to be treated seriously—it is becoming increasingly difficult to treat them seriously because of the way in which they go about exercising their politics, as one of their members has found out and has today publicly made clear is the case—they should engage constructively in a debate about how we can meet the real challenges that this Government is focused on addressing.

**The Presiding Officer:** We move to constituency and general supplementary questions. As ever, I am keen to enable as many members as possible to take part, so concise questions and answers would be appreciated.

### **Kirkcudbright Bridge (Closure)**

**Emma Harper (South Scotland) (SNP):** What discussions has the Scottish Government had with Dumfries and Galloway Council, Transport Scotland and partners regarding the closure of Kirkcudbright bridge, which is causing massive disruption for everyone in the town? As well as impacting lifeline services, it will have an impact

on the busy tourist season ahead. What practical support can be offered to enable the bridge to be repaired and reopened or even replaced?

**The First Minister (John Swinney):** Government officials have been in dialogue with Dumfries and Galloway Council on the issue. Obviously, the bridge is part of the local authority infrastructure, and the local authority has an obligation to bring forward plans to ensure that the closure of the bridge, which I understand is disrupting connections between communities in Kirkcudbright, is properly addressed. The local authority cannot ignore the issue of public safety, but if there is any advisory support that the Government can make available, I would be happy to arrange such discussions with the local authority.

#### **ADHD and Autism (Continuing Care)**

**Miles Briggs (Lothian) (Con):** The only way that ministers have been able to meet their target on waiting times for child and adolescent mental health services has been by removing from the waiting times figures young people and children who were waiting for attention deficit hyperactivity disorder and autism diagnoses. That is a fact. It is a shameful situation.

I have been contacted by many parents in Edinburgh who have been forced to go private to seek a diagnosis for their children. In follow-up meetings, their general practice has told them that it will not accept responsibility for the continuing care of those children or deliver the prescriptions that they need. Will the First Minister review that policy? More specifically, will the Government distribute national guidance on prescribing for such young people?

**The First Minister (John Swinney):** I addressed some of those points in the answer that I gave to Murdo Fraser last week, in which I made it clear that I thought that the approach that was being taken in Tayside to seek to provide earlier intervention to support young people who presented with mental health challenges had been ill communicated. I think that that approach is the right way to proceed. We should move forward by providing early intervention that meets the support needs of young people, but that provision must be properly planned, delivered and communicated in all localities.

I will not dictate what the prescribing policy should be. It would be ridiculous for me, as First Minister, to set that out. Clinical judgments must be made by clinicians who are trained to undertake such expert analysis, and I trust them to make those judgments.

#### **Carse Medical Practice (Closure)**

**Claire Baker (Mid Scotland and Fife) (Lab):** The First Minister is aware of yesterday's announcement that Carse medical practice will close in September, which will leave 3,600 people without a local practice. Unless a solution is found, patients will face significant travel to alternative practices in Dundee or Perth, to which there are no direct buses. For years, staff have been operating in an inappropriate temporary surgery, with an insecure and uncertain future. The situation is totally unacceptable. What does the First Minister think the solution is?

**The First Minister (John Swinney):** I should be transparent in saying that the issue affects my constituency and that I am closely connected to the concerns of my constituents on the matter. NHS Tayside has the responsibility for working with the local community and general practitioners on the provision of physical facilities to meet the needs of the local population, and I am engaging in those discussions in my capacity as the local member of Parliament. It seems unacceptable to me that patients in the Errol area and in surrounding villages in the Carse of Gowrie would have to travel the extensive distances that Claire Baker has set out. I will work with NHS Tayside to address the issue and find a solution to that particular challenge.

#### **United Kingdom Government Policies (Impact on Scotland)**

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** The UK Government's austerity agenda is putting significant budgetary pressure on Scotland as we try to protect the most vulnerable here, who are increasingly being targeted by the Labour Party. Given the devolved impact, will the First Minister urge Keir Starmer to act on a new study, published by the London School of Economics, that says that, if the UK Government were to follow Scotland's policies, 700,000 children would be lifted out of poverty? How could Scotland reinvest that money to benefit my Maryhill and Springburn constituents, and those beyond, if it did not have to pick up the failures of the UK Government?

**The First Minister (John Swinney):** Mr Doris raises an issue that matters enormously to me. He knows, as the Parliament does, that the focal point of my Government's agenda is the eradication of child poverty. In the London School of Economics study that he cited, Professor Ruth Patrick said:

"The progress Scotland has made on driving poverty rates down shows another way is possible."

We certainly need another way when the United Kingdom Government has voluntarily set out welfare reforms that, based on analysis by a



Labour Government, will push 50,000 children into poverty. What on earth is the point of a Labour Government that is forcing more and more children into poverty? We are taking better decisions in Scotland, where child poverty rates are falling, whereas they are rising in every other part of the United Kingdom. That demonstrates that the Labour Government in Westminster is not delivering for the people of Scotland.

### Banking Hubs

**Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con):** The number of banks on Scottish high streets declined by 60 per cent between 2015 and 2023. Getting access to cash in rural towns is like searching for water in a desert. Will the First Minister back my calls for the establishment of more shared banking hubs in towns such as Eyemouth and Selkirk so that residents and businesses do not feel so far removed from essential services?

**The First Minister (John Swinney):** There is a lot of merit in the concept of shared banking facilities. I have been exploring that very possibility in the highland Perthshire area of my constituency, so I understand the difficulties that Rachael Hamilton cites.

I encourage banks to work together on that proposition. There are a number of examples in Scotland of banks coming together as a way of trying to broaden access to cash in rural areas. I understand the viability challenges that individual banks find in particular towns, but there are solutions to be sought on a collaborative basis, and I encourage the various banks to engage constructively in local areas on that question.

### University of Dundee (Recovery Plan)

**Michael Marra (North East Scotland) (Lab):** On 19 March, the management of the University of Dundee and the leaders of the Scottish Funding Council committed to the Parliament to providing a new recovery plan for the university within two weeks. That deadline passed yesterday, but there is no new plan. That could not be more urgent, because every day that passes without a plan further imperils the most important institution in my city. There is a complete absence of leadership. When will a voluntary severance scheme open, and when will we see a new plan?

**The First Minister (John Swinney):** I assure Mr Marra that there is no absence of leadership on that question, which is commanding a huge amount of the Government's time, attention and focus and was discussed extensively at the Cabinet meeting on Tuesday. The Deputy First Minister, who is leading cross-Government work, is working closely with the Cabinet Secretary for Education and Skills, who has portfolio

responsibility for universities, with the Cabinet Secretary for Health and Social Care, because of the extraordinary significance of life sciences in the University of Dundee, and with the Cabinet Secretary for Justice and Home Affairs in relation to the role of the Leverhulme research centre, which is fundamental to the university.

I have made it absolutely clear that the original financial recovery plan is completely unacceptable and that there has to be an alternative. That work is under way. There were discussions this morning that have narrowed down some of the options that are being taken forward, and the Government will consider further proposals.

I assure Mr Marra that there is a real focus on ensuring that we chart a pathway forward, but it is also important that I make it clear that there is a secure future for the University of Dundee. I want students to accept their offers from the university confident in its future, and I want researchers to be confident that they can continue their involvement in the university, because this Government is determined to secure that future for the university.

That will take us time. We have put in place the financial liquidity support, as requested by the University of Dundee, to make sure that it is secure in what it does in the period ahead, but the design of an alternative recovery plan is an absolute prerequisite for the next steps that we must take, and the Government is determined to take them.

### Raven Attacks

**Liam McArthur (Orkney Islands) (LD):** As the First Minister knows, this is lambing season in farming communities across Scotland, but he will also be aware that there has been an alarming rise in attacks by ravens on lambs and ewes, leading to shocking and often fatal injuries. In Orkney, I have heard from distressed farmers who have lost stock in horrendous circumstances and from vets who talk about serious animal welfare concerns.

Given that it is clear that the raven population has increased significantly in recent years, does the First Minister agree that a survey of raven numbers is now urgently required? Will he ask NatureScot not just to carry out that survey but to provide whatever support farmers need, through licensing, to deal with attacks, ideally before they occur?

**The First Minister (John Swinney):** I acknowledge the significance of the point that Mr McArthur raises. Indeed, the issue was raised with me by farming representatives when I visited Orkney recently. There is the opportunity for licences to be issued by NatureScot to tackle the issue that Mr McArthur raises. If local farmers wish

to take that up, that can be encouraged. I will certainly encourage NatureScot to engage with the farming community in Orkney and other communities to address the issue.

On the specific question about whether a population survey is the best way forward, I am not certain that that is the answer, but I will explore that issue with NatureScot and write to Mr McArthur with a response.

**The Presiding Officer:** That concludes First Minister's question time.

May I have your attention, please? A fire has been reported in this area. Visitors in the public gallery should please follow the directions of security staff and evacuate to the public foyer immediately. People who require assistance to evacuate and those with a personal emergency evacuation plan requiring the use of a refuge point should move to the nearest available refuge point now. Members and other chamber occupants should evacuate immediately to the garden lobby. Further directions will be broadcast presently. Thank you.

12:47

*Meeting suspended.*

12:59

*On resuming—*

## **University of the West of Scotland Foundation Academy**

**The Deputy Presiding Officer (Liam McArthur):** Welcome back. The next item of business is a members' business debate on motion S6M-16633, in the name of George Adam, on celebrating the University of the West of Scotland's groundbreaking foundation academy. The debate will be concluded without any question being put. I invite members wishing to participate to press their request-to-speak buttons.

*Motion debated,*

That the Parliament applauds the work of the University of the West of Scotland (UWS) and what it sees as the groundbreaking work that it is doing with the Foundation Academy, which is a 12-month programme helping pupils across S5 and S6 to develop academic skills, experience university-level study, and visit a university campus in order to boost their confidence in pursuing higher education and strengthen university applications; understands that the programme is the first of its kind in Scotland and has been recognised by various institutions as an alternative pathway to meeting the required qualifications to enter university; acknowledges how successful the academy has reportedly been for the thousands of pupils who have benefited from the additional support offered since the launch of the programme in 2022, and praises the time and effort of all those involved in the creation and running of the programme for the impact that this is having on pupils, including those in the Paisley constituency, who otherwise may not have been able to attend university.

13:00

**George Adam (Paisley) (SNP):** The lengths that this—*[Interruption.]* Sorry?

**The Deputy Presiding Officer:** Your microphone is on, but, a little like mine, it does not seem to be very loud.

**George Adam:** It seems to be on now.

This place will go to some lengths to ensure that the people of Paisley do not have their voice heard in Scotland's Parliament, but that is what I will ensure happens, after that wee test of the alarm system.

It is not often that I get to talk about much of the good work that happens in Paisley—okay, Presiding Officer, I admit that I do that at any opportunity. That is because, from the very beginning of my time as Paisley's MSP, I have always wanted to talk about positive Paisley and to talk up all the good things that affect the good buddies of my home town.

We live in extremely challenging times—we hear that all the time in this place—but it has

always been thus, and it is how we deal with that adversity and challenge that is the key.

As most members know, I have been a member of our various education committees, in their many guises, for most of my time in the Scottish Parliament. My reason for being on that committee is that I want to make a difference to the lives of young people in my town. Education is a key component in that, and I am lucky to represent a town that has a progressive, forward-thinking educational establishment that is trying to do just that, and to change young people's lives.

The University of the West of Scotland has influenced the Scottish Parliament, as there are members, past and present, who have been educated in Paisley at the institution in its many guises. Currently, the Education, Children and Young People Committee has among its members Willie Rennie, who is an alumnus of Paisley's seat of higher education, and, before that, it had Evelyn Tweed, who graduated from there as well—the Parliament's education committee has had its very own Paisley mafia. If the public had been allowed back into the gallery, I would be able to see my wife Stacey, who also graduated as one of Paisley's finest. During her time, the institution was known as Paisley tech, then Paisley college, and she finally graduated from the University of Paisley. My close friend and office manager David McCartney also graduated from the UWS.

I mention the fantastic work of the University of the West of Scotland at any opportunity, and today I want to talk about an initiative that is changing lives across the west of Scotland and in Paisley in particular—the UWS foundation academy.

We all know that education is the great enabler. It opens doors, creates opportunities and empowers young people to shape their lives and futures. However, for too many young people from disadvantaged backgrounds, those doors have been closed. That is why programmes such as the UWS foundation academy are vital, because they break down barriers, raise aspirations and deliver on the Scottish Government's commitment to widening access to higher education.

The impact of the UWS foundation academy is incredible. Already, since launching in 2022, the initiative has supported more than 2,300 students from 34 schools across 10 local authorities, including—right at the centre of the universe, in Paisley—pupils from Castlehead high school and Gleniffer high school, who are also benefiting from the programme.

The programme is free for schools, ensuring that financial constraints are no longer a barrier. It provides a structured pathway into university for pupils in secondary 5 and 6, helping them to gain academic confidence, experience university-level

learning and—crucially—earn a Scottish credit and qualifications framework level 7 credit that can be used as an alternative to a higher B grade when applying to the UWS. That is tangible progress in tackling educational inequality, and it demonstrates the UWS delivering the Scottish Government's widening access strategy.

The Scottish Government has made widening access to higher education a key priority, aiming to ensure that, by 2030, at least 20 per cent of university entrants come from Scotland's most deprived backgrounds. The UWS foundation academy is directly contributing to that goal. By delivering a flexible and inclusive approach, the UWS is ensuring that young people from all backgrounds, including those who might be the first in their family to consider university, feel supported in making that step. The programme gives them the confidence, experience and qualifications that they need to succeed in life.

This is a positive Paisley story. In our town, the impact of the foundation academy is already being felt. Some 29 pupils from Castlehead high school and 17 from Gleniffer high school are engaged in this year's cohort. Those young people are gaining invaluable insights into fields such as forensic science, sports science, engineering, nursing and many other disciplines that are crucial to Scotland's future workforce. *[Interruption.]*

I am quite happy to start again for the benefit of the audience that has now come into the public gallery, Presiding Officer.

**The Deputy Presiding Officer:** I think that you should just save the best bits for last.

**George Adam:** A teacher at Castlehead high school summed it up best:

"For some of our pupils, this programme is the difference between going to university or not going. It breaks down barriers and gives them the belief that higher education is for them."

That is life changing. That is what widening access is all about. This is a model for Scotland and it is a model that should be used in other areas, too.

The UWS foundation academy is an example of how universities can work hand in hand with schools and communities to deliver meaningful change. It is no surprise that the programme was nominated for the widening participation initiative of the year at the 2024 *Times Higher Education* awards. It is not just about access; it is about ensuring that young people thrive when they get there. The transition support, the Universities and Colleges Admissions Service application guidance and the continued support even after pupils have left school make the programme a model for how we should deliver education in Scotland.

I am proud to see the UWS, which is a key institution in Paisley, leading the way in widening access to higher education. This is what a fairer Scotland looks like—a place where a young person's potential matters more than their postcode, where talent is nurtured, not wasted, and where programmes such as the UWS foundation academy help to deliver the Scottish Government's vision of a truly inclusive education system. I urge colleagues across the chamber to support and champion initiatives such as this, ensuring that every young person, regardless of their background, has the chance to fulfil their potential.

**The Deputy Presiding Officer:** Thank you very much, Mr Adam. We move to the open debate, and I call Miles Briggs

13:06

**Miles Briggs (Lothian) (Con):** I start by thanking George Adam, my Education, Children and Young People Committee colleague and Paisley mafia member, for securing this debate.

I put on record just how impressed I was to hear about the work that is being undertaken by the University of the West of Scotland when I recently met representatives in the Parliament. I look forward to a visit that I have set up to see some of those leading projects. The University of the West of Scotland is one of Scotland's largest modern universities and a leading provider of undergraduate, postgraduate and research degree education.

As has been mentioned, since the launch of the foundation, in 2022, the programme has grown year on year, with headteachers, pupils, deputy heads and teachers in schools all remarking on the positive benefits that it is bringing to pupils, and I agree. The foundation programme includes a visit to one of the four UWS campuses and a 10-week university-level module that is delivered by UWS lecturers to pupils in their school setting. The modulated timetable, which delivers one period a week for pupils, is really important. The fact that it is free for schools has broken down many barriers, with the UWS also covering the transport costs of the campus visit, which takes place during the school day.

Pupils are invited to be involved during their S5 year, with the aim of completing the programme by December of their S6 year. As has been mentioned, since the pilot in 2022, the UWS has engaged with more than 2,500 senior pupils across more than 30 schools in Ayrshire, Renfrewshire, Lanarkshire, Argyll and Bute, Dumfries and Galloway and Glasgow city. The UWS is continuing to expand the offer to other schools throughout the west of Scotland.

The University of the West Scotland is rightly proud of delivering the foundation academy programme to senior school pupils across the west of Scotland. As George Adam outlined, this unique initiative offers pupils the opportunity to experience studying at university level while developing key academic and personal skills to ensure that they are prepared for the university experience.

The Parliament's education committee recently met care-experienced young people to discuss the barriers to higher and further education that they are experiencing. One of the key messages that I heard from them and took away was that many felt that they were unprepared for university life. Many of those young people will be the first person in their family who has ever gone to university, so programmes such as this present a real pre-university experience and an opportunity for them to ask the many questions that they had.

The programme has provided numerous benefits to young people, including the opportunity for them to understand what they can expect beyond the boundaries of secondary school education. Ahead of the debate, I was thinking that it does not seem too long ago since I went to university. I remember the shock to my system—I went from rural Perthshire to an Aberdeen student hall flat with a railway right behind it. Luckily for me, I made many great, lifelong friends at university. However, I acknowledge that that does not happen for many young people.

The transition from school to higher or further education is a big step and a big responsibility for many young people who are leaving home or care for the first time, often to travel across the country or even further afield. Initiatives such as the UWS foundation academy can provide our young people with that extra bit of knowledge on how university life will impact them, help them to answer their many questions and address any fears and doubts that they might have.

Other universities have adopted a similar approach. I know that many of our colleges provide early holistic support to young people, but the foundation academy is the first of its kind in Scotland, which has been recognised through many awards, as George Adam said. If more universities and colleges follow the same lines and offer similar courses, that will help to reduce the number of students who drop out of university, which is something that we should all want to see.

I congratulate all those involved in the programme, which has made such a difference to many people already, on the great impact that it is having on many young people's lives. I also congratulate George Adam on securing the debate.

