



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

Wednesday 21 September 2011

Session 4

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**RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE**  
**5<sup>th</sup> Meeting 2011, Session 4**

**CONVENER**

\*Rob Gibson (Caithness, Sutherland and Ross) (SNP)

**DEPUTY CONVENER**

\*Annabelle Ewing (Mid Scotland and Fife) (SNP)

**COMMITTEE MEMBERS**

\*Graeme Dey (Angus South) (SNP)  
\*Alex Fergusson (Galloway and West Dumfries) (Con)  
\*Jim Hume (South Scotland) (LD)  
\*Richard Lyle (Central Scotland) (SNP)  
\*Jenny Marra (North East Scotland) (Lab)  
\*Aileen McLeod (South Scotland) (SNP)  
\*Elaine Murray (Dumfriesshire) (Lab)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Tim Braunholtz-Speight (University of the Highlands and Islands)  
Derek Flynn  
Dr Sam Gardner (Stop Climate Chaos Scotland)  
Colin Howden (Stop Climate Chaos Scotland)  
Dr Andy Kerr (Edinburgh Centre on Climate Change)  
Dr Calum Macleod (University of the Highlands and Islands)  
Lynne Ross (Scotland's 2020 Climate Group)  
Jean Urquhart (Highlands and Islands) (SNP)

**CLERK TO THE COMMITTEE**

Lynn Tullis  
Simon Watkins

**LOCATION**

Committee Room 6



## Scottish Parliament

### Rural Affairs, Climate Change and Environment Committee

Wednesday 21 September 2011

[The Convener opened the meeting at 10:00]

#### Decision on Taking Business in Private

**The Convener (Rob Gibson):** Welcome to the fifth meeting in 2011 of the Rural Affairs, Climate Change and Environment Committee. Members and the public should turn off their mobile phones and BlackBerrys, as leaving them in flight mode or on silent will affect the broadcasting system, and we have a large audience out there who would like to hear what is going on. I have received no apologies for absence. I welcome Jean Urquhart, who is sitting in on the meeting.

Under agenda item 1, I seek the committee's agreement to take in private agenda item 5, on the consideration of candidates for the post of budget adviser. Do members agree to take that item in private?

**Members** *indicated agreement.*

## Land Reform (Scotland) Act 2003 (Post-legislative Scrutiny)

10:01

**The Convener:** Agenda item 2 is post-legislative scrutiny of the Land Reform (Scotland) Act 2003. I welcome our three witnesses, who are Tim Brauholtz-Speight, Dr Calum Macleod and Derek Flyn. I realise that, to an extent, you have already been through this exercise with our predecessor committee, but we have to take matters forward now, so we are pleased to have this opportunity. It is great to have you here. Derek Flyn is a crofting lawyer.

**Derek Flyn:** I am a retired crofting lawyer. I now call myself a croft consultant, but I am not connected with any legal firm.

**The Convener:** Thank you.

Dr Calum Macleod is deputy director of the centre for mountain studies at Perth College and the University of the Highlands and Islands. Tim Brauholtz-Speight is from the centre for remote and rural studies, also at the University of the Highlands and Islands. Does any of the witnesses wish to make initial short remarks before we move to questions?

**Dr Calum Macleod (University of the Highlands and Islands):** I would welcome the opportunity to do so, convener. I thank the committee for the opportunity to speak to you about the report that we produced for the previous committee and to look forward to how land reform and the land reform agenda will develop. It is fair to say that this is potentially a pivotal moment in how that agenda moves forward. We look forward to contributing to the process, and we hope that our report has done that to a modest extent. Although the focus is on the Land Reform (Scotland) Act 2003, that is but one important part of the much broader jigsaw of how land reform moves forward. It is important to bear that in mind. Perhaps we will explore some of those issues later.

**The Convener:** To be tidy, it is best if we deal with the three parts of the 2003 act in order—first access, then the community right to buy and then the crofting community right to buy. We will wrap things up after that. We start with a question on access from Jim Hume.

**Jim Hume (South Scotland) (LD):** First, I declare an interest as a farmer. My question is on the responsibilities of access. I seek our witnesses' views on liability, as I believe that there have been quite a few cases in which irresponsible access has resulted in a farmer having to take responsibility for dealing with, for

example, dog fouling or gates being left open, which can lead to accidents.

**Dr Macleod:** How the access provisions are implemented in practice is an important question. The responsibilities sometimes seem slightly unclear or problematic from a landowner's perspective. One point that came through in our report was that responsibilities are placed on landowners in managing their aspects of the access rights, but recreational access users and other access users do not necessarily have those responsibilities in the same way.

Where the balance lies can be a problem in that regard. There is guidance in the access code itself, which is well received as a piece of guidance, but there are some grey areas. Potentially, the issue could be addressed in more detail in the review of the legislation to which the Government has committed itself. As with many aspects—or some, at least—of the access provisions, there are grey areas in the interpretation of particular issues and there would be benefit in considering that area in more detail in that context.

**Jim Hume:** The other piece of relevant legislation is the Dog Fouling (Scotland) Act 2003, which does not cover farmland. Therefore, a disease that can be carried by dog faeces, which causes abortions in sheep—

**Dr Macleod:** Indeed. That has been a significant and understandable concern of the farming community. One of the issues in co-ordinating the legislative framework is how part 1 of the Land Reform (Scotland) Act 2003 ties into other aspects of the statutory framework. Is there a clear read-across in that context? I am not convinced that there is. That needs to be taken forward as well and addressed in a systematic fashion. That ties in with a lot of other issues, of which planning is one. I take your point about the co-ordination aspect.

**Aileen McLeod (South Scotland) (SNP):** Good morning. I want to ask about access rights. You mention in your study that

“There had been slippage in some Access Authorities' progress in drawing up their Core Paths Plans”

as set out in part 1 of the Land Reform (Scotland) Act 2003. I would like an update on that. Is it still an issue? What progress has been made on it? The development of the core paths so that they link up with, for example, the long-distance walks and coastal paths that link the coastal communities is very important.

**Dr Macleod:** It is very important. I am not in a position to give you definitive figures for how many of the core paths plans have been accepted and should, ultimately, be implemented. However, I

suspect that, overall, huge and significant progress will not have been made on that. Many of them were accepted, finalised and ratified, but some were not.

The key issue is that although a great deal of resource, time and money was invested in developing core paths plans—the process took up an awful lot of local access authorities' time—the only duty on the local access authorities relates to the planning process: there is no power to have the plans implemented in practice. The report highlights a good deal of frustration on the part of access authorities about the resource implications of implementing and maintaining the networks in practice. A significant amount of energy, time and effort has been invested in the planning process, so there is a lost opportunity if the resource is not available to implement the networks in practice. There are also all sorts of implications for the wider agenda on health, inclusiveness and so on.

I am sure that progress will have been made. I cannot give a definitive figure for that, but the relevant Scottish Government directorate can. The issue of where core paths plans sit and what they contribute to the whole agenda is significant in that context.

**The Convener:** On funding, you say in your executive summary that

“The Scottish Rural Development Programme should pay the full costs of access promotion”;

that there should be

“a budget for legal costs in the eventuality that”

access authorities

“lose a court case”;

and that

“specific funding”

should be made

“available for the implementations of core paths [plans]”.

That is quite a big ask.

**Dr Macleod:** It is a big ask. However, before I come directly to your question, I should clarify that what you have just quoted are proposals made by the study participants in relation to this part of the report, not specific recommendations that we made about the legislation.

The report was very important and I hope that it is seen as such. However, it was also quite a curious piece of work because we were not asked to make any recommendations. That is fine, I guess, but what the summary provides is an interesting menu of what should be achieved or supported in the three parts of the legislation.

The request is quite demanding. For a start, where will the resources come from? Ultimately,

these are political—with a small p—questions; nevertheless, they are significant to the authorities, because it is up to them to think about where the resources might come from. It does not seem beyond the realms of possibility that the SRDP might have such a component in the next financial envelope but we will see whether there is scope in that respect.

One major concern is the financial cost of taking access cases to court. As the report makes clear—and as I am sure you will be aware—access authorities are not keen to go down that route for a variety of reasons. Partly it is because the legislation is all about enabling, not enforcement, but the fact is that there are profound resource issues associated with such a move.

We must look at mediating these matters in different ways in different structures and at a capped cost. That might be bad news for lawyers but it might be good news for other stakeholders.

**The Convener:** There have been a number of high-profile court cases involving people protecting their so-called privacy. However, specific changes to legislation that have been recommended would mean more powers of entry for access officers and the ability to order land managers to take down signs that deter access. Do you have any thoughts on that?

**Dr Macleod:** Yes. The legislation is clear on the responsibility of land managers and landowners with regard to signs that illegally prohibit access to particular areas and places. That significant and important element could be taken forward.

I started off by very much welcoming the Government's commitment to reviewing the entire 2003 act, but the fact is that while any such review must address these issues root and branch, a great deal can be amended quickly through secondary legislation. Some of the suggestions are quite technical but they could be resolved to the benefit of the access authorities and, ultimately, the wider community.

**Annabelle Ewing (Mid Scotland and Fife) (SNP):** On the capping of court costs, I should first of all point out that although I am a lawyer I am not practising and therefore have no personal interest in this. The measure sounds good but, in practice, who will meet the cost of the subvention?

**Dr Macleod:** That is a fair question. Reconciling that will be a challenge.

**Annabelle Ewing:** Someone has to pay.

**Dr Macleod:** Indeed, but the key question is whether costs are escalating beyond the means of access authorities to pay them and whether that is affecting their—or other people's—ability to take cases to court. Is the means to pay dictating the

pursuit of particular legal avenues? That question raises a whole set of issues.

10:15

**Annabelle Ewing:** Yes, but as you said to the convener, it could perhaps be addressed through existing secondary legislation. If we had a more comprehensive approach, we might find that solutions already exist but are not being used.

**Dr Macleod:** It is true that there are structures that exist outwith the formal legal process. The key structure that exists at the moment is the system of the local access forums, which have a statutory responsibility to provide advice where there are particular access issues. However, what they produce in practice is variable: some seem to be working well; some less so. There are various reasons for that, which we touch on in the report.

We need to consider the scope for other structures to be used to address the issues before the last-resort step of court action—I say that as a non-lawyer, although my wife is a lawyer. That would be in line with the enabling ethos of the legislation—it is not regulatory or enforcement based, in that sense.

