

Consultation Response

Draft Just Transition Plan for Transport

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Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Environmental Law sub-committee welcomes the opportunity to consider and respond to the Scottish Government Draft Just Transition Plan for Transport.¹ The sub-committee has the following comments to put forward for consideration.

General comments

We note the Scottish Government's policy intention behind this plan, which is to ensure that the responsibility for transitioning is just and fair, shared proportionately across all responsible stakeholders, both public and private sector. We also note that the approach is an iterative one, aimed at responding to shifting future challenges and opportunities as Scotland's transport sector continues to decarbonise.

Vision and Outcomes

1. a) Do the draft outcomes reflect what the Plan should be aiming to achieve?

We have no comments.

1. b) Is anything missing from the draft outcomes in the Plan?

We would highlight the need for further clarity in regards to an outcome for, Communities and Places, which states "Communities are actively involved in decision-making processes around their transport and connectivity needs". It is unclear what "actively involved" means in this context. It suggests direct community engagement and decision making in regards to planning routes, development of infrastructure and procurement of types of stock. However, the private sector remains the main delivery agent for bus services, supported by local authorities, and as such will be primarily driven by their own business demands not community ones. We would therefore seek more clarity on the plans

¹ [Just Transition: draft plan for transport in Scotland - gov.scot](https://www.gov.scot/publications/just-transition-plan-for-transport/draft-2022/pages/100.aspx)

to support and incentivise private bus operators to “actively involve” communities during the extended transition period.

2. Please look at the draft Transport Just Transition Plan, and tell us whether you agree or disagree with the following statements.

We have no comments.

3. Are you involved in any type of organised group which considers how the transport system is changing, or could change in future?

No.

- 3 A) How could existing transport groups consider just transition issues?

We have no comments.

People and Communities

4. Are there any gaps in our priority actions to support people and communities in the transition of the transport sector?

The shift towards community provision of key transport services creates a risk of legal challenges around equity of provision, with community groups potentially arguing that they are providing services that would normally be provided by local authorities or private operators contracted by the local authority. To give example, in some areas of Scotland, private operators are withdrawing bus services due to low ridership. Community groups are therefore stepping in to provide their own forms of transport, as the draft plan itself notes with the example of Glenfarg Community Transport Group. This can give rise to a situation where a community group issues a legal challenge to the local authority or relevant private operator.

5. Which of the priorities we have set out in the draft Plan do you think would be most helpful for people like you to reduce how often, or how far, they drive in a private car?

We have no comments.

6. Does the draft Plan take all groups in society into account in setting out a vision for a future transport system for people and communities?

We have no comments.

7. Is there anything else you would like to see in the draft Plan for people who are more likely to face challenges accessing affordable, convenient and safe travel options?

We have no comments.

8. Which of the following principles do you think should be the most important to guide the development of a fair system of payment, to deliver a just transition to net zero in Scotland?

We have no comments.

Workers

9. Are there any gaps in our priority actions to support workers in the transition of the transport sector

We have no comments.

10. How important are the following actions to make transport jobs more attractive to people who are not as likely to work in the sector, such as women and younger people?

We have no comments.

11. Actions to improve diversity in the transport sector would be most effective if they were mostly led by:

We have no comments.

12. Does the summary of priorities for workers in the draft Just Transition Plan address future workforce and skills challenges you expect to have, as the transport sector decarbonises?

We have no comments.

Businesses and Organisations

13. Are there any gaps in our approach to setting out opportunities and priorities for businesses and other organisations in the transition of the transport sector?

We would highlight, with concern, that the burdens upon businesses may not be fully explored as to costs, benefits and available support, and as such the requirements to deliver transport services which meet the Transition Plan outcomes, at a local level may not be sustainable. In the short term, a worst case scenario suggests that a private bus operator could face a potential legal challenge from a local authority, if the operator cannot meet the Transition Plan outcomes. For example, due to supply chain difficulties or affordability for investment in new zero or low emission stock, or a reduction in expected subsidies, the bus company is unable to fulfil its contractual obligations, thus the commissioning authority legally challenges the contractual delivery standard.

14. What does just transition planning mean for your organisation or industry?

We have no comments.

15. Which of the following priorities would you consider to be most important to enable you to transition your vehicles to zero emission alternative

We have no comments.

Monitoring and Reporting

16. What are your views on the draft indicators we have set out for measuring our progress toward delivering the just transition outcomes for the transport sector?

We have no comments.

17. If you are aware of any other data being collected that could be used to monitor progress towards any of the outcomes set out in this Plan please share details below.

We have no comments.



For further information, please contact:

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