**The Deputy Presiding Officer:** I call Stephanie Callaghan. [*Interruption.*] We had a problem with Ms Callaghan's audio, but it has been resolved. Please start again, Ms Callaghan.

13:11

**Stephanie Callaghan (Uddingston and Bellshill) (SNP):** I thank my colleague George Adam for bringing the debate to the chamber today. There are few things that matter more to me than supporting our young people to achieve their potential, so it is a great pleasure to be part of the celebration of the University of the West of Scotland's ground-breaking foundation academy. It is a pioneering initiative that is transforming the educational landscape for senior school pupils across the west of Scotland. The initiative offers pupils the unique opportunity to experience university-level study, develop essential academic skills and enhance the quality of their university applications.

Supported by the John Mather Trust, the foundation academy has engaged more than 2,500 pupils from more than 30 schools since its inception in 2022. By providing a blended approach of on-campus and in-school learning, the foundation academy ensures that pupils are well prepared for their future academic journeys.

The success of the programme is evident in the confidence and readiness of its participants, who have gained valuable insights into university life. I listened to Holy Cross high school pupils when they presented to a large group of parents about the merits of taking part. One student said:

"I enjoyed getting to see what it is actually like at university, what the environment is like, and getting to experience different courses. I feel more confident about applying for university."

*Times Higher Education* provided a really good description of the foundation academy. It said:

"By building a bridge between high school and university, outreach teams can foster aspiration and provide tangible pathways for students who might not otherwise pursue higher education."

I am sure that we can all agree that encouraging ambition and offering concrete opportunities are key.

I will reflect a little on the rich history of the UWS in Hamilton and its deep connection to our community. The university's presence in Hamilton dates back to the merger of the University of Paisley with Bell College in 2007. Bell College educated generations of students since opening in 1972—the year after I was born—and played a crucial role in the educational development of the region. It was a big feature of our local skyline, sitting alongside South Lanarkshire Council headquarters.

The Bell College building was in the Uddingston and Bellshill constituency. It officially closed back in 2018, when students moved to the new, state-of-the-art £110 million Lanarkshire campus, based up the road at Hamilton international technology park.

Just a few months ago, the old Bell College building was taken down, changing the local skyline and the view from my window, because I live a stone's throw away from there. Local people have expressed nostalgia for and fond memories of the landmark that stood for more than 50 years. Everyone knows someone who studied there. There is also excitement about the future, as we look to secure a transformation that will bring new life to the heart of Hamilton and benefit the local community.

I also want to pay tribute to the late Christina McKelvie, MSP for Hamilton, Larkhall and Stonehouse. She was always a strong advocate for Bell College and its legacy in the community, and for the new campus, too. Throughout her tenure, she consistently highlighted the importance of the college in providing quality education and opportunities, and that resonates with many residents to this day.

Christina was also actively involved in promoting campus safety at the University of the West of Scotland. She supported initiatives such as the standing safe campaign, which aims to end sexual violence on university campuses.

I extend my heartfelt gratitude to everyone who has contributed to the success of the UWS foundation academy and to our Hamilton campus. That dedication and hard work has made a significant difference to the lives of many, and we are proud to celebrate those achievements today. Let us continue to strive for excellence, support our students and uphold the values that make the UWS a beacon of education and innovation.

13:16

**Carol Mochan (South Scotland) (Lab):** I thank George Adam for bringing this celebration of the work of the University of the West of Scotland to the chamber.

We all know the power of education, and we all believe that it can transform lives. The right to education at all levels must be embedded in all that we do as politicians. It is important that we continue to work with universities to encourage programmes such as the foundation academy. The foundation academy has allowed pupils who wish to pursue higher education in a wide range of subject areas to gain access to it. It has provided a pathway without which that education might have been out of reach.

As we have heard, thousands of young people have benefited from the academy since it was launched in 2022 with the aim of bridging the gap between schools and the university, and the numbers continue to increase each year.

One of the biggest challenges that is faced by pupils who would like to go to university, especially those who lack support for and experience of university at home, is change. That can be a very difficult gap to bridge, and we all know that it has led to many people simply giving up. The programme directly addresses that issue, and we should all support it in doing so.

As others have said, the programme includes accredited modules and affords the students a taster of university education.

I was pleased to speak with delegates from the University of the West of Scotland about the foundation academy when they visited Parliament earlier this year. I am proud to say that in my South Scotland region, 245 pupils have participated. Through the programme, they have gained insight and learning experiences to improve their future university applications.

No child or young person should ever feel limited because of their background or circumstances. Everyone should have support to develop the skills and knowledge that they need to access their chosen path. The programme provides opportunity by creating more routes for students to gain access to university. It is vitally important that students from all backgrounds have access to university, should they wish it.

We know the impact of growing up in poverty, which causes unfair barriers to accessing further education. We should be doing everything that we can to provide all children with the tools to choose their own future, which must include access to university, if they choose that option.

As I have a rural constituency, it is very common for constituents to tell me how difficult it is for their young family members to travel to education and training. Recent work that I have participated in around traditional building trades highlighted the issue for me. If a young person living in Dalmellington wants to learn a trade such as roofing, they cannot, through no fault of their own, get public transport that allows them to reach college for the start time. How can we expect them to commit to options that they simply cannot get to?

We in the Parliament have a responsibility to fix those injustices. Part of our responsibility in relation to supporting programmes such as the foundation academy is to look at the wider issues for and needs of our communities.

The programme addresses the challenges that pupils might have. First, it fully funds visits to the university and, secondly, pupils get experience of modules being delivered by lecturers in their own school for a period each week. That provides them with a comprehensive understanding of how university teaching is structured, and gives them accredited skills, knowledge and confidence—and the qualification that other members have mentioned—to take with them in the next steps in their education.

I appreciate all the work that staff and students have done, and I wish them great success for the future. I welcome all the contributions from members today.

**The Deputy Presiding Officer:** I invite Graeme Dey to respond to the debate—around seven minutes, please.

13:20

**The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey):** I thank George Adam for bringing the debate to the chamber, and I thank other members for their contributions. I welcome representatives of the University of the West of Scotland to the gallery; unfortunately, they sadly missed the beginning of George Adam's contribution owing to the fire alarm.

Last year, I had the pleasure of visiting the UWS to speak to—and, more importantly, hear from—staff and students. I heard about the excellent work that the university does to attract and support students from disadvantaged backgrounds. The foundation academy is one of those pieces of work, and it continues to go from strength to strength. It is a fantastic example of partnership working, and that alternative pathway is the type of innovative approach that will help to make access to universities easier. I am pleased that we have had the opportunity to celebrate it today.

As we have heard, the UWS foundation academy supports S5 and S6 pupils who attend schools with lower progression rates. It has partnered with 34 individual schools across 10 local authority areas. The 12-month programme helps pupils to develop academic skills and experience university-level study, and it provides an opportunity for them to visit a campus. That is all helpful in preparing young people for university life, as Miles Briggs noted. The programme is tailored to meet specific regional needs and is delivered at no cost to local authorities or schools.

As we heard earlier, the successful completion of the programme furnishes graduates with credit-bearing modules that can be used as an alternative to a B at higher when applying to UWS. A measure of its credibility is the uptake of the

offering. In 2022-23, it engaged with 441 pupils across seven schools; thus far, in 2025-26, engagement sits at 1,207 individuals across 34 schools.

I put on record my thanks to all those at the UWS and their partners for the brilliant work at the foundation academy and for their wider approach to supporting students once they enter the institution. The student success model operating within the institution has real potential, not just for the UWS but for the wider sector. It would be remiss of me, however, not to acknowledge the work that is done by other higher education institutions, such as the University of Glasgow and Queen Margaret University, in reaching into communities to help to ensure that our young people are prepared and supported to be able to pursue university education.

The Government has been clear that we remain resolutely committed to free tuition. The hundreds of students who were able to go to the university because of the foundation academy have been able to do so with no tuition fees to pay. That is the right thing to do, not only for those individuals but for society, and I am proud that Scotland is a nation in which access to university is based on the ability to learn, not on the ability to pay.

Last month's Higher Education Statistics Agency statistics showed a welcome upward trend in the proportion of students from deprived areas entering university. I know that those figures reflect a huge amount of effort from all staff who are working to support those learners, whether in our schools, our colleges, our universities or elsewhere, and I pay tribute to them for that. However, we know that, collectively, we still have work to do if we want to support more learners from all backgrounds to access higher education.

We are in a different place in comparison with 2016 and, in many ways, it is a much more challenging place. However, I know from speaking to our universities, and to the commissioner for fair access, that the momentum behind this agenda is stronger than ever. As we continue to focus on making progress towards widening access to higher education, it is important to remember why we are doing that. It is to allow everyone to reach their potential, and I am confident that, with programmes such as the foundation academy, we are helping people to do just that.

**The Deputy Presiding Officer:** That concludes the debate.

13:24

*Meeting suspended until 14:30.*

14:30

*On resuming—*

## Portfolio Question Time

### Social Justice

**The Presiding Officer (Alison Johnstone):** The next item of business is portfolio question time. Question 1 has not been lodged.

#### Volunteering (Wellbeing Benefits)

2. **Foyso Choudhury (Lothian) (Lab):** To ask the Scottish Government how it is working to promote the benefits of volunteering, in light of the recent research from Volunteer Scotland indicating that regular participation in volunteering can have wellbeing benefits worth approximately £1,000 per person per year. (S6O-04537)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** I welcome the publication of the research and recognise the positive impact that volunteering has on people's wellbeing. That is why Scotland's volunteering action plan aims to create a Scotland where everyone can volunteer more often and throughout their lives. The 10-year plan, which has been co-produced with the third sector, seeks to increase volunteering participation. To support the plan, the Scottish Government provides direct funding to national and local intermediaries, including Volunteer Scotland. I am also pleased to announce that this year we will invest £1.1 million in the volunteering support fund to support people who experience barriers to their volunteering.

**Foyso Choudhury:** Given the concerning fall in volunteering participation, we must ensure that volunteers are treated well and that standards are upheld. Will the cabinet secretary advise how the Scottish Government is ensuring that funding for third sector organisations supports volunteers' involvement that is aligned with the principles of the volunteer charter? Will she join me and representatives from volunteer organisations at the next meeting of the Parliament's cross-party group on volunteering to discuss the issues that the sector faces?

**Shirley-Anne Somerville:** The Scottish Government encourages the use of the volunteer charter, which was developed by Volunteer Scotland and the Scottish Trades Union Congress and sets out the 10 principles for the foundation of a good volunteer experience, exactly as the member mentioned. Foyso Choudhury is quite right to point out the value of volunteering to the individual, the third sector and our communities, but it is right that it is done in a way that respects, encourages and supports volunteers. I would be

happy to meet the member, in whichever fashion he would like, to discuss those matters further.

### **Social Security (Impact of Spring Statement)**

3. **David Torrance (Kirkcaldy) (SNP):** To ask the Scottish Government what impact it believes the United Kingdom Government's spring statement will have on the provision of social security in Scotland. (S6O-04538)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The United Kingdom Government's planned welfare reforms prioritise spending cuts over the welfare of sick and disabled people. I am disappointed that it chose not to engage with the Scottish Government before announcing those reforms. Initial indications are that the changes will reduce the block grant funding that we can expect to receive for social security benefits in 2029-30 by £408 million. Given the scope and scale of those changes, I am urgently seeking clarification from the UK Government on its proposals and how they will interact with the devolved benefits.

**David Torrance:** New analysis from the London School of Economics has found that the UK Government could lift 700,000 children out of poverty overnight if it were to match Scotland's investment in social security. Poverty campaigners are crying out for the backward Labour UK Government to get its priorities right and look to Scotland instead of slashing benefits and putting renewed financial pressure on devolved budgets. Will the cabinet secretary provide an update on any communication with her UK counterparts to ensure that our work to eradicate child poverty in Scotland is not undermined further by Westminster austerity?

**Shirley-Anne Somerville:** David Torrance is quite right to point out the impact on the Scottish Government budget and, most importantly, on individuals, by whom I mean disabled people and their carers. That is why the Scottish Government's first priority is to call on the UK Labour Government to scrap the proposed changes. Imposing austerity on the backs of disabled people and their carers is disappointing at any time, but it is particularly disappointing when it comes from a UK Government.

I am deeply concerned about the direction of travel of the UK Government's child poverty task force, whose credibility has been drastically undermined by the changes that have been announced.

I will continue to press for meetings with the UK Government at ministerial and official levels so that we can discuss those issues and work with disabled people and their carers to ensure that

there are no changes such as the ones that have been planned by the UK Government.

**Jeremy Balfour (Lothian) (Con):** I understand that a review of the adult disability payment in Scotland is on-going and that it will issue its report this autumn. Does the cabinet secretary think that that is an opportunity for us to have a whole look at the ADP, its criteria and how it could work better for disabled people in Scotland?

**Shirley-Anne Somerville:** As Jeremy Balfour has alluded to, the ADP review is on-going and is independent of Government; it is led by Edel Harris. The whole point of that is to ensure that ADP is examined and to see how it can be improved. However, that is even more difficult when we are facing cuts to personal independence payment from the UK Government, which will impact on the Scottish Government's budget. We have approached the question of how to deliver the adult disability payment in the best possible fashion by working with disabled people under that independent review. That is exactly what the independent review is undertaking at the moment, and I look forward to its final report from Edel Harris in due course.

### **Social Security Scotland (Effectiveness)**

4. **Sue Webber (Lothian) (Con):** To ask the Scottish Government how it monitors the effectiveness of Social Security Scotland. (S6O-04539)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** As an executive agency, Social Security Scotland is part of the Scottish Government. Oversight arrangements are in place in the form of a portfolio accountable officer, who scrutinises performance and progress against aims and objectives. Social Security Scotland provides regular statistics and publishes an annual report on accounts, alongside a report from Audit Scotland. The charter measurement framework provides evidence on delivery of the commitments in our charter. I receive updates on performance from the chief executive, and the agency's effectiveness is clear. Its latest client survey shows that 90 per cent of people rated their experience as "good" or "very good".

**Sue Webber:** The Scottish Fiscal Commission's budgetary forecasts highlight an ever-growing gap between the amount of money that the Scottish National Party Government receives to finance devolved benefits and the amount of money that it spends. In 2023-24, the Scottish Government spent £198 million more on devolved benefits than it received from the UK Government. In just three years, the gap is expected to triple to £619 million. In terms of performance and progress, does the cabinet secretary believe that that is sustainable?



**Shirley-Anne Somerville:** Sue Webber raises an important point about the sustainability of expenditure on social security. She talked about the numbers in relation to our investment in social security—and it is an investment—so let us be clear that that goes to those on low incomes, disabled people, carers and those who receive support through winter fuel benefits.

Sue Webber criticises the Government for spending on people on low incomes, disabled people and carers. I wonder where exactly she would like to see that money being taken from. What group of people would the Scottish Conservatives like to take from? We spend more money because of the Scottish child payment. Is that what she would like to see cut? We spend more money because we have additional payments that go to carers. Is that what she would like to see cut?

Of course we will work on the fiscal sustainability of the Scottish Government overall, including on social security, but, as well as talking about big numbers, the Conservatives need to talk about people and be up front with people when they are talking about cuts. They are talking about cuts for some of the most vulnerable in our society.

**Collette Stevenson (East Kilbride) (SNP):** The Social Security (Amendment) (Scotland) Act 2025, which was passed by the Parliament last year, is proof of the commitment to continually improve the Scottish social security system in action. Reserved UK benefits are about to be gutted by a fresh round of Westminster austerity, so does the cabinet secretary agree that the Labour UK Government would do well to study Scotland's social security principles before it pushes any further with its damaging programme of welfare reforms?

**The Presiding Officer:** Questions must be on matters for which the cabinet secretary has responsibility.

**Shirley-Anne Somerville:** Thank you, Presiding Officer. As I have mentioned in previous answers, we are exceptionally concerned about the decisions of the UK Government, because they will have a direct impact on our budget and will have implications even for some reserved changes, such as to the work capability assessment. We simply do not know at the moment what the implications will be for devolved benefits.

It goes back to first principles. We see investment in supporting people, particularly some of the most vulnerable people in our society, as a genuine investment. It is disappointing that the UK Government seems to be viewing social security

as the way to make savings to balance its self-imposed fiscal rules.

**Paul O'Kane (West Scotland) (Lab):** An important part of the effectiveness of Social Security Scotland is the uptake of Scottish benefits. As the cabinet secretary knows, around 84,000 young Scots—around 15 per cent of them—are not in work, education or training, and we know that that can have lifelong effects on people. The Scottish Government's job start payment is designed to support people between the ages of 16 and 24 who are out of work and receiving low-income benefit for six months prior to finding employment. It has an uptake rate of just 21 per cent, according to the latest statistics. How confident is the cabinet secretary that that payment, which Social Security Scotland is operating, is being targeted to support people into employment and is as effective as we need it to be?

**Shirley-Anne Somerville:** Paul O'Kane is right to point to job start payment. It is an important part of our social security work to support young people into employment. The uptake issue is a challenging one.

I am sure that Paul O'Kane will be aware that the statutory underpinning of job start payment means that it is very different from the rest of our social security payments. We had to undertake specific work with the Department for Work and Pensions to allow us to have the job start payment at all. The situation is exceptionally difficult, because if we want to make changes to the eligibility criteria, they must be allowed by the UK Government. That makes it challenging to increase uptake by, for example, making it simpler to apply for the benefit or making the eligibility criteria simpler so that the benefit can be accessed by more people.

We are keen to continue to work with the Department for Work and Pensions and, in particular, with job centres to ensure that young people who might be eligible for job start payment are made aware of it and of the timeframe. Members have a responsibility and the opportunity to raise awareness of that important benefit.

## House Building

**5. Murdo Fraser (Mid Scotland and Fife) (Con):** I apologise for being a few minutes late for the start of the session, Presiding Officer.

To ask the Scottish Government whether it will provide an update on what action it is taking to increase house building. (S6O-04540)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** We are progressing a series of strategic and targeted actions to support the delivery of more homes at pace, with a

particular focus on unlocking stalled sites and providing brokerage. Good progress is being made across the 23 actions in the Government's "Planning and the Housing Emergency—Delivery Plan", and we are working in close collaboration with industry and other stakeholders.

The 2025-26 budget includes £768 million for the affordable housing supply programme, helping to tackle the housing emergency and contributing towards our target of 110,000 affordable homes by 2032. Since 2007, we have supported the delivery of more than 136,000 affordable homes.