**Alex Fergusson (Galloway and West Dumfries) (Con):** You said that going to court should be a last-resort action. I would have thought that such an approach would be a good thing, in that it would very much encourage an agreed settlement in the minority, albeit perhaps a large minority, of cases that end up in dispute. Certainly, in the area that I represent, there are a few cases in which agreement is not easily reached and which get a little bit fractious. I suspect that they are in the minority, and that that is the case throughout the country, although you may correct me if I am wrong.

Have you heard any evidence to suggest that lowering the costs of going to court might make it a much easier option? In my opinion, the more that one has to go to court to settle these matters, the more antagonistic the whole relationship becomes. In some ways, therefore, the expense of going to court might not be a bad thing.

**Dr Macleod:** I understand what you are saying in relation to costs and the predilection for court action.

**Alex Fergusson:** You put it much better than I did.

**Dr Macleod:** I do not think that I did.

You make a fair point. I agree that the use of formal court action should be a last resort, and I think that it is so viewed by stakeholders, in relation to access rights, as is the case in relation

to other aspects of the 2003 act, which I am sure that we will talk about soon.

The culture around the legislation involves the enabling approach that I mentioned, and makes it possible to address conflicts that exist through the structures—I talked about there being liaison within the context of the local access forums.

As we know, there have been about seven instances of court action, so its use has been quite limited. The cultural aspect is important in that regard, as it has helped various stakeholders—land managers, landowners, recreational users and other users of access rights—to get a better sense of everyone else's perspectives and objectives. Our report shows that, in general terms, part 1 of the 2003 act has been significant in that regard. Recreational access users have a much better sense of landowners' needs now. There has been a coming together, and there are now much better relationships.

One of the challenges is the relationship between recreational access users. That is one of the hotspot areas where conflict exists. That is not to dismiss the other areas, of course, but it is a challenge that we must address. An example of that is the situation between the angling community and wild rafting people on the river Tummel in Perthshire and on rivers in other areas. As we have said, it would be better if such issues were resolved without the need to go to court. There has to be some cohesion, of course, and the local access authorities have to be able to address those issues. There are capacity issues around that, too.

There are resource implications down the line—or perhaps even sooner than that. In a time of significant stringency in the public sector—I am mindful that the budget announcement is being made later today—there are tough choices to be made about what public support is available for all these areas, not least access. The question then is: what value do we get from the land reform legislation? Like many, I would argue that it has had a profound effect. Its value might sometimes be more symbolic than practical, but the resources must be there to underpin it.

**The Convener:** Thank you. We will move on to the community right to buy, on which a number of members have questions. We will deal first with the non-crofting areas.

**Elaine Murray (Dumfriesshire) (Lab):** As you know, Dr Macleod, I have been here before as a member of our predecessor committee, so I will not repeat the questions that that committee asked you. Roseanna Cunningham's recognition, in the session that our predecessor committee had with her after we had spoken to you, that there was a need to review the legislation was welcome, and

she agreed with many of your conclusions. We discussed the complexity of using the community right to buy, and the differences between the powers that Highlands and Islands Enterprise has to support communities through that process and those that Scottish Enterprise has. As Scottish Enterprise does not have the same social functions as HIE, it cannot offer the same support to communities.

Do you have any views about how that issue could be addressed? When we spoke to the minister on that occasion, it was not in her remit to discuss changes to the powers of the enterprise bodies under the legislation. How might the extension of the community right to buy in other parts of Scotland be assisted?

**Dr Macleod:** I will go first; Tim Brauholtz-Speight might then want to dive in.

The fact of the matter is that the community right to buy is available to communities throughout Scotland, even though it has been portrayed as being very much a Highlands and Islands agenda. It has undoubtedly been extremely important in the Highlands and Islands—you have only to look at the buyouts that have taken place within and outwith the scope of the 2003 act to realise that.

However, the issue goes much wider than that. One of the key challenges is to ensure that opportunities to use the legislation, and the supports that are available outwith the legislation, are accessed as widely as possible throughout Scotland. The report that your predecessor committee commissioned contains various proposals on that—they were not our suggestions, but ones that others identified consistently over a significant period of time.

The key issue in that regard is how the various elements of the land reform jigsaw fit together. I suggest that, up until relatively recently, there was a feeling that a lot of the impetus had drained away from the land reform agenda. The setting up of the community land unit and of the Scottish land fund were significant high points, but there was a feeling that the process had stopped and that the focus had moved away from land reform.

The situation has changed, in the sense that there is now a window of opportunity to address matters. In that context, the review of the 2003 act is highly significant. It should not be a narrowly focused, technical review of parts 1, 2 and 3, but a root-and-branch review of how the act works and what it is supposed to do. Ultimately, it is supposed to benefit communities throughout Scotland. That is one element.

The second element is support. You mentioned institutional support, but what is most fundamental are the financial resources and support that are

available to communities when they engage in attempts to purchase land and associated assets.

The Government's commitment to reintroduce a land fund is most welcome. The broader discussion prior to the election was highly significant in getting that put through.

However, the land fund must have substantial resources. Community Land Scotland has referred to a figure of £10 million over the lifetime of this parliamentary session, which does not seem unreasonable to me. Given all the public expenditure constraints that we have been talking about and the previous demand for uptake of that fund, that figure does not seem insignificant to me at all.

I am sorry that I have taken the scenic route in answering the question, but there is another issue around support mechanisms beyond the fund and who does what. HIE's corporate framework objectives have a social element, so it has a long track record in supporting community groups in the Highlands and Islands. Whatever mechanism is put in place to administer what we anticipate will be a substantial and significant land fund in terms of resource, we would do well to follow the HIE model. There are different ways in which to do that, so I will not necessarily fly the flag for any organisation—that is not my role. That said, I note that HIE also has a long track record in the administration process.

In general, there needs to be more support and more awareness of the available resources for community ownership. We are embroiled in closely tailgating these issues, so we assume that everybody is aware of what the community right to buy is and what community land ownership is about—but people are not aware of those things. Our report is peppered with quotations from people who say that they used to have a lot of support from various institutions, such as HIE, but that it is not there any more. We must kick-start the process again. If we are serious about land reform and community ownership, legislative mechanisms must be in place to make the process easier for organisations, and there must be sufficient institutional and financial support to enable things to happen. Without all three of those, the process does not work.

**Elaine Murray:** Do you anticipate hearing about the land fund in this afternoon's budget announcement?

**Dr Macleod:** I await that with interest.

**Tim Brauholtz-Speight (University of the Highlands and Islands):** In the report, we found that capacity issues are significant in relation to enabling people to use the 2003 act. Some groups have legal professionals, land management professionals and accountants on their

committees, but others do not. The less free professional advice groups have to draw on, the more crucial it is that they have available to them experienced people, such as those in the community land unit.

I think that I am correct in saying that the first Scottish land fund was administered across Scotland by the community land unit: it provided support to groups across Scotland not just to use the 2003 act but to access the Scottish land fund to buy assets. In fact, groups outwith the Highlands and Islands were involved in quite a few of the first occasions on which the 2003 act was used. They were within the Scottish Enterprise area, but they were advised by the community land unit.

More recently, the use of the 2003 act seems to be a bit more concentrated on the Highlands, although a group in Ayrshire used it to buy some buildings earlier this year. I do not know where they got their support from or how much they needed. Certainly, the capacity issue is crucial. It is one of the three pillars, as Calum Macleod said, and the community land unit certainly has expertise in that regard. I do not know what is the best institutional framework is for delivering the fund across Scotland and whether it would be better for Scottish Enterprise to learn from the unit and develop expertise. However, capacity needs to be in the package.

**Elaine Murray:** Does there need to be a change to the definition of the size of a community? There was discussion previously about whether it should apply to communities of more than 10,000.

**Tim Brauholtz-Speight:** I cannot see a good reason for excluding urban areas from the definition. The people we spoke to made a number of points about the definition of a community. For example, the idea of using postcodes to define a community is convenient.

**Elaine Murray:** Not in some areas.

**Tim Brauholtz-Speight:** Yes, sometimes it includes places that do not feel part of the same community and sometimes it leaves people out. Interestingly, people from somewhere in the north-west asked whether they could include people who had moved away but wanted to come back. The idea is that the community consists of more than just those on the electoral register.

I do not know what is the optimum size for a community body to be formed to control an asset. Certainly the 10,000 figure seems to fit with the Scottish Government's urban rural classification. One group from Neilston—a small town, effectively—used the 2003 act to buy its bank and turn it into a community centre. It was very clear that the legislation operates in a small urban

environment, so if that can work there, why not elsewhere?

**The Convener:** So a part of a city could form a community group.

10:30

**Tim Brauhnoltz-Speight:** In practice there are lots of examples of community groups in cities doing things anyway, such as running community centres or housing associations—I know that there is a Scottish tradition of that; it happens elsewhere, too. They will be seeking funding and advice on what legislation they can use. I do not see any particular reason not to include them.

**Graeme Dey (Angus South) (SNP):** I want to touch on the practical problems that community bodies encounter in progressing applications. I was interested in references to problems accessing the electoral register, ballot turnout requirements and, specifically, timetabling. The cover note states that

“Ten Community Bodies have reached purchase stage but failed to complete within the timetable set out”

and that several of the successful applications have been late. Is there a timetabling issue here, too?

**Tim Brauhnoltz-Speight:** There is. There are a few issues bundled up in that. Many of the community bodies that had successful applications but failed to purchase failed to raise the funds within the timetable. We cannot be certain that having more time would have allowed them to raise the funds; the funds may just not have been forthcoming at that juncture for what the body wanted to do. However, we certainly heard time and again that bodies have very little time from when they know they can go ahead to the end of the period. I think that bodies have six months from getting approval to raise the funds and conclude their purchase but, at the beginning of that six months, they do not know what the price will be, because the valuer has not been to set it.

It is very difficult to go to any funding body and say, “Give us an unspecified amount of money for this project—we’ll tell you how much in a month or two.” Seven weeks is lost waiting for the valuation, which leaves about four months to get the funding in. Typically, a funding body takes at least that long to turn round an application. Obviously, a group will be working on its application before it puts it in, but the timing is still pretty tight. With late registrations, it can be even tighter.

Many groups contrast that with the national forest land scheme whereby, when the Forestry Commission Scotland wants to dispose of assets and make them available to community bodies, it gives those bodies 18 months to raise the funding.

I have not studied the information to see how many bodies fail to complete within that timescale. Of course, the dynamic is different where it is a public body that decides to dispose of an asset rather than a landowner whose land might be their only asset. However, from the perspective of the community body, that longer timescale is a lot more practical. Some groups include experienced community development workers who bang off funding applications all the time, but others do not and it is a big undertaking for their members to work on funding applications in the evening on top of their other work.

