

# **Coal Extraction Policy**

## **Call for Evidence**

**June 2022**

## Coal Extraction Policy – Call for Evidence

### Introduction

The Scottish Government is transitioning to a net zero emissions Scotland for the benefit of our environment, our people, and our prosperity, with Scotland’s ambitious climate change legislation setting a target date for net zero emissions of all greenhouse gases by 2045. This means that our contribution to climate change will end, definitively, within one generation. In line with this commitment, our Programme for Government 2021/22<sup>1</sup> states that *“unlimited extraction of fossil fuels is incompatible with our climate obligations and meeting the aims of the Paris Agreement”*; in a post-COP26 world, it is more important than ever that we move towards this goal at pace, and continue to put words into actions.

This can be clearly demonstrated in the Bute House Agreement<sup>2</sup>, formalised in September 2021, which states that *“given the urgency of the climate emergency, we accept that countries around the world, including the UK, cannot continue with unlimited recovery of hydrocarbons if the aims of the Paris Agreement are to be met - we cannot ignore the concern that unlimited extraction of fossil fuels is simply incompatible with protecting the planet”*.

Our emissions reduction targets are at the heart of Scottish Government policy, as outlined in our December 2020 Climate Change Plan update<sup>3</sup>, our plans for a just transition, and our Energy Strategy<sup>4</sup>. Our Energy Strategy, which will be refreshed during 2022, will include a comprehensive range of policy positions for related areas; this includes coal extraction. We are therefore undertaking an evidence-gathering process to establish our finalised policy position on coal extraction in Scotland.

This consultation **does not set out or advocate a preferred Scottish Government position or policy**. Instead, this is an opportunity to contribute views and evidence on the development of coal extraction policy in Scotland in order to ensure that Scottish Government delivers a robust and fully-evidenced policy position in line with our energy needs, statutory requirements, and climate change ambitions.

### Climate Change

The Glasgow Climate Pact<sup>5</sup> agreed at the international COP26 climate change conference in 2021 reaffirms the international communities commitment, first set out in the UN Paris Agreement, to limiting global temperature rise to 1.5°C, and explicitly references - for the

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<sup>1</sup> [A Fairer, Greener Scotland: Programme for Government 2021-22 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/programme-for-government-2021-22/pages/introduction.aspx)

<sup>2</sup> [Scottish Government and Scottish Green Party - Shared Policy Programme - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/bute-house-agreement/pages/introduction.aspx)

<sup>3</sup> [Securing a green recovery on a path to net zero: climate change plan 2018–2032 - update - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/climate-change-plan-2018-2032-update/pages/introduction.aspx)

<sup>4</sup> [The future of energy in Scotland: Scottish energy strategy - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/energy-strategy-2022/pages/introduction.aspx)

<sup>5</sup> COP26 Presidency Outcomes available at: <https://ukcop26.org/wp-content/uploads/2021/11/COP26-Presidency-Outcomes-The-Climate-Pact.pdf>

first time in such an agreement - 'phasing-down coal power' and ending fossil fuel subsidies. As acknowledged in the COP26 Presidency outcomes, the Glasgow Pact only keeps 1.5°C in sight if countries take concerted and immediate action to deliver on their emissions reduction commitments. For the global energy sector, this means phasing down the use of all fossil fuels.

Scotland is committed to playing its full part in delivering on the Paris Agreement's global temperature goal, through delivering lasting action to secure a net zero and climate resilient future in a way that is fair and just for everyone. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019<sup>6</sup> sets legally binding targets to reach net zero emissions of all greenhouse gases by 2045 at the latest, with a world-leading interim 2030 target of a 75% reduction in emissions from a 1990/95 baseline. Scotland is also one of only a few countries to also set legally binding economy-wide emissions targets for every year from now until net zero.

The Scottish Government's policies and proposals for meeting Scotland's emissions reduction targets are set out in regular Climate Change Plans and associated documents. The update to the 2018 Climate Change Plan<sup>7</sup>, published in December 2020, sets a pathway to meeting Scotland's ambitious emissions reduction targets over the period to 2032. This includes measures to support a shift away from fossil fuels across the economy, as part of deep emissions reductions in all sectors where this is possible and with residual emissions being balanced with greenhouse gas removals where it is not. Delivering the Plan is the Scottish Government's focus and will require transformational, whole-system change. We have also committed to bringing forward a draft of the next Climate Change Plan, which will extend our emissions reduction pathway closer to net zero, by November 2023.

### Just Transition

Delivering emissions reductions in a way that prioritises fairness, and ensures that no one is left behind is at the heart of the Scottish Government's response to the global climate emergency. Scotland is the first country in the world to publish a National Just Transition Planning Framework<sup>8</sup> which provides a consistent approach to the delivery of evidence-led and co-designed Plans for every sector and every region. Just Transition Plans will provide certainty for business to invest, will support workers and communities, and will ensure that Scotland can seize the opportunities of the transition while mitigating the risks. The Scottish Government has committed to delivering the first Just Transition Plan as part of the refreshed Energy Strategy, due to be published in 2022. To further deliver a just transition, the Scottish Government has also committed to a ten-year £500 million Just Transition Fund for the North East and Moray. This will help support people's jobs and livelihoods as the region continues its transition to a net zero economy.