**Murdo Fraser:** The statistics do not paint an impressive picture. Starts and completions are down for the third successive year, private sector starts are at their lowest level since 2013 and we have a cumulative shortfall of more than 100,000 homes since 2008. The industry body Homes for Scotland says that "urgent action" is required on planning and regulatory reform to try to progress matters. It has raised the issue that, four months on from the Scottish Government announcing a housing planning hub, there have been no tangible outcomes to date. When will progress be made?

**Shirley-Anne Somerville:** A matter of weeks ago, I had the pleasure of participating in the housing to 2040 strategic board meeting, where I had the opportunity to discuss the planning hub with Homes for Scotland and other members of the board. At that time, we talked about the work that has been done under the leadership of the chief planner, particularly on stalled sites and brokerage, which is already paying dividends. As the member will be aware, the planning hub also has a responsibility for and focus on offshore wind. However, we are moving forward with work on stalled sites and brokerage.

We are working with Homes for Scotland on individual sites to ensure that, where something can be done, it is being done. I point the member to the number of planning applications that have been passed but for which the sites are not being built on. We are working with Homes for Scotland to understand that because, when a planning application has been passed, it is preferable if it is built out, for the private development and for the affordable homes that will be attached to it.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** I am pleased that, under the Scottish National Party Government, almost 137,000 social and affordable homes have been completed across Scotland, leading the way in the United Kingdom on the provision of warm, safe homes. Can the minister confirm how many such homes have been completed in Midlothian?

**Craig Hoy (South Scotland) (Con):** Has someone written his question for him?

**Shirley-Anne Somerville:** I am sure that Craig Hoy will be delighted by the answer, if he is interested in it—because he did not appear to be interested in the question.

From 2007 to the end of December 2024, the affordable housing supply programme helped to support the delivery of 3,532 completions across Midlothian, of which 70 per cent were for social rent.

I recently had the pleasure of visiting Colin Beattie's constituency to meet tenants and to meet Wheatley Homes East to discuss the new development at Rosewell. It is a fantastic example of the investment that the Government has put through charitable bonds, and further developments are taking place there. The development is a high-quality scheme that was provided by that registered social landlord. I was pleased to meet the tenants, who are enjoying their new homes in the member's constituency.

**Willie Rennie (North East Fife) (LD):** The big decline in new starts and completions is a clear indication that the previous leadership and policy on housing was part of the problem.

I have lodged some constructive amendments to the Housing (Scotland) Bill to encourage investment in housing. They are designed to accelerate house building during the housing emergency. Is the cabinet secretary open to supporting those amendments?

**Shirley-Anne Somerville:** The member knows that I am always happy to meet him to discuss his amendments and the other proposals that he has made on housing. I thank him for the constructive way in which we have had those discussions to date.

I assure him that the Minister for Housing and I are taking a very close interest in the amendments that have been lodged. I would be happy to meet the member to continue those discussions, ahead of the votes in the committee on the bill. I would be very happy if, not only on those amendments but in the wider context of the housing emergency, we could share the endeavour across the chamber to find solutions.

### Social Security (Projected Spend)

6. **Craig Hoy (South Scotland) (Con):** To ask the Scottish Government how much it projects to spend on social security by 2029-30, including how much of this it estimates will arise from Barnett consequential funding. (S6O-04541)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** Based on the Scottish Fiscal Commission's latest forecast, the Scottish Government anticipates spending £8.9 billion on social security in 2029-30.

Following the United Kingdom Government's spring statement, updated block grant adjustments have been calculated by HM Treasury. They show that the Scottish Government will now receive £408 million less funding through the BGA in 2029-30 as a result of the UK Government's announcements on welfare reform. The updated BGA forecasts show that £6.9 billion of the expenditure in 2029-30 will be covered by social security block grant adjustments; the remainder will be found from the Scottish Government budget.

**Craig Hoy:** In a bid to plug what is set to become a £2 billion benefits-induced budget black hole, the Scottish Government says that it will reform public services. This year, the Scottish National Party has set aside £30 million for an invest-to-save scheme. Can the minister say in what areas the Government will be looking to make savings in the social security portfolio? How much is she estimating to save as part of that process?

**Shirley-Anne Somerville:** Social Security Scotland and all parts of the Government are looking seriously at the proposals that we can take forward for the invest-to-save fund, which is an exceptionally important piece of work.

To reassure the member, I point to the fact that, when we compare the administration costs of Social Security Scotland with those of the Department for Work and Pensions, once pensions costs have been taken away—in other words, if we look at the benefits situation—we see that Social Security Scotland comes out of that comparison very well. That demonstrates that it is possible to have a system that is both robust and humane.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** Investing in our people and communities through social security will be vital if we are to achieve the First Minister's central mission of eradicating child poverty in Scotland. This week, the London School of Economics and Political Science found that the UK Government could cut child poverty by a sixth if it chose to match Scottish Government policies. Will the cabinet secretary lay out how much Social Security Scotland payments could be worth to a low-income family as they raise a child and how life-changing that investment could be?

**Shirley-Anne Somerville:** I thank Karen Adam for that question, because it gets to the heart of how our investment in social security supports people in Scotland. The Scottish Government's five family payments, which include the Scottish child payment, best start foods and best start grants, could be worth more than £10,000 by the time an eligible child turns six, and around £25,000 by the time an eligible child turns 16. That

compares with a figure of less than £2,000 for families in England and Wales, where support ends when an eligible child turns four.

That support is in addition to the wider support that we provide for families, which includes the child winter heating payment, the carers allowance supplements and the on-going mitigation of the UK Government's benefit cap, all of which is provided to put money in the pockets of the families who need it most.

**The Presiding Officer:** Question 7 has not been lodged.

### Rural and Islands Housing Fund

**8. Liam McArthur (Orkney) (LD):** To ask the Scottish Government how it plans to provide continuity of funding through the rural and islands housing fund. (S6O-04543)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The demand-led £30 million rural and islands housing fund continues to play an important role in providing support to community organisations, private landowners and others to deliver affordable homes where there is identified need, and it complements the significant delivery in rural and island areas by councils and registered social landlords through our mainstream affordable housing supply programme.

My officials continue to actively support a significant pipeline of projects in the rural and islands housing fund system in order to maximise the number of projects that gain tender approval for delivery of affordable rural and island homes through the fund.

**Liam McArthur:** The cabinet secretary will be aware that community development projects are key to tackling the housing crisis in rural and island areas. Those projects rely heavily on the rural and islands housing fund but, although councils and housing associations benefit from resource planning assumptions that provide at least some security across elections, no such guarantees apply to community development projects, which may face a potential cliff edge next year. If such projects are forced to cease work during an election year, they lose valuable time, expertise and resources.

Given the urgency of the housing crisis in communities such as Orkney, community development projects cannot afford to see progress jeopardised next year, so will the cabinet secretary take steps to ensure the continuity of the rural and islands housing fund through 2026 and into 2027?

**Shirley-Anne Somerville:** Liam McArthur raises a very important point, and I want to

reassure him that no decision has been taken to close or end that fund. As I mentioned in my original answer, a healthy number of pipeline projects have already gone through the initial expressions of interest stage and have been invited to progress.

I recognise the point that Liam McArthur makes and the importance of the types of projects that he mentioned, not only for his constituency but for other parts of the country. I will be happy to update him further in writing. Should he wish to have a meeting to discuss what more can be done not only for community development projects but for other areas in which island communities might want further changes to be made, I would be more than happy to discuss any funding flexibilities that we can provide or improvements that we can make in the scheme that he mentioned and in other areas.

**The Presiding Officer:** That concludes portfolio question time.

## Project Willow

### **The Presiding Officer (Alison Johnstone):**

The next item of business is a statement by Kate Forbes on project willow—unlocking Grangemouth’s potential. The Deputy First Minister will take questions at the end of her statement, so there should be no interventions or interruptions.

14:55

### **The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):**

Members will be aware that, despite the Government’s best efforts, Petroineos took the decision to close the Grangemouth refinery this year. We remain disappointed by that decision, which will result in the loss of hundreds of highly skilled jobs at Grangemouth, and our thoughts remain with the workers, their families and the community at this difficult time.

Last month marked an important milestone in Grangemouth’s future, with the publication of the project willow report, which sets out how the skills, expertise and facilities at Grangemouth can be used to achieve a just transition for the site. That study was jointly funded by the Scottish and United Kingdom Governments, and the public information document sets out the study’s findings and recommendations. It demonstrates that a transformative future for the existing site is achievable if the public and private sectors work together in the coming months and years. The study has identified nine projects that are viable alternatives to existing fossil-based operations. If brought to fruition, those projects could support 800 direct jobs at Grangemouth, along with others across the supply chain.

To achieve that transformation for the site, significant investment will be needed to bring those projects to life. Project willow reports that up to £4.25 billion in capital investment will be required in a “base case” scenario. We acknowledge that the public sector has a role to play in leveraging private sector investment in those projects, which is why the Scottish Government will establish a £25 million just transition fund for Grangemouth. The fund will seek to catalyse near-term opportunities arising from project willow and will send a clear signal that we will work with businesses to ensure that low-carbon projects at Grangemouth are market investable.

I welcome the UK Government’s confirmation that £200 million has been ring fenced within the national wealth fund to support the deployment of projects at Grangemouth. However, many of the proposals outlined in project willow are not yet

market investable, which may preclude access to national wealth fund support. I therefore call on UK ministers to provide urgent clarity and confirm that those moneys will be available for Grangemouth as soon as businesses need them.

Project willow cannot and will not become a report that merely sits on a shelf. It is a call to action for the public and private sectors to work together to harness the potential at Grangemouth, and I assure members that project willow is being progressed. The Cabinet Secretary for Energy and Net Zero and the UK Government Secretary of State for Energy Security and Net Zero have instructed Scottish Enterprise and the UK Office for Investment to jointly establish an investment task force that will identify and attract investors to support the development of the proposals set out in project willow. The task force will report jointly to both Scottish and UK ministers on a six-weekly basis to ensure that progress is being made to support business, the workforce and the community. I can confirm that initial interest has already been strong, with both Scottish Enterprise and Petroineos confirming that they have received numerous expressions of interest.

Although project willow considered the future of the existing refinery site, we are ambitious about the wider cluster's low-carbon and renewables prospects. Therefore, the task force will also seek to attract investment in proposals not identified under project willow, ensuring that prosperity is felt in all corners of the industrial cluster.

It is clear from my discussions with businesses that there is a need for a radical shift in the policy and regulatory landscape if new projects are to be deployed at Grangemouth. That is reinforced by project willow, which makes a series of policy recommendations to Government, with the majority being directed at UK ministers due to the reserved nature of these matters.

Officials will work collaboratively with the UK Cabinet Office to ensure that each and every recommended policy change that is required at a UK level is given due consideration. We need UK ministers to take seriously the significant shift in existing policy that will be required to deploy longer-term technologies such as biofuels refining in Scotland. I therefore call on the UK Government to take urgent action to ensure that there is a viable route forward for the production of transition fuels, such as sustainable aviation fuel, at Grangemouth. That includes legislating before the summer to allow revenue mechanisms to be established.

Furthermore, the much-delayed and long-awaited decision by the UK Government on the Acorn project is essential for the future of the Grangemouth industrial cluster. The lack of clarity and commitment from the UK Government is

inhibiting, and will continue to inhibit, investment. I therefore call on the UK Government to show that it is serious about supporting Grangemouth's transition and confirm Acorn now.

As I have set out, we have already heard from businesses and potential investors with an interest in supporting new activities at Grangemouth. Now that project willow has been established, our commitment is to engage and work with investors and a broad range of stakeholders to fully understand the changes that they need to enable the deployment of low-carbon projects. To put it plainly, we want to understand any and all barriers to investment and the steps that the Scottish Government can take to remove them.

Our efforts to secure a sustainable, prosperous and fair future for Grangemouth do not end with project willow. It is vital that the benefits of transitioning Grangemouth are felt across the totality of industry there, as well as by the workforce and, indeed, the wider community, which has an intrinsic relationship with industry. Our Grangemouth just transition plan, which has been developed in partnership with all those stakeholders, will be published next month, and that first-of-its-kind plan will outline both the strategic framework and the vision for the future of the industrial cluster. It will inform the next steps of project willow as well as wider activity that is focused on developing and growing the highly skilled workforce and support for the Grangemouth community. I am grateful to all those who took the time to respond to our recent public consultation, ensuring that the final plan will best represent a broad range of views and ambitions.

The First Minister recently made reference to the "economic crisis" facing the cluster, and we are taking decisive action. We are providing support to the workforce, who are facing redundancy as a result of the refinery's closure. We are providing a comprehensive retraining offer, which is delivered by Forth Valley College and is equipping workers right now with the skills to transition into in-demand industries. We are grateful to both Forth Valley College and Unite the Union for their dedication in ensuring that we leave nobody behind.

Further to that, we have been clear that the valuable input of trade unions must be central to any efforts to progress the vision that is set out in project willow. I am committed to ensuring that unions and the voice of the workforce continue to have strong representation as we take the next steps. Their skills and experience are critical to securing the future of Grangemouth.

Grangemouth can and will remain at the forefront of industrial manufacturing in Scotland for years to come, provided that it is supported throughout the next phase of its journey. The

businesses and the workforce at Grangemouth represent decades of energy-intensive expertise that is ready to be harnessed as new technologies become more viable. Together, project willow and the Grangemouth just transition plan are a blueprint for what is possible at Grangemouth. We now have to get on with the work to deliver it.

**The Presiding Officer:** The Deputy First Minister will now take questions on the issues that were raised in her statement. I intend to allow around 20 minutes for questions, after which we will move on to the next item of business. I would be grateful if members who wish to ask a question would press their request-to-speak buttons now.

**Douglas Lumsden (North East Scotland) (Con):** I thank the Deputy First Minister for advance sight of the statement.

Petroineos has confirmed that 405 workers have already been made redundant, with a further 105 to go in the next 18 months. My thoughts go out to those workers and their families. Project willow will not save those jobs. It may create 800 jobs over a 15-year period, but only if £4.25 billion is invested. Those 405 workers cannot wait 15 years.

What we are seeing at Grangemouth is what happens when an industry is demonised and a hostile environment is created. The SNP's presumption against new oil and gas is driving investment away, and the lack of an energy strategy is, frankly, an embarrassment. The workers of Grangemouth have been failed by this SNP Government, which failed to plan ahead for this eventuality and sprang into action only when it was too late.

What work is the Scottish Government doing with other heavy industrial sites across Scotland to ensure that they do not find themselves in the same situation but have transition plans ready before closures happen? Since the publication of the report, what discussions have taken place with the site owner, Petroineos, to ascertain whether it has an appetite to invest in the projects listed in willow or whether it is willing to sell the site to someone else who will?

**Kate Forbes:** I appreciate that it is great rhetoric for Douglas Lumsden to spin the line that a very recent policy on oil and gas is somehow to blame, but that belies his ignorance of what has actually led to this position. The gravity of the situation at Grangemouth befits greater understanding of the factors that have led to it.

On the last question, about engagement with the site owner and the appetite to invest, there has been extensive engagement with the owner about that, and with others who have indicated an interest in investing. The point of project willow is to set out the viable projects that could be progressed with. As I said in my statement,

significant interest has come to Petroineos and Scottish Enterprise.

Some near-term projects, such as recycling of plastics, acetone-butanol-ethanol biorefining, anaerobic digestion and fuel switching could be delivered more quickly. The overall figure that Douglas Lumsden gave, which is over a longer timeframe, does not indicate that some of these are short, medium and long-term projects.

**Sarah Boyack (Lothian) (Lab):** I thank the Deputy First Minister for advance sight of her statement.

It was great that we had the joint briefing from the Acting Cabinet Secretary for Net Zero and Energy and the UK Secretary of State for Energy Security and Net Zero when the project willow report was published last month, because the workers and the communities at Grangemouth urgently need investment. Does the Deputy First Minister agree that that joint work and co-operation between our Governments needs to continue?

It is great that the Deputy First Minister is promoting training at Falkirk College, but where are the jobs for the people doing that training? Given the scale of green jobs that have been promised over the past 17 years, we urgently need to know where those green jobs are.

Given the urgency of the situation at Grangemouth, where is the Scottish Government's just transition plan? It was promised years ago. When will the new investment task force report? Does the Deputy First Minister agree that the focus needs to be on the jobs and industrial investment that will be delivered, so that Grangemouth continues to deliver energy security through jobs now and in the future, rather than being an import terminal?

**Kate Forbes:** There were a lot of questions there. As was the case with Douglas Lumsden, I probably did not cover in full a lot of those questions in my statement, so I am happy to follow up with both members to make sure that I answer them all.

The joint working must continue, because, although there has been a lot of focus on the available investment—£25 million from the Scottish Government and £200 million of ring-fenced funding from the UK Government—our understanding is that considerable policy changes need to be made. I have raised with the UK Government the nature of those policy changes.

For example, project willow's findings chime with Unite's view that a biorefinery that is capable of producing sustainable aviation fuel is feasible at Grangemouth, but work and investment are required first, before deployment can take place.

The policy landscape needs to be altered to ensure that sustainable aviation fuel production in Scotland is possible. Therefore, collaborative work with the UK Government is not just something that is nice to have; it is critical if we want to make progress on those points.

I am happy to share a little more detail when the investment task force reports. At the moment, we are looking at the short to medium term. We will collate the expressions of interest and look for ways to progress those. Some of that work might evolve as we see the level of interest, and some of it might be confirmed later down the line.

Sarah Boyack asked other questions, but I am afraid that I could not scribble them all down quickly enough, so I will come back to her.

**Michael Matheson (Falkirk West) (SNP):** I welcome the Deputy First Minister's statement. As she rightly recognised, many of the potential projects that project willow has identified would take significant time to be developed. Some of them would not be developed until into the 2030s and would require a significant deployment of capital investment in order for their potential to be realised.

Therefore, I will make two points to the Deputy First Minister. First, what further immediate action can be taken to support not only the Grangemouth economy but the wider Falkirk economy, which has been hit by the loss of jobs at the refinery and, in recent months, at Alexander Dennis? Could some of the £25 million that the Scottish Government has provided for immediate action be deployed more widely in the Falkirk Council area in order to support employment opportunities?