The late registration issue is important. It is a wider issue than just lack of time. Late registrations are treated more strictly under the act. A late registration simply means that a body applies to register an interest in land after it comes on to the market. There is a presumption in the act that bodies will be proactive and will not wait for land to come on to the market but will set out their stall and register an interest when the land asset is sitting there. Some groups do that, but many have commented that it can be quite difficult to do, especially in a small community. If the landowner or asset owner is a local resident, it can seem quite aggressive to say, “If you ever try to sell this, we want it.” All that can be quite delicate in terms of community relations. If someone is interested in community development, one of the things that they want to do is try to preserve harmonious community relations generally.

Many of the groups that we surveyed that had not used the act to purchase land said that the idea that they could go out and register an interest in someone else’s property was politically impossible locally. Most successful uses of the act have taken place when a public body owned the land, so there was no local dynamic, or when there was an absentee landowner who already had a bad relationship with the community and had burned their boats. There were many comments about this. Someone said to me, “What responsible community body would try to buy a building that is still in use?” Another said that it would be a bit naive to expect many proactive registrations.

However, in a recent decision, an application to register late interest in a bit of land that is for sale on the Cowal peninsula was refused because the community had not put forward plans before the land went on the market. There are some other issues with that case, and I am not commenting on whether that was the right decision. The general principle for late registrations seems to be that a community should publicly register its interest in an asset before there is any suggestion that it is going to go on sale. In some cases, communities might be willing to do that but, in others, it might be an unreasonable thing to expect. That is why a

common recommendation—again, not our recommendation—from the participants in the survey was that, if the act is to be an act of last resort for communities when an asset is under threat, they should be able to use it without prejudice when the asset is for sale.

**Dr Macleod:** It is no secret that one of the main criticisms of the act is that it is too complicated to use. Those looking at the localism agenda in England look first at what has happened in Scotland and say, “Oh, only nine or 10 organisations have used the community right to buy in practice—that is surprisingly low.” The second thing they say is, “My God, this is incredibly complex to use, so why would you if you could explore another avenue?”

As Tim Brauholtz-Speight has eloquently said, one of the key elements of the review of the legislation has to be about how parts 2 and 3 can be made much simpler for organisations to use. I do not think that the process has to be so complicated, nor do many of the stakeholders who are mentioned in our report. Not making late registrations go through any more bureaucratic hoops than timeous registrations do is fundamental. Aligning the timeframes for the different aspects of the process more equitably would also be significant because, at the moment, as other commentators have said, the relationships are skewed. There are set timeframes within which parts of the act have to be kick-started, but they can then sit in abeyance with the minister or civil servants while other elements are considered. We have seen that very graphically with part 3 of the act, but it also happens with part 2. Aligning those timeframes with funding timeframes is also crucial if the system is going to be made more cohesive and simpler for organisations to think about using.

**Graeme Dey:** What are the problems with ballot turnout and access to the electoral register?

**Tim Brauholtz-Speight:** There have been a number of cases of confusion between the edited electoral register and the full one. Obviously, some people are not on the edited electoral register and communities, or in some cases, local authorities or people whom they have hired to run the ballots for them, have used the edited electoral register and sent postal ballots only to some people in the community. That means that the whole thing is invalid and needs to be done again, which leads to a loss of momentum. It is a simple technicality on which there needs to be better guidance. The guidance needs to be very clear about how to hold a ballot.

Another problem is that a community body is not allowed access to the full electoral register. We heard about cases in which people got it only because a friend in the local authority went round

to the photocopier for a minute. That does not seem to be a sensible way to work with a piece of legislation; a better mechanism needs to be created.

There is a lot of support among the community bodies to which we spoke for the principle of holding a ballot. They all agreed that they should demonstrate local support and that a ballot had been a valuable exercise for generating local momentum and support and concentrating people’s minds on the project.

In the larger communities, it was felt that a 50 per cent turnout was quite a high hurdle to pass. A majority is needed on a turnout of 50 per cent of the electoral register. They come quite close to it on occasions. In smaller communities it is not such an issue. Generally, the people who vote are the ones who want the thing to go ahead, so it is typical to get an 80 or 90 per cent yes vote; the issue is whether you can get half the people to turn up or post the ballot paper off. There were various comments about the local authority elections, and whether they are subject to the same demand, to which the answer is no. Whether turnout is in the way is an issue that should be looked at. In England, it was initially suggested that about 75 per cent of the local population would have to vote before anything could go ahead under what they talk of as the community right to build. That was abandoned as completely unrealistic.

**Annabelle Ewing:** I have the great privilege of being involved in a community buyout. I am a resident of Comrie and worked closely with—and for a while for—the Comrie Development Trust at the time of its community buyout. As the witnesses will know, although members may not, it has been a very successful project, which has gone from strength to strength. Many people in Comrie were delighted at the success of the buyout and the idea that whereas, down through the generations in Perthshire, they had seen various things happen to the land around them, now they owned a bit of that land. It was a special moment, particularly for the older generation.

Having worked with the development trust, I have seen at first hand the enormous difficulty that the timescale presents. Comrie was very lucky in that the trust had at its disposal a wide array of skills and people who devoted hours of their personal time. If the trust had not had that, it would have been in serious difficulty.

In the timescale, completely unanticipated things can happen. For example the Comrie buyout was of the former Ministry of Defence base at Cultybraggan, including a nuclear bunker. That presented some challenges, including obtaining insurance cover. Your run-of-the-mill private insurance sector does not really cover nuclear

bunkers. That presented a challenge at the last minute, which the trust successfully dealt with. However, it could have taken the trust beyond the time limit and it would have fallen foul of the whole process.

Many other issues have been referred to this morning that cause difficulties, many of which can be addressed fairly straightforwardly. What would be a reasonable timescale to move towards from the current six months? I would imagine that the approach would require some indication of timescale for legal certainty for the landowner.

**Dr Macleod:** A nuclear bunker might sometimes have been extremely useful in the land reform agenda over the past 10 years. Do you still have the key?

**Annabelle Ewing:** I did have it for a while.

**Dr Macleod:** A timeframe of six months is short. As Tim Brauholtz-Speight said, quite often funding bodies are not even getting round to finalising decisions by then. Between eight and 10 months would at least give a little more breathing space. It is easy for me to pluck four months out of the air, but that is just my opinion. There needs to be wider consultation in the context of the review. I am sure that there would be many views about what might be realistic—from community groups, Community Land Scotland and, to be fair, other stakeholders; I am sure that landowners have clear views on what is a realistic timeframe. Broadening that out would be welcome. The timeframe should be extended, but who can say by how long? The answer will be different for different organisations. The question whether the timeframe is right at the moment in the opportunities that it provides for community organisations is prescient.

10:45

**Alex Fergusson:** Would it be simplistic to say that, if a review considerably simplified the process, six months might turn out to be perfectly adequate? Is it not the compilation of the process that makes the six months a little arguable?

**Dr Macleod:** How the act is set out complicates that process. However, in particular circumstances, it would not be unwelcome to have more leeway on the timeframe in order to address those issues. I would not dismiss lengthening the timeframe; in fact, I would advocate it.

**Annabelle Ewing:** I have had direct experience of that. Even where we exclude finding insurance cover for a nuclear bunker, the key issue is the community obtaining funding. Funding bodies do not work according to this timescale and, although Comrie had experts who anticipated these problems and managed to find their way forward,

such expertise will not be present in every community seeking to use the act. Therefore, six months precludes a lot of activity.

**Dr Macleod:** That puts into sharp focus why the wider land reform support network is so fundamentally important. There are capacity issues. Highlands and Islands Enterprise has been able to provide funding and professional support in order to get that capacity. That support needs to be in place as we move forward with the land agenda.

**Jenny Marra (North East Scotland) (Lab):** My question follows from what Annabelle Ewing was saying about communities raising funds for the buyouts. Dr Macleod touched on the new land fund that the Government will introduce, which will provide the practical assistance that communities need in order to progress their buyout. Will the fund be as important as the legislative changes—or even more important, given that, as we have heard, the practical issues are difficult for some communities.?

**Dr Macleod:** Fundamentally, the most important catalyst for land reform and community land ownership is having sufficient resources available to make it happen. That includes the support mechanisms to build capacity in organisations as well as the resources for communities to make the purchases. The act, though important, is a relatively minor part of the process if community groups are not using parts 2 and 3.

I sometimes hear it said at conferences and elsewhere that the community land ownership agenda is about redressing the grievances of the past and addressing issues to do with landlords, particularly in the Highlands and Islands. Frankly, those arguments are facing in the wrong direction. Community land ownership is about investing in the future and ensuring that communities have the resources, the wherewithal and the capacity to make best use of the assets that they have and use in the community. That agenda is internationally recognised. The Organisation for Economic Co-operation and Development talks about the new rural paradigm, whereby the natural assets, the social capacity and the social fabric that exist within communities are used for best effect within those communities. The work by Sarah Skerrat gave a powerful indication of where that has happened in practice within community groups in Scotland.

The legislation is important. It needs to be reformed root and branch to make it more straightforward and to make it simpler for community groups to use parts 2 and 3 of the act.

I keep coming back to the point like a broken record but, ultimately, the most significant aspect is having access to resources through the Scottish

land fund. That will require an adequate level of funding. How the fund will be administered and who will administer it need to be clear. We also need to ensure that community groups get access to it easily and quickly but with the caveats of good governance, of course.

**Jenny Marra:** Will the land fund allow communities that do not have the resources that Annabelle Ewing said were available to the community in Comrie to access such support?

**Dr Macleod:** Who knows? That is the point. All that we have at the moment is a commitment to introduce a Scottish land fund. That is welcome, but we need to get beyond rhetoric and find out what it will mean in practice. The capital element is important, but the support element is also really important for building capacity.

**Tim Brauholtz-Speight:** The land fund needs to be more inclusive and to build capacity.

I will make a quick point on the numbers. According to the community land unit database, roughly 150 community groups have bought assets or land over the past 10 years or so. Nine of them have used the 2003 act; the other 141 have not, but most of them accessed lottery or other funding in some way. It seems that funding enabled the vast majority of those acquisitions to go ahead.

There is no question but that the act is of immense symbolic importance and, in some cases, has been of direct practical use. However, most useful of all is having some financial resources with which to sit at the negotiating table.

**Jim Hume:** Like Annabelle Ewing, I have been involved with community issues as a trustee with the Borders Forest Trust. I was involved in community land purchases before the act and have been involved in some since—they still carry on—so I am strongly in favour of some of the good work that has happened because of the act.