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<sup>6</sup> [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2019/12/section/1)

<sup>7</sup> As footnote 3.

<sup>8</sup>The Scottish Government's initial response to the final report of the Just Transition Commission: <https://www.gov.scot/publications/transition-fairer-greener-scotland/pages/5/>

## Energy Security

The Scottish Government is aware that the recent Russia-Ukraine crisis has brought about renewed focus on the matter of energy security in Scotland, and worldwide. Russia's invasion has contributed to high energy prices, which in turn are exacerbating the UK's cost of living crisis. The invasion is also prompting countries across Europe to accelerate their attempts to achieve energy security, and to end their reliance on Russian oil and gas.

We are currently undertaking analysis work to better understand Scotland's energy requirements and its uses as we transition to net zero, ensuring an approach that supports and protects our energy security and our highly skilled workforce whilst meeting our climate obligations. This recognises also that we must reduce our own reliance on our domestic production of oil and gas, noting the dependency on the development of new alternatives. It is clear that we must focus on how to accelerate the development of renewable and low-carbon sources of energy, with associated new jobs so that we can manage a just transition away from oil and gas more quickly, with a presumption as far as possible against new development. The Intergovernmental Panel on Climate Change (IPCC)<sup>9</sup>'s recent reports starkly show that the impacts of climate change are even worse than previously thought, and that business as usual is not an option.

## Heat Regulation

In order to meet the statutory interim climate change target at 2030, the Climate Change Plan update<sup>10</sup> requires emissions from the buildings sector to fall by 68% by the end of the decade (on 2020 levels). Achieving such reductions over this period will require the equivalent of over one million homes, and over 50,000 non-domestic premises, to replace their fossil fuel heating systems with alternatives that produce zero direct emissions when in use.

Around 3,000 zero direct emissions heating (ZDEH) systems are currently installed each year in Scotland, a rate which will therefore have to grow significantly. To achieve this, the Scottish Government published the Heat in Buildings Strategy<sup>11</sup> in October 2021, which included over one hundred actions aimed at decarbonising the building stock.

A key commitment within the Strategy was to introduce a new Bill in the current session of the Scottish Parliament that will regulate energy efficiency standards and heating systems in homes and non-domestic buildings.

We will publish a consultation with detailed proposals in the coming year, including consideration of whether off-gas grid homes (such as those currently using heating oil, LPG, or coal) should be regulated from 2025, in light of the higher carbon-intensity of these fuels.

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<sup>9</sup> [IPCC — Intergovernmental Panel on Climate Change](#)

<sup>10</sup> As footnote 3

<sup>11</sup> [Heat in Buildings Strategy - achieving net zero emissions in Scotland's buildings - gov.scot \(www.gov.scot\)](#)

This consultation will also set out the proposed support that will underpin regulation, and enable building owners to transition from fossil fuel heating systems.

### Air Quality

Scotland's first Air Quality Strategy, 'Cleaner Air for Scotland – The Road to a Healthier Future' was published in November 2015. This set out a series of 40 actions intended to build on progress to date in reducing air pollution by delivering further air quality improvements, and was structured around several key policy areas directly related to air quality including transport, climate change, and energy. An independent review of the Strategy was commissioned in November 2018 to review progress and identify priorities for additional action; recommendations and conclusions were completed in August 2019<sup>12</sup>. Amongst these was for there to be a greater focus on non-transport emissions, with agriculture and domestic fuel combustion specifically highlighted.

A new Air Quality Strategy based on these recommendations was published in July 2021 as 'Cleaner Air for Scotland 2 – Towards a Better Place for Everyone'<sup>13</sup>. The new Strategy sets out the air quality policy framework for Scotland to 2026, and includes actions focusing on reducing pollution from domestic fuel combustion, including a commitment to ban the sale of house coal and high sulphur content manufactured solid fuels in Scotland. A similar ban was introduced in England in May 2021, and is currently under consideration in Wales. No timetable has currently been set for introducing the ban in Scotland, however work on the necessary impact assessments has now commenced. The Scottish Government will work closely with stakeholders including business and industry as we take forward these plans.

### UK Government Policy – Coal Extraction

Powers over coal exploitation are reserved to the UK Government, and the Coal Authority is responsible for licensing coal mining activity in Scotland. Environmental duties in connection with planning policy and determinations are devolved to the Scottish Government.

The Coal Authority has a statutory duty under the Coal Industry Act 1994<sup>14</sup> to secure, so far as practicable, an economically viable coal mining industry in Great Britain. Its role includes:

- owning the majority of coal in Great Britain on behalf of the public;
- responsibility for coal exploration licences on behalf of the UK Government;
- handling subsistence damage claims relating to past mining activity which are not the responsibility of licensed coal mine operators; and
- handling mine water pollution and other legacy mining issues.