Secondly, the task force is to be welcomed and I acknowledge its work to date. However, in the medium to longer term, we require a governance process for driving investment in Grangemouth that will ensure that the type of capital funding that is needed is deployed strategically and aligns with the long-term vision for the area, and I do not think that the task force will be able to achieve that. Is the Government open to looking at the long-term governance arrangements for investment in the area in the medium to long term?

**Kate Forbes:** I counted two questions, so it was easier to note them down—I thank Michael Matheson for that.

His question about the long-term governance arrangements is absolutely legitimate. I will take that away and speak to him in detail about what he thinks would be most appropriate. He mentioned Alexander Dennis, and I had the pleasure of meeting members of that company about a week ago in recognition of the important role that it plays.

On the point about immediate action, it is well understood that, although project willow outlines plans for the short to medium term, depending on the project, there is need right now. Michael Matheson will know about the work that we have done on targeted skills support. That work is under way—more than 90 per cent of those who have come forward for a training needs assessment have had it completed. An enhanced package of support is available as part of the Falkirk and Grangemouth growth deal, and we are open to suggestions, most of which come through Falkirk Council, to ensure that the resources are targeted most effectively. The Grangemouth just transition fund is focused on supporting businesses, the workforce and the community in the immediate term.

There is a sequence: some funding is able to be deployed immediately to provide support, and some funding is being used for the longer-term vision for the site.

**Stephen Kerr (Central Scotland) (Con):** I thought that the Deputy First Minister was uncharacteristically vague in her answer to Douglas Lumsden's questions, so I will ask her to clarify an important issue. As we know, the project willow report was paid for with taxpayers' money, but Petroineos commissioned EY to do the work and to report to it, so Petroineos has known all along about the nine potential projects—I might say that it has known about them for even longer than Colin Mackay of STV.

I ask the Deputy First Minister to be not vague but very clear. First, has Petroineos made it clear that it is committed to the development of its existing site? Without the site, none of those projects will happen. Douglas Lumsden asked that very important question, and I am asking it again. Secondly, has Petroineos made it clear that it is willing to invest in any of the nine potential projects, other than to create an import terminal?

**Kate Forbes:** I might have given an uncharacteristic answer because, uncharacteristically, I am speaking on behalf of a third party, so there is an element of challenge in answering those questions directly.

Stephen Kerr is absolutely right to say that the UK Government and the Scottish Government provided grant funding to Petroineos to commission the work. Petroineos acted as the lead partner to reflect its role as the owner and operator of the Grangemouth refinery. An advisory board met regularly throughout the reporting period and up to the project's conclusion. It received drafts of the project's findings throughout that period and collectively agreed the final outputs.

On the specific questions, despite raising the issue, Petroineos has not made any firm commitment to invest in the technologies that project willow identified. We have worked with the business previously on progressing a proposal for a biorefinery at Grangemouth, but the shareholders have not taken the decision to continue with that project. In lieu of a commitment from the business, we are engaging with all parties that are interested in progressing low-carbon projects at Grangemouth.

There is no doubt that Petroineos continues to have a critical role in securing a future for the site. Whatever role Petroineos plays in the future, it has confirmed to us that it will act in good faith when engaging with businesses that are interested in deploying new projects on the existing site, which I welcome.

I hope that that answer is more characteristically clear, despite the fact that I am, uncharacteristically, answering on behalf of somebody else, hence the way in which I have answered the questions.

**Kevin Stewart (Aberdeen Central) (SNP):** During the election campaign, Labour pledged to save Grangemouth. It did not. The Labour Government also continues to deny resourcing for Acorn, Scotland's carbon capture and storage project; it has failed to take the strides that are required to ramp up sustainable aviation fuel production; and no action has been taken to change hydrogen storage and transportation regulations. All of that could have benefited Grangemouth. What are Scottish ministers doing to get their Labour UK Government counterparts to get the finger out on those issues in order to save and create jobs?

**Kate Forbes:** We urgently need the UK Government to give a positive decision on the Acorn project. We have said that for a number of years, but the urgency is now heightened in light of the publication of project willow's report, which makes it crystal clear that a decision on the Acorn project by the UK Government is required as part of determining Grangemouth's long-term viability. It is not fair on those behind the Acorn project to make them wait indefinitely for clarity.

I have raised the issue with the UK Government. Again, I call on it to prioritise the Acorn carbon capture and storage project, and I call on members of the Parliament to join forces with me in making that call.

Kevin Stewart also asked about sustainable aviation fuel, which can be a critical component of the transition, but legislation is required in order for the regulatory changes to be made and the necessary mechanism for revenue certainty to be established.

There is also an opportunity for hydrogen to play a critical part in Grangemouth's transition—I know that Kevin Stewart has a long-standing interest in hydrogen. We can lead the way in hydrogen production, and our hydrogen action plan clearly sets our strategic ambitions. I note that the Scottish Government is investing £5 million in Ineos Olefins & Polymers Europe's select phase fuel-switching programme as it seeks to transition to hydrogen.

**Richard Leonard (Central Scotland) (Lab):** I remind members of my voluntary register of trade union interests.

Yesterday afternoon, Unite the union was in Parliament, warning that, if the Grangemouth refinery is not repurposed, if it closes this year, the infrastructure will run down or disappear altogether, the workers will go and project willow, in their words, will be nothing more than a paper exercise.

What action is the Deputy First Minister taking, even at this late stage, to prevent the refinery from closing down? Will she push Petroineos to cooperate with an urgent review of the assets at the refinery to see whether they can be converted to produce sustainable aviation fuel and, if so, at what cost? Finally, how many interested parties—I am not asking who they are—have now approached Scottish Enterprise about investing in the future of the Grangemouth site?

**Kate Forbes:** I thank the member for another series of questions, some of which I may not have scribbled down.

On the first point, about the infrastructure, I think that Unite makes an excellent point, which is that we have seen previously that, when there is too long a gap in a site transitioning from one purpose to another, there are additional costs. That is why getting the project willow report published now, to give us an indication of where we might go, is important. It is an issue that we take seriously.

The member knows that we have ensured that Unite the Union has been well integrated into project willow via regular standing committee meetings and so on. We are happy to continue to engage with the union.

The member made a point about how we avoid a situation happening. We do that by identifying the investable propositions as quickly as possible, securing any regulatory changes that are required, putting the money in and enabling new work to begin at the site as quickly as possible. That is possible, but it requires very clear prioritisation and focus.

The member asked how many parties are interested in the site. I am afraid that I do not have the figures in front of me, but a report from SE and



Petroineos indicates that the number of interested parties is above expectations, so there is more interest than they anticipated. I have also been engaging with a number of investors who have expressed interest. The issue is then turning the interest into specific proposals.

I wrote down that the member asked another question about sustainable aviation fuel, but I do not recall what it was, so I will come to find him after this.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** As was touched on in previous questions and responses, one of the key pathways that the report highlighted was the transformation of Grangemouth into a producer of sustainable aviation fuel, which is an option that the Scottish Government has long called on the UK Government to appropriately regulate for. Does the cabinet secretary share my concern that the UK Labour Government has so far concentrated on aviation fuel developments south of the border, when Grangemouth is poised to lead that industry? Bearing in mind the cabinet secretary's important point about the need for a radical shift in policy and the regulatory landscape, what engagement has the Scottish Government had with the UK Government on the urgent need for regulatory changes to enable that?

**Kate Forbes:** The UK Government has made £50 million available to Teesside to develop various SAF projects. We need at least similar support for Grangemouth, and we need the UK Government to swiftly introduce its planned sustainable aviation fuel revenue support mechanism bill. The £200 million that has been ring fenced in the National Wealth Fund is really welcome, but it operates in a different way from funding that can be provided up front. I take the member's point about the opportunity. We know the steps that need to be taken, and we are willing all parties to take them.

**The Presiding Officer:** In the remaining one and a half minutes, there are five members who wish to ask questions. I would be grateful if we could all bear that in mind when it comes to asking multiple questions. If we could all be concise, that would be helpful.

**Gillian Mackay (Central Scotland) (Green):** Sizeable changes could be made to Grangemouth in the next few years. The community has lived beside an oil refinery for the past 100 years, and its sights, sounds and—often—smells are very well known. The options in project willow and the decommissioning of the refinery leave the community with uncertainty about what living in Grangemouth and the surrounding area will be like in the years to come. How will the Scottish Government ensure that the community is well engaged on and informed about the changes that

are likely? What will the Government do to ensure that there is not a detrimental impact on the lives of people in the community?

**Kate Forbes:** The member is right to highlight the impact on the community. It is always worth saying that a number of really exciting businesses with high-growth potential are already active in Grangemouth. Celtic Renewables is one of the most exciting businesses there. Taking the community with us, informing people as much as possible and keeping in touch with local representatives is the way to do it.

**Willie Rennie (North East Fife) (LD):** It is positive that Petroineos has said that it will act in good faith. However, what does the company require from the UK and Scottish Governments to give a greater commitment to the site, so that we can seek the opportunities, which obviously exist, for a well-serviced, well-located site?

**Kate Forbes:** Now that the biggest opportunities have been highlighted, the process is about converting the level of interest that has been expressed to SE into genuine propositions that can be co-invested in. Project willow suggests that £4.25 billion will be required. Clearly, some of that will have to come from the private sector, so it will be a co-investment approach. We are keen to do that and our funding is available—we anticipate that the sum of £200 million will be available—and it is as simple as responding to the interest with investable propositions that all parties can back and take forward and getting those established as quickly as possible.

**Emma Roddick (Highlands and Islands) (SNP):** It is essential that the workforce and the local community have a voice in the process and a say in the support that is made available to them. We cannot stand by and lose another pillar of Scottish industry thanks to a lack of action from Westminster, and urgent action is needed to retain the skills of Grangemouth's highly skilled workforce. Can the Deputy First Minister say any more about the Scottish Government's latest engagement with workers and trade unions at Grangemouth?

**Kate Forbes:** We engage regularly with trade unions. In fact, the First Minister met them on the day that project willow was launched. We recognise the critical role that they play, and we continue to engage regularly with workforce representatives. We are hugely grateful for their candour as we navigate this period of change.

**Graham Simpson (Central Scotland) (Con):** I have long been an advocate for Grangemouth's potential to produce sustainable aviation fuel, which has been mentioned already. The Deputy First Minister spoke about legislation being introduced potentially before the summer. Is that

just her wish, or has she been told that there will be such legislation?

**Kate Forbes:** I am afraid that I am not able to confirm what legislation the UK Government will definitely introduce, but that is what we believe the timetable needs to be in order to achieve our wider ambitions.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** Rightly, there has been much focus today on the importance of the local economy and Grangemouth's significance to the national economy. If the recommendations are progressed, what will the positive benefits be for the regional economy of the Firth of Forth, which includes the port of Leith?

**Kate Forbes:** There could be significant opportunities. On a day such as today, we are all very conscious of the geopolitical international risks that we face. Therefore, backing our industries and creating jobs in Scotland become even more important.

Businesses that are based at Grangemouth contribute significantly to Scotland's economy and to the wider region, so I see huge opportunities for the whole of Scotland, including the port of Leith.

**The Presiding Officer:** That concludes the ministerial statement on project willow. I will allow a moment or two for those on the front benches to get organised.

## Heat in Buildings Bill

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a statement by Alasdair Allan on the heat in buildings bill. The minister will take questions after the statement, so there should be no interventions or interruptions.

15:27

**The Acting Minister for Climate Action (Alasdair Allan):** I am pleased to update Parliament on the next steps that the Scottish Government will be taking regarding a heat in buildings bill.

In 2019, the Parliament agreed that Scotland will end its contribution to global emissions as soon as possible and by no later than 2045. Our commitment to that ambition is unwavering.

As outlined to Parliament on Tuesday, the Government is also committed to reducing fuel poverty through the limited devolved powers that we hold. It is vital that we find the right balance to both reach net zero by 2045 and reduce fuel poverty.

We have already achieved a great deal when it comes to our transition to net zero. In 2023, 91.2 per cent of electricity generated in Scotland was from zero or low-carbon sources. Specifically, 70.3 per cent of electricity generated was from renewable sources. Our target for 6,000 public charge points was met two years ahead of schedule, and more than 2 million children, young people, disabled people and older people are now benefiting from free bus travel, making sustainable travel more accessible for everyone in Scotland. We have created almost 75 per cent of the United Kingdom's new woodland since 2019, and an estimated 56 per cent of homes are now rated energy performance certificate band C or better, which is an increase of 11 percentage points since 2019.

Those are just a few of the many examples of tangible progress and Scottish Government actions that have taken us halfway to net zero. However, we all need to do more. We need to see climate action in all areas, by individuals, households and businesses, and by all parts of Government.

The way that we heat our buildings accounts for around 19 per cent of our country's total emissions. Scotland depends greatly on gas and other fossil fuels for heat. Nearly 90 per cent of our homes use those fuels. In Europe, only the Netherlands has a similarly high dependence on gas as we do. Meanwhile, for communities that are off the gas grid, fuel poverty is even more

prevalent—a subject that I will come to in a moment.

I raise all that to underline just how significant an impact decarbonising our buildings will have. That is why the heat in buildings bill is so important. As members know, we consulted on a range of proposals, and that consultation closed last year. It received more than 1,600 responses, and I thank everyone who engaged in that process. We received a diverse range of views. Many people supported the need for legislation requiring energy efficiency standards and prohibiting certain types of heating in buildings; others questioned that need.

Having carefully considered those views and having listened to a range of stakeholders since the consultation concluded, I am today charting a new course that is, I believe, consistent with our goal of removing emissions from buildings by 2045. Our plan to deliver a revised bill responds to the legitimate reservations and concerns that have been raised since our consultation was completed, including the risks of exacerbating fuel poverty and of burdening every individual householder with an overly onerous responsibility as we decarbonise.

Parliament is more than aware that many households, families and businesses across the United Kingdom are facing difficult circumstances. Despite promises from the new UK Government that energy bills would be lowered by £300 a year, since October last year they have risen by almost £300. A unit of electricity presently costs around four times more than a unit of gas, and up-front costs for installing clean heating systems remain higher than those for fossil fuel systems.

A combination of all those factors, combined with a severe cost of living crisis, makes it simply unaffordable for many building owners to make great changes in the near future. I believe that those challenges could be particularly pronounced for those in rural and island locations, whose needs and circumstances we must continue to consider carefully.

All those factors merit important changes in our approach—changes that demonstrate that we are listening and responding to the important concerns that people have raised. Our approach moves away from penalising individuals, and instead commits to collective action. Instead of placing prohibitions on every homeowner, we will establish targets for Government to reach. Rather than looking at action through the lens of decarbonising alone, we will also commit to doing everything within our power to reduce costs for people.

I am confirming today that we will introduce a heat in buildings bill, in this parliamentary session, that will create a target for decarbonising heating systems by 2045. It will send a strong signal to

homeowners, landlords and other building owners about the need to prepare for change, while outlining collective actions to help do that, and that will give the supply chain confidence to invest. The bill will underpin our existing work to progress to net zero through the range of support measures and interventions that are already available to households seeking to transition their homes to non-polluting heating systems.

The most obvious way that the bill will do that is by boosting heat network development, by creating particular requirements for large, non-domestic premises and including powers to require public sector buildings to connect to district heating when it is available. We will, of course, work with those building owners to ensure that appropriate safeguards are developed. Those powers will help to make more heat network projects investible, which will lead to greater choice for households and businesses in how they reach net zero.

My intention is that our bill will enable and support flexibility. It will be technology neutral. Different properties and people will require different solutions; for example, the clean heating solutions in some remote and rural areas may vary from those in urban areas. Reaching our target is likely to need a range of technologies, including bioenergy.

Our bill will also include powers to set minimum energy efficiency standards for owner-occupier and non-domestic properties, as part of a plan to reduce greenhouse gas emissions that are caused by heating systems.

In the meantime, to improve the standard of rental properties and to help to reduce fuel poverty, we will make regulations under existing powers to introduce a minimum energy-efficiency standard in the private rented sector. Those regulations would mean all privately rented properties, as far as possible, reaching the equivalent of EPC rating C. That would improve those homes, reduce energy costs for tenants and support the transition to clean heating.

My officials are working to prepare the bill for introduction in year 5 of this session of the Parliament. It will accompany our related work on a social housing net zero standard and EPC reform under existing powers. The bill will affect everyone, but it will differ markedly from earlier iterations in that it will not be a prohibition but a target and rather than placing all the onus on individual action it will emphasise a collective response. The opportunities that it will present for Scotland are significant.

The proposed legislation will build on the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 that the Parliament came

together to pass, so I am confident that we share its overall intent. Following its introduction, I will work with members from all parties on the points of detail that underpin it to ensure that it works for consumers, home owners, businesses and rural and island communities.

Progress towards decarbonisation in housing depends on action in reserved areas from the UK Government, too. The UK Government could take several vital actions that would accelerate buildings decarbonisation and support the legislation that I propose. That is why I hope that members will join me in calling for the UK Government urgently to clarify its intentions on phasing out gas boilers in existing homes and the future role of the gas grid in heating our buildings, on rebalancing policy costs from electricity to gas bills to incentivise the installation of clean heating in a way that alleviates fuel poverty and on reform of the Great Britain energy markets to support a reduction in the cost of electricity more generally. Without those and other changes, we are severely hampered as we attempt to deliver this societal and economic transformation.

I began by reflecting on the scale of the challenge that faces us. The framework of targets and regulation that I have described can provide certainty to building owners and confidence for investors and supply chains. We will, of course, continue to provide advice and financial support to those who need it most. We are investing a further £300 million in our heat in buildings programmes this year, including support to more than 20,000 Scottish households to save up to £500 a year on their energy bills. Therefore, I ask members to work with me when we introduce our heat in buildings bill to Parliament and to support our calls for the UK Government to take similar action. The actions that I have described can cut carbon and help to reduce fuel poverty at source. They are essential to achieving the goal of net zero, for which the Parliament voted.

**The Deputy Presiding Officer:** The minister will now take questions on the issues raised in his statement. I intend to allow around 20 minutes for that, after which we will need to move on to the next item of business. I would be grateful if members who wish to ask a question could press their request-to-speak buttons if they have not already done so.

**Meghan Gallacher (Central Scotland) (Con):** I thank the minister for advance sight of his statement. We warned the Scottish Government and the Scottish Greens time and again that the proposed heat in buildings bill was an absolute farce, but they refused to listen. Patrick Harvie was adamant that his heat pump proposals were the right call, despite warnings from stakeholders, investors and other parties. Expecting people to

pay more than £14,000 for a heat pump that might not be suitable for their home shows how out of touch the Scottish Greens are with ordinary hard-working Scots.