Four of the committee members represent South Scotland or are constituency MSPs within that region. There is some evidence that some parts of the land reform legislation may have had some unintended consequences. Do you have any evidence of landlords not letting land as they used to before the act because of concerns about the right to buy, for example? That is an issue in my area and others have said the same, but do you have any evidence of that happening in any part of Scotland?

**The Convener:** I think that you are talking about a different 2003 act. I do not know whether the witnesses are qualified to comment on that matter or whether they have considered it, but I do not think so. Perhaps you should ask those questions when we come to that act.

**Richard Lyle (Central Scotland) (SNP):** My question is aimed at Tim Brauholtz-Speight. The post-legislative scrutiny report says:

“The definition of community members should be widened beyond the electoral register to include non-residents with a significant personal stake in the community. For example, to include all those who pay council tax in an area”.

Would that not take us back to a situation like the English rotten boroughs, with people having a vote in more than one area? I am sure that several politicians in this room would not like people to have votes if they were not on the electoral register. Will you explain that proposal?

**Tim Brauholtz-Speight:** The proposal came from a representative of a group in a small coastal community in the Highlands where many people had moved away but regularly came back. He felt that the group badly needed extra capacity. Many of those people could have been very useful in that regard, but they were not allowed to be members because they were no longer full-time residents there—they were the sons and daughters of residents, and so on. The representative was also interested in temporary residents and holiday home owners—he was trying to get as many people in as possible. There is nothing to prevent a group from having such people as associate members, but they cannot become voting members, which is a disincentive to their joining. As I say, the recommendations are not always our own and I have not thought that one through in detail—I just thought that it was an interesting point.

There is a wider point about how we define communities and a community body. There have been some technical issues to do with conflict with charity law, which I think are resolved; people were not always clear about that. To use the act, a group must be a company limited by guarantee—it cannot be a co-operative or another sort of local organisation. Often, long-standing local organisations must go through the process of reinventing themselves or becoming new organisations if they want to register to use the act. A number of them have suggested that that is an extra, unnecessary administrative hurdle, which causes confusion and extra work locally, and that, if they were provided with some sort of test about the democratic nature of the group, that might suffice. That seems reasonable. As for whether only taxpayers would have a vote, I am talking about the membership of groups, not about whether council taxpayers should have a vote in local elections.

**The Convener:** There are a number of issues to do with timing and the time that it takes to get from the idea to the achieved goal. In my case, in Evanton, the process of getting a small area

purchased, cleaned up and turned to community use took 10 years from idea to achievement. There must be a lot of training and resilience issues. Sarah Skerratt points out that there is a

“need for training, guidance and support”.

Some of you are academics. Are the universities and colleges lining up that kind of training at the moment?

**Dr Macleod:** There is the potential to do that. There is engagement with community groups in different contexts, but whether hands-on training is happening is variable. Tim Brauholtz-Speight may be able to give more details about that in a moment.

The academic community is ploughing a variety of sometimes disconnected furrows on community ownership. One of the big challenges and responsibilities of academia is to think about how connections can be made between the research community and community land ownership, to help to generate and contribute to the evidence base that is important in ensuring that we know whether and how it is working in practice. The training element is significant, too. Tim Brauholtz-Speight may know whether there is any on-going work.

**Tim Brauholtz-Speight:** I do not know of any training programmes, but it is something that we would be interested in doing. As ever, the spectre of having to fund and organise such training raises its head, but it is the kind of thing that universities should do. It is something that the University of the Highlands and Islands should do as part of its regional remit along with other institutions in Scotland. I am sure that community development courses will be run around Scotland. UHI has sustainable rural development courses and so on. There is some activity but nothing targeted at the technical specifics of the process. We have both been involved in round-table events that have brought together academics, community activists and others to discuss the broader issues and the way forward, and I am sure that we would be interested in that.

**Dr Macleod:** Building the capacity to engage at a community level is the nuts and bolts of this. There are private providers that do that for a fee and, to be blunt, universities are in that situation as well. However, as Tim Brauholtz-Speight said, the core purpose of the UHI is to serve its region. If there is a means to make that happen, we should be connecting the academic community and the practical elements of community ownership. We would be interested in exploring further how to do that.

11:00

**The Convener:** That is something that we might come back to.

**Tim Brauholtz-Speight:** I should add that my colleague Dr Issie Macphail, who came to a meeting of the Rural Affairs and Environment Committee in February and is not only an academic and one of our co-authors but a long-term member of the Assynt Crofters Trust, is very supportive of this kind of direction.

**The Convener:** I have a question for Derek Flynn on the crofting right to buy. Your report asks for various changes to be made. Clearly, the highest-profile part of the 2003 act has been part 3, which concerns what has been called the hostile bid process. Issues around the Pairc Trust have been central to the debate around that. For the benefit of the committee, could you talk about some of the issues that have made the process so tortuous?

**Derek Flynn:** It appeared to me that the intention was that the 2003 act would lie in the background in cases in which crofting communities sought to purchase their own land and would help to persuade landlords that that was the way ahead. The divergence of the community right to buy from the crofting community right to buy has been emphasised by experience. The motivation that some communities might have had has been somewhat deadened by the Pairc experience. Remote communities do not resort to law very easily and the threat of action in the Court of Session is enough to stop a community in its early discussions.

Membership of the crofting community right to buy gives a priority to the crofters. The committee will be aware that crofters can now live 32km away from their croft without being considered to be absent, whereas, in the act, that distance is still 16km.

The two major difficulties were foreseen: the process, and the drawing up of maps, especially if the landowner is not in favour of those maps being drawn. The level of detail that the act requires makes producing the maps prohibitive in terms of not just cost, but the actual drawing of them. We are moving towards the possibility of community mapping, but producing the maps from scratch is still a big burden on a community.

On the process, although there was a divergence of the crofting community right to buy, any legal process that the crofters might embark on would normally involve the Land Court, which is a peripatetic court that goes out to the communities and knows crofting law. That would be a much friendlier method of resolving disputes.

If I can compare the right to buy with the individual right to buy that was given to crofters,

the opposition that is available to a landlord would be with reference to estate management or to financial hardship. Those arguments have not been successful to any extent against crofters buying their individual lands. Under the recent Crofting Reform (Scotland) Act 2010, someone who owns a croft of perhaps 10 acres has to live within 32km of that land, or they lose the right to occupy it. Residency and the ownership of an estate are not taken into account at all. One would expect the Scottish Land Court to take into account whether a landlord is managing an estate and living nearby. If someone who has 10 acres is supposed to live within 20 miles of that land, surely someone who has 10,000 hectares should live within range of it. To be precise, perhaps it would be better if 26,800 acres were in the control of the local community than in the control of an absentee.

**The Convener:** For communities that cannot even communicate with their landlord, we can see the force of the argument that the process that is involved in the so-called hostile right to buy must be simplified. People are being asked to produce business plans. That has been an issue in Paicr, which we might deal with. In other cases that I can think of, the sheer fact of being free from someone whom people cannot communicate with and who will not communicate back would be an important first step in a business plan.

**Derek Flynn:** Yes. I have experience of landlords who buy land without realising that it is croft land. Before they announce to the Crofters Commission that they have acquired the land, they are back into the auction houses of London trying to sell it. They are elusive characters. Our experience with Paicr will perhaps guide us on the changes that are required to certain parts of the 2003 act. It would be nice to have the time to sit and listen to all the arguments, but it is the decisions that we must examine closely when they arrive, so that we can identify what steps should be taken to correct the act if it is faulty.

**The Convener:** There are issues relating to Government assets. There have been long-standing attempts to encourage take-up of the crofting community right to buy in the crofting estates. I presume that, in the greatest landlord in Scotland, Stewart Stevenson is now the minister responsible, following on from Mike Russell and Roseanna Cunningham. However, there has been no appetite to take up the crofting community right to buy. Is that an inhibitor to the argument that communities can take control of their affairs?

**Derek Flynn:** It seems to me that large chunks of land became estates not because of the people who lived on them, but because an external person was extremely rich. At the time of the Borve buyout, we identified the idea that the

correct community for a buyout is perhaps a single township. That is why the community company in that buyout was called Borve and Annishader Township. People in the township could organise themselves in that way and knew each other. In a large estate that has two strong communities in different parts, there will be suspicions about each other. With large publicly owned estates, it would be wise to consider transferring ownership to smaller communities.

**The Convener:** That is interesting.

You mentioned some process issues. You said that the requirement to live closer than 32km to a croft needs to be adjusted. However, we know that people can make a case for living further away from a croft if their land is in proper use.

**Derek Flynn:** As I understand it, the Crofters Commission can give consent to people who live further away than that distance. That is being dealt with elsewhere.

**The Convener:** The issue of late applications has already been mentioned. Would the reinstatement of

“late registrations to use Part Three of the act”

allow those affected to think they will be treated in the same way as those who have already registered? After all, there are sometimes good reasons why people do not wish to register to purchase land.

**Derek Flynn:** I do not think that that involves the crofting communities in the same way. Only two communities have moved to registration and, because they are not waiting for any particular trigger or sale, the measure is always available to them. In any case, it is difficult to know how a community would register. I suppose that a community looking for its own land on a publicly owned estate might be interested in setting up its own body for approval.

**The Convener:** The report also says that the proposal to extend part 3

“to include the seabed to facilitate off-shore renewables developments”

has been discussed. We received quite a lot of evidence about Marine Scotland in a separate series of evidence sessions. Is it feasible for people in crofting and other communities to manage the sea bed in their locality? Of course, that question is for everyone on the panel.

**Dr Macleod:** They should certainly have the opportunity to attempt to do so. Whether it is feasible will come down to their business planning and initiative, which link back to capacity, support and resource issues. Broadly speaking, if assets are in the community and, arguably, should be

available to the community, they should be accessed by the community.

**Tim Brauholtz-Speight:** When the Abriachan Forest Trust, a local group in Inverness, bought a large area of forest they were not foresters and in fact had no technical expertise in that area. They employed a forestry consultancy company to do that work and have now established a long-standing relationship that has worked very well. Through that approach, they have managed to secure community benefit and very successful development of the forest and have resolved capacity issues by funding the employment of foresters. I am not suggesting that every community would need to have sea-bed engineers living in it in order to manage a marine renewable project, but it could proceed on the basis that I outlined.

**Derek Flynn:** If communities are carrying out mapping projects, which they will be, the next step will be community asset mapping. It seems to me that, as the sea-bed interest is part of the community asset, it would be identified as such. It is up to communities to identify their assets locally and the sea bed is obviously an asset of a local community.

