



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Economy and Connectivity Committee

Wednesday 29 November 2017

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

Wednesday 29 November 2017

CONTENTS

	Col.
FORTH REPLACEMENT CROSSING (UPDATE).....	1
IMPLICATIONS OF EUROPEAN UNION REFERENDUM	22
SUBORDINATE LEGISLATION.....	55
Fishing Vessels and Fish Farming (Miscellaneous Revocations) (Scotland) Scheme 2017 [Draft]	55
Land Reform (Scotland) Act 2016 (Commencement No 6, Transitory and Saving Provisions) (Modern Limited Duration Tenancies) Miscellaneous Amendments Regulations 2017 (SSI 2017/370).....	57
Seed (Miscellaneous Amendments) (Scotland) Regulations 2017 (SSI 2017/384).....	57

RURAL ECONOMY AND CONNECTIVITY COMMITTEE
34th Meeting 2017, Session 5

CONVENER

*Edward Mountain (Highlands and Islands) (Con)

DEPUTY CONVENER

*Gail Ross (Caithness, Sutherland and Ross) (SNP)

COMMITTEE MEMBERS

*Peter Chapman (North East Scotland) (Con)
*John Finnie (Highlands and Islands) (Green)
*Rhoda Grant (Highlands and Islands) (Lab)
*Jamie Greene (West Scotland) (Con)
*Richard Lyle (Uddingston and Bellshill) (SNP)
*Fulton MacGregor (Coatbridge and Chryston) (SNP)
*John Mason (Glasgow Shettleston) (SNP)
*Mike Rumbles (North East Scotland) (LD)
*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Mark Arndt (Amey)
Fergus Ewing (Cabinet Secretary for Rural Economy and Connectivity)
Michelle Rennie (Transport Scotland)
Michael Russell (Minister for UK Negotiations on Scotland's Place in Europe)
Lawrence Shackman (Transport Scotland)

CLERK TO THE COMMITTEE

Steve Farrell

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Economy and Connectivity Committee

Wednesday 29 November 2017

[The Convener opened the meeting at 09:31]

Forth Replacement Crossing (Update)

The Convener (Edward Mountain): Good morning, and welcome to the 34th meeting in 2017 of the Rural Economy and Connectivity Committee. I remind everyone to ensure that their mobile phones are on silent.

Agenda item 1 is an update on the Forth replacement crossing. This evidence session will take us forward from our previous update. On 27 November, the committee received a written update from Transport Scotland providing details of the snagging work that will start this week and will require partial closure of the new crossing for several days. I welcome from the Scottish Government Michelle Rennie, the director of major transport infrastructure projects, and Lawrence Shackman, the project manager. From Amey, we have Mark Arndt, who is representing the operating company for the Forth bridges.

Lawrence, would you like to make a short opening statement?

Lawrence Shackman (Transport Scotland): Actually, Michelle Rennie is going to do it.

The Convener: I am sorry. My mistake. Michelle, would you like to make a short opening statement?

Michelle Rennie (Transport Scotland): Thank you. Please excuse my voice, and thank you for providing me with an opportunity to update the committee on the progress that has been made since our last appearance, on 28 June 2017.

I can confirm that the project outturn cost range remains at £1.325 billion to £1.35 billion. The Queensferry crossing opened to traffic on 30 August 2017 as planned, and the four days of opening events gave nearly 70,000 people the opportunity to see the new bridge at close quarters. The Queensferry crossing experience walk across the new crossing took place on 2 and 3 September, with 97 per cent of those who were successful in the ballot process actually participating on the day, which is a remarkably high participation rate for a free event of such scale. It provided a wonderful opportunity for charity fundraising and more than £100,000 was

raised through the JustGiving page for the event, in addition to the money that was raised for charities by individuals.

Participants recognised the truly historic nature of the event. People with connections to the area, and particularly to the bridges, travelled from far and near to be part of it. Many used the occasion as an opportunity to recognise their personal challenges, and I was humbled to hear so many stories of personal bravery and achievement—including those relating to marriage proposals. It all contributed to an extremely positive event that I am sure will in time become an important part of Scottish history.

The official opening took place on the morning of 4 September and was performed by Her Majesty the Queen, accompanied by the Duke of Edinburgh. The date was of particular local significance, in that it was the 53rd anniversary of the opening of the Forth road bridge in 1964. The weather on the day was not so favourable, but that provided a flavour of the challenges that the men and women who worked on the project had faced and overcome.

Opportunities to participate in the opening events were highly sought after. The five major events, which took place in the space of just over a week, were organised to meet unprecedented demand from the public, local MSPs and councillors, international and United Kingdom media, stakeholders, schools and local communities. Because of the high public demand for tickets for the Queensferry crossing experience—more than 226,000 people applied for 50,000 tickets—an additional schools and community day was arranged for 5 September, which gave more than 6,000 pupils, teachers and parents from the 13 schools nearest to the project the chance to walk across the bridge. It also provided an opportunity for local community groups to access the crossing in the afternoon and evening of that day. Face-to-face and social media feedback for all those events was extremely positive.

The event to light up the Queensferry crossing was organised specifically to thank the workers, and to showcase them alongside the iconic bridge that they were responsible for building. The spectacular videos and images from that event gained wide international media attention from, among others, CNN, *The New York Times*, Al Jazeera and the *South China Morning Post*. The extensive media coverage promoted Scotland and the three bridges as unique visitor destinations.

Overall, the events showcased the incredible achievement of the workforce and a new iconic Scottish landmark. Since August, the Forth road bridge viewing platform has welcomed more than 30,000 visitors. Initial evaluation shows that print

media coverage alone generated additional advertising-value-equivalent coverage worth £1.2 million.

The new roads and Queensferry crossing reopened to traffic in the early hours of 7 September, and in the first few days the crossing was extremely busy. We believe that that was primarily because of bridge tourists, many of whom were observed crossing the bridge several times, which they did by looping around at the Ferrytoll and South Queensferry junctions. That caused some disruption to local traffic because of the unusual traffic patterns that it created.

We have been closely monitoring traffic flows throughout the period and I can report that, following the first two weeks of operation, traffic has settled down to more normal patterns that are consistent with the patterns that existed prior to the opening of the Queensferry crossing. It is worth reminding the committee that the project was originally designated as the Forth replacement crossing. It was designed to maintain traffic flows at least at 2006 levels, not to increase capacity. At that time, it was determined that any future traffic increases would be accommodated through use of the Forth road bridge as a public transport corridor.

The project has been opened to traffic in a phased manner. Following completion of the connecting roads at the north end of the Forth road bridge, that route was reopened to scheduled bus services on 13 October. The footprint of the temporary traffic management was subsequently reduced and the speed limit was increased from 40mph to 50mph on the Queensferry crossing and the approach roads on 6 November. The installation and commissioning of the intelligent transport system is going through its final stages on the scheme. Following removal of the remaining traffic management, the Queensferry crossing will have an increased speed limit of 70mph and the Forth road bridge will be opened to other buses, taxis and certain motorcyclists in December.

Works on the intelligent transport system and the structural health monitoring, as well as mechanical and electrical works, are continuing inside the bridge deck and the towers and piers. Regular handover meetings are being held with Amey, which is the Forth bridges operating company, to prepare it for taking over the operation and maintenance of the bridge and the approach roads.

Community relations with the north and south community forums—which are due to meet for the last time this evening—continue to be extremely good. The schools programme at the contact and education centre in South Queensferry, which has proved to be extremely popular, will continue to

operate for the remainder of the academic year until June 2018, when its future use will be reviewed. To date, the project has hosted more than 75,000 visitors from around the globe, including 25,000 schoolchildren from across Scotland.

I thank the committee for giving me the opportunity to provide an update. Lawrence Shackman, Mark Arndt and I would welcome any questions that members might have for us.