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<sup>12</sup> [Supporting documents - Cleaner air for Scotland: progress report 2018-2019 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/supporting-documents/cleaner-air-for-scotland-progress-report-2018-2019/pages/11_to_12.aspx)

<sup>13</sup> [Cleaner Air for Scotland 2 - Towards a Better Place for Everyone - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/cleaner-air-for-scotland-2-towards-a-better-place-for-everyone/pages/11_to_12.aspx)

<sup>14</sup> [Coal Industry Act 1994 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1994/17)

The UK Government's Net Zero Strategy<sup>15</sup>, published in October 2021, makes clear that coal has no part to play in the future of power generation. In June 2021, the UK Government confirmed plans to bring forward the date to remove unabated coal from the UK's energy mix by a year to October 2024; this will mean coal will no longer be used to generate electricity. They have also confirmed plans to decarbonise industries that still rely on coal.

The Net Zero Strategy contains no reference to any plans to review the statutory duty of the Coal Authority to maintain, and develop, an economically viable coal mining industry in Great Britain. However, in a letter to Scottish Ministers, UK Ministers confirm that *"the Coal Authority's statutory duty to promote an economically viable coal industry, as set out in the Coal Industry Act 1994, is at odds with our climate leadership ambitions and policies on coal so we are looking at measures to review that duty. In light of our Net Zero target, we want to ensure we have a future coal mine licensing regime that is compatible with our broader climate goals"*. They also confirm they are *"looking at what changes we need to make to the current arrangements in order to meet those ambitions"*.

### Coal Extraction – Scottish Context

The Coal Authority has advised that there are currently no operational coal mines in Scotland. There are 18 licences that are recorded as having an expiry date beyond May 2022; however 15 relate to the Scottish Coal Company, which has been in liquidation for some time and where the authorisation to mine is no longer in place. The remaining three sites are either restoring or are restored. Therefore, no future coal mining can or will take place at any of these 18 sites.

In 2018, Scotland became a signatory to the Powering Past Coal Alliance, which aims to accelerate clean growth and climate protection through phasing out coal power. The last coal power station in Scotland closed in 2016.

In January 2022, the Coal Authority awarded a conditional coal mining licence<sup>16</sup> for a geographical area in Cumbria which extends into Dumfries and Galloway. This conditional licence does not, in itself, allow mining to commence: a full operational coal mining licence would be required, the powers over which also sit with the Coal Authority.

In order to obtain this operational licence, planning permission would require to be granted by both the Scottish and UK Governments, due to the cross-border location of the licence. As a matter of law, all planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. Scottish Ministers have a general power to call in any live planning application for their own determination where there are issues of national importance at stake; these are required to be considered on a case-by-case basis. **This call for evidence therefore neither sets out nor seeks views on any individual proposals which may be part of this process.**

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<sup>15</sup> [Net Zero Strategy: Build Back Greener - GOV.UK \(www.gov.uk\)](https://www.gov.uk/net-zero-strategy)

<sup>16</sup> [Coal Mining Licence Applications - GOV.UK \(www.gov.uk\)](https://www.gov.uk/coal-mining-licence-applications)

### Consultation Question (to be completed on Citizen Space, or the RIF below)

Considering the information presented in this call for evidence paper, and your own knowledge and experience, what are your views on the extraction of coal in Scotland?

### What Happens Next

Following the call for evidence closing date, all responses will be independently analysed and the consultation analysis report will be considered as part of the policy development and finalisation process. The analysis of responses will be published in full.

The Scottish Government is required to undertake relevant statutory and other impact assessments, including a Strategic Environmental Assessment (SEA) and Business and Regulatory Impact Assessment (BRIA), prior to policy finalisation. The draft policy position on coal extraction will be included in the impact assessments of the wider Energy Strategy and Just Transition Plan (ESJTP), with the finalised policy position being confirmed on conclusion of this process.

### Responding to this Consultation

We are inviting responses to this consultation by 02 August 2022.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). You can access and respond to this consultation online at <https://consult.gov.scot/energy-and-climate-change-directorate/coal-extraction-call-for-evidence/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 02 August 2022.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form and send by email to [CoalExtractionCFE@gov.scot](mailto:CoalExtractionCFE@gov.scot) or by post to:

Subsurface Energy Systems Team

Scottish Government

Area 3F South

Victoria Quay

Edinburgh

EH6 6QQ

### Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for

your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

### Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

### Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at [CoalExtractionCFE@gov.scot](mailto:CoalExtractionCFE@gov.scot).

### Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy



- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



**RESPONDENT INFORMATION FORM**

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:  
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email Address

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

**Information for organisations:**

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require

your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

## Questionnaire

### Question 1

Considering the information presented in this call for evidence paper, and your own knowledge and experience, what are your views on the extraction of coal in Scotland?

Please provide any comments in the box below



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