**The Convener:** Would that apply right across Scotland?

**Dr Macleod:** Yes. As Tim Brauholtz-Speight has explained, there are different ways of securing partnerships with other stakeholders. The fundamental point, though, is that the asset lies within and is for the community.

**Tim Brauholtz-Speight:** I am sorry to go on about this, but the issue also arises with renewable energy, particularly wind farms. A study that compared the benefits flowing to a community from developer payments with a share of the profits from owning the farm basically concluded that you get much more if you own the farm. Again, the people who live in the village would not build and run the project, but would hire people and oversee it.

**The Convener:** To sum things up, do any of you wish to raise, in a succinct manner, any issues that we might have missed?

**Dr Macleod:** Are you talking about across the board?

**The Convener:** Yes. I must ask you to be very brief.

**Dr Macleod:** I reiterate that we are at a pivotal moment for the land reform agenda. The review of the legislation is significant and it will need to be wide-ranging, rather than narrowly focused and technical. It is as important, if not more so, that other support mechanisms, particularly the financial mechanisms through a Scottish land

fund, are adequately resourced and managed to ensure that communities can access those resources and kick-start the pursuit of the agenda that the Parliament originally committed to when it passed the 2003 act.

11:15

**Tim Brauholtz-Speight:** I echo all that, but I want to make a small point about late registration and the question whether a community is able to challenge a local landowner. It was suggested that the legislation be joined up with other policy areas and that we look at the community planning process and whether it could be changed to allow the incorporation of assets of strategic interest to a community. That would not put the same onus on a community group to stand up and say, "We want that at some point in the future." Such a move might make it politically easier to discuss such matters. It is something else to consider. There is obviously a tension between the power one gives to a community and the amount of risk and scale of challenge that it can take on. Nevertheless, there might be ways of joining up the aims of the 2003 act with other policy areas.

**Derek Flynn:** I am off to a conference in Portugal on common lands. Remote areas that are still in common use are not helped very well by processes and institutions and we are trying to draw attention to the fact that the problem is common across Europe.

In Scotland, the committee was told that the common grazings would be mapped. That is obviously a major exercise for crofters to undertake themselves and I would like to find out how it is progressing. No doubt I will do so elsewhere.

**The Convener:** I thank the witnesses for their evidence. We have a lot to mull over and the model in your report with its various proposals, changes to specific provisions and comments on education and guidance provides a template for dealing with many other land matters. We congratulate you on the report and will consider its contents in formulating the recommendations that we will make to ministers before they set up the Government's land reform group.

11:17

*Meeting suspended.*

11:21

*On resuming—*

## Subordinate Legislation

### Climate Change (Annual Targets) (Scotland) Order 2011 [Draft]

**The Convener:** We welcome our witnesses, who are Dr Andy Kerr, Lynne Ross, Colin Howden and Dr Sam Gardner. I ask you to introduce yourselves by briefly telling us your backgrounds. We will try to go straight into questions, because members have various commitments and would like to raise their concerns with you.

**Dr Sam Gardner (Stop Climate Chaos Scotland):** I will speak for myself and Colin Howden, as we both represent Stop Climate Chaos Scotland. I thank the committee for inviting Stop Climate Chaos Scotland to give evidence. We are a coalition of more than 60 organisations that represent the breadth of civic society across Scotland. Our membership base comprises more than 2 million members.

Many members will be aware that we were active during campaigning on and the passage of what became the Climate Change (Scotland) Act 2009. Our focus now is on securing full implementation of that act while promoting it to other developed nations as an example of leading legislation that they should follow.

Our priority today is to impress on the committee the point that the proposed annual targets are the minimum for which we should strive and that a prerequisite to attaining them is increasing policy effort. We will not be on track to hit our ambition unless we increase what we are doing.

**Dr Andy Kerr (Edinburgh Centre on Climate Change):** I am the director of the Edinburgh Centre on Climate Change, which is a hub for low-carbon innovation and skills. We are hosted by the three Edinburgh universities—the University of Edinburgh, Heriot-Watt University and Edinburgh Napier University. I am partly involved with Scotland's 2020 climate group, which Lynne Ross represents. I am also a director of a new initiative that has just been established this year called the centre of expertise on climate change, which the Scottish Government is funding to improve the flow of research into policy teams and other public sector agencies.

**Lynne Ross (Scotland's 2020 Climate Group):** I work at Scottish and Southern Energy as the head of climate change policy, but I am here to represent Scotland's 2020 climate group, which many members will know already. The

group is a unique and significant collaboration among more than 120 organisations that include representatives of individuals, small and medium-sized enterprises, business representative bodies, companies, public sector bodies and environmental non-governmental organisations. The group aims to act as a critical friend to the Government in climate policy formulation.

Scotland's 2020 climate group welcomes the draft annual targets. Our key point is that those ambitious, long-term and unambiguous signals are necessary to underpin and further build confidence in the low-carbon transition on which we are embarked.

**The Convener:** I point out that not all four witnesses have to answer each question.

What specifically contributed to the 2009 emissions drop? The answer may be the recession, but which sectors have seen the largest emissions reductions?

**Dr Gardner:** You provided the top-line answer, which is that, as the Committee on Climate Change acknowledged in its advice to you, the drop in 2009 was largely because of the downturn in the economy, with the greatest reductions being seen in the manufacturing and power sectors. The preliminary indicative figures for 2010—as members will be aware, there is a long delay in receiving the verified figures—is that emissions are likely to have risen. That is of great concern to Stop Climate Chaos because it suggests that we have failed to lock in the emissions reductions that were a consequence of the economic downturn and that we risk not applying the necessary policy effort at the right time, which will cost more in the long term as we have to reverse a growth in emissions. Those are our top-line thoughts.

**Lynne Ross:** Eighteen months or so ago, it was commonplace in policy circles to talk about the recession providing us all with some breathing space. We have seen the effect of the recession on the 2008 and 2009 emissions. I urge the committee to realise that while we have had the benefit of that breathing space, we must now attach an important priority to policy implementation.

**Aileen McLeod:** The Committee on Climate Change gave evidence to this committee that it expects the emissions data for 2010 to show an increase, although it thinks that the level will still be below the targets that have been legislated for. Do you agree that the 2010 emissions level is likely to have risen? What should happen to lock in the emissions reductions that have taken place over the past two years?

**Dr Gardner:** The CCC's suggestion that emissions rose in 2010 will be correct because it is based on verified data from our power sector, so it

is real data. What we need to do in order to lock in the emissions reductions or to increase our policy effort is to deliver the full report on proposals and policies, which is the Scottish Government's action plan. We have the benefit of a pretty comprehensive description of all that we need to do in order to hit our targets. The problem is that we are currently not delivering the full content of the RPP. For instance, for 2012, there is a significant reliance on new proposals coming forward if we are to hit those annual targets. Some 25 per cent of the annual target that we must hit in 2012 is dependent on new activity being introduced to the Scottish economy. In certain sectors, such as transport, which my colleague Colin Howden might touch on, the figure is far greater: well over 70 per cent of the emissions reductions that are expected to come from transport are from new proposals that must come forward as funded policies, which is why this afternoon's spending review announcement will be so interesting.

**Colin Howden (Stop Climate Chaos Scotland):** I do not have a great deal to add to that. The key ask of Stop Climate Chaos Scotland over the past few weeks has been for the report on proposals and policies to be funded in full in the spending review, so we await what happens with that. Sam Gardner is right that transport is the area where most of the measures are currently not funded. We would like to see expenditure being shifted into those areas in order to meet our targets.

**Dr Kerr:** It is worth noting that until a Government has 100 per cent control over emissions through its policies, say through trading schemes and so on, there will always be volatility year to year. Obviously, one of the issues is that a steep decline in emissions is planned. However, even within that, we will have a lot of volatility. That means that if we are to hit the target, we will have to overachieve on a regular basis in order to get the minimum hit.

If we have a cold winter and still have badly insulated houses, people will use more energy. In the near term, therefore, we face a challenge because we do not have all the levers to deliver that type of emissions reduction. In the future, as we improve our housing and decarbonise our transport sector and so on, we will have many more of those levers so that there will be much less volatility in emissions. That is a key point. We talk about annual targets, but we must not forget that, year on year, because of things over which the Government has no control, such as macroeconomics or the weather, there will be volatility within emissions.

11:30

**Lynne Ross:** I will reiterate the comments on the draft RPP that we made to the Transport, Infrastructure and Climate Change Committee last November. We encouraged the Government to consider a broader range of measures and indicators rather than focusing every year on the annual outturn. The RPP contains a range of milestones and we proposed key performance indicators, which are useful in signalling in advance that we are on the correct trajectory in terms of the number of houses that are being retrofitted or the number of businesses that are adopting energy efficiency technologies and so on. Such indicators are also useful in helping us to understand in a more measured way broader progress against the targets, rather than disproportionately fixating on a single measure. It is important for us to broaden the way in which we measure progress.

**Aileen McLeod:** There is a lot of discussion about whether the European Union will be able to achieve its aim of setting a 30 per cent emissions reduction target for 2020. Do you have any further information about where we are with that target and whether it is likely to be achieved before the Durban conference in December?

**Dr Kerr:** There is a great deal of scepticism about whether the EU will move on that. I have no inside information beyond the conversations that are going on around different European forums that suggest that no one thinks that it will happen now. That does not mean that it will not happen, however.

**Dr Gardner:** I will add a slight note of positivity. Andy Kerr is right that it is extremely unlikely that we will see a move from the EU to the 30 per cent target prior to Durban. At the moment we are being held up by the presidency of the EU, which has made its position on that target quite clear. There has, however, been a considerable amount of movement outwith that and a coalition of member states, including the United Kingdom, Denmark, France and Germany, have come together to call for the 30 per cent target. Progress has been made.

The 30 per cent target is obviously an important shift but, as the supporting material for the draft order makes clear, the Scottish Government can introduce additional proposals or increase its current policy effort in the absence of such a move. We should not forget that.

**Lynne Ross:** I am also sceptical about Europe moving to a 30 per cent target. The importance of that for us is that we have a series of assumptions in our reductions policy and we cannot now take them for granted. When it published the RPP in March, the Scottish Government said that a move

to a 30 per cent emissions reduction target was a critical success factor in Scotland achieving its targets through to 2020. The Government said that if it became clear that Europe would not move to a 30 per cent target, it would need to make additional policies and ensure that a whole range of policies was explored fully.

