

# **ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE**

Wednesday 28 February 2007

Session 2

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## ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

**9<sup>th</sup> Meeting 2007, Session 2**

### CONVENER

\*Maureen Macmillan (Highlands and Islands) (Lab)

### DEPUTY CONVENER

\*Eleanor Scott (Highlands and Islands) (Green)

### COMMITTEE MEMBERS

Mr Ted Brocklebank (Mid Scotland and Fife) (Con)

\*Rob Gibson (Highlands and Islands) (SNP)

\*Richard Lochhead (Moray) (SNP)

\*Mr Alasdair Morrison (Western Isles) (Lab)

\*Peter Peacock (Highlands and Islands) (Lab)

\*Nora Radcliffe (Gordon) (LD)

\*Elaine Smith (Coatbridge and Chryston) (Lab)

### COMMITTEE SUBSTITUTES

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD)

\*Alex Fergusson (Galloway and Upper Nithsdale) (Con)

Trish Godman (West Renfrewshire) (Lab)

Jim Mather (Highlands and Islands) (SNP)

Mr Mark Ruskell (Mid Scotland and Fife) (Green)

\*attended

### CLERK TO THE COMMITTEE

Mark Brough

### SENIOR ASSISTANT CLERK

Katherine Wright

### ASSISTANT CLERK

Jenny Goldsmith

### LOCATION

Committee Room 5



## Scottish Parliament

### Environment and Rural Development Committee

*Wednesday 28 February 2007*

[THE CONVENER *opened the meeting at 10:02*]

### Subordinate Legislation

#### Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2007 (SSI 2007/63)

#### Scotland Act 1998 (Agency Arrangements) (Specification) Order 2007 (SI 2007/286)

**The Convener (Maureen Macmillan):** Good morning and welcome to this meeting of the Environment and Rural Development Committee. I remind everyone to turn off their mobile phones. We have received apologies from Ted Brocklebank; I am pleased to welcome Alex Fergusson, who is attending as the Conservative party substitute. No other apologies have been received, so I expect the other members to turn up in due course. I have seen at least one of them in passing in the corridors.

The first item on the agenda is consideration of two statutory instruments. The Subordinate Legislation Committee has made no comments on either order. Members may wish to note that the second is an instrument of the United Kingdom Government but is subject to annulment both here and at Westminster. Do members have any comments on the orders?

**Rob Gibson (Highlands and Islands) (SNP):** I have a comment on the Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2007, to bring us up to date. Members will recall that we discuss a similar order each year and that, after the previous event, we received a ministerial statement in response to questions about why the boundaries were drawn where they are on the map that is on the back of the explanatory note. In the meantime, we have dealt with petitions relating to Lamlash bay and the fact that cod is spawned there, as we have seen from films that were taken in Lamlash bay.

We questioned why the boundaries were drawn as they are between Kintyre and a line that runs just to the south of Lamlash bay, but we never received a fully satisfactory answer from the minister. In his letter dated March 2006, Ross Finnie states:

"Available scientific data on the state and distribution of the Clyde cod stocks is of insufficient resolution to provide

us with confidence that the precise formulation of the Clyde regulation offers optimal protection for the spawning cod."

In that context, I question why the boundaries were drawn where they are.

Although I accept that it is important for us to pass the order now, I wonder whether we can ask the minister for further clarification. Next year another committee will be asked to do exactly the same thing, without having any more precise information.

**The Convener:** Our timetable would allow us to leave the matter over for another week, if you would like us to write to the minister and get a letter back for next week.

**Rob Gibson:** I am happy to do that, if the committee wishes.

**The Convener:** Are you happy for us just to write to the minister and to pass the order today?

**Rob Gibson:** I would be happy for us to pass it, because we want to pass it. However, I would also be happy for us to write to the minister asking for further information that would take the issue a little further forward.

**The Convener:** I am content to do that. I note that there was a meeting on 12 March with the various parties that are involved. It would be good to get an up-to-date position on the matter. Does the committee agree to do that?

**Members indicated agreement.**

**The Convener:** Do members have any comments to make on the Scotland Act 1998 (Agency Arrangements) (Specification) Order 2007?

**Members:** No.

**The Convener:** Are members content with the instruments and happy to make no recommendation to the Parliament?

**Members indicated agreement.**

## Decision on Taking Business in Private

10:06

**The Convener:** We move to agenda item 2. In common with other committees, we will produce a legacy paper before the end of the session. The paper will outline the committee's work in this session and will highlight any items that the committee's successor may wish to take on in the next session. We have already agreed that we will add an appendix, reporting on our work on the scrutiny of sustainable development. The report will be published once it has been agreed. However, to allow us to discuss the draft paper fully, I ask members whether they are content that the draft paper should be considered in private at future committee meetings, until it is agreed.

**Members** *indicated agreement.*

## Petitions

### Ship-to-Ship Oil Transfers (PE956 and PE982)

10:07

**The Convener:** Agenda item 3 is petitions. Members will recall that the committee took evidence on petitions PE956 and PE982, on ship-to-ship transfer of oil in the Firth of Forth, at its meeting of 7 February. The committee agreed various follow-up actions and that it would continue to monitor developments on the proposed transfers.

As members are aware, one of the issues that witnesses raised was the perceived level of risk of an oil spill. Last week I received correspondence from Mark Ruskell MSP expressing concern that, in its written submission to the committee, SPT Marine Services—the applicant—did not inform the committee about a large oil spill incident in the Gulf of Mexico in 1995. Mark Ruskell has asked me to investigate the matter.

I point out that the committee is not a court or tribunal and that it is not, therefore, the committee's role to investigate and determine questions of fact. However, it is always for the committee to consider how it wishes to comment on any conflict of evidence and how much weight it wishes to attribute to those issues in further consideration of petitions. It is important that accurate information is provided to the committee. I therefore suggest that I write to SPT Marine Services seeking its comments on the issues that are raised in Mark Ruskell's letter.

In evidence to the meeting on 7 February, Forth Ports plc advised the committee that it had undertaken research into the safety record of ship-to-ship transfers when considering the application from SPT Marine Services. I therefore suggest that I write to Forth Ports plc seeking clarification of whether it became aware of this incident during its research, and that I copy both letters to the Scottish Executive for comment.

I am happy to hear members' views on those proposed courses of action.

**Alex Fergusson (Galloway and Upper Nithsdale) (Con):** I simply point out the obvious fact that SPT Marine Services refers, in its evidence, to oil spills in the past 10 years. As was pointed out in the chamber last week, 1995 was more than 10 years ago. I wonder whether that influences your thinking on the issue, convener.

**The Convener:** I think that it is an occasion on which people have told the truth but perhaps not the whole truth.

**Eleanor Scott (Highlands and Islands Green):** The past 10 years was a timescale that SPT Marine Services set. If somebody had asked about its record over the past 15 years, the incident in question would have been included. The course of action that the convener has outlined is eminently sensible and I go along with it completely.

**Alex Fergusson:** I will not stand in the way of what has been proposed.

**The Convener:** Are all members agreed on that?

**Members** *indicated agreement.*

**The Convener:** As agreed at our meetings of 24 and 31 January, we now move into private session to discuss two draft reports. The first of those is our stage 1 report on the Cairngorms National Park Boundary Bill; the second is on our inquiry into the marine environment. I invite the press, the public, any visiting members, the official report and broadcasting staff to leave.

10:10

*Meeting continued in private until 12:04.*





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**Wednesday 7 March 2007**

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