The Convener: Thank you very much. Stewart Stevenson will ask the first question.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Now that the bridge is a success, I can confess that I was, as the then Minister for Transport, Infrastructure and Climate Change, responsible for the legislation that led to its being built. I took through the Forth Crossing Bill, apart from stage 3—as a result of that year's winter's snow—for which Keith Brown was the minister.

As the convener mentioned, some snagging work—which, I note, is around the joints—is to be done shortly. Historically, the joints have been the big issue on the Forth road bridge. Will the joints be a big problem on the new bridge? Was that expected?

Michelle Rennie: You are correct in saying that the snagging issue is “around the joints”, but it is not due to the joints. The issue is the level of surfacing immediately adjacent to the joints and the effect that the level has on the joints. The surfacing has been laid marginally too high on either side of the joints, which is a workmanship issue. The joints are fine; the concern is about the impact that use of the road at 70mph would have on the joints, should traffic be allowed to traverse them at those speeds.

Stewart Stevenson: Will all the associated costs lie with the contractor?

Michelle Rennie: Yes—that is correct. There is an opportunity in the contract for any defective works, or snagging issues, to be rectified. Snagging issues are a normal part of any major contract. People who have done up their own houses will appreciate that there are snagging issues even at that scale. All the costs that are associated with those snagging issues and finishing works will be borne by the contractor.

Stewart Stevenson: Does that include the costs of the diversions and things like that?

Michelle Rennie: Yes—the contractor will cover all costs.

Stewart Stevenson: I have quite a lot of questions. This all seems to have come at quite short notice—the issues have been a bit of a surprise. Is that a fair comment?

Michelle Rennie: The issue with the levels at the joints was known about in August, prior to the opening of the bridge. What we did not fully understand then was what the impact of the level differences would be. At that point, the contractor was investigating with the joint supplier—the joints for the bridge are bespoke; no other is the same—whether there would be an opportunity to undertake a less disruptive solution.

There is another point to note. The road surfacing is at fault, and road surfacing is a weather-sensitive operation, so we did not want to alert the public to potential dates for carrying out the works only for the weather to change in the intervening period.

We have reasonable certainty with a five-day forecast, and we have more certainty about the first three days of that forecast. At this point, we are satisfied that we will have a sufficient weather window to allow us to start and complete the works within the period. However, we also have hold points within the works so that, were the weather to change during the period, we would still be able to get the road reopened by Wednesday morning at the latest.

Stewart Stevenson: How would you describe the potential disruption that you are planning for?

Michelle Rennie: We have done some work on estimating the delays. It is likely that there will be delays of about two to four minutes in the morning and evening peaks. We will be providing exactly the same capacity—we will just be rerouting the southbound traffic.

Stewart Stevenson: Will you be reducing the speed limit?

Michelle Rennie: Yes—we will reduce the speed limit to 40mph on both bridges for the duration of the works.

The Convener: I would like clarification on a matter. During your answer, I think that you said that it was a works defect, but previously you said that it was a design defect. Is it a design defect because the joints were not known about, or is it a defect in the surfacing?

Michelle Rennie: I apologise if I was not clear about that. It is a workmanship issue. The design is correct, but the surfacing that was laid was not within the tolerances that are set out in the design.

The Convener: That issue was identified before the bridge was opened.

Michelle Rennie: That is correct.

The Convener: Thank you for that clarification.

Jamie Greene (West Scotland) (Con): You knew in August that there would be a problem, but you need a window of opportunity in order to do

the works. Why did the public hear about the issue only on Monday?

Michelle Rennie: First of all, the contractor had not designed the solution until probably a couple weeks ago. As I said, the thing that causes greatest disruption on the road network is driver confusion, so we did not want to put out dates and then change them; rather, we wanted to put out dates about which we were reasonably certain. We could do that only once we had some clarity about what the weather window would be, particularly at this time of year. The works are vulnerable to heavy rain and also to particularly low temperatures, and—as the committee knows—the diversion route is vulnerable to particularly high winds. Therefore, we wanted to be quite certain about the weather window before we put out information, as we might otherwise have confused drivers.

09:45

Jamie Greene: Is it fair to say that there are also problems with the wind shielding?

Michelle Rennie: There are minor snagging issues with the wind shielding. They are nothing in comparison with what has been reported. There is a considerable amount of wind shielding on the bridge, some aspects of which need a bit of finishing work. We will look to do that, and any other work that we can get done, during the few days on which we have lane restrictions in place, in order to try to minimise any future disruption. Had we not had the days with lane closures in place, we could have done those works under hard-shoulder closures at night, in the normal way that maintenance is done on any such structure.

Jamie Greene: Who made the decision to proceed with opening the bridge knowing that there would be post-opening problems and that the bridge would have to be closed or partially closed at some point after opening?

Michelle Rennie: There was no knowledge that the bridge would have to be partially closed post-opening. The view was taken that there were no safety implications in opening the bridge with a speed limit of 40mph and then increasing the speed limit to 50mph. Through discussions between the contractor and the joint manufacturer, it has become clear that there are potential issues in having a speed limit of 70mph. We want to ensure that we avoid such issues and that we do not anything that will impact the long-term durability of the joint.

Jamie Greene: The wording of the press release that came out on Monday, which I have in front of me, almost makes it sound as though the partial closure this week was part of the plan to achieve a speed limit of 70mph. However, from

your evidence today, it sounds as though it was not part of the plan, so I am a bit confused. Was there always a plan for partial closure to address the surfacing issues that you knew about in August or is it a reaction to a problem that you have just discovered in the past few weeks?

Michelle Rennie: The plan was always to phase in the 70mph limit. We have moved from 40mph to 50mph and we have always intended to move to 70mph. We knew that some finishing works would be required before we moved to 70mph. Until recently, we were not aware of what the solution would be for the surfacing works and what impacts that would have on road users or, indeed, what lane closures, if any, would be required.

Jamie Greene: Do you foresee any further closures or rerouting outside the emergency procedures of the bridge, of which you are aware now, as opposed to something that you might discover in the future?

Michelle Rennie: Since before the bridge opened, we have consistently said that finishing and snagging works would be required. The contract allows for such works to happen until next September, at no additional cost. Therefore some additional works will go on throughout that period, which will include the things that I mentioned earlier, such as mechanical and electrical works, work on the intelligent transport system, work on the lifts for the towers and so on. There was no reason to delay opening the bridge for such works; they are entirely normal on any such infrastructure project.

Jamie Greene: I just want clarification on that point because, I say with the greatest respect, I do not think that the question was answered.

The Convener: It will need to be a very concise question, as we have a lot of questions to get through.

Jamie Greene: Will there be further closures between now and next September?

Michelle Rennie: Yes—some lane restrictions will happen between now and September.

Jamie Greene: Thank you.

The Convener: Gail Ross has a question. Just before I move on, I remember hearing evidence that one of the reasons for the bridge opening not coming as quickly as was originally anticipated was that resurfacing could not be done in cold weather. It appears that you are now doing resurfacing at potentially the coldest time of the year. Is that right, or have I misunderstood?

Michelle Rennie: Resurfacing happens as a matter of course across the Scottish road network,

whenever it is needed. Emergency repairs, in particular, take place all the time.

This is not a time of year at which we would necessarily choose to resurface, but it is okay because we have a weather window that allows us to do it. We are resurfacing 15m on each side, which is relatively straightforward. We probably would not choose to resurface the entire bridge at this time of year, because that would take much longer and there would be less certainty about the weather window.

Gail Ross (Caithness, Sutherland and Ross) (SNP): Good morning, panel. I want to touch on something that Jamie Greene just said about on-going works. Michelle Rennie mentioned different things that are going to be happening over the course of the next year or so and said that those are par for the course with a major structure. Can you tell us a little bit more about those or—if it would be more convenient and would give us a bit more detail—write to the committee with a list of on-going projects and timescales?

Michelle Rennie: We will be happy to provide more information to the committee.