We are at that point now. In the short term, Europe is not likely to move to a 30 per cent emissions reduction target, so we should be exploring policy options. The fact that the annual targets include an assumption about Europe moving to a 30 per cent target is slightly misleading or, rather, distracting. It would be cleaner to strip out that European traded sector emissions reduction target from the figures and account for it in a slightly more transparent way.

**The Convener:** Two of our committee members are leaving—not because they do not like what you are saying, but because they are going to try to influence the Polish presidency just now.

We move on to the first report on proposals and policies. I will bring in Jim Hume.

**Jim Hume:** Good morning—it is still morning. Two or three of you mentioned your concerns that the RPP is not delivering and needs to be funded in full. I am interested in exploring that a bit further. You mentioned insulation and transport. Which measures in the RPP do you feel are paramount for funding?

**Dr Gardner:** I will kick off with the example of energy efficiency. The RPP makes it clear that we require a doubling of emissions reductions between 2011 and 2012 from our current energy efficiency policies in Scotland, which include the universal home insulation scheme and the energy assistance package. To reach that level, we are seeking a significant increase in the level of support for those policies: somewhere in the region of at least £100 million per year, as previous Parliament committees have recommended.

The current rate of installation for insulation measures is at best half of what we should be achieving. The Scottish Government's energy efficiency action plan—the conserve and save plan—states that we need around 155,000 homes to be fitted with loft insulation each year. In 2009-10 the figure was closer to 26,000, and that included cavity wall and loft insulation, so we have an awful long way to go. The RPP makes it clear that we need a step change in home insulation. As members will be aware, that is a win-win-win situation; we should be discussing a job-creating, health-improving and carbon emissions-reducing economic recovery package this afternoon.

Transport is another key area in which significant new proposals have been introduced;

Colin Howden from Transform Scotland is well placed to comment on those.

**Colin Howden:** Last year we gave evidence on the RPP to the Transport, Infrastructure and Climate Change Committee, as it was then. The RPP came out on the same day as the budget, and we were looking for the two policies to be integrated. We pointed out that there was a massive split between what was described in the RPP as being necessary for meeting the targets and what was in the budget. We will be looking similarly at what comes out this afternoon.

With regard to proposals that are not funded, a number of the transport measures are not only excellent value in carbon-abatement terms, but are cost saving. They are the sort of measures that the committee should look at if you are considering agendas such as preventative spend. Examples include eco-driving, heavy goods vehicles and van efficiencies, travel planning and speed-limit enforcement. Those measures were all calculated, through the Scottish Government's own research, as being good value in terms of carbon abatement and cost savings.

Other measures would cost more to implement but would still be relatively good value—for example, measures that involve the bus fleet, investment in walking and cycling facilities, and further investment in car-club expansion. They are not being highlighted by Transform Scotland or by Stop Climate Chaos, but have been calculated by the Scottish Government to be the best measures to invest in.

**Dr Kerr:** We are talking a great deal about the Government's spending review, but there are two important points to note. First, we have moved beyond the stage at which a Government can simply say that it will spend money on the problem. We must get individuals, communities and businesses to buy into and invest in the measures. It is not so much about how much money the Government is giving, but about how the framework is being delivered to enable investment to come from the private sector, and from individuals and communities and so on, to bring about the changes.

Secondly, I was a member of the Royal Society of Edinburgh's inquiry on climate change, and the issue that kept coming up in the conversations that we had around the country concerned barriers to delivery. Those were often not financial, but related to regulatory issues and to people's behaviour.

If we consider that we must insulate the majority of solid-wall homes in Scotland in the next 10 years, how are we going to do that? It means that people will have to have the inside of their houses stripped out, or have render applied to the outside.

Managing that expectation is really important. It does not come down to money; it is more about using innovative solutions. There is a need to get away from the notion that if only the Government spends money on this, it will solve it. It is more about how we collectively—as businesses, communities, individuals and Government—create the frameworks that will allow that to take place.

**Jim Hume:** If the CCC's view is correct—that we have seen an increase in emissions in 2010—are any panel members concerned that emissions will continue to increase, or is there a view that that increase was perhaps just a peak?

**Dr Gardner:** The risk is that there could be a continued increase, unless we see the step change in emissions reduction for which the CCC has called repeatedly. In numerous reports it has made it clear that we need to see—this is its phrase—“a step change” in policy effort to reduce emissions. In the absence of that, emissions will go up. We need to see increased effort, whether in transport, homes, the farming sector or elsewhere, that will reverse the increase that we saw in 2010 and make sure that we are on a downward trajectory.

**Dr Kerr:** I agree with Sam Gardner, but we are starting to feel some impact from energy-efficiency measures in homes and transport mileage in a levelling off in certain sectors of society. We are getting to the point at which we make a tangible downward change, as opposed to just trying to manage the upward increase, which is what we have been doing to date. We will bounce back up as industry and the economy pick up again—that is to be expected—but the question is whether we have started to underpin some broader changes with improvements in housing, transport systems and so on. We are just starting to see some interesting things in that space. In the next year or two emissions may well go up, but I think that after that we will start to make progress.

**Lynne Ross:** It is very difficult to predict what is going to happen for 2010-11, but if we have a broader range of output measures, which are readily understandable, are expressed in laymen's terms, are clear and act as a stimulus to SMEs to innovate, and encourage young people to choose career pathways in low-carbon technologies because it is apparent to them that there will be economic opportunities for Scotland and for them personally in this transition, we will help to underpin our policy effort. Those are really important measures for us to understand as a society much more broadly. They will become self-reinforcing and positive.

**Jenny Marra:** Given that the 2009 targets are to be achieved over many years, it occurs to me that perhaps there needs to be more structural investment at the start than in the middle and at

the end. I take on board what Dr Kerr is saying: it is not just about how much money you can throw at this.

I have two questions. One is probably for Stop Climate Chaos and one is for Dr Kerr. What does Stop Climate Chaos think is the minimum that we need to see this afternoon in the spending review to put the infrastructure in place that will allow us to meet the targets? What is the minimum spend and where would it be? You have touched on a couple of points in that regard.

Dr Kerr—what can we do to promote behavioural change? It strikes me that some of the behavioural change that you are talking about also costs money. Perhaps it is not Government spend that you are looking for. How do you encourage private spend?

**Dr Kerr:** This is the \$64 million question: how do you get behavioural change? Two or three things can be said. One is that a lot of the evidence that we took in our RSE inquiry was that the things that are stopping other things happening are often very small. For example, they are about how the certification scheme for microgeneration is set up and how family building firms take advantage of many of the frameworks that are already in place. We have a UK regulatory framework that says, “We'll essentially give you a nominal fixed return if you invest in renewable energy” and the renewable heat incentive is coming in.

That suggests to me that every community should have something in that space—every community in Scotland could do that; there is nothing stopping it. Why have communities not done so? I will give an example. In Westray up in Orkney, the community had to get 700 legal documents to get one turbine up. In other words, there was a massive transaction cost for the community to deliver the outcome that it sought. A lot of the innovation lies in knocking down some of those barriers and making it much easier for businesses to see the market opportunity.

11:45

The broader issue around behavioural change is that, for the past few years, we have lived in a world in which energy has been cheap and information has been expensive. We are moving into a world in which information is very cheap and energy is expensive. That means that we could make a structural change in the way in which we use energy.

I will give an example. I have a smartphone. I should be able to set it up so that when I walk within a few hundred metres of my home, I can fire up my boiler. At the moment, when it is cold, I set it to come on at fixed times in the morning and

evening, even when I am not there. What a waste. Such a change is a structural change, which is possible because we have the information ability, through apps and informatics, that we never had before. Both in transport and energy use, there are structural things that we can do that will help people to deliver changes that will benefit them, as well as reducing their costs and, as a side effect, their emissions.

Achieving behavioural change is partly about helping businesses to take advantage of things that already exist, but we must also look at ways of doing things very differently. Together, those approaches can deliver quite big changes.

**Jenny Marra:** You referred to a framework, but it strikes me that a lot of what you mentioned is reliant on private businesses and their ability to innovate and produce for the market technology that we can go out and buy. Given that in 2009 the Government committed to making a massive 42 per cent reduction in emissions, are we waiting for that to happen, or is there a framework to ensure that it happens?

**Dr Kerr:** The situation is patchy. There are areas where the picture is good. In Scotland, energy technologies are a very strong area in which we have strong research and development, and good investment from international companies that come here to develop innovative products and services. We have that in certain areas, but not so much in transport.

On issues such as housing and individual communities, we do not need much technical innovation; we need social and business innovation. If a business is looking for a one-year return on investment, that will not work for a lot of renewable technologies, which will pay back really well over five or 10 years, so the question is whether a business can change its business model to reflect what is there now. There are ways of doing it, but it is more to do with how we innovate socially and in business terms. Can Governments do that? They can support the process, and they have been supporting it in different areas.

What more do Governments need to do? That is a good question. What is needed is the sort of thing that the 2020 group and community groups are trying to do on renewable energy, which is to get together to discuss how to access finance and how to create legal pro formas so that it is not necessary for a community to go through the same learning process that every other community has gone through. That way, every community can start to benefit from the learning that has taken place elsewhere in Scotland. That process involves bringing very different stakeholders together, such as international banks and small communities, who have never had contact. How

do you manage the risks of that? They can be managed through community groups and the 2020 group, and by gathering stakeholders together to work through the problems.

In that regard, I believe that Scotland is in a fantastic position—certainly compared with the rest of the UK—because we have the capacity to get the Government or the Parliament, the relevant communities, the banks and the lawyers all sitting round the table to work out how to solve the problems. That does not exist to nearly the same extent elsewhere in the UK.

**Dr Gardner:** To return to your question about what Stop Climate Chaos is looking for from this afternoon's spending review announcement, the top line is that we want the first three years of the RPP to be fully funded. The RPP gives us a very strong indication, but not a categorical one, as to what that level of funding should be, because it offers descriptions of the costs that are associated with the proposals. Unfortunately, it does not distinguish between public and private costs, but offers a sum total. A significant fraction of that, which will have to come from this afternoon's spending review announcement, will have to be put into the framework that Andy Kerr talked about to leverage in private investment. An example from the home energy efficiency area is that, as the RPP describes, we need a doubling of savings between 2011 and 2012. We currently fund the universal home insulation scheme and the energy assistance package to the tune of £48 million. It would be an absolute minimum requirement to more than double that figure to £100 million in this afternoon's announcement if we are to get anywhere close to achieving the level of emissions reduction that the RPP requires.

The RPP makes it explicit what level of emissions reductions is necessary and we know what level of funding is attributed to that today. Given that we often hit the easy wins or the low-hanging fruit first, there is a presumption that, as we go forward, things might get more expensive. So, as an absolute minimum we are looking for £100 million per year for home energy efficiency measures across the universal home insulation scheme and energy assistance package.