The Scottish National Party has announced a rehashed heat in buildings bill with no further details about how much it will cost the public. More net zero targets have been missed and more net zero targets have been announced. When will the Government realise that Scotland deserves an affordable, just transition—one that works with industry, protects jobs and is affordable for people to make changes to their homes and lifestyles?

The SNP has announced that the new heat in buildings bill will be introduced next year, in the same year as the next Scottish Parliament election. Will the minister be up front with the public and tell them, right now, how much the new bill's provisions will cost them? Will he confirm that, when the bill is introduced, he will announce to Parliament the timescales that the SNP will work towards?

**Alasdair Allan:** The bill will be introduced to Parliament this year. The timescales that we are working towards aim for it to receive royal assent by the time of dissolution, so it will be introduced in the present session of Parliament.

I am disappointed that Meghan Gallacher regards the proposed bill as simply a rehashed version of the previous proposal. I had expected her to point to the areas that are different from those covered by the consultation on the original bill, some of which I mentioned earlier. The fact that we are talking about targets rather than prohibition is a fairly significant change. It will not be one that everyone will agree with, but it reflects the fact that the Scottish Government has listened to the people who came to us during the consultation rather than merely going through the motions. I hope that she will come to want to work with the Scottish Government, because we should seek to work together towards an aim for which the whole Parliament voted.

**Sarah Boyack (Lothian) (Lab):** I thank the minister for advance sight of his statement. I draw members' attention to my entry in the register of members' interests.

I welcome the commitment to finally introduce a heat in buildings bill in this parliamentary session, because we urgently need people to have warmer and more affordable homes. We are still way behind our European neighbours on the provision of energy-efficient homes and we need effective solutions. Reform of our electricity markets is under way. Instead of hiding behind the fact that it does not control energy prices, the Scottish Government should exercise its devolved powers

to support the provision of better insulation and renewable heat solutions in Scotland now.

I have three questions for the minister. He mentioned the growth in Scotland's renewables. There are existing projects across our urban and rural communities that could see us having community heat networks, if we learn lessons from our Nordic neighbours about supporting and empowering local authorities to deliver their ambitions. Will the Scottish Government announce what it is doing to support local authorities to deliver projects through the local heat and energy efficiency strategy plans, which were submitted in January 2024? Does the minister agree that our constituents need more support to make their homes affordable to heat—

**The Deputy Presiding Officer:** Briefly, Ms Boyack.

**Sarah Boyack:** —whether it be through insulation, solar batteries or heat pumps, given the cut to the solar funds? For local authorities and housing associations, where is the support that they will need now, because it is not—

**The Deputy Presiding Officer:** Minister, please respond.

**Alasdair Allan:** I thank Ms Boyack for raising several questions, which I will try to address.

On her first point, Ms Boyack rightly said that we should do everything that we can, within our existing devolved powers, to address the twin problems of fuel poverty and the climate crisis. The Scottish Government is already putting £300 million a year into seeking to address those issues, and specifically to address the problem of houses that need better insulation.

Ms Boyack made a point—which I accept was rhetorical—about the Government hiding behind the division between powers that are reserved and those that are not. I realise the importance of her point, but I genuinely think that the two Governments can work together here. I hope that there would be an ambition at UK Government level to see a better balance being achieved between the prices of gas and electricity. We certainly make that argument and we wait for action on it. Such an outcome would dramatically transform the ability of people across the UK to electrify the systems in their homes and move away from using fossil fuels.

On community heating and district heat networks, we can learn from the example of Denmark. I have met people from that country to discuss various issues in that context. The authorities there are obviously a long way ahead of us, but we can learn a lot from them. I have been speaking to representatives of the

Convention of Scottish Local Authorities about some of those aspects, too.

**Emma Roddick (Highlands and Islands) (SNP):** Like many rural representatives, in the run-up to the bill's introduction, I made a number of inquiries about support for alternative heating methods. I am glad that the Scottish Government has recently been clear about its on-going support for, and commitment to, people who live in areas such as the Highlands and Islands and who rely on alternative heating methods, which is an important consideration regardless of the high rates of fuel poverty in those places. Will the minister say how getting the balance right on that can include ensuring that worsening rural and island poverty is not an accepted side effect of the progress that we must make towards achieving net zero?

**Alasdair Allan:** The member is right about that particular issue, which exists in rural areas such as the ones that she and I represent. As I mentioned earlier, the best clean heating solutions for some remote and rural areas might, in fact, vary from what is best for our towns and cities. We will take a technology-neutral approach, which will enable building owners in all areas to choose technologies that are right for them and their homes. In some rural and remote areas, that might include bioenergy and biofuels. We need to recognise the differences that exist across the country and the particular problem of fuel poverty, which we in no way wish to exacerbate through that process.

**Douglas Lumsden (North East Scotland) (Con):** I have a similar question. The minister mentioned that rural households will often use alternative heating systems to urban ones, and I am glad to see that the Government is now recognising that. Will the minister confirm that the new heat in buildings bill will not try to phase out heating systems such as wood-burning stoves and heating oil, which are a lifeline for so many rural communities?

**Alasdair Allan:** The member will appreciate that wood-burning stoves and heating oil open up two very different sets of questions. I made it clear from the outset that we are seeking to move people on to clean systems of heating their houses by 2045.

The member will be aware that I responded to the issues that were raised about wood-burning stoves and the regulations that surround the building of new houses around rural Scotland. I sought to respond to those concerns and to ensure that communities' voices were heard, given that, in many areas, those forms of heating remain not only the most suitable but, in some cases, the cleanest form of heating that is available.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** With electricity prices being so high and the efficiency of alternative heating systems not yet fully accepted or understood, if we are to make real progress on the transition of our residential homes away from fossil fuels, more will need to be done to persuade a sceptical public. Will Scotland's councils play an important role in becoming a trusted partner to help to lead the transition and provide the assurance and long-term support that people will need if they choose to make the transition in their homes?

**Alasdair Allan:** Local authorities are a trusted partner in that. As I said, I recently met COSLA about some of the issues that arise here. All 32 local authorities have recently completed their local heat and energy efficiency strategies, which are a useful tool for all of us, locally and nationally, in setting out how the building stock in each area of the country can be decarbonised. As numerous members have pointed out, housing stock is radically different in different parts of the country.

We will continue to provide support through our delivery schemes. As I mentioned, we are investing £300 million in the heat in buildings programme this year. Local authorities have a key role to play, and we certainly want to maintain that dialogue with them.

**Paul O'Kane (West Scotland) (Lab):** The principles in the heat in buildings bill were almost the only thing that the Climate Change Committee praised the SNP Government for in what was a damning indictment of the lack of progress on net zero. There is still much risk in the bill and much detail that needs to be understood. Indeed, the minister said that what the bill establishes is not a prohibition but a target. Much remains to be seen with regard to that.

Given that the Government has failed to deliver on its climate change targets and literally broke its own legislation on them, how can the people and industries of Scotland have faith that it will deliver on and meet its heat in buildings targets?

**Alasdair Allan:** The Scottish Parliament endorsed the legislation to which the member refers.

I think that the member would be justified in saying what he did if, despite the lengthy consultation and all the issues that had been raised on fuel poverty, I had come to the chamber today with a bill that was unchanged from what was initially consulted on and took no account of the question of how much burden could possibly be put on an individual householder.

Having said all that, I think that we all have to recognise—I am keen to point this out at every opportunity—that the task ahead of us of decarbonising housing in Scotland over the next

20 years is not one that can be borne by the Government alone or by all householders alone. It is a collective effort that we will all have to work towards, but we have to get started on it in a way that commands public support. I believe that the bill that we are proposing does that.

**Jackie Dunbar (Aberdeen Donside) (SNP):** The warmer homes Scotland programme can help to fund not only small changes but transformative whole-house retrofits if that is what is required to combat fuel poverty. Can the minister say more about how, since it was relaunched in 2023, warmer homes Scotland has gathered pace in its work to ensure that all homes in Scotland have access to green, affordable heating? Will he provide an update on funding in the 2025-26 budget to support warmer homes Scotland or similar schemes?

**Alasdair Allan:** Warmer homes Scotland will be 10 years old soon, and it continues to grow in scale, with an expectation that we will support—I noticed recently—our 50,000th customer sometime very soon. To meet the strong demand for the scheme, we allocated an extra £20 million to it in 2024-25, bringing funding to a record £85 million. It is a very important scheme, and the funding has enabled us to support the largest number of households in one year since the scheme began. Each eligible household is offered a bespoke package of measures that takes account of the needs of their property and their household.

**Patrick Harvie (Glasgow) (Green):** The new approach is clearly going to fail. This was one of the few areas of climate policy that the independent Climate Change Committee had praised, and it is being gutted. If there is one thing that we have learned about climate policy in recent years, it is that setting targets without decisive action to meet them is meaningless. The loss of the property purchase trigger will clearly result in a dramatically slower uptake of clean heating in Scotland. Given that the Government has chosen the slower path to heat decarbonisation, will the Acting Minister for Climate Action tell us which other sectors will work faster to cut emissions in order to make the new climate plan remotely plausible?

**Alasdair Allan:** I very much respect Patrick Harvie. I am not entirely surprised that, in the course of the questions on my statement, I have been told both that the bill is a rehash of what was in the consultation and that it represents the gutting of what was in the consultation.

Patrick Harvie had a deep involvement in this area of Government and has a great knowledge of it. He had to acknowledge that Government can do only what is possible, and he, along with the rest of us, had to acknowledge that, for instance,

decarbonising 1 million homes by 2030 was not possible.

I will not make the mistake of bringing a bill to the Parliament that I know not to be feasible or possible. That would not be fair to the Parliament or the public. I have sought to come forward with a bill that has targets. Patrick Harvie is right about that and in saying that targets mean something only if there is a plan to get to them. There will, indeed, be plans to get to those targets, and that is the next job of work.

**Willie Rennie (North East Fife) (LD):** If we had a little bit less rhetoric and a bit more action, we might be a wee bit further forward on this programme. The thing that I am concerned about is the Home Energy Scotland grant scheme—the minister knows that I have a deep interest in that. Industry tells me that it is the biggest barrier to retrofitting in existing homes. The system is so bureaucratic that it is resulting in businesses losing millions of pounds of contracts because customers get fed up of waiting for answers. Will the minister make the reforms that are essential to incentivise the retrofitting of existing homes?

**Alasdair Allan:** I was glad to get the chance to meet Willie Rennie and industry representatives from his constituency—or people whom he has been working to represent—on some of these issues. I am keen to try to incorporate any possible improvements to the scheme to reduce bureaucracy and the wait that people experience. The indications are that we are getting through a powerful number of house retrofits in Scotland under the schemes that we run, but I am very happy to work with Willie Rennie and those whom he represents to find any possible improvements.

**Emma Harper (South Scotland) (SNP):** It is essential that we strike the right balance between our net zero obligations and ensuring energy affordability, particularly in communities with older, colder homes in rural areas such as Dumfries and Galloway and the Borders. Will the minister say a bit more about how the Scottish Government is engaging with stakeholders and local communities, including rural ones, to ensure that the balance is struck?

**Alasdair Allan:** A number of members have, rightly, made the point about the different situations that pertain in many rural areas, where there are distinctive housing types—poured concrete is one that is prevalent in my part of the world. Unless we take account of that, we will not succeed. We must have a scheme, and a piece of legislation, that will work for all of Scotland. I agree that striking the right balance between meeting our net zero obligations and ensuring energy affordability will mean that we must take account of those crucial differences across the country.

**Maurice Golden (North East Scotland) (Con):** Heat pumps are not mentioned in the statement, perhaps because the number of installations is well off target. The households that are buying heat pumps are generally older, more affluent and off the gas grid. If heat pumps are taken up more widely in urban areas, it risks the gas grid becoming a stranded asset and increasing costs for those who are unable to afford electrification. Why are heat pump installations failing, and what is the Scottish Government's position on utilising biomethane in the gas grid?

**Alasdair Allan:** The member asks a number of questions. The first one was about the future of the gas grid. The Scottish Government makes no apology for saying that we will have to move people off gas heating and, indeed, oil heating by 2045 if we are to be able to say that we have reached our environmental targets.

The member also raises a point about air-source heat pumps. In my constituency, I have seen a new generation of air-source heat pumps being installed in people's houses, to the great satisfaction of those people. The heat pumps are working in a much wider variety of houses than they did previously and they are proving very popular. However, the member is right that we will have to dramatically increase the number of such installations in the years and decades ahead.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** I welcome the fact that ground-source heating has been spoken about. However, for densely populated urban constituencies such as mine, in which there is no ground-source heating or for which individual heat pump installation is challenging, there will need to be reform of the Tenements (Scotland) Act 2004. I have emphasised that to the minister and the Government before. Can the Government give an update on how it is working with the Scottish Law Commission to update the 2004 act and on how changes to that act will be required so that those targets can be met in the coming decades?

**Alasdair Allan:** I understand that the Government is working with the Scottish Law Commission on some of those issues.

The member represents Edinburgh Northern and Leith, a constituency that is virtually entirely comprised of Victorian or pre-Victorian tenements. Challenges are faced in an urban landscape like that one that may not be faced in other parts of the country, not the least of which is the challenge of trying to get all eight—or however many—households in a close to act at the same time.

I mention that not to deflect attention to the UK Government but because examples like that point to the need to open up the debate about the price of electricity. Many a heating engineer has told

me, when I have been visiting their training in colleges around the country, that they would love to install large numbers of electric boilers in places such as Leith—if the price of electricity were such that it would be an attractive prospect to do so.

**The Deputy Presiding Officer:** That concludes the item of business. There will be a brief pause before we move to the next item of business, to allow members on the front benches to change.

## Aarhus Convention and Access to Environmental Justice

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a joint committee debate on the Aarhus convention and access to environmental justice. I invite members who wish to participate in the debate to press their request-to-speak buttons now or as soon as possible.

I call Karen Adam to open the debate on behalf of the Equalities, Human Rights and Civil Justice Committee.

15:59

**Karen Adam (Banffshire and Buchan Coast) (SNP):** I am pleased to have the opportunity to speak on the issue of Scotland's compliance with the Aarhus convention, particularly in relation to access to justice on environmental matters. The Equalities, Human Rights and Civil Justice Committee recently took evidence on that important issue, and I want to set out some of the key findings and themes that emerged during those discussions.

The Aarhus convention is an international treaty that was ratified by the United Kingdom in 2005. It establishes fundamental rights for the public in relation to environmental governance and guarantees access to environmental information, public participation in environmental decision making and access to justice on environmental matters.

Although environmental law is devolved, which means that the Scottish Government is responsible for compliance in Scotland, the Aarhus convention's access to justice requirements have not been fully incorporated into domestic law. That means that individuals and organisations in Scotland cannot rely on them directly in our courts. Since 2011, the Aarhus convention compliance committee, which monitors adherence to the treaty, has found that the UK—and, specifically, Scotland—has not been compliant with its access to justice provisions. The main issue that has been raised in relation to Scotland is the fact that it remains prohibitively expensive for individuals, community groups and non-governmental organisations to bring legal challenges against environmental decisions. The evidence that the committee heard during its recent session reinforced that point.

The Aarhus convention compliance committee has repeatedly found Scotland to be non-compliant in relation to access to justice on environmental matters. I will be keen to hear the



minister set out what specific steps the Scottish Government is taking to address those findings.

A striking example of the barriers that exist to environmental justice that was provided to the committee was that of the John Muir Trust's judicial review challenge against the Stronelairst wind farm, in which the trust was ultimately unsuccessful. The financial consequences of pursuing the challenge were severe. The Scottish Government and the energy company SSE sought legal costs of £539,000 from the trust. Although that sum was later negotiated down to £125,000, that is still a significant sum of money. Such sums pose a substantial barrier to justice. For most organisations, and certainly for members of the public, such costs are simply unaffordable. The reality is that the financial risks involved in environmental litigation deter many people from bringing cases at all. That raises serious concerns about access to justice and compliance with the requirements of the Aarhus convention.

Three key potential solutions that would address those concerns were suggested in evidence to the committee. The first would involve repealing the joint interest test in relation to legal aid for environmental cases. At present, that test makes it extremely difficult for individuals to obtain legal aid for environmental matters, and community groups and NGOs are not eligible at all.

The second potential reform would involve the introduction of qualified one-way costs shifting, which is already in place for personal injury cases in Scotland, in environmental cases. That would mean that individuals and organisations that took environmental cases would not be exposed to the risk of paying the other party's legal costs if they lost.

The third proposal would involve the establishment of a specialist environmental court, as exists in many other countries, to provide a more accessible forum for environmental cases. Regulation 15 of the Civil Legal Aid (Scotland) Regulations 2002 has been cited as a barrier to obtaining legal aid for environmental cases. I would be keen to hear from the minister whether the Government is planning to review or amend that regulation to broaden the scope of legal aid and improve access to legal aid on environmental matters.

Another key point that was raised during the committee session was about the availability of legal representation. Even when individuals or organisations are willing to pursue environmental litigation, they often struggle to find a solicitor to take on their case. The specialist nature of environmental law, combined with the relatively small number of practitioners in Scotland who focus on that area, creates significant difficulties. In some circumstances, potential claimants are

unable to secure legal representation at all. In effect, that renders access to justice impossible.

The barriers that are faced by community groups were also highlighted during our evidence session. Unlike developers, which have the time, the financial resources and the expertise to navigate complex planning and environmental processes, communities often find themselves at a disadvantage.

Many groups lack the technical knowledge required to engage effectively with environmental decision making at an early stage. Witnesses stressed that although meaningful public participation is a fundamental principle of the Aarhus convention, many people feel disenfranchised by the system. Community groups often face challenges in engaging with complex planning and environmental processes, so I hope that the minister can share with us how the Scottish Government can support such groups to participate effectively in environmental decision making.

A key theme that emerged from the committee's discussions was the importance of public awareness of and education about environmental rights. Effective access to justice is not only about the ability to go to court; it requires access to information, legal advice, and expert support at an early stage. Witnesses emphasised the importance of ensuring that individuals and communities are equipped with the knowledge and resources needed to participate fully in environmental decision-making processes.