Rhoda Grant (Highlands and Islands) (Lab): When will the Forth road bridge be fully open to public transport?

Lawrence Shackman: We intend to open the public transport corridor on the Forth road bridge before Christmas, as part of the operation to move to 70mph.

Rhoda Grant: You say that that will coincide with the move to 70mph on the new bridge. Is the speed limit on the Forth road bridge going to be 70mph?

Lawrence Shackman: No. The speed limit on the Forth road bridge will be 50mph, as it always has been. Mark Arndt is probably better placed to tell you why it cannot be increased, the bridge being—

Rhoda Grant: No—it is fine. I just wanted to clarify that.

Lawrence Shackman: The speed limit will be 50mph on the Forth road bridge and 70mph on the Queensferry crossing, subject to the variable mandatory speed limits.

Rhoda Grant: I thought it would be strange if the speed limit suddenly went up.

I use the Queensferry crossing quite often, and I had hoped that the new crossing would mean that there would be fewer tailbacks at peak times, but that really has not changed. Do you think that the increase in speed will deal with that, or are the tailbacks at peak times something that we are just going to have to live with?

Lawrence Shackman: The increase from 40mph to 50mph has made some difference, because, when the vehicles are moving faster on the main carriageway, there are slightly bigger gaps between them. That makes it easier for traffic to merge from the slip roads. As we move to 70mph, the gaps between vehicles will become bigger still, so there will be more opportunity for traffic to merge.

Fundamentally, there are two lanes in each direction on the Queensferry crossing and there were—and still are—two lanes in each direction on the Forth road bridge, so there is no step change in capacity as such. We keep saying to people that the new crossing is a lot more resilient. We have already seen people whose vehicles have broken down being able to move over and use the hard shoulders, which has helped to keep the traffic moving on the bridge. The wind shielding has also provided a lot more resilience to wind-related incidents, and it will continue to do so.

Mike Rumbles (North East Scotland) (LD): I am concerned that the right lessons should be learned for major projects in the future. I use the crossing regularly—at least twice a week—and there was huge congestion in the early days, which I put down to the 40mph speed restriction. As soon as that restriction was lifted, it was obvious to me that moving to 50mph had made a huge difference to the congestion, which is interesting in relation to what has just been said. If only we had had the 50mph speed limit at the beginning, we would not have had all the congestion issues that people were getting anxious about. I accept that, in the initial few days, there may have been tourism and people looking at the bridge; however, when that was away and people were using the bridge regularly, we still had congestion. It was not until 6 November that we managed suddenly to get that to ease.

Lawrence Shackman: In an ideal world, the speed limit would have been 50mph when the crossing opened, but there were other reasons for the congestion such as the finishing of some central reserve barrier works at either end of the bridge that had to be undertaken as part of the transfer of traffic from the Forth road bridge to the Queensferry crossing. We could not do that work with the traffic moving at 50mph; we had to limit it to 40mph for safety reasons.

Mike Rumbles: Why did we not just make sure that all the work was done before we opened the bridge, so that we would not have all that congestion over those weeks?

Lawrence Shackman: We could not transfer the traffic over to the new bridge. We had gaps in the central reserve to get the traffic through to the Forth road bridge—

Mike Rumbles: No, no. My point is this: why did we open on time when the work was not done? We could have made sure that the work was done and then opened the crossing with the speed limit at 50mph, and there would have been no congestion.

Lawrence Shackman: It was physically impossible to do that without moving the traffic around. You may remember that the traffic was orientated so that someone who was coming from the north would travel across the emergency link on the north side of the bridge, and the northbound traffic also went through the central reserve gap on to the new northbound carriageway as it came from the Forth road bridge. There was a gap in the central reserve.

Mike Rumbles: I understand now.

Michelle Rennie: On the wider question about learning for the future, where we can—and where it is safe to do so—we incentivise contractors to run temporary traffic management schemes at 50mph. We have done that on the M8.

Mike Rumbles: Okay. I am pleased to hear that.

John Mason (Glasgow Shettleston) (SNP): Michelle Rennie said that there has been no step change in capacity. There are two lanes in each direction, so there are still four lanes, as there were before, for most traffic that crosses the Forth. However, if we include the hard shoulders, the total capacity is six lanes on the new bridge and four on the old bridge, so we have a total of 10 lanes but are using only four for most traffic. Will consideration be given to using more of those 10 lanes at some point?

Lawrence Shackman: This goes back to Stewart Stevenson's point. The Forth Crossing Act 2011 was predicated on there not being a step change in capacity from 2006 levels—the act was ostensibly based on those levels. Any increase in demand to cross the Forth was to be met by public transport. Although, in theory, there is a lot more capacity, as you rightly say, the policy is to promote public transport to fulfil the requirement to cross the Forth. No one has a crystal ball. There might be a change of policy in the future and the configuration could change. However, the Forth Crossing Act 2011 was not predicated on that.

Michelle Rennie: We expect to be able to maximise the efficiency of the new infrastructure when all the intelligent transport systems are fully operational, using ramp metering and the like to control queuing.

The Convener: Do you want to ask a follow-up question, Rhoda?

Rhoda Grant: I will leave it at that.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I have a wee follow-up to an earlier discussion. At the pre-planning stage, was any consideration given to making the new crossing a three-lane crossing?

Lawrence Shackman: Some flexibility is built into the project. As I said, if there were to be a change in policy in the future, it would be possible to convert the hard shoulders to running lanes and to have all-lane running, as it is called elsewhere in the UK. That possibility exists if people want to pursue it in the future.

Fulton MacGregor: Thank you.

Michelle Rennie gave a good overview of the Queensferry crossing experience and its outcomes. I was one of the lucky people who attended. I was able to take my two children across the bridge, and I thank Transport Scotland and the committee clerks for setting up that great day. There has been some discussion of the cost of the event. Has there been any analysis of the benefits for the local area, in terms of jobs and productivity?

Michelle Rennie: It is quite early days to understand the full impact. We are satisfied with the media exposure that we had. VisitScotland has given us some statistics: it thinks that its social media reached 1.9 million people. The news about the new bridge—the only one of its kind in the world—has reached right across the globe. There is no doubt that we have had a level of exposure that we have never had before.

10:00

The messaging on all of that has been overwhelmingly positive. It has been about Scotland being a good place to live and work in and about the uniqueness of an area where there are three bridges from three centuries. We will look to capitalise on that, and there is work going on in Fife Council's tourism strategy to identify what can be done about having a visitor centre in the area. I mentioned the contact and education centre, and there is the potential to use that area to capitalise on some of that. As I also mentioned, there is no doubt that interest in the area has peaked in the past few months, with 32,000 people visiting the viewing platform. Those numbers have been unheard of up to this point.

Fulton MacGregor: I was trying to ascertain whether you are satisfied that the costs of putting on such an experience, which will be questioned—rightly, because that is our job—are offset by the potential benefits to both the local and surrounding areas and nationally.

Michelle Rennie: We were pretty satisfied with what we got. We considered putting on additional

events in North and South Queensferry, but further analysis showed that, because of the road network in the area, adding more traffic into those areas would have compromised the quality of the main events that we had on offer and the ability of people to get to and from those events. As a result, we kept the focus on local people who had witnessed the construction of the schemes. We provided some animation in South Queensferry—flags, bunting and the like—and kept that up until the cruise ship came in, a couple of weeks after the main events. We also ran some tea parties and the like. Overall, the local community seemed to be quite happy with the level of engagement.

Fulton MacGregor: Excellent.

The Convener: I can confirm that you kindly sent a letter to the committee outlining the costs—which came to £3.5 million—and one or two other points. Thank you for that.

John Mason: Following on from Fulton MacGregor's question, I understand that you had a number of community forums during the running of the project and that Transport Scotland provided regular project updates. Do you feel that those were successful, on the whole?