The transport sector has a grand total in the RPP and we are looking for a significant proportion of that to be identified today, particularly to tackle some of the smarter choices measures that Colin Howden touched on, which offer long-term savings.

**The Convener:** We will move on to the proposed annual targets for 2023 to 27.

**Graeme Dey:** What input have your organisations had to setting those targets? What is your view of the advice that is being given to the

Scottish Government by the UK Committee on Climate Change? Perhaps the most significant question is whether the targets are appropriate and realistic.

**Lynne Ross:** The Committee on Climate Change has done its analysis from a fair and equitable top-down approach of what Scotland should do. However, it emphasised that it has also used a bottom-up approach to what is achievable. Broadly speaking, the targets are ambitious but achievable. However, looking so far into the future is always dangerous in the sense that we might have a false view of our ability to predict and shape levels for far-distant dates. However, the targets are important and useful, and show a steady trajectory down towards our 2030 targets and over the longer term.

It is what the targets represent, though, that is most important. They are a signal to the economy and civic society about the scale of change and the stimulus for innovation, business investment and risk capital. We do not take any account of technologies that have yet to emerge. On that point, I want to challenge slightly Sam Gardener's comment of a few minutes ago about the assumption that measures become increasingly costly. There is weighty opinion around early action versus later action, but we need to make it clear that no account is taken of innovations whose scope we cannot yet understand. We do not understand what proportion of them might emerge in Scotland in our research base—applied research and academic research.

There is therefore a really interesting opportunity for Scottish businesses to gain competitive advantage not only through resource and energy efficiency measures in the short term, but through innovation in leading-edge technologies that will have commercial applications around the world in the longer term.

**Dr Kerr:** I would echo a lot of what Lynne Ross has just said. To paraphrase it, emissions forecasts are there to make economic forecasts look good. We do not really know what our emissions will be in 10 or 15 years. On the other hand, the forecasts send a very strong signal.

There are two important issues. First, the Committee on Climate Change has certainly provided a reasonable set of assumptions. We could run through a different set of assumptions and come out with slightly different numbers, but the CCC's numbers are internally coherent and reasonable. They are very ambitious, though. We are talking about year-on-year emissions reductions of 3, 4, or 5 per cent by the target date, but no country in the world has delivered that outside of a big recession. In that sense, the targets are a huge challenge.

I agree with Lynne Ross that the work that we are involved in with companies suggests they will get a competitive advantage in other markets, which is of economic benefit to Scotland. As a signal to say that this is where we are going, it is fantastic. We will deliver the 3, 4 or 5 per cent changes in 2020 only if, structurally, we get things right in the next five to 10 years. What happens in the next five to 10 years will determine whether those things are reasonable.

**Dr Gardner:** I agree with the point that what happens in the next few years will be critical in determining whether we are on the right trajectory to hit the long-term targets. SCCS is broadly content with the targets that have been proposed by the UK Committee on Climate Change, but would stress that they ought to be the minimum for which we are striving. There are a number of reasons for that, not least of which is the extent to which the CCC's advice takes in our historical responsibility for tackling climate change as the originators of the industrial revolution and our global debt to society to reduce our emissions at a faster rate.

The CCC makes various assumptions about its critical criteria that there is only a 1 per cent chance of passing a 4°C rise in global temperatures. We argue that there ought to be a greater emphasis on preventing the 2°C rise, which would drive a faster rate of emissions reduction. We are broadly content with the annual targets that are proposed, but stress that they ought to be the minimum.

The other part of the question concerned how we regard the advice or whether we had an input. We had no input to the CCC constructing its advice to the Scottish Government on its annual targets. Although I agree with Andy Kerr that the advice that they provided is internally coherent and strong, we see disparity between the depth of analysis that is provided to ministers, the Scottish public and the Parliament—in terms of making clear the assumptions behind their work—and between what is given to the Scottish Government and what is provided to the UK Government. Two pieces of advice were provided to the Scottish ministers: the first piece was given, then a follow-up was provided in response to a request for additional information. We urge the CCC to provide greater depth in the analysis in its presentations. I am not saying that there is no depth, but it should be made transparent so that we have an understanding of the assumptions it is making and the rate of interventions that it expects. It is quite superficial in its description of what will happen in the transport sector and what level of intervention is expected in the homes sector. It is difficult to hold the Scottish Government to account or to understand what level of investment is required in order to achieve

the suggested level of emissions reduction. Colin Howden has a particular transport example.

**Colin Howden:** The July 2011 advice on transport only talks about low-carbon vehicles, which are an important part of the mix of decarbonising the transport sector. There is also a battery of measures outlined in the RPP and elsewhere that can and should be used to reduce emissions, but which were absent from the advice. I concur with the advice in headline terms: it is good and we support it, but it could be more detailed.

**Graeme Dey:** Two of the witnesses used the word “ambitious” to describe the targets. Given the factors that may come into play in this period, such as severe winters, worsening economic circumstances and cuts to funding of the Scottish Government, do you ever think, in your quieter moments, of targets that would be more realistic?

**Lynne Ross:** I will be the optimist and kick-off on an optimistic note. The winter that we experienced last year was the worst in short-term living memory. We have the technology and materials to improve the housing stock in Scotland if we insulate our homes. That will reduce fuel poverty drastically, reduce domestic energy bills and insulate the population against severe winters. There are market and non-market barriers to that and, around the table, we have an understanding of them.

The Government has policies and proposals to address those barriers. Insulating homes is not rocket science. When we reflect on severe winters, those are the challenges that we can solve and which we know how to solve. I am firmly in the optimistic camp. I believe that we can overcome the challenges and can, therefore, continue to innovate and address some of the other challenges that are set out in the targets.

12:00

**Dr Kerr:** I share some of that sentiment, but I would not treat the targets as the be-all and end-all. If we miss the target in 2025 by 0.5 million tonnes but we have achieved decarbonisation of the power sector, we have brought houses up to standard and we have effective transport systems to deliver us around the country, whether we have met the target is neither here nor there; the important thing is that we have been on that trajectory.

It has been clear, in the past two or three years, that Scotland has taken a leading position. A lot of people are looking at Scotland from elsewhere to see what happens. If Scotland can run through with the targets and have a good go at meeting them—even if we miss by a margin or two—we will benefit in a range of ways. Cutting emissions

is almost a side product of getting a better transport system, having better housing and improving the efficiency of our businesses. Those things are what we are driving for and the output happens to be an environmental benefit. We should treat it in those terms.

**Dr Gardner:** There is a distinction to be made between whether the targets are realistic and whether they are necessary. The CCC’s advice is that they are necessary if we are to be on the right trajectory to hit the legally binding targets of 42 per cent in 2020 and 80 per cent in 2050. However, as Andy Kerr said, the co-benefits that go with achieving those emissions reductions are significant although they are often ignored or given only superficial acknowledgement. There are significant economic benefits to be gained from the economic investment that is needed to see that transformation; there are health benefits to be gained from having a greater level of active travel, which will have knock-on effects for society; and there are justice benefits to be gained through tackling fuel poverty. So, although emissions reductions are seen as the indicators, we should not ignore the fact that achieving those and setting out to achieve ambitious targets bring multiple additional benefits.

**Jenny Marra:** I have a question for Lynne Ross. The issues of emissions reductions, fuel poverty and the cost of fuel are all intrinsically linked. What can the energy companies do to address them?

**Lynne Ross:** Energy prices are highly topical at the moment. I am happy to comment on that briefly, but I am not here primarily to represent the energy companies or SSE in particular; I am here to represent the 2020 climate group.

The energy companies in general—and SSE in particular—are involved with the Government in a raft of initiatives, including those that were most recently announced and trailed by the First Minister today. We are working with a series of programmes to reduce domestic energy consumption and to improve the housing stock in Scotland. Those are serious problems and we are fully engaged with that work. Through our activity at the domestic end of the marketplace, we will help to reduce emissions and create the social benefits relating to health, environmental performance and so forth that Sam Gardner has just referred to. It is a responsibility and an engagement that we take extremely seriously.

**Dr Kerr:** May I come in on that? One of the challenges going forward will be high energy prices in a variety of areas. Thirteen years ago, the UK Government published “Energy paper 68: energy projections for the UK”, in which energy prices were forecast into the future. At the time, oil prices were forecast to be between \$10 and \$20 a barrel until 2010. In other words, the mindset was

of cheap energy prices in the future. Given the fact that oil and gas prices are now structurally above \$100 dollars a barrel and so on, as a society we must structurally deal with the fact that we will have high energy prices. The question now is more about how we can change the system from relying on gas, oil or coal and how we can turn it over to other mechanisms.

There is a challenge in the fact that renewables infrastructure costs a lot to install, although it will have lower running costs. That is very different from a standard gas-fired power station, which does not cost much to put up but which will depend for its running costs on the price of gas, which will be quite high.

A big challenge, in terms of changing business models, is to change from an infrastructure that is based on fossil fuels, which is what we have now, to one that is not based on fossil fuels. That will be a big challenge for the country as a whole over the next 10 or 15 years. That will play into the sort of things that are going on with the energy companies and pricing.

**Elaine Murray:** I have a related question on the targets. The Scottish Government has to publish a second report on proposals and policies. That will involve looking at policy well into another decade, beyond two Scottish Parliament elections and two United Kingdom Government elections. Many factors could influence policy makers over that period. Given that we are looking so far ahead, how robust can the RPP be? Is there sufficient unanimity of purpose across parties and across the spectrum to enable us to look forward over that period of time?

What policy areas should we focus on? I sometimes worry that we tend to look at carbon capture and storage or offshore renewables and marine energy as somehow being the silver bullet that will sort all this out for us and that we pin our hopes on those developments. Are there other policy areas that we need to concentrate on?

Finally, are you getting the opportunity to feed into the second RPP, which the Scottish Government is due to publish?

**Dr Kerr:** I will answer the final point first.

The centre of expertise has just been set up with Government funding. One thing that it is explicitly designed to do is to improve the flow of information into documents such as the RPP. It is trying to improve the understanding of what is available to ensure that the RPP is as up to date as possible.

The long-term nature of the work is a big problem. Over the past 10 years or so, there has been a honing of understanding across many countries, which has led to a much better

understanding of what works and what does not. That has been honed down to where we are now: we have a pretty good understanding of what the problem is and of what is required to deliver solutions. The challenge is delivery. That is the point at which all the Governments in all the countries that have tried it have come up against a series of barriers and have found it harder than they expected.