Organisations such as the Environmental Rights Centre for Scotland have highlighted that Scotland remains one of the more expensive jurisdictions in Europe for environmental litigation. They have drawn attention to the financial barriers that exist and have contributed to discussions about potential reforms that could improve access to justice in this area. Their work, along with contributions from other stakeholders, has been valuable in shaping the wider debate and I thank them for that.

I would welcome an indication from the minister of how the Government can collaborate with organisations and stakeholders to promote awareness of environmental rights and ensure that people in Scotland are equipped to engage in environmental decision-making processes.

Looking ahead, there are clear opportunities for Scotland to strengthen its approach to environmental justice. The potential reforms outlined during evidence to the committee, which included changes to the legal aid rules, cost-protection mechanisms and the establishment of a dedicated environmental court, all merit further consideration. Ensuring that environmental justice

is accessible to all is not only a legal obligation under the Aarhus convention but a fundamental principle of a fair and democratic society.

The committee will continue scrutinising the issue and engaging with stakeholders to explore how best to address the continuing barriers to justice. The committee will imminently hold sessions on legal aid reform and this issue will form part of that consideration. I look forward to hearing the rest of the debate and, in particular, the minister's reflections on the issues that the committee highlighted.

16:07

**The Minister for Victims and Community Safety (Siobhian Brown):** I welcome this committee debate on the Aarhus convention.

Scotland has a strong history of leading the response to environmental change and responding to the requirements of the Aarhus convention. Although I acknowledge that the Aarhus convention compliance committee—the ACCC—has never found the United Kingdom or Scotland to be fully compliant with the convention since it came into force in 2001, meaningful advances towards full compliance have taken place during the lifetime of this Government and that advancement was recognised by the compliance committee when it said, in 2017, that it welcomed the significant progress towards compliance. That progress has continued.

The Government is clear that the Aarhus convention is an international treaty and that compliance is not optional. However, what compliance looks like is complex and involves careful consideration of an array of statutes, policy areas and mechanisms that interact with each other.

**Mark Ruskell (Mid Scotland and Fife) (Green):** Can the minister say when Scotland will be compliant with the Aarhus convention?

**Siobhian Brown:** I am not able to give an absolute date during this debate. I apologise for that, but we will do everything that we can to become compliant.

For example, any change in how planning law works must be considered alongside consideration of how a change to court rules would affect judicial oversight, and conclusions on environmental governance interact with how legal aid may support challenges. That complexity is reflected in the convention itself, which says that the parties shall

“establish, on a consensus basis, optional arrangements of a non-confrontational, non-judicial and consultative nature for reviewing compliance with the provisions of this Convention”.

It is a review process in which we work collaboratively towards compliance. Issues are identified and we respond.

**Douglas Lumsden (North East Scotland) (Con):** Will compliance with the convention mean that groups across Scotland that are campaigning against pylons will have greater support through legal aid, for example, to oppose some of the power generation companies that are forcing things through?

**Siobhian Brown:** I will come to legal aid and access to justice later in my speech.

The ACCC issued a decision in October 2021 that found that Scotland and the UK were not compliant with the requirements of the convention in relation to access to justice. That was the latest in a series of findings of non-compliance. As a result, the UK was required to submit an action plan in 2022 followed by a progress report in October 2023 and a final progress report in October 2024. The UK Government submitted that report, which incorporated a contribution from Scotland, and we await the response from the ACCC. We believe that there is much to be welcomed in both the concrete actions that have been taken and the commitments for the future.

One action that the Scottish Government has provided is that court fees will no longer be payable for Aarhus cases in the Court of Session. A second change is that the Scottish Civil Justice Council has made a number of technical changes to the system of protective expenses orders that support those who raise Aarhus cases in the courts. Those changes support confidentiality, protection from interveners costs and the treatment of appeals.

The Scottish Civil Justice Council has also made a commitment to consult on the more fundamental proposals to expand the protective expenses order regime into the sheriff court and private nuisance claims. The consultation features in its work programme for 2025-26, and I hope that many of the environmental non-governmental organisations that follow the topic closely will participate. There is also proposed action on legal aid reform.

We recognise that reform is needed in our legal aid system to ensure that it is responsive and user-centred and that it works effectively towards the delivery of agreed outcomes in a way that would be expected of a public service, with transparency and accountability for public funding being embedded in the process. “The Vision for Justice in Scotland: Three Year Delivery Plan 2023/24 to 2025/26” contains an action to

“Engage with key stakeholders to inform and shape future legislative proposals”

in relation to the reform of legal aid. In February, I published a legal aid reform discussion paper, which sets out the areas of work that we will undertake to improve legal aid in the short-to-medium and the long terms. I will bring regulations by the end of 2025 to simplify the regulatory framework that governs the eligibility for legal assistance and to improve the application process.

**Sarah Boyack (Lothian) (Lab):** Will the minister take an intervention on that point?

**Siobhian Brown:** I will.

**Sarah Boyack:** The intention is to bring those regulations by the end of 2025. Is the minister absolutely definitive about that?

**The Deputy Presiding Officer:** I can give you the time back for the interventions, minister.

**Siobhian Brown:** Thank you, Deputy Presiding Officer.

Yes. I know that we cannot do the primary legislation in the current session, but we can put secondary legislation in place. The reason why the discussion paper was delayed slightly is that I wanted to make sure that we could achieve what we want to achieve in 2025.

I will bring forward regulations by the end of 2025 to simplify the regulatory framework that governs the eligibility for legal assistance and to improve the application process, reducing the burden on both solicitors and those who need legal services and ensuring that funding is provided as quickly and easily as possible.

We will also resume work to conduct research on legal aid fees and implement changes that are informed by that research. Both of those areas of work will make it easier for solicitors to work with legal aid funding and for those who need help to obtain it. In the longer term, we will take forward a review of the whole system to ensure that it is adaptable, flexible, affordable and sustainable for the future.

One part of the reform work is looking specifically at diversifying funding and delivery models. My vision is that the delivery of legal aid in all its possible forms is shaped by an evidence-informed approach to assessing need, embedding the user voice and designing services to focus on the effective delivery of outcomes.

I will carry out a series of engagements to hear views from all those across the justice system on areas of reform, and we will work with the private sector, the third sector and users of legal assistance services, as well as the environmental sector, to develop that system and identify what primary legislation would be required to deliver it.

I hope that that gives a flavour of the actions that we are taking forward towards compliance

with the Aarhus convention and our absolute commitment to maintaining progress towards achieving that goal.

**The Deputy Presiding Officer:** Before calling the next speaker, I advise members that we have a bit of time in hand, so members who take interventions will get that time back.

16:15

**Douglas Lumsden (North East Scotland) (Con):** The Aarhus convention is an important document that gives power to local communities to have a say on what happens in their locality. It has been ignored for too long, and more should and must be done to ensure that its central tenets are incorporated into law in Scotland.

The issue has been raised time and again in Parliament. Indeed, back in 2022, my committee colleague Monica Lennon questioned the then Cabinet Secretary for Justice and Veterans, Keith Brown, on the matter. In 2023, there was a consultation and a report from the Scottish Government. In 2024, there was committee work on the topic, yet we still have little or no action—a phrase that cuts right to the heart of this devolved Scottish National Party Government. Quite frankly, it is a disgrace and a shambles, and it is letting down rural Scotland, our communities and all the groups that work so hard to ensure that our countryside is protected.

Campaigners in Dumfries and Galloway spent almost £26,000 unsuccessfully opposing pylons in their areas. Those costs are terrifying to groups such as Save Our Mearns, which face similar disruption and destruction of the countryside in their areas, with hundreds of kilometres of pylons being planned across Scotland. SSEN plans to build 500km of pylons across the north of Scotland. Local groups are left wondering how on earth they can oppose the plans of those large companies.

At the Citizen Participation and Petitions Committee last year, I spoke about the David versus Goliath battle that many communities face. Many communities feel that they are being priced out of trying to protect the countryside, while energy companies have deep pockets to spend on getting what they want.

Crowdfunders can get campaigners only so far. Many are being priced out of defending their local countryside from overindustrialisation up and down the country, and that cannot be right. I fear that it will get harder, not easier, for community groups to defend the countryside. The changes to the planning system, which are supported by both Labour and the Scottish National Party, look to take away local councils' right to a public inquiry and erode local democracy in order to railroad

pylons, batteries and substations across our countryside.

Communities feel ignored. They feel that their human rights are under attack, and they feel that they are being priced out of defending their homes. There needs to be a better way of allowing those groups to defend themselves. The changes that are required to bring us into line with the convention would mean that those groups could either access legal aid to combat the plans or, as the ERCS supports, the loser pays rule would be replaced with qualified one-way cost shifting. That would allow community groups much greater access to justice, and would be a relatively easy way to bring us into line with the Aarhus principles, which we are a long way from meeting.

In fact, of the six recommendations made by the United Nations Economic Commission for Europe, the Scottish Government has failed to act on four. Progress has been made on the other two, but they have not yet been met. For the past two years, promises have been made on our obligations by the Scottish Government, whether through the human rights bill or legal aid reform, but neither has been followed through. This left-wing, central-belt-focused SNP Government is once again talking the talk but failing to act on behalf of our rural communities.

I thank the organisations that gave evidence to the committee for their work on the issue. They are clearly exasperated by the lack of action on the matter, and many have expressed their dismay at the slow pace of progress. I hope that we will today hear from the cabinet secretary that progress will be made, along with timescales and targets, so that we can all have the transparency that is required in this area.

One call that came through strongly in many of the representations that we received was on the need for an environmental court to be established in Scotland, which would be in line with many other countries. That was ruled out by the Scottish Government without the due consideration that should have been given to it. An environmental court could increase access to justice, reduce the many fragmented paths to justice that currently exist, and allow Scotland's legal industry to develop expertise in the area. It could also cut costs for those who are pursuing or defending cases. The cabinet secretary should listen to the groups that are calling for such a court to be established and not dismiss their suggestions out of hand. We should carefully consider the proposal for an environmental court and decide whether it is best for Scotland.

The issue is complex and important. It is about access to justice for our community groups who are seeking to protect our countryside, heritage and environment. Their concerns cannot, and

must not, fall on deaf ears. I welcome the fact that two parliamentary committees have now looked at the issue, and I urge the Scottish Government to listen to the concerns that members express in the debate. To ignore those concerns is to ignore the fundamental right of community groups to access justice in Scotland. It ignores the voices of our rural communities and the Government's legal obligations under the convention. It is vital that the Government acts and stops faffing about. This has gone on for far too long. Action must be taken to ensure that justice can be served.

16:21

**Sarah Boyack (Lothian) (Lab):** First, I thank the Net Zero, Energy and Transport Committee and the Equalities, Human Rights and Civil Justice Committee for their work on the issue. I also thank the Environmental Rights Centre for Scotland for its excellent briefing. I share the disappointment and frustration of those who gave evidence to the committees that action to deliver the Aarhus convention was not included in the Scottish programme for government, even though it had been promised.

People have been let down. They have a right to live in a positive and healthy environment, breathing clean air, drinking safe water and interacting with nature. The UN treaty—the 1998 Aarhus convention—made that a law, and Scotland has breached it. People have the right to seek justice when their access to vital resources is limited, but that right is currently unavailable. Those who are seeking environmental justice face major delays. Their endeavours are simply too expensive and too time consuming and, ultimately, the process is inaccessible. A massive 40 per cent of Scots believe that the quality of their green space has reduced in the past five years. If the barriers that prevent people from taking environmental cases to court continue to exist, that is not good for our constituents.

The Aarhus convention emphasises the negative impacts of environmental degradation on people's morale. A healthy environment should not be a luxury, which is why the convention entrenches people's right to access environmental justice. Green spaces and water sources have been proven to significantly improve mental health in urban areas, according to the European Centre for Environment and Human Health and several mental health organisations. Given that mental health conditions are placing huge pressure on our national health service, we should be acting now to ensure that people have access to green spaces.

**Douglas Lumsden:** It is good that the member recognises the mental health issues that are caused by these sorts of things happening in

communities. Why is the Labour Party so strongly in favour of having pylons right across our country? They will have a huge impact on people's lives.

**Sarah Boyack:** It is for energy security. We need to keep the lights on and ensure that people, especially those in rural communities, do not lose their power. Members may remember that, just a couple of months ago, people lost power and had no way to heat or power their homes. That is unacceptable.

One hundred and sixty countries now uphold the right to a healthy environment in law, through entrenched legislation that gives the public the power to fight for environmental justice and to hold local and national bodies accountable for providing healthy green spaces. Unfortunately, we are not one of those countries. The Scottish Government scrapped its proposed deadline to comply with the convention by 2024. The Environmental Rights Centre for Scotland has called the Scottish Government's lack of progress "an abject failure" to protect access to environmental justice.

None of the six recommendations that were given to the Scottish Government by the convention's compliance committee in 2021 has been met, while the October 2024 deadline has passed. The Government is now under investigation for its failure to comply and for its long-standing breach of article 9 of the convention. We have less than a year left in this session of the Parliament. The Scottish Government should have done far more to action those recommendations, because current public access to environmental justice is clearly insufficient.

Since the Scottish Government has failed on previous commitments, it has a responsibility to facilitate the requirements that are laid out in the Aarhus convention by entrenching an enforceable right to a healthy environment in Scottish human rights legislation. We should be investing in our green spaces, identifying the shared benefits of environmental improvement and raising standards of living in a way that contributes to Scotland's green, renewable future. Where members of the public are denied the right to a healthy environment, they should have quick, accessible recourse to justice through the courts.

I know that protective expenses orders have been introduced, but the Environmental Rights Centre for Scotland points out that they are insufficient to reduce the cost of litigation. Although an exemption for court fees for Aarhus cases was introduced, I would like to hear from the Government, in its closing speech, whether the Scottish Government will now extend the exemption to sheriff courts. That is critical to delivering justice.

It is clear that the Scottish Government needs to do more to combat pollution, provide access to green space and ensure that people who are denied those rights have recourse to justice. Our Scottish citizens should be at the forefront of environmental decisions.

**Maurice Golden (North East Scotland) (Con):** What is Labour's position on a dedicated environmental court facilitating access to justice?

**Sarah Boyack:** That is one of the things that is raised regularly by campaigners, but it involves consideration of the structure of our legal system. Without other changes, we will need that kind of focus.

It is clear that we need change. Our citizens should be able to have the power to influence or reject changes to their environment, but the measures that are currently in place make that difficult, if not impossible. One thing that we could do is resource our planners in local authorities, because we do not have the scale of resource to deliver on time. That is a frustration that communities—urban and rural—raise with us. We must do everything in our power to see measures delivered to entrench people's rights because, as the Aarhus convention has clearly established, environmental rights are human rights.

I have a member's bill in front of the Parliament that would mean that the principles of sustainable development and wellbeing would be addressed by public sector organisations. However, we need action. It is on the Scottish Government to take that action, and it needs to act now.

16:27

**Mark Ruskell (Mid Scotland and Fife) (Green):** I welcome the Parliament's focus this afternoon on environmental justice. The loss of our right to a healthy environment as European Union citizens was a Brexit betrayal and, if the SNP Government still has the desire to rejoin Europe, it should enshrine the right to a healthy environment in law without any further delay.

The reality is that the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, which was passed in the previous session of Parliament in an attempt to deal with the results of Brexit, ended up as a scramble to save four decades of environmental rights that we won through working within the European Union. Those were hard-fought-for rights that were forged from the campaigning efforts of citizens movements that had been fighting pollution and destruction over many years in the European Union.

The establishment, through the 2021 act, of Environmental Standards Scotland was critically important, and the body has shown its

effectiveness. ESS has stepped in where the European Commission left off, by holding the Government and its agencies to account on issues from air quality to water quality and many more besides. However, in truth, even before Brexit, the Scottish and UK Governments were allowing the environmental governance gap to widen and were failing to commit to reforms, including the establishment of an environmental court. On its own, ESS does not deliver environmental justice for citizens. It cannot even consider individual cases and, even if it could, it could not perform the critically important role of an environmental court.

The Aarhus convention, if upheld, ensures a route for citizens to legally challenge decisions. However, rather than upholding the principles of the convention, the Scottish Government has consistently been non-compliant with and in breach of article 9 for the past decade. When the Acting Cabinet Secretary for Net Zero and Energy came to the Net Zero, Energy and Transport Committee recently, she was unable to commit to a date or even a time horizon for full compliance. We have heard a similar lack of commitment today from the minister.

It is the consistent breach of article 9 that is partly linked to the significant legal costs for environmental cases. As Richard Dixon of ESS highlighted in committee, a judicial review can cost between £30,000 and £40,000 a day. That is an eye-watering amount of money that is in direct contravention of the convention, which requires legal procedures not to be prohibitively expensive.

As we have heard from a number of members, corporate interests have deep pockets, but individuals struggle to secure legal aid for environmental cases, and, of course, legal aid is not available to charitable organisations. In addition, the loser pays rule means that litigants who lose their case are liable for their opponents' expenses, which, as the Environmental Rights Centre for Scotland notes, can end up costing tens if not hundreds of thousands of pounds. In fact, the centre noted that, on a number of occasions, it has decided not to pursue legal challenges because of the direct financial risk to it.

However, even if all the costs were removed, the Government would still be non-compliant with the Aarhus convention, because it considers only judicial reviews and not merit-based ones, despite both being required under the convention. Legal challenges can be made only on whether the decision-making process was followed properly, so there is no scope to consider substantive issues, including whether a decision was made with full consideration of the evidence.

As we saw with the climate-wrecking decisions of the Tory Government to prove the case for the Rosebank oil and gas field, when evidence is

ignored, the Supreme Court can step in, but only after a sustained and very costly legal challenge from multiple parties that again focuses primarily on process. The Rosebank decision was focused on the process. It touched on the merits, but we need full merit-based challenges.

There are other actions that the Scottish Government can take. As we have heard, it can reform legal aid to make it more accessible for environmental cases, remove the loser pays rule and extend the exemption from court fees for Aarhus cases to the sheriff courts, as well as establishing an environmental court and increasing access to justice and judicial expertise on environmental cases.

Failure to comply with the Aarhus convention is a political choice that the Scottish Government has made over and over again.

**Douglas Lumsden:** *[Made a request to intervene.]*

**Mark Ruskell:** If I have time, I will take Mr Lumsden's intervention.

**The Deputy Presiding Officer:** I can give you the time back.

**Douglas Lumsden:** Will Mark Ruskell clarify the Green Party's position on pylons, given that their installation is destroying large parts of our countryside? It seems unusual that the Green Party would be in favour of the destruction of our countryside. Community groups are struggling to defend themselves because of the large costs that are involved in doing that.