Lawrence Shackman: Yes. I have been part of the community forums right from the start, pre-construction, and they have been very constructive. They have provided a great opportunity for local communities to come and ask questions and for the project team to provide information on events both current and future and, basically, to embrace the local community as much as we could. We explained why things had gone in a certain direction when there were issues, and we took constructive criticism on board when that was levelled at us. We tried to build bridges—if you will excuse the pun—with the local communities, and that has been very successful. The three-month interval was about right as well.

John Mason: Sorry—what was the three-month interval?

Lawrence Shackman: Each of the community forums has been held every three months throughout the project.

John Mason: Okay.

Lawrence Shackman: For the general public, that has been supplemented with the community update leaflets, which have typically gone out three monthly as well. Also, for those in and around the project, more widely in Scotland and elsewhere around the world, the websites have provided a plethora of information from old documentation about the reasoning for the project to traffic management updates for current and upcoming events. Generally, I would like to think

that the communication with the local communities and more widely has been very positive.

John Mason: I understand that it now takes longer for some South Queensferry residents to get to Edinburgh, because they cannot get on to the roundabout off Ferrymuir Road.

Lawrence Shackman: That is right.

John Mason: Did they understand beforehand that that was going to happen?

Lawrence Shackman: We explained that extensively to the local communities at the planning stage, and it was also brought to the fore during consideration of the Forth Crossing Bill. Some people have further to travel, but there are also a lot of people who have less distance to travel. There was a balance to be struck, and that influenced the positioning of the junction back in 2009 and 2010, when the bill was being considered. There was a lot of discussion with the local community on the matter.

John Mason: Are there any lessons from your consultation forums and so on that other, perhaps smaller, projects can learn?

Lawrence Shackman: Yes. For a start, you should engage with the community as much and as early as you can, and that early engagement should involve having meaningful discussions. Looking back, I would say that, when members of the community asked us questions, we sometimes did not have the information to give them the answers. That is the point at which the project team need to go away, do their homework and come back with high-quality information. Indeed, they might come back with two or three options in response to a question from a member of the public. It is very important to engage at an early stage, and that lesson is applicable to any project of any size anywhere.

The other key lesson is in the use of technology to help people to understand what a project will look like. We had a virtual reality model that allowed people to visualise what the project was going to look like, and we used that extensively in the early stages to show landscaping, the distance from a person's house to the road and the kinds of impact that there would be and how they might be best mitigated.

Michelle Rennie: We are learning a lot of lessons from the Forth replacement crossing that can be applied to our other projects. For the A9, our intention is to enhance our engagement with schools and build a programme of engagement with, for example, the 11-year-olds who will be ready to enter the market as apprentices and graduates when the road is being built. We are also running a programme that ties in with curriculum for excellence, and we are working with

the local universities and the Civil Engineering Contractors Association to develop apprentice and graduate routes.

For some of our smaller projects, we are trying to identify dedicated resources for community engagement. In the past, we might have got this kind of thing wrong because people were doing it as a bolt-on to their day job whereas, in fact, communities expect and are entitled to a little bit more nowadays.

John Finnie (Highlands and Islands) (Green): Good morning, panel. I am grateful to Mr Shackman for outlining the purpose of the legislation, the issue of capacity and the role that is played by public transport.

The Forth replacement crossing public transport strategy was initially published in 2012, and, according to the most recent update, the group involved last met in April. What plans, if any, are there to promote cross-Forth bus services now that the crossing is open? How do you envisage the public transport strategy being implemented?

Lawrence Shackman: Actually, the most recent public transport working group meeting took place on 24 October, so it was very recent.

John Finnie: I stand corrected.

Lawrence Shackman: That meeting was attended by all the relevant bus companies—Lothian Buses, Stagecoach, First UK Bus—as well as the Confederation of Passenger Transport and the local authorities, and one thing to come out of it was a positive outlook among the bus operators with regard to patronage at Halbeath park and ride and Ferrytoll park and ride. I believe that those are both over 90 per cent full on most days, which is a good and positive sign as far as encouraging people to use public transport is concerned.

You are right in saying that the public transport strategy was published a while ago. The idea now is to reproduce the interventions table that was included in that strategy and provide an update on where they are. We will publish that in the coming months to ensure that everyone is clear about how each of the interventions has progressed. For those who are not familiar with them, the interventions include the introduction and implementation of hard shoulder running as part of the Fife ITS project on the north side of the Forth. That is now complete, and that measure, which was originally intended to be temporary, is now permanent, because it has been successful, it is safe and it operates well.

Some of the more wide-ranging interventions, which include potential bus improvements at Newbridge junction, will be either progressed via the relevant local authority or considered further in the next stage of the strategic transport projects

review. There will be a commentary on each of the interventions in the update that will be published in 2018.

John Finnie: Thanks very much for that. I have previously asked questions about that particular subject—especially the implications for additional public transport beyond the scope of the bridge, as it were. I therefore find it interesting that you have mentioned Newbridge. Has any assessment been made of that? After all, we want to encourage greater use of public transport.

Lawrence Shackman: There has been no assessment as such. Stagecoach, which is the main operator of the Forth corridor, is keen to see how the project performs once it is completely open and the managed crossing strategy is fully in place, because it will then be able to gauge where new services might be introduced or existing services adjusted to suit the demands of people crossing the Forth.

Moreover, Transport Scotland and Fife Council have been working on the Fife in the fast lane marketing campaign, which aims to promote the park-and-ride sites even more, to highlight not only bus travel but the very valuable asset of the train as a means of crossing the Forth and to encourage the use of smart cards and smart tickets. After all, it is easier to buy tickets with such cards. In fact, the second phase of the campaign will look at the interoperability of smart cards to ensure that they can be used across several modes, and the Forth corridor is the focus of that. A lot is already going on, but there is more to do to promote public transport across the Forth.

John Finnie: That is very reassuring. Thank you.

Stewart Stevenson: We have already talked about the lessons learned about how we manage relationships, but are there any internal lessons for Transport Scotland to learn about how it might manage things? When I lectured postgraduates on project management, I always said, “Successful projects need an intelligent buyer.” Is Transport Scotland learning any lessons from this for procurement, financial planning control, relationships with contractors and so on to ensure that it is a more intelligent buyer in future?

Michelle Rennie: I hope so. One of the many things that have come out of the process relates to our attitude to and quantification of risk. One particularly successful aspect of this contract is that we have spent a lot of time identifying the risks, allocating sums of money to them and putting in place strategies for managing them. We and the contractor clearly understand who bears the liability for each of the risks, which avoids the need for argument or litigation further down the line.

Stewart Stevenson: Did you have a risk register that was agreed and shared between you, as the purchaser, and the contractor?

Michelle Rennie: During the construction phase, each organisation had its own risk register, because by that point the liabilities had already been split and were well understood. However, throughout the construction period—which, after all, is the most expensive time—we had a very good handle on our financial management, and, as part of our governance, we were reviewing that very frequently at project level, through a subgroup to our project board and through our project board itself. The issue was therefore getting a lot of scrutiny.

10:15

In terms of expertise, we employed people who were experienced bridge builders. Bridge building is a very specialist area and it was important that we employed people who clearly understood what was involved in that.

I suppose that we have learned a little about how we communicate the challenges of building civil engineering projects, such as the potential impact of the weather. We allowed a significant time allocation for weather in the project but, as you know, it was not quite enough.

Stewart Stevenson: It is clear that you have learned a lot of lessons. I know that other members have questions.

The Convener: There is time for a follow-up question if you want to ask one.

Stewart Stevenson: I am quite happy for Michelle Rennie to continue, if she wants to do so.

Lawrence Shackman: I was going to add that, only last week, the World Economic Forum published an article that compared the Queensferry crossing project with the new Bay bridge project in San Francisco, which said that Scotland got it right and America did not do so well. It said:

“Three good practices contributed to the high quality process and outcomes: the UK planners diagnosed the problem early; took their time with careful design upfront; and built and sustained an inclusive coalition of stakeholders. The evidence speaks for itself.”

