



Law Society
of Scotland



Consultation Response

Scotland's Climate Change Adaptation Programme 2019-2024

April 2019



Introduction

The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Environmental Law sub-committee welcomes the opportunity to consider and respond to the Scottish Government's consultation on *Scotland's Climate Change Adaptation Programme 2019-2024*¹. We have the following comments to put forward for consideration.

General comments

We note that the Climate Change Adaptation Programme sets out the existing policies which sit behind the 7 identified programme outcomes. We consider there would be merit in a critique of the existing policies in order to identify their current successes as well as matters which have been missed or are not within the scope of the existing policies and would merit insertion.

The document is fairly high level with little detail as to the content of the programme. We would welcome further detail on the proposals as well as clarification as to when legislation will be brought forward to implement the proposals.

In relation to monitoring and evaluation, we consider it is important that an integrated approach is taken. In particular, we note that in its current consultation paper on Environmental Principles and Governance, the Scottish Government is proposing a review of environmental monitoring and reporting to rationalise current programmes (paragraphs 56-59). We do not consider it appropriate for specific environmental matters to be dealt with in isolation given the potential for certain aspects of the environment to impact upon others.

Moreover, careful consideration must be given to ensuring that using the best monitoring techniques and technology as scientific knowledge advances does not stand in the way of producing consistent data that allows for comparative studies to be undertaken, noting progress over time and in relation to other parts of the UK, Europe and the world.

¹ <https://consult.gov.scot/energy-and-climate-change-directorate/adaptation-programme-2019-2024/>

As part of the monitoring and evaluation process, it is crucial that key indicators to measure success are identified. We suggest that these should be 'SMART' targets which are both measurable and achievable. We would also welcome further information on how targets will be enforced.

For further information, please contact:

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