**Mark Ruskell:** It is disappointing that Douglas Lumsden is trying to boil it all down to one particular decision and one particular issue. I respect the fact that there will be communities that want to challenge the pylon lines. It was the same with the Beaully to Denny case. There will also be communities that want to challenge other forms of development, such as fracking, Mr Lumsden, fossil-fuel power stations at Peterhead and wind farms. They should all have the right to challenge such developments, but the justice system needs to respond quickly and proportionately.

The planning system is also hugely important. It deals with where renewable energy development should take place—and where battery storage should be, because we need more of that, Mr Lumsden—and the role of communities in that system is absolutely critical. That is the same for pylon lines, for renewable energy, for the dualling of the A96 and for all the other developments that many people feel are necessary and which, in some cases, the Government wishes to support. They need to be adequately planned before things get to the point of judicial review.

The climate and nature crises are only worsening, so we need to deliver environmental justice, and we cannot wait another decade for the principles of the Aarhus convention to be fully enshrined in Scots law.

**The Deputy Presiding Officer:** Thank you, Mr Ruskell. This is a reminder that comments should always be made through the chair. We move to the open debate.

16:33

**Marie McNair (Clydebank and Milngavie) (SNP):** I speak as a member of the Equalities, Human Rights and Civil Justice Committee. I thank the many organisations for the helpful briefings that they provided.

It was a welcome opportunity for the committee to take evidence from environmental and legal professionals and from the Minister for Victims and Community Safety. As has been mentioned, the Aarhus convention is a UN treaty that requires states to provide access to justice to allow challenges in court of breaches of environmental law. The convention consists of three pillars: access to environmental information for any citizen, the right to public participation in decision making and access to justice in environmental matters. Progress has been made, but we all recognise that much more needs to be done to ensure that Scotland and the rest of the UK are compliant with the convention.

The minister noted that the Aarhus convention compliance committee previously welcomed Scotland's significant progress in 2018, and that work is on-going to strengthen compliance in the areas of concern that the ACCC identified in its most recent decision. One point of concern relates to whether the Scottish Government will repeal regulation 15 of the Civil Legal Aid (Scotland) Regulations 2002, in particular because the joint interest test that is specified under the regulation makes it difficult to obtain legal aid for environmental cases, given that such cases usually impact more than one person. However, as recognised by Denise Swanson, Scottish Government head of civil courts and inquiries, regulation 15

“is a necessary control mechanism for the proper and consistent use of the legal aid fund. Repealing it in its entirety could well have consequences across other elements of legal aid provision.”

It was acknowledged that

“There is a problem to do with the juxtaposition of how the legal aid system, including regulation 15, operates at the moment, and how we meet the needs of environmental issues and environmental actions.”—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 12 November 2024; c 25, 26.]

However, there needs to be greater discussion about the correct way forward.

The Scottish Government recognises that reform is needed, and it is welcome to note that action has already been taken to address some of the concerns that were noted in the report.

Although we rightly acknowledge today that more can be done, it is important to speak about the significant steps that the Scottish Government has taken in relation to climate change, nature restoration and reaching net zero. In the 2025-26 budget, it is investing more than £90 million to protect, maintain and increase woodlands and peatlands. Additionally, by deploying capital funding of £150 million to continue to anchor our offshore wind supply chain in Scotland, we support jobs and push closer towards our net zero goals.

The Scottish Government is also building on the Circular Economy (Scotland) Act 2024 by delivering £39.6 million to help Scotland's transition to a circular economy, reduce waste and promote sustainable consumption. That includes funding for the banning of single-use vapes and funding for Zero Waste Scotland.

**Maurice Golden:** The member mentioned progress on the circular economy. When does she think that the SNP's target to recycle 50 per cent of household waste by 2013 will be met?

**The Deputy Presiding Officer:** I can give Marie McNair the time back.

**Marie McNair:** That is maybe something that the minister can cover later; I do not have that figure to hand. I am sorry about that—the member is laughing, but I do not have it.

The environmental challenges that we face are urgent—there is no denying that. That was made very clear to me this week, when the Kilpatrick hills in my constituency saw a second wildfire in two weeks, and the Scottish Fire and Rescue Service issued its third wildfire warning this year due to dry weather.

The damage that such fires can cause is significant, and they can harm wildlife, impact farms and pose a risk to the public. Those issues are, naturally, very worrying, so we must push for more action and ensure that we have strong legal protections and frameworks.

This is an extremely important matter, and we must work together to ensure that all levers are available to protect our environment.

16:38

**Tess White (North East Scotland) (Con):** I thought that I was hearing an SNP party-political broadcast from the previous speaker, but it is good

to know that the SNP is concerned about the environment.

Scotland has failed to comply with the Aarhus convention—that is clear. In failing to comply, the SNP has betrayed the principles of environmental justice. That matters, because plans are being rolled out to industrialise the north-east of Scotland with huge substations, a proliferation of battery storage, monster pylons and hundreds of kilometres of overhead lines. In the affected communities, that sprawling energy infrastructure is already having a devastating impact on hundreds of families.

Constituents from Angus to Aberdeenshire and beyond see the industrialisation of their homeland. Their land and their livelihoods are about to be destroyed, and they feel absolutely powerless to do anything about it. They also have valid concerns about the health implications of the infrastructure, which have not been explored and allayed because full independent environmental impact assessments have not been done. Wildlife, wheat fields and carrot and potato fields are about to be decimated. Communities are about to be disempowered by the very people they hoped would represent them. The SNP is numb to their plight.

Campaigners from Save Our Mearns, Angus Pylon Action Group, Deeside Against Pylons, the Leylodge against industrialisation group, the Stop Tealing Industrialisation Group, the Echt and Dunecht against pylons group, the Buchan and Formartine opposed to big energy group, Kyle of Sutherland, Dunbeath and Berriedale groups, Communities B4 Power Companies and other groups have mobilised to fight the plans. However, their monopoly provider, which has a contract to deliver, is bulldozing ahead. *[Interruption.]*

Presiding Officer, there are conversations going on in the chamber. I know that SNP members do not want to hear this, but I say to them that they should please listen. It is also disrespectful to talk when somebody else is speaking.

Giving evidence to the Equalities, Human Rights and Civil Justice Committee, the Law Society of Scotland laid bare what non-compliance with the Aarhus convention means in practice:

“Developers may be well funded and there will be Government representation, but community groups or individuals may appear on their own or may have a solicitor appear for them. There is often a mismatch in what you might call the equality of arms.”—*[Official Report, Equalities, Human Rights and Civil Justice Committee, 12 November 2024; c 13.]*

This is inequality of arms. Communities are powerless to do anything as their homeland is destroyed.

I would like members to hear the voice of one of my constituents, who said this morning:

“The Scottish Government has ignored the Aarhus convention for over a decade ... What is happening now is nothing short of criminal, causing mental health issues and environmental vandalism.

That is what it is—environmental vandalism.

As my colleague has said, campaigners in Galloway raised more than £26,000 towards the costs of a lawyer and an energy expert to unsuccessfully challenge pylon plans. I think that Labour said today that it would like to have more local planning, but the problem is that the Scottish Government is overriding local planning decisions. Communities should not need to crowdfund just to have their voices heard. It is like David and Goliath, and it is clear which side the SNP Government has taken. The SNP in Holyrood and the Labour Government in Westminster want to remove the right to a public inquiry.

**Douglas Lumsden:** Does Tess White agree that it is disgraceful that no Scottish ministers or cabinet secretaries will meet the campaign groups, even though they are totally happy to meet companies such as SSEN?

**Tess White:** It is absolutely disgraceful. All the groups that I have mentioned are watching this debate to hear the defence of the SNP Government. They are looking to see who is in the chamber today. It is disgraceful.

**Monica Lennon (Central Scotland) (Lab):** Will the member take an intervention?

**Tess White:** Will I get the time back, Presiding Officer?

**The Deputy Presiding Officer:** I can give you the time back, Ms White.

**Monica Lennon:** I am grateful to Tess White for taking the intervention. Can she tell members why her party opposed an equal right of appeal that would have given communities the same rights as developers?

**Tess White:** I am not sure what Monica Lennon is referring to. We are talking about the Aarhus convention, the human rights of individuals and access to justice.

The communities have not been consulted properly on the different options. It is a case of the wrong kit in the wrong place. The move would leave local democracy in tatters and the affected communities, in effect, disenfranchised from decision making on such projects. They are being drowned in jargon, overwhelmed by costs and, in effect, blocked from challenging decisions that could have irreversible impacts on their local environment and quality of life. That is not what the Aarhus convention promises.



Finally, and in response to Monica Lennon's question, I point out that that is why the Scottish Conservatives would guarantee that local communities would be able to halt electricity infrastructure projects if they would not meet local needs. We need to press pause. There is still time to do the right thing in line with the principles of the Aarhus convention.

16:45

**Michael Matheson (Falkirk West) (SNP):** Like colleagues, I welcome the debate and the considered way—which predates my joining the Net Zero, Energy and Transport Committee—in which the committees have scrutinised our lack of compliance with the Aarhus convention. Of course, the convention applies across the whole of the UK, which has not been in compliance with it for more than a decade. I welcome the fact that, despite having been in government for a considerable part of that time, the Conservatives now appear to be enthusiastic about ensuring that we are compliant with the convention in the years to come.

It is also worth reflecting on the fact that a balanced report has been produced, recognising that progress has been made in some areas but that there is deficiency in a number of others. For example, corrective action has been taken on cost protection and appeals, protective expenses orders, the types of claims that can be raised and the level of the cost cap. Those issues have all been addressed, and those are important steps—it is good progress. Nevertheless, more progress needs to be made.

I will pick up on the principle of access to justice, which we all, to some degree, take for granted and expect in any modern democracy. It is wrong to frame trying to pursue environmental rights as being a rural issue or an urban issue. Pursuing environmental rights in an urban setting is equally valuable and important as doing so in rural communities. It is not one or the other. My constituency has the Grangemouth refinery and petrochemical facility on its doorstep. At times, as there have been in the past, there are environmental concerns and issues in that regard. They are just as important as environmental concerns are for any rural area. It is fundamentally wrong to try to frame the issue as being urban or rural, and it does constituents a disservice if we try to present it in that way.

Even if we were to follow Douglas Lumsden's desire to take us down the pylon line in relation to why we must now comply with the Aarhus convention, it would have to apply across the whole of the UK. There is no point in individuals in Dumfries and Galloway raising money to pursue action against a pylon going from Scotland into

England if the only place that we can exercise that power is in Scotland and people who live in England are not able to pursue the matter through environmental law. It is in all of our interests to ensure that the UK as a whole is compliant with the Aarhus principle as soon as possible.

**Sarah Boyack:** One thing that is interesting in this debate, as in previous renewables debates, is community ownership and the need for communities to benefit from developments in their area rather than have them imposed. Do you think that we need a more nuanced conversation on that?

**The Deputy Presiding Officer:** Speak through the chair.

**Michael Matheson:** There is an issue in that regard. I am strongly in favour of much more of a community wealth building principle for some assets to ensure that we move beyond the often superficial approach to community benefit. Community ownership can be part of community wealth building, but there are other models that could be developed and taken forward. Community Land Scotland recently produced an interesting paper on community wealth building in the energy sector, which has a lot of merit in it and is worth further debate and consideration.

I return to the issue of access to justice. Often, the factors that inhibit the ability to pursue an issue under environmental law are the same as those that inhibit people from taking action through civil law. Civil law is a difficult and expensive environment for anyone to access, and the principles around environmental litigation are similar to those for other areas of civil litigation.

The key way in which we can make progress in that area is through reform of our legal aid system to ensure that it is much more responsive and user centred, and that it supports compliance with the Aarhus convention. I recognise that the Government is undertaking work on improvement of the civil legal aid system. Given that that will involve a demand-led budget, if we are to expand the scope of civil legal aid to comply with the Aarhus convention, we must ensure that the resources follow that. We cannot have an expansion of the matters for which civil legal aid can be provided without a corresponding uplift in the funding to support it.

My final point is that we should be careful about going down the route of creating specialist courts. There is great merit in having a judiciary that has a broad spectrum of skills and ability. Justice is often delivered through the ability of judges and sheriffs to preside over a range of proceedings. We lose some of that facility when we go down the specialist court route. I am much more in favour of ensuring that we improve access to environmental

justice rather than taking the narrower route of creating a court to deal specifically with environmental matters. Although it will be for members in the next session to consider the human rights bill that is planned, the Parliament will have the opportunity to ensure that we make progress towards enshrining environmental laws and complying with the convention. I hope that the incoming Government will achieve those aims.

16:51

**Monica Lennon (Central Scotland) (Lab):** We are here because Scotland is clearly in breach of the Aarhus convention, which is denying Scots access to environmental justice.

I believe that this is a vital debate. Scotland is one of the most nature-depleted countries in the world, and we are simply not doing enough to tackle climate breakdown. The pollution of our air, land and water is not a rural or an urban problem—it is an everywhere problem. I therefore agree with Michael Matheson’s point that we should not try to split our communities. Decisions about the use of land and how we treat the environment are taken in systems that benefit the wealthy and the powerful—often to the detriment of the people and communities who have the fewest resources.

The Scottish Government’s persistent failure to comply with the Aarhus convention is not simply embarrassing; it is endangering the human rights of my constituents and all the people of Scotland. I pay tribute to the Environmental Rights Centre for Scotland, Planning Democracy, Friends of the Earth Scotland, RSPB Scotland and everyone else who is fighting for environmental justice and the right to a healthy environment.

**Tess White:** Monica Lennon talked about the importance of air, land and water quality. Does she agree that it is difficult to see how we can plan, and start to implement, an infrastructure or a project without a proper, thorough and independent environmental impact assessment?

**The Deputy Presiding Officer:** I can give you time back, Ms Lennon.

**Monica Lennon:** It is important that we have robust environmental impact assessments. Tess White might know that, in a previous life, I was a chartered town planner, so I will be happy to have a longer discussion with her on that aspect. I am glad that she has intervened on me, because it allows me to underline the point that I made in my intervention on her earlier, about the imbalance in our planning system. We do not have a level playing field, which is why my question to her on equalising the right of appeal goes to the heart of the debate. My colleague Sarah Boyack, who is nodding from the Labour front bench, is a fellow

former town planner—perhaps we are responsible for the current shortfall in practising planners in this country. These are critical debates, and it is absolutely up to the Government to get this issue right. If it will not lead on that, in the next parliamentary session we will need a Government that will do so.

Deputy Presiding Officer, I do not know whether I am getting time back or not, so I will have to race through the rest of my contribution.

It is great that two of the Parliament’s committees are focusing on the issue. Last week, at the Net Zero, Energy and Transport Committee, I was able to put questions to Dr Richard Dixon from Environmental Standards Scotland. I was concerned to hear Dr Dixon, whom I am sure the Government respects, say that

“the Government produced a really shoddy secondary paper that went into environmental courts and why it does not want one, but it was still not very convincing.”

He said that creating an environmental court is one way that the Government could accelerate towards Aarhus compliance but that the Government seemed

“desperate not to do that.”

To me, that is inexplicable. He said that

“The original consultation on the governance review hardly mentioned an environmental court and dismissed the idea without any evidence.”—[*Official Report, Net Zero, Energy and Transport Committee*, 25 March 2025; c 47.]

I would love to hear the reason for that.

This issue matters to my local community. We have had to fight against speculative applications for incinerators, so I pay tribute to the Dovesdale action group and to my constituents in Whitehill.

I also thank members who have supported my call for an ecocide law in Scotland, because we need system change. It is not about picking out individual locations and types of application.

We need to make sure that our systems work for people and the planet, and Aarhus compliance should be at the heart of that. Reputationally, this is damaging to the Government, but it is also damaging to Scotland, and we need urgency from the Government. The Government will get backing from the chamber, but it needs to come up with something that is credible.

**The Deputy Presiding Officer:** I advise the chamber that the time that we had in hand has just about been exhausted. I call the final speaker, Ben Macpherson. You have around four minutes.

16:56

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** Like colleagues, I welcome the

debate on the Aarhus convention and the right to a clean environment. I think back to the discussions that I was able to listen to and partake in when I was a part of the Net Zero, Energy and Transport Committee, particularly the evidence that we heard on 16 January 2024. I commend both committees on the work that they have done and the document that we are discussing today.

During that period, and in my capacity as a constituency MSP for Edinburgh Northern and Leith, I have had great engagement with the Environmental Rights Centre for Scotland. I fully appreciate the demands that it and others have made for thinking collectively not only about how we comply with the international convention—particularly after Brexit, as has been referenced—but about the rights of communities that should be enhanced or refined and how those rights are realised. I welcome the Government’s statements about legal aid and how we make sure that people are able to access justice.

There has been discussion today about whether we need new legislation, and there is a consensus that there should be a new human rights bill in the years ahead. That will be a particularly important piece of legislation to get right, because it needs to be not just about how we protect human rights—although that issue requires UK-wide action, which could potentially be dovetailed with European-wide action to make it as effective as possible, and I would envisage the discussion about ecocide coming into that debate—but about how we discuss those rights, how our society protects them and how realisable they are. For me, that gets to the heart of what today’s discussion is about: it is about how communities and individual people are able to exercise their right to a clean environment.

Multiple examples have been given, but the one that always comes to mind for me is from Leith, in my constituency. The port of Leith was privatised in the 1990s by the then Conservative Government. It included four basins at The Shore, which colleagues will be familiar with, as it is the iconic vision of Leith. Those four basins were then sold by the Port Authority to another private company, which then split the ownership between itself and another private company. The basins connect to the rest of the Water of Leith, which is publicly owned. That means that there is a very complex arrangement of different stakeholders for dealing with any environmental issues that occur in the Water of Leith basins, from silting to sewage water overflows, detritus collection and the operation of businesses.

The reason why I list those is that the way that we have managed them in recent times is by collaboration and negotiation; by me or the council using our convening powers; and, to an extent, by

the benevolence of local business stakeholders who, thankfully, want to be part of the upkeep.