The article was really quite complimentary about everything that we have done in the development of the Queensferry crossing.

We have a huge lessons-learned log, which we continue to update to reflect the final parts of the project—we are doing that at the moment. I could spend a day, literally, going through all the lessons that we have learned, whether they are to do with governance, risk, practical design, people—

Stewart Stevenson: Well, let me ask one supplementary, if I may. A big area of risk in any big project is change, and there is no big project in which there is no change—I think that a project dies when there is no change. Did you have an effective method of identifying, controlling and allocating responsibility for change, which will help you in future projects?

Lawrence Shackman: Yes. I think that there are two sides to that. During the design and development stage, when we worked with our consultants, we had a change control mechanism. We had an initial plan of work. For example, the original assumption, way back in early 2008, was that the Forth road bridge would not be used in future, but the project team thought that it would be sensible to reconsider that. One of the change controls involved having a detailed look at what use could be made of the Forth road bridge. There was careful, detailed work, which eventually formed the managed crossing strategy that we are realising.

When we work with a contractor, there are various mechanisms in the contract for varying the contract—we try our hardest not to vary a contract; we want to keep it as defined, so that it is tight. There are also mechanisms in there for the contractor to suggest changes; cost-sharing initiatives can come to the fore, which can benefit both parties.

Michelle Rennie: There is a fine line between fixing the scope and a fixed outturn cost, and being able to take advantage of innovation and good ideas as they arise. That highlights the importance of the governance regime. We had wide representation on our project board, which included stakeholders, finance colleagues in the Scottish Government, industry representatives and people who had delivered different kinds of project in the past. The various views from the project board gave us quite a balanced opinion.

What was particularly useful was that the people who were empowered to make the decisions were independent of the project team but sufficiently close to the project to have good visibility on what was happening and the impact of decisions, so that decisions could be taken quickly—because sometimes even when something is a good idea, if we do not act at the right time, we lose the momentum and the benefit. That was very important.

Stewart Stevenson: I worked on software projects. They were much more complex in change terms but we always had the option of dumping the difficult changes into phase 2. You had no phase 2.

Michelle Rennie: Indeed.

Richard Lyle (Uddingston and Bellshill) (SNP): The Scottish Government awarded a five-year contract for the management, maintenance and operation of the Forth road bridge and, when completed, the Queensferry crossing, to Amey on 18 December 2014, so that will come up for renewal in 2019. Is there a warranty period for the Queensferry crossing, and how will any warranty repairs be managed? I take it that the contractor is responsible for the warranty and not Amey.

Michelle Rennie: There is a five-year defects correction period, which is the normal provision for projects such as this, so in the event that any defects arise over that period, they will be the responsibility of the contractor, and that is provided for within the expenditure that we have had on this job.

Richard Lyle: What responsibilities for the management and maintenance of the Queensferry crossing have been transferred to Amey to date, and are any responsibilities still to be transferred? Were there any transfers under TUPE—the Transfer of Undertakings (Protection of Employment) Regulations—when you took over the bridge, and if any of your workers were to be transferred elsewhere under TUPE, would Amey make redundancy payments?

Mark Arndt (Amey): Amey was awarded the contract in 2014 but, to enable service delivery, we had a six-month mobilisation period, so the contract period commenced on 1 June 2015. From that date, there is an initial five-year contract period, which is extendable up to 10 years under our existing contract. All staff who were previously with the Forth Estuary Transport Authority transferred to Amey under the TUPE legislation at that time. Indeed, 95 per cent of those employees are probably still with us—a few have left through retirements, resignations and the like.

We have no ambition to make any redundancies. On the contrary, we are a growth organisation and, when the Queensferry crossing is fully transferred to us, we will have additional obligations. We are looking to increase, rather than reduce, employment. Amey is a multinational company, which engages in dozens of TUPE transfers every year under different contracts. We have specific teams that specialise in that and, at the time of mobilisation or demobilisation of contracts, there is a team dedicated to support the resource management at the time.

Richard Lyle: Amey is a big company with its headquarters in Oxford.

Mark Arndt: That is correct.

Richard Lyle: If Amey is transferring people under TUPE and they are not taken on by another company, does it pay redundancy?

Mark Arndt: No, we do not look to make anybody redundant. The TUPE employees either have an option to retain employment with Amey, which might be under another contract or in a similar role, or—

Richard Lyle: What if there are no jobs with Amey?

Mark Arndt: There is an obligation—

Richard Lyle: There is a specific reason why I am asking that question. You may want to tell your colleagues in North Lanarkshire to get on with sorting something out. Basically, I want to know whether Amey pays redundancy.

Mark Arndt: Of course we pay redundancy, but not associated with TUPE.

The Convener: If there is a specific issue in North Lanarkshire, it may be appropriate for Mr Lyle to write regarding that.

Richard Lyle: It is okay—I have got my point across, thank you.

The Convener: Mark, you can very much take it that your answers are to do with the bridge and leave it at that. You have made quite a clear statement on that, but if you want to add anything, I am happy to take it.

Mark Arndt: Only to say that I have nothing to do with North Lanarkshire.

The Convener: I am happy to ignore the comments about North Lanarkshire and move on to Mr Chapman with a short question.

Peter Chapman (North East Scotland) (Con): Amey manages the approach roads north and south of the bridge. How does it intend to engage with road users and communities at either end of the bridge in the near future?

Mark Arndt: As Lawrence Shackman said, there is already a strong community engagement programme, and we will look to continue that. We currently participate in the Forth bridges forum. As part of that, there are various community and public engagement events, which we will target at appropriate times, when there is something to tell the communities.

We have a strong community engagement presence in the Forth bridges area. We engage with the community councils on both sides of the bridge and, this summer, we refurbished South Queensferry community centre free of charge. Every Amey employee is entitled to one day's paid community service. At the Forth bridges, we employ about 100 staff, each of whom is eligible to take that.

We work with the communities to identify targeted and focused community engagement

events. As Lawrence Shackman said, we will look to continue the current successful programme.

Lawrence Shackman: We are just about to publish an updated document on engaging with communities, "Forth Bridges: Operation and Maintenance", which outlines how people can contact any part of the project in relation to a piece of maintenance work on the Forth road bridge or the Queensferry crossing and sets out how engagement will continue into the future.

Peter Chapman: Are there any plans for significant maintenance on the Forth road bridge? If there are, how will that affect the ability of cyclists and pedestrians to cross the bridge?

Mark Arndt: A huge capital investment programme for the coming years is already under way. Pedestrians and cyclists will be largely unaffected by any of the works. We keep at least one of the cycle footways open at all times, except during events such as wind closures.

You are probably familiar with the truss end link project, which closed the bridge a couple of years ago. The damaged link has been entirely replaced and a successful trial undertaken, and the remaining seven links are being replaced at the moment.

A cable investigation is going to be undertaken, the contract for which has been awarded. The work will commence in earnest in springtime, when there are more favourable conditions for working at height.

The joints have already been mentioned. The existing joints on the Forth road bridge are more than 50 years old—they are probably the oldest of their kind in Europe. There is a tender out for that project, the bids for which are due back tomorrow. Similarly, that work will commence in the new year. In addition, we are undertaking resurfacing and waterproofing trials on the Forth road bridge, together with our usual routine, cyclic maintenance. There is a huge investment programme.

Peter Chapman: There is a fair bit of work going on. What is the predicted lifespan of the old bridge? Is there a date for when it will finally have to close?

Mark Arndt: I am not aware of it ever having to finally close.

The Convener: I am not sure that that is in anyone's gift to say at the moment.

The point has been made that it would be very helpful for the committee to have a list of the ongoing works to the Queensferry crossing, and following Peter Chapman's questions, it would be helpful for the committee to have a schedule of

proposed works to the Forth road bridge so that we know what work is to be undertaken.

Sadly, we are now out of time. I thank the three witnesses for giving evidence to the committee.

10:29

Meeting suspended.

10:32

On resuming—

Implications of European Union Referendum

The Convener: Item 2 concerns the implications of the outcome of the European Union referendum for Scotland. Before we move into that session, I ask members to declare any interests that they have in relation to it. I declare that I am a partner in a farm business.

Stewart Stevenson: I have a small registered agricultural holding.

Peter Chapman: I am a partner in an agricultural farming business in Aberdeenshire.

The Convener: Thank you. This is the second update in 2017 from the Scottish ministers on the implications of the outcome of the EU referendum for Scotland. I welcome Fergus Ewing, Cabinet Secretary for Rural Economy and Connectivity, and Mike Russell, Minister for UK Negotiations on Scotland's Place in Europe. They are accompanied by David Barnes, national adviser on agricultural policy; Mike Palmer, deputy director at Marine Scotland; and Ian Davidson, head of constitution and United Kingdom relations. Would the cabinet secretary like to make a brief opening statement, followed by the minister? If you want to do it the other way round, I am relaxed about that.

The Minister for UK Negotiations on Scotland's Place in Europe (Michael Russell): Members of the committee will be aware of the main features of what I have to say is a fast-moving Brexit landscape. The first of those is the state of play in EU-UK negotiations and the key question of whether the December European Council meeting will assess that there has been sufficient progress to move from exit negotiations to framework negotiations. The main issues at stake there are finance, the position of EU citizens, the role of the European Court of Justice and, of course, the Northern Irish border. I am happy to reflect on any or all of those. Last week I was in London, Brussels, Dublin and Belfast, so I have been briefed on and have been discussing those issues.

The second issue is the difficulties surrounding the European Union (Withdrawal) Bill. They are not just to do with devolution and devolved powers; they are also to do with the Scottish Government's approach to Brexit and how it can protect the interests of Scottish citizens and businesses in particular. The Scottish Government and the Welsh Government have made it clear that they cannot accept the bill as drafted. The negotiations continue, and Damian Green will be in Edinburgh tomorrow to meet me and the Deputy

First Minister. I am happy to update the committee on where those discussions have got to and what the issues are, including the work on frameworks.

Frameworks are the third issue. We are approaching that issue pragmatically and responsibly and are trying to find a way in which frameworks would work. We have said from the very beginning, of course, that we understand that frameworks should exist in some areas, but that those frameworks must be established within the principles of devolution and be able to work and deliver. Agriculture is among the areas that we are looking at in our so-called deep-dive exercise. Ian Davidson has just returned to the surface after another deep dive. I would be happy to update members on where we are on that and the progress that is being made.

Those are the key issues for me, but I will reflect on anything else that the committee asks me to reflect on. I am sure that Mr Ewing will take the primary responsibility for his subject area.

The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing): I, too, will be brief.

As members know, the Scottish Government was never in favour of Brexit, but we are making the best we can out of the situation that we are in. To do so, we are taking advice from a wide range of people. Thereafter, members will be aware of two recent documents that are relevant to today's session. On 17 November, the Scottish Government's four agriculture champions published their interim discussion document for comments by the end of the year, and today the National Council of Rural Advisers has published its report on the impact of Brexit on the rural economy. I believe that efforts were made to allow members of the committee to receive an embargoed copy of that yesterday so that they would have a chance for a quick examination of that interim report. Those documents tend to confirm the Government's view of Brexit, which is that the threat to rural and coastal Scotland is huge and the vast majority of people are very worried by the huge uncertainties. We still have no information whatsoever about the content of the UK fisheries bill or the UK agriculture bill, for example.

I have been told that today the committee wants to focus on the agriculture and fisheries elements of the rural economy and connectivity portfolio. It is regrettable that, in respect of farming and the food supply chain, there has been very little progress on the main issues of future funding, workforce issues and future trade arrangements. I include forestry in that. The funding uncertainty in particular is having a real-life impact on the sector.

On onshore and offshore fisheries, the key issues are the funding of the European maritime and fisheries fund, workforce issues, future trade arrangements for salmon and other seafood exports, and sea fisheries management in the Scottish zone.

If that sounds like a gloomy picture, it is simply a reflection of what I hear and what people say and think in farming, fishing and other parts of the rural economy in Scotland.

My officials and I are, of course, happy to discuss all those matters with the committee.

The Convener: Thank you, cabinet secretary. It will not surprise you or the minister that we have a long list of questions. I encourage everyone to give as brief and succinct answers as possible to allow me to ensure that every committee member gets to ask the questions that they would like to ask.

Richard Lyle: Good morning, gentlemen. You have partly covered what I am going to ask about. Are you being updated on Brexit during your engagement with the UK Government? Are you discussing with the other devolved Administrations the process of leaving the EU? What plans are there for future engagement, especially on agriculture and fisheries?

Michael Russell: I have regular dialogue with an enormous range of people. My job has three parts, essentially: I undertake the negotiations within the UK; work on potential solutions to our problems; and meet the widest range of people.

Among the devolved Administrations, I work very closely with my Welsh counterpart, Mark Drakeford. On Friday morning, we had a meeting in Dublin, and we both spoke at an event in London last week. I regularly meet the UK Government, and officials very regularly meet UK Government officials.

I last spoke to Damian Green, who chairs the joint ministerial committee, three weeks ago, when we had a bilateral meeting in Jersey, on the margins of the British-Irish Council summit. We will continue to have discussions. The JMC has started to meet again, which is very welcome. I have paid tribute to Damian Green's role in getting the process started on a slimmed-down basis.

I endeavour to have the widest contacts with people in Brussels. For example, at the European Parliament I saw Danuta Hübner, one of the five members of the Brexit group there. I spoke on the platform with her last week, and I see her regularly. I see other members of that group and other members of the European Parliament. I regularly meet commissioners and staff of the Commission and of the Council.

We keep in close contact with others who are involved in the process. At the British-Irish Council, there will be conversations with the Irish Government and with the Crown dependencies. In Northern Ireland, which is more difficult given the current lack of an Administration, we have contacts that have been built up over a long period of time. I had hoped to see the Democratic Unionist Party this weekend, but it was holding its conference; however, I hope to see it before the end of the year. I did meet somebody from the Ulster Unionist Party, the Social Democratic and Labour Party and Sinn Féin in the past week or so, and I will keep that dialogue going.

Richard Lyle: What is your view on there being a hard border between Northern Ireland and Ireland?

Michael Russell: We would not want to do anything that makes that situation more difficult, but quite clearly the issue is now crucial. Last week, it was being discussed very openly and fully in Brussels, whereas, two or three weeks ago, it was hardly mentioned. It is essential that there is no hard border: it is vital, as far as trade is concerned; but it is also very important for the stability of the Northern Irish peace process and the Good Friday agreement. Our view is very much that they require to find a solution, but that it will be very difficult to find if—to be blunt—the Conservatives are in hock to the DUP and the DUP does not want the solution that the Irish Government proposes. There needs to be continued dialogue and debate, but the issue should not be diminished. The language and rhetoric that are being used on the subject—particularly from some parts of the Brexiteer press—are very damaging indeed. There needs to be a much more sober assessment of what can be pursued.

There is very obvious frustration in the Irish Government that it has not been listened to on these issues. The view tends to be that the British Government, having created the problem, is coming to the table with no solutions. There needs to be negotiation and a solution, but there cannot be a hard border.

The obvious solution is the one that the Scottish Government has espoused for Scotland and, indeed, for the whole of the UK, which is to remain in the customs union and, preferably, the single market as well. That context could change the process. It would change negotiations, because they would then become about single market minus. It would also change the dynamic in Ireland, because if there is a customs union, the problem disappears. However, the customs union has to apply more widely than Ireland if the border is not to be a great issue. I think that that is where

the solution lies, and I will continue to espouse that view. It has been our position for a year.

Richard Lyle: Thank you.

The Convener: Cabinet secretary, may I bring you in, because you wanted to answer that too? Then I will bring in Mike Rumbles.

Fergus Ewing: As far as engagement is concerned, at the start of the year, the Department for Environment, Food and Rural Affairs and the devolved Administrations agreed to set up five official-level working groups. Those were on food and farming; marine and fisheries; animal and plant health; environment; and legislative issues. In April, it was agreed to form two additional groups—making seven in all—on trade, as requested by Northern Ireland, and forestry, which I requested on the part of the Scottish Government. Each working group has made its own decisions on how often it meets. The groups report to a senior officials group that meets regularly—most recently, last Friday.

It was also agreed that four-way ministerial meetings would take place every month but, since the start of the year, there have been only four: in February, here in Edinburgh, which was with Andrea Leadsom; and in April, September and November. DEFRA unilaterally cancelled meetings in January, May and June due to the UK general election, and then again in July. The next ministerial meeting is scheduled for 14 December. My approach to participation in ministerial meetings is to be constructive and co-operative, to discuss and to debate, but not to be dictated to.

Thus far, there is no evidence that there is proper sharing of information. For example, when I asked Michael Gove whether he would share the agriculture and fisheries bill, the answer was no—abrupt, short and wholly unsatisfactory. Let us hope that with the new year a new leaf may be turned.

10:45

Mike Rumbles: Good morning. I have been advocating for almost 18 months that the Scottish ministers should take the initiative and design a new, bespoke system of agricultural support for when we leave the EU, by getting all our stakeholders—producers, environmentalists and consumers—together to agree a way forward for Scotland. It now looks like that opportunity is being missed. Both Scottish and UK ministers are now talking about working within an agreed UK framework.

Why are the Scottish ministers not working on designing a bespoke system of agricultural support for Scotland that will feed into that UK framework? Are we just going to implement the

common agricultural policy as we inherited it? Why are we missing such a marvellous opportunity, in some respects, to design a bespoke system for Scotland?

The Convener: Cabinet secretary, I think that falls to you to answer.

Fergus Ewing: Not for the first time, I must respectfully disagree with everything that Mike Rumbles has just said. First, we believe that it is essential that Scotland remain in the single market.

Secondly, we think that the damage that would be wreaked by ending the free movement of people in the agricultural and rural sectors would be so catastrophic that, quite frankly, I am astonished that Mike Rumbles suggests that our attention should be devoted to producing a new policy when we have no idea what the Brexit deal is going to be. I would have thought that, logically, what we should be concentrating on—which my colleague Mr Russell is concentrating on—is trying to snatch some crumbs of comfort from the jaws of a catastrophe. That is what we are doing to try to get the best result from Brexit.

Of course, we have—as Mr Rumbles knows—taken steps to pursue a parallel approach of getting advice from experts. I have already referred to the agriculture champions; their interim report has been available for a while now and I commend them for it. The National Council of Rural Advisers' interim report is also available in pretty quick time. The latter report was one that Parliament asked that I obtain, and I did exactly what Parliament asked—and more quickly perhaps.

Those reports will inform our future progress. We must get the best deal for Scotland. If we are pulled out of the single market—if we cannot continue to enjoy the fruits of the labours of the people from all over the European continent who choose to work in Scotland—very serious problems will face the sector. First of all, we need to ameliorate the position and mitigate the potential disaster of Brexit. Once we see what the outcome is, of course then—but only then, I would submit—we will be able to focus on how best to go forward.

Mr Rumbles is completely wrong: we have done exactly what even he asked for, and I am surprised that he is not showing a little bit of gratitude for that this morning.

The Convener: That was a particularly long answer and I made the point at the beginning that I will find it difficult to get everyone—

Fergus Ewing: It was necessary.

The Convener: Cabinet secretary, sorry, but I do not think that coming back with such comments

is helpful. I am asking everyone to keep their comments short.

Minister, you would like to add something and then I will briefly go back to Mike Rumbles before moving on to the next question.

Michael Russell: As a very brief point, I simply point out that item 1 on the list of 111 items that the UK Government intended to reserve to itself, once they were transferred back from Europe, was agricultural support. Clearly it is absolutely essential that we take part in discussions with the UK to ensure that that does not happen. That way, even if it does turn out to be in an agreed framework, it will be on the basis of co-decision making, which will be a positive step forward.

The Convener: Mr Rumbles, you may have a short question before we move on.

Mike Rumbles: Thank you, convener. I would like to follow up on that. As the minister knows, it was my amendment in Parliament that he accepted. I knew what I meant by that amendment, and I think that the minister has misinterpreted it yet again.

The issue of the National Council of Rural Advisers is not what we were calling for. This is an opportunity for Scotland to develop its own distinct, individual, bespoke system of agricultural support that is not just an inherited system that was designed for countries on the mainland of Europe. As far as I can see, nothing is being done by the Scottish ministers to design that bespoke system. Is that true or not?

Fergus Ewing: No, it is not true. We have obtained advice in order to prepare as best we can, but of course we just do not have the information now to provide a new policy because—[*Interruption.*] Mr Rumbles is laughing, but how can you—

Mike Rumbles: I am laughing in frustration.

The Convener: Sorry, but I am going to stop this now. It is courtesy for both sides to listen to what is being said when people are talking. Mr Rumbles, you might feel frustrated, but please keep your comments to yourself and allow the cabinet secretary to answer, and please, when people are talking, could you not try to have the final word?

I ask the cabinet secretary to give a succinct answer before we move on to the next question.

Fergus Ewing: Under our membership of the European Union, for decades rural Scotland has enjoyed relative certainty about funding through programmes that lasted for seven or eight years. Currently, rural Scotland enjoys financial support from Europe covering a range of issues and totalling around £500 million a year. I have

repeatedly made it clear that, until such time as we have clarity from the UK Government on what, post-Brexit, that funding will be replaced with, it is simply impossible—by definition—to prepare the sort of plan that Mr Rumbles thinks that we should produce.

I have asked Mr Gove repeatedly to indicate what his UK Government's plans are for funding post-Brexit, and I have reminded him—courteously, I hope—that prior to Brexit and the referendum he and his colleagues on the Brexit side said that EU funding would be matched. In fact, some said that it would be at least matched, implying that there would be more funding following Brexit.

It is reasonable to say that until we have clarity about post-Brexit funding—actually, some of the pre-Brexit funding is by no means absolutely certain—it is simply impossible to produce the kind of plan that Mr Rumbles has asked me to produce. I hope that he is happy with that answer.

Mike Rumbles: I am not happy with that answer and I want to record that, if I may.

The Convener: I think that people have noted that you are not happy with the answer.

Mr Chapman has the next question.

Peter Chapman: I have a specific question for Mr Russell. In his opening statement, he said that he is negotiating “pragmatically and responsibly” on issues related to UK frameworks. However, Mr Gove told the House of Commons Environmental Audit Committee in November that the Scottish Government had instructed its officials not to engage on issues related to UK frameworks. Is that a correct statement and, if so, why was that done?

Michael Russell: No, it is not a correct statement.

Peter Chapman: Why would Mr Gove make such a statement?

Michael Russell: I could not possibly put myself into Mr Gove's mind, and nor would I wish to. The reality is that we are engaged. I think that the words “pragmatically and responsibly” were actually used by Fergus Ewing, but I do not resile from them.

We have engaged in a difficult exercise of building trust on both sides to try to get the frameworks to operate. That is a careful and responsible activity. We are doing so step by step, and with the assistance of Damian Green, the First Secretary of State. I pay tribute to him because, having taken over the chair of the joint ministerial committee, he has been very constructive. Step by step, we are trying to create those frameworks. It does not help if either Mr Gove or Ian Duncan,

who has repeated that remark, make remarks about Scottish Government officials that are simply not true. The reality is that there have been endless discussions. Ian Davidson is just back from a discussion and officials from Fergus Ewing's department are endlessly involved in discussions.

However, we will not be bounced into agreements that Mr Gove wishes to reach for his purposes. For example, Mr Gove presented to the last meeting of agriculture ministers what he imagined should be in the frameworks. He had no responsibility for that and no authority to do so, as that matter was rightly being dealt with through the joint ministerial committee, by the agreement of the Prime Minister and the First Minister. Whatever Mr Gove's or Ian Duncan's motivations are, we are endeavouring to get a deal and we are working hard on that. We are doing so in a professional and responsible manner, and that should be respected by all parties.

The Convener: The cabinet secretary wants to add a short comment.

Fergus Ewing: I have just two points. First, Mr Gove is on record as saying on 13 September to the Environment, Food and Rural Affairs Committee:

“I must say that the Scottish Government officials have been working very collaboratively with Defra officials”.

I just repeat that quotation.

Secondly, I know that Mr Barnes has been taking part in numerous discussions with officials. I am sure that he would be happy to provide details, if members want to ask him and there is time to do so—it is up to you, convener. We have been discussing and debating constructively, but we will not be dictated to in a power grab. I hope that all members would agree that that is the correct approach.

The Convener: I am afraid that, as you pointed out, time is limited, so I will move on to the next questions.

John Mason: The European Union (Withdrawal) Bill has been mentioned. What are you still concerned about within the bill? Do you have fewer concerns because you have had discussions? There seems to have been some movement. Do you want more detail in the bill? Do you disagree with the detail that is in the bill? Should some stuff not be in the bill at all and be left to be dealt with through other means?

Michael Russell: The position is very clear: there are things in the bill that neither we nor the Welsh Government can accept. Principally, that is clause 11, which takes European competencies and returns them to the UK without any involvement of the devolved Administrations in

decisions to be taken by the UK Government. To be fair, the Secretary of State for Scotland has indicated that all that should be done by agreement. There is also the principle of UK ministers being able to alter legislation without involving the Scottish Parliament or Scottish ministers. Those are two key issues.

We cannot accept either of those measures. That is not to say that the rest of the bill is acceptable to us, but those are the issues that the devolved Administrations are taking up responsibly compared with the wider issues that others are taking up.

It is not acceptable that clause 11 is in the bill, and we are in the process of trying to have it removed. The amendments that we have tabled would cure that problem. This morning, glutton for punishment that I am, I appeared before the Finance and Constitution Committee. I made it clear at the meeting that if the UK Government has alternative approaches, we would, of course, be willing to discuss them. Officials have been meeting to look at the issues, and they have been part of our discussion in the JMC.

I will briefly set out the five stages that we are going through. The first stage is to agree the principles on which frameworks should be established. We have done that—those principles were published as an annex to the communiqué of the joint ministerial committee on 16 October.

The second stage is to start the deep-dive process—which we proposed—to see whether we could have proof of concept and whether the frameworks would work. The examples that we have used are agriculture, justice and home affairs matters and health issues. We have done that; that has gone well.

The third stage is to see what governance and dispute resolution mechanisms could be put in place. That work is under way and it is progressing.

The fourth stage is to bring that together in a political agreement that says that we can make it work. At the same time, we need to pare down the list of 111 powers and throw out the ones that are not necessary. Adam Tomkins, for example, indicated some weeks ago in a piece in *The Scotsman* that there are such items in the list—the example that he used was aircraft noise. Without conceding the principle that there should be no alteration to the basics of the devolved settlement, that power does not need to be there; it can go.

The final stage is to take all those things and put them into legislation, so that we can change the withdrawal bill and be prepared for future legislation.

We are almost three parts out of five into that work. We are still talking. We have another meeting tomorrow with Damian Green and a JMC meeting on 12 December. We are making progress. However, nothing is agreed until everything is agreed, so we have to make sure that we work our way through those stages and reach a conclusion. That is best done by the negotiation process, rather than in freelancing by Ian Duncan or Michael Gove.

The Convener: John Mason will come back in with a follow-up question, then I will bring in the cabinet secretary to answer, too.

John Mason: My follow-up question might actually be for the cabinet secretary. I will ask it anyway, and it is up to them to decide who answers.

If we take a policy such as the common agricultural policy, I understand that we get 16 per cent of UK funding. If the UK were to control more of the agricultural policy area, the hope would be that we would continue to get 16 per cent of the funding. If the UK Government were to give us just 8.3 per cent of funding in line with our population, we might have complete control but we would have less money. Is there a money versus control aspect to consider?

Michael Russell: The process cannot be completed without discussing and making sure that resources are secure. For example, if there is to be a framework on agriculture—that is probably the most complex of frameworks; fisheries may also be in there and environment would be part of it—money must be a part of the overall solution. If there is a quantum now, that quantum must be included in those discussions. I do this very much in co-operation with the cabinet secretaries who are involved in the process. They stress to me what is important to them in the process, and Fergus Ewing stressed at the very beginning that the financial issue would be crucial.

11:00

Fergus Ewing: There are two overarching concerns. First, there is the freedom of policy choice. It is no secret that the two main parties in the UK have for some time sought to phase out direct farm payments, or pillar 1 support. Scotland's position is entirely different; 85 per cent of our land is eligible for the less favoured area support scheme, whereas south of the border it is 15 per cent and they do not have the LFASS any more. It is plain that what has been in our interests is most certainly not the case down south, and if the policy that the main parties down south appear to prefer were to be imposed in Scotland I believe quite profoundly that it would have catastrophic consequences, especially for hill farming, with land

abandonment, depopulation, potential bankruptcies and thousands of farmers going out of business. That is number 1. We must have the freedom of policy choice in any future proposed framework.

On fisheries, the issue of discards is another example in which there are plainly different views. Michael Gove appears to prefer restriction of effort—tying up boats—and we do not prefer that at all.

I have given examples of two areas in which there are different approaches and different views, which is why there must not be a power grab for full devolution of funding.

There is a separate issue from the bill that is absolutely key. The UK funding promises are incomplete because the guarantee up to 2022 is limited to farm support, the definition of which has not been clarified, and they will last only until the farmers' 2021 single application form. Promises that were made in the EU referendum to match funding post-Brexit were made by ministers, and ministers, if they make promises, must deliver them or cease to be ministers. I call on Mr Gove to do what he said he would do during the EU referendum and make clear his plans for future funding on a long-term basis, as of course is the EU practice.

Stewart Stevenson: I want to look at how we go about developing shared frameworks across the UK and, in particular, what role there might be for our stakeholders and for the Scottish Parliament.

First, however, I think that Mr Russell talked about alternative UK Government proposals. I am given to understand that, in rural policy, officials at UK Government level have four different versions of secondary legislation that they may bring forward, depending on what they end up negotiating with the EU. That is fundamentally important to our understanding of where we go and how we can contribute. I am also told that officials at the UK level have been told not to share those drafts with Scottish officials, so we cannot know what the policy considerations are. Is that correct? My information might be imperfect, so I am quite prepared to hear that some parts of it should be corrected.

Michael Russell: I cannot confirm whether that is true. UK officials do not share that information even with us. I would not be surprised if there were a range of drafts at this stage. One of the problems in this relationship has been getting early access to information. Fergus Ewing referred to the agriculture bill. I first asked to see the EU withdrawal bill in January at the JMC plenary in Cardiff—I directly asked the Prime Minister for it. We did not see that bill until 30 June or 1 July, two

weeks before it was due to be published, and we knew immediately that we could not support it. Early information sharing would be helpful. We have seen the 18 papers that the UK Government has published in negotiations so far just before they were published and without any possibility of input.

However, let us try to fare forward rather than backward. Our view on this is very simple: if we are involved in the discussion we will endeavour to come to a conclusion and ensure that we get an agreement, but it must be a comprehensive agreement that takes account of all the parts that are involved. That includes money but it also includes an agreement on future legislation