The first RPP was a very reasonable document, in that it said, "We don't have all the answers, but we know certain things that can work and we know that we don't need new technologies to come in for us to deliver really big emissions reductions." There is not absolute agreement, but there is certainly widespread agreement about the things that can be done and the things that need to be done.

The next step is delivery and putting things in place on the ground. A framework document such as the RPP is useful, but it cannot replicate having community groups on the ground working with local authorities and local authorities working with central Government to deliver on it. That is where the stuff will emerge that does not work. For example, the RPP might state that if a particular measure was implemented it would cost a certain figure to deliver X emissions reductions, but we might find out, for example, that not a single soul in Scotland will insulate their solid-wall home. How do you manage that and work beyond it? We are now at the point where we must learn, at that level, what can and cannot be done.

The RPP is fine; it is a solid framework document. We would like to see much more information in the second and third RPPs about things that have been tried, where they have been tried and what happened. Did the measure work? Is there an example of where it worked? Where is the case study to show that it worked? Can it be scaled? If it has been done in one rural community, that might not mean anything if we need the whole of Glasgow, Edinburgh, Inverness or wherever to move in a particular direction.

In the second RPP, I would like to see not only abstract, theoretical statements about how much it costs to deliver a measure, but information about the practical problems that a group has had in delivering that measure. That will tell us a lot more and take it down to a community or local authority level—the delivery level—to establish what can be done in the future.

**Elaine Murray:** Can we do that at the moment?

**Dr Kerr:** We have got some good examples. Between community groups, the 2020 group and local authority groups, I think that a lot can be said. Whether that will all be fed in in time is another matter, but there is the potential to do that.

If I were you, I would push the Government to do that. We want case studies and exemplars showing what can be done, rather than just a theoretical model that says that it costs £X million for a particular type of event.

**Dr Gardner:** An issue that we have touched on before is the importance of monitoring what we are doing and ensuring that there is more than an ad hoc learning experience from the current level of policy effort. We need a strategic and comprehensive means to gather information on how effective or otherwise the current policy delivery is. We must be able to evolve that delivery, because in many instances it involves first attempts. Things can improve, but only if we learn as we go along. We are keen for a robust monitoring process to be put in place so that we record the efficacy of the policy.

I flag up the importance of the public engagement strategy and its implications in framing and shaping public support for, acceptance of and encouragement of the levels of intervention that we will need in the coming years. The RPP and the public engagement strategy should be seen as a package.

There is considerable value in being able to set out the long-term intention, not least for the reasons that Lynne Ross outlined to do with providing confidence to investors that we are setting ourselves on a definite trajectory. Inevitably, when we talk about something that will happen in 2023 or 2024, we must be prepared to amend that, tweak it and improve it on the basis of the monitoring that we hope will occur in the coming years.

**Lynne Ross:** I do not think that the RPP is too long term because, despite the difficulty of predicting what will happen in the long term, we need to have our mind on the medium-term horizon and give the clear signals that I mentioned. It would be disappointing if RPP 2 looked completely different from RPP 1. It would be much more useful for everyone concerned if RPP 2 updates on progress, particularly on moving proposals through to testing as potential policies. As Andy Kerr said, it should also highlight case studies, exemplars and toolkits that have been developed by early projects in a form that other project developers can access and use.

We will feed in to the development of RPP 2. We had an excellent dialogue with policy makers last year, and I hope that that will be the experience this year, too. RPP 1 was a useful document in setting out options. If we use it as the basis for reflecting on what we have achieved in the past year, it can be a useful report, rather than one that gathers dust on the shelf.

**Colin Howden:** On the robustness of the RPP, I will refer to the transport component, which was based on a report by Atkins and the University of Aberdeen that was published in August 2009 called “Mitigating Transport’s Climate Change Impact in Scotland: Assessment of Policy Options”. That is a thorough piece of work, in which we were involved as a stakeholder. Most of the proposals in it were transferred to the RPP when it was published last November, although some were omitted by the ministers—the proposal on workplace parking measures being the outstanding one. The proposals were watered down somewhat but, fundamentally, the RPP is a good piece of work. I would not go against what the other panellists have said.

We have not yet had involvement in the creation of the following RPP, but we hope and expect to be involved. Certainly, we hope to be involved—expecting would be different.

**Jean Urquhart (Highlands and Islands) (SNP):** On the issue of case studies and exemplars, do your organisations get feedback from bodies such as Community Energy Scotland? Before you came in to give evidence, the committee took evidence on land reform and community buyouts. A number of communities have received investment to set up district heating schemes and have gone on to establish a community buyout of forest to set up a woodchip system. Some have done thermal imaging of whole communities or housing estates to identify where the heat loss is and have then set up community funds to correct that.

That hits all the buttons of community ownership, community investment, energy reduction and community enterprise, because a spin-off is the creation of local employment where none existed before. That creates a sense of the culture of energy reduction. It would be really good to hear whether you know of all those initiatives. How does that information reach you and how do you use it best?

12:15

**Lynne Ross:** I am happy to kick off. We are aware of many interesting pilots and projects around Scotland. 2020 climate group members are engaged in some of them and promote them to other group members. We are learning about and from other projects, and we have had dialogue with champions and sponsors of such projects.

If I am honest, we are grappling with how to engage with communities—we have discussed that at a couple of meetings. We are considering how best to support community-led energy-efficiency projects. We are considering acting

simply as a host or home for community projects by promoting them on our website and across 2020 group members, which is a quick and easy way for us to facilitate information sharing.

We do not have a unique role or responsibility to do that task in the climate change governance arrangements. We represent many organisations, all of which are keen to learn from what is going on. We have not bottomed out exactly how we will do that.

As Andy Kerr said, really interesting projects are around across the piece. We will consider that at our next quarterly meeting.

**Dr Gardner:** Stop Climate Chaos Scotland's broad membership base encapsulates a wide range of interest groups, many of which are community groups, such as eco-congregations. That offers us a means of learning from examples on the ground, which happens.

WWF Scotland has spent a long time campaigning for the retrofit of Scotland's homes to improve their energy efficiency. Much of that has been based on case studies of work elsewhere in the UK or further afield—good examples are often drawn from Europe and elsewhere.

The climate challenge fund provides a rich vein of information, learning and evaluation on what has and has not worked. A key manifesto ask for Stop Climate Chaos was securing additional funding for that and opening it up to other groups and the wider NGO community. That would help to share the learning from the fund.

**Graeme Dey:** As we seek to effect large-scale behavioural change among the public, what role do the media have to play in the process of taking people with us? I am thinking about getting across to people the message about why we need to act and what we need to do, perhaps by citing the examples and case studies.

**Dr Kerr:** The media are incredibly important. When we talk to media representatives, they always say that they are just there to tell stories and not to give a message, as members know. A challenge will always exist.

Our approach in much of our work is not to say that we are trying to save the world but to focus on people's interests. Many people are interested in having warm houses or smart transport systems that deliver them where they want to go, when they want to go there. Focusing on that and making the environmental gain a side benefit has been powerful, particularly as high and volatile energy prices have been introduced.

The message about low-carbon innovation that we send people is not, "Come and save the world." Regardless of whether people think about climate change, we have energy resource and

energy security issues and high costs and so on. A massive market is out there for a business that can get it right in delivering resource-efficient low-carbon products and services. On the home front, that is all about meeting people's needs. The issue is messaging in certain ways. Are the media important? Absolutely.

We are getting beyond the rather distracting argument about whether or not there is climate change. That will carry on for years and it is largely irrelevant to what Scotland and many other countries are trying to do, which is to say that they do not want to be as reliant on fossil fuel. We see that there is a risk—it might be climate change, or population growth, or energy resource constraints—and that we have to manage it. The media are important for trying to change the problem around, but they like their own way of doing things.

**The Convener:** It would be useful if the majority of newspapers in Scotland listened to your remarks, especially given the ways in which they report wind farm applications.

The Government is likely to introduce secondary legislation soon to set a carbon unit limit for 2013 to 2017, and to change the carbon accounting process to reflect changes in the EU emissions trading scheme from 2013. Do the witnesses have any issues with those likely Scottish statutory instruments? Is there anything that you would like to raise with the committee at this early stage?

**Dr Kerr:** I am not familiar with the background of all the committee members, so it is worth me flagging up the odd situation in which the way that we account for carbon in a European trading scheme is not fully compatible with the way in which we would account for emissions nationally. There will always be slight oddities when one is imposed over the other, as happens in Europe. The same issue occurs here as it does in Greece or Poland or wherever. A trading scheme always presents a challenge, because it does not matter where the emissions are reduced—that is driven by the price—whereas we are interested in national emissions reduction. An odd situation comes up and it will continue to come up all the way through the piece; we cannot get round it.

On the carbon credit issue, I know that the committee wants flexibility. Many Governments around the world are saying that flexibility is all very well, but they want to know why they are spending money elsewhere when they should be spending it internally, even if that means that they would miss a target. That is a common view around the world.

**Dr Gardner:** Although the committee has flagged up the benefits of flexibility, it makes it quite clear that the Scottish Government should

aim to achieve its emissions reduction targets through domestic emissions reduction in Scotland. Stop Climate Chaos is very much of the view that that should be the priority for the Scottish Government and that it should rule out access to domestic credits. One reason for that is that they introduce a great deal of uncertainty about whether we will see that domestic investment to achieve reductions, or whether we will end up buying credits elsewhere. There are concerns about that approach because it would mean that we have not reduced our own emissions, which we should be doing, and there is a question about whether the credits that we are buying are additional emissions reductions that would not have been achieved anyway. There are also real concerns about the sustainability impacts of the emissions reductions associated with those credits. We very much hope that the Scottish Government sticks with its current position of having no access to international credits beyond those that are traded under the EU emissions trading scheme.

**The Convener:** Thank you all for your help. I am sure that we will see you much more regularly in the future.

12:23

*Meeting suspended.*

12:24

*On resuming—*

**Plant Health (Import Inspection Fees)  
(Scotland) Amendment Regulations 2011  
(SSI 2011/311)**

**The Convener:** Under item 4, the committee will consider the Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2011. Members should note that no motions to annul have been received for the regulations. I refer members to paper RACCE/S4/11/5/5.

As there are no comments, are we agreed that we do not wish to make any recommendation on the regulations?

**Members** *indicated agreement.*

**The Convener:** We will now continue in private. Anyone in the public gallery should leave. The next meeting will take place on 28 September 2011.

12:24

*Meeting continued in private until 12:33.*



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The deadline for corrections to this edition is:

**Tuesday 4 October 2011**

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