Unfortunately, there have been times when the upkeep and other issues have not been satisfactory, which is why my constituents have reached out to me and the Environmental Rights Centre for Scotland to try to improve the situation and to realise a clean environment. I cite that example because it is demonstrative of how, if we had a significant and environmentally concerning scenario in the Water of Leith, the available legal avenues would not be as accessible as they should be to my constituents. The situation will be the same in other constituencies.

An area that we could look at that might allow us to make improvements in the shorter term is in our use of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018. Could we undertake more group proceedings that might help in this scenario?

17:01

**Maggie Chapman (North East Scotland) (Green):** There has been 14 years of non-compliance, of missed deadlines, of failures to act, of opportunities missed, of procedural deficits still unaddressed and of individuals and communities waiting for promised legal aid reforms. In short, there has been 14 years of individuals and communities being denied environmental justice.

In environmental justice, both of the words matter. This is about environmental degradation, which, in most cases, is irreversible. It is the degradation and pollution of the places where we live and that we rely on for our food and water, for the air that we breathe and for our physical and mental health and wellbeing. It is also about justice and human rights for those who need them most. It is about not only justice for communities now but justice for future generations. I am grateful to Sarah Boyack for the work that she is doing to keep this important issue on our agenda.

Communities are struggling now—communities such as Torry in Aberdeen, which faces the loss of its last remaining public green space to private profiteering. Decades ago, Torry had to deal with the loss of old Torry to oil and gas infrastructure development. More recently, it lost its beach at Nigg Bay to the Aberdeen south harbour development. It is home to an incinerator, which overlooks the school, and to sewage works, which deal with all the waste from the city and beyond. Torry has to deal with all of that while life expectancy remains stubbornly low—more than 10 years lower than in more affluent areas of Aberdeen. There are families with children living near the at-risk park, and there are older people with health conditions created or exacerbated—

often fatally—by air pollution. Like other communities across Scotland, Torry needs the Scottish Government to act and to ensure compliance with the Aarhus convention.

As other members have said, the right to a healthy environment should never be just a luxury add-on. It should never be available only to those with very deep pockets. It is an essential means of ensuring rights to life, health and a family life.

Environmental degradation does not fit neatly into political boundaries. The consequences of pollution, of the systematic destruction of green spaces and of modern forms of the enclosure of common land and shared resources extend beyond the boundaries of constituencies and states. We see that only too clearly with a climate crisis that will affect us all, regardless of where the emission of climate-changing gases occurs.

More than that, the mechanisms of environmental degradation are weapons of oppression that are used against communities with the least privilege and power and for whom resistance costs dearly. As Monica Lennon has pointed out, the protections that we would get by complying with the Aarhus convention would be good for us all. Environmental protection is the protection of workers, communities and our futures. However, it is also protection by communities—communities of place, communities of concern and communities of care. Communities have a vital role to play in filling the gaps and addressing issues missed by Governments, public agencies and authorities. Communities must be supported and enabled to do that important work.

If we are serious about enabling a better, fairer, cleaner and more sustainable Scotland in which human rights are respected and nature is cherished, environmental activists and the Government are not on opposite sides—indeed, they cannot be, because no agency will always make the right decisions.

**Ben Macpherson:** [*Made a request to intervene.*]

**The Deputy Presiding Officer:** Ms Chapman is winding up.

**Maggie Chapman:** I cannot give way—sorry, Mr Macpherson.

When the decisions that are made are not the best ones, it is in the interests of a good Government and good governance that communities are able to challenge them swiftly and inexpensively, using their evidence, expertise and lived experience to complement and enrich official decision making.

As my colleague Mark Ruskell said, non-compliance with the Aarhus convention is a political choice. We must grasp the opportunity to

make a different political choice. It will be overdue, but I hope that it will not be too late.

17:05

**Paul O’Kane (West Scotland) (Lab):** I am pleased to close on behalf of the Scottish Labour Party in this debate on the Aarhus convention. It has been an important and wide-ranging debate in which people have brought different perspectives from across Scotland and have helped to put on the agenda the importance of the Aarhus convention and our desire to see faster progress on compliance with it.

My colleague Sarah Boyack put things in context when she spoke about the rights that we should all enjoy in Scotland: rights to clean water, open space and access to nature. Our nature is envied around the world—we live in a country that has so much potential.

We also heard about some of the significant challenges that we have experienced in Scotland. My colleague Monica Lennon spoke about nature depletion and the concerns about what is happening to our natural environment. Several other colleagues touched on that as well.

We heard about the frustration and disappointment of so many people at our failure to comply with the convention. I pay tribute to the two committees that raised the debate: the evidence that we have heard in those committees has been overwhelming. It has included the frustration and anger that I spoke about, the challenges that exist, and how much more we have to do to protect our natural environment and to give communities and individuals the rights to protect that environment and access to it. I pay tribute to the conveners, Karen Adam and Edward Mountain.

**Ben Macpherson:** Does the member agree that, to realise those rights, we must hold both private interests and private landowners to account? Although there is a need for accountability and for access to justice in relation to public agencies, given the amount of private landownership in Scotland, it is also about holding private companies to account.

**Paul O’Kane:** I recognise the need to hold those private interests to account. I commend Mr Macpherson for his speech and for his championing of the port of Leith and the community interests in relation to it. I recognise such interests in my region, on the west coast, as well.

Access to justice is at the core of the matter, which is why the work of the committees is so important. We heard compelling evidence that, when people are denied that justice, there is a real

detriment to communities and to their sense of place.

The lack of action is frustrating. In his contribution, Douglas Lumsden referred to the Government as “letting down rural Scotland”. That is correct, but we heard from Michael Matheson and others that it is not just rural Scotland that is being let down; it is our urban communities as well. People are encountering significant problems, such as with poor health and wellbeing, because they cannot access nature and green space in their community.

We know—and we have rehearsed the arguments this afternoon—about the failure over many years to achieve compliance with the convention and about the many missed deadlines. Over the years, there have been lots of advisory groups and support for the Government on human rights—the First Minister’s advisory group on human rights leadership in 2018, the national task force for human rights leadership in 2021 and the environmental improvement plan in 2023—all of which pointed out the real and significant challenges that exist. However, very little action has come from that.

In fact, in many respects, what we have seen is a move backwards. All of us would recognise that the stalling of the proposed human rights bill and action in that space represents a significant challenge, which is to be long-grassed into the next session of Parliament. Every time the Equalities, Human Rights and Civil Justice Committee takes evidence, that is pointed to as a significant challenge.

Fundamentally, this afternoon’s debate has been about ensuring that people have access to justice. A number of important comments have been made about the review of legal aid and the need to make legal aid more available and accessible. I appreciate that the Government is doing work on that—I am sure that the minister will have something to say about that in his winding-up speech—but the Equalities, Human Rights and Civil Justice Committee is working on the issue, too. The issue of environmental courts is one of many that I will not have time to get into, but it is clear that we need to have a wider debate on it.

I am grateful to have had the opportunity to take part in this afternoon’s debate. It is clear that more action is needed. The Government needs to hear that message, and it needs to respond accordingly.

17:10

**Maurice Golden (North East Scotland) (Con):** I am pleased that this debate is taking place, because environmental justice has an impact on

ordinary people and communities across the country.

We have heard about some of those issues today, and I welcome the minister’s commitment to introduce regulations to meet the requirements of the Aarhus convention. However, Douglas Lumsden described it as

“a disgrace and a shambles”

that such little progress has been made to date. Tess White made a strong argument for communities’ voices to be heard and described some of what she has seen as “environmental vandalism”. Sarah Boyack expressed her concern about the fact that a deadline to implement recommendations by 1 October 2024 had not been met. Mark Ruskell highlighted the issue of financial cost restricting access to justice.

Of course, there is a wider policy consideration—that of the codification and application of environmental law in a devolved context. We know that the Scottish Government has a policy position of aligning with EU law, even though there is no obligation on it to do so, but its policy with regard to international law—to which, from a legal perspective, there is a stronger case for adherence—is not clear.

I believe that there must be a level playing field when it comes to accessing environmental justice. We know that that is not the case at the moment. Pursuing action through the courts can cost eye-watering sums of money. That situation has put Scotland in breach of the Aarhus convention for a number of years. One community group in Maryhill in Glasgow had to resort to a loophole to secure legal aid. Even larger organisations find it tough. In one case, the John Muir Trust faced legal bills of almost £700,000.

The key point in all of this is not about giving one side an advantage over the other on any given issue. It is not about making it easier to challenge projects or, indeed, to steamroll decisions through. However, a review of legal aid in such cases should be looked at. I urge the Scottish Government to consider the Environmental Rights Centre for Scotland’s proposal that the exemption from court fees for Aarhus cases be extended to sheriff courts. That is a relatively minor change, but it would show that ministers are serious about making progress.

It is important to build trust, because—I am sad to say—the Scottish Government has a relatively poor record of living up to its environmental and international obligations. On the Aarhus convention, there is not really any sign that the Government has a clear strategy to make changes, especially given that its proposed human rights bill appears to be missing in action. The Government also missed more than half of the

Aichi biodiversity targets. Meanwhile, it failed to meet the domestic emissions targets in nine years out of 13, and its response has been to abolish the targets.

I have spoken about this before, but those repeated failures, coupled, it would seem, with a lack of repercussions, damage public trust in climate change and climate action. Without that trust, it becomes extremely difficult to deliver the changes that we need to make in our economy to deliver sustainable growth.

That brings me to the subject of having an environmental court. At a high level, it would be a means of holding the Government to account over the kind of failures that I have just outlined, in turn helping to strengthen public trust in our climate policies. I also note that the Environmental Rights Centre for Scotland has outlined the potential for a number of practical benefits, such as reducing the current fragmentation whereby environmental litigation is carried out in multiple settings, or helping to reduce costs by reducing the risk of multiple legal proceedings stemming from one dispute.

Perhaps most importantly, a dedicated court would offer the possibility of easier and faster resolutions by, for example, employing mediation, which would reduce time and costs for all parties while building up greater technical expertise within the legal profession. The benefits seem obvious, so the question is: why is the Scottish Government not taking that seriously?

17:16

**The Acting Minister for Climate Action (Alasdair Allan):** I thank colleagues from across the chamber for their valuable contributions to today's debate on the Aarhus convention and the important matter of environmental justice.

As Mr Golden and many others have pointed out, access to justice in environmental matters is vital for both urban and rural communities. As members will appreciate, access to justice does not, and cannot, mean that all parties will always achieve the outcomes that they desire from every decision, but we should, as the Government does, seek to ensure that the rules are fair.

Siobhian Brown set out with great clarity the position in respect to compliance with the Aarhus convention, and it is important that we keep that issue in perspective, as she and many other speakers did. The Aarhus convention includes a wide range of obligations regarding environmental information, consultation and access to justice. We are currently working to address concerns raised by the compliance committee regarding one area that I accept is important: the cost of seeking judicial review of a decision. That is not a

challenge to our overall approach to environmental information approvals or permitting, so I do not accept that the Scottish Government has, as some speakers suggested, been ignoring the convention.

There is clearly much that the Scottish Government can do and is doing to make progress on the outstanding issues. As was said earlier, action has been taken on protective expenses orders and a rule change has been enacted prompting a petitioner to request confidentiality when lodging a motion requesting a PEO, so that any hearing would be heard in chambers. That is progress, as is a rule change enacted in June last year that clarifies that a potential litigant's exposure to an intervener's costs is likely to be nil, provided that the litigant acts reasonably.

I accept that there is much more to do, but I will pick up on more areas of progress. A number of speakers referred to the specific point about reform of the system as it applies to sheriff courts. It is for the next court fees consultation, which is due to take place in the coming year, to look at that issue, but the Government certainly hopes that there will be progress.

**Monica Lennon:** It was good to hear the First Minister speaking today about the importance of the rule of law. Does the minister agree that access to justice is the ultimate guarantee of the rule of law and that, rather than just progress on the Aarhus convention, we need full compliance?

**Alasdair Allan:** I do not dispute the need for compliance, although the member will understand that compliance without progress would be difficult, which is why we are making progress.

I will pick up on a number of other points that were made by other speakers, including some points about legal aid, which, as members have identified, is available for individuals but not for groups or NGOs. Regulation 15 of the Civil Legal Aid (Scotland) Regulations 2002 is a necessary control mechanism for the proper and consistent use of the legal aid fund. There is, however, scope to look at a different funding model that is about pursuing strategic litigation and is about the issue rather than the individual. The legal aid reform discussion paper commits the Scottish Government to exploring and testing

"how the full range of currently available funding tools can help achieve emerging government and justice priorities, support different methods of delivery, and tackle evidenced problems effectively."

It is important that, where the Scottish Government or another public authority fails to follow appropriate law and procedures, its decisions can be challenged in a judicial review. However, we do not accept that, as was perhaps suggested at points in today's debate, people

should be able to judicially challenge decisions on an issue simply because they did not like the outcome—or, to put it more formally, because they wanted to enter into issues of merit. Parliament has repeatedly considered third-party appeal for planning decisions and decided against introducing that change.

I accept that, in all of this, there is a difficult balance to be struck. There is an intuitive appeal to the idea that people should be able to challenge decisions that they do not like and that the costs to them of doing that should be low. However, those costs would be shouldered elsewhere through the costs of courts and lawyers, delays to development and uncertainty about investment. Siobhian Brown explained the complexity of the systems that interact to ensure that there is balanced decision making and that people's rights are upheld.

**Monica Lennon:** Does the minister recognise that referring to communities as the “third party” in decision making is really at the root of the problem? The campaign for equal rights of appeal is about treating communities as equal partners. Does the minister recognise why I say that?

**The Presiding Officer (Alison Johnstone):** Please conclude, minister.

**Alasdair Allan:** I recognise that the term that is used in law is “third party”, but I absolutely accept the point that the member makes about treating communities with respect.

I conclude by pointing out that our planning system in Scotland is plan led, with a focus on involving all interests as early and as effectively as possible. Scotland remains committed to the principles of the Aarhus convention and we are working closely with the other devolved Administrations and the UK Government to consider the Aarhus convention compliance committee recommendations and all the potential solutions that are available.

**The Presiding Officer:** I invite Edward Mountain to wind up on behalf of the Net Zero, Energy and Transport Committee. Please take us to 5.30 if you can, Mr Mountain.

17:22

**Edward Mountain (Highlands and Islands) (Con):** I may struggle, Presiding Officer, but I will do my best.

I am pleased to close the debate on behalf of the Net Zero, Energy and Transport Committee. I thank members of both committees and the other speakers for their contributions.

As we have heard, the Aarhus convention is an important international agreement to protect

environmental rights, and a key pillar of the convention is access to justice in environmental matters. Let us be honest that, as we have heard, Scotland has been found to be lacking in that respect. We are just not compliant with the convention, as access to environmental justice in Scotland is prohibitively expensive.

I am aware of the availability of legal aid in the area. The Scottish Government has committed to reviewing that, and the Equalities, Human Rights and Civil Justice Committee has been considering the matter. However, to address our non-compliance with the Aarhus convention, a more fundamental suggestion that has been raised with my committee is to create an environmental court. Many members have spoken about the potential benefits of such a court. Stakeholders have suggested that it could result in greater efficiency, quicker decision making and, ultimately, lower costs. It is considered that there is something of a gap in expertise in environmental cases, which can be very complex. A specialist court might reduce the time that is needed to establish and understand the facts in a case and thus, in turn, reduce the cost.

At the moment, the only route for an environmental case is a judicial review in the Court of Session. Let us be clear that that is complex and, indeed, very costly. We have heard concerns that a judicial review does not adequately allow the merits of an action to be assessed—only the process that was followed in reaching a decision. Thus, the creation of an environmental court was raised with the Net Zero, Energy and Transport Committee when we looked at the Scottish Government's review of environmental governance arrangements.

The Government's review accepted that there was a need for improvement to access to justice, but stakeholders were highly critical that it did not sufficiently engage with the question of creating an environmental court. A separate briefing paper on the topic was later produced, but it did little, as far as I can see, to alleviate stakeholders' concerns. Having been described by Dr Richard Dixon, the chair of Environmental Standards Scotland, as “shoddy”, stakeholders thought overall that the Government's review was a missed opportunity to look at the new environmental governance arrangements in Scotland that had been established post-Brexit.

The Scottish Government's review highlighted its proposed human rights bill as a fix for the lack of access to justice. We were told that that would include recognition of a human right to a healthy environment. We were also told that that would be underpinned by international frameworks such as the Aarhus convention. We were told that it could strengthen routes to seek redress, and could

potentially develop both judicial and non-judicial routes. Where is that bill? That commitment has, sadly, fallen by the wayside, leaving stakeholders frustrated at the continued lack of action to strengthen those rights.

There is now continued non-compliance with the Aarhus convention, without any clear plan to correct that. The Scottish Government has suggested that Environmental Standards Scotland is the answer to those problems. In the Government's statement following its review, it asked ESS to consider the role that it might play in investigating individual cases.

Dr Richard Dixon, when he recently gave evidence to the committee, described the Government passing a "poisoned chalice" to ESS, as it gives the impression that ESS is going to fix the problem of the lack of access to justice. The Scottish Government is trying to pass to ESS the challenge, and therefore people's expectations, which Dr Dixon said was unsatisfactory.

Although ESS fills an important role in environmental governance in Scotland, its functions are limited to what this Parliament authorised when we passed the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021. ESS cannot give itself powers that the Parliament did not grant. We did not give ESS the power to investigate individual cases. Indeed, that was not an oversight, because amendments were debated at stages 2 and 3 that would have given ESS those broader powers, but the Parliament did not agree to those amendments.

The issues in this area go beyond what ESS has power to address; those are issues for the Scottish Government. It must be for the Scottish Government to reflect on our continued non-compliance with Aarhus. It is the Scottish Government that must act to ensure that environmental rights are meaningfully protected in a way that provides a clear and accessible route to justice.

In closing, I urge ministers to reflect on the issues that have been raised in this important debate and to establish a route forward to ensure that everyone in this country with a legitimate case to raise has access to environmental justice. We have heard a lot about such people in the debate, including groups relating to the development of pylon lines and groups in urban areas. I believe that the Government has a lot of work to do on the issue, and I urge it to take time to consider what has been heard in the debate.

**The Presiding Officer:** I thank Mr Mountain for his contribution as convener of the Net Zero, Energy and Transport committee.

That concludes the debate on the Aarhus convention and access to environmental justice.

## Decision Time

17:30

**The Presiding Officer (Alison Johnstone):** There are no questions to be put as a result of today's business.

*Meeting closed at 17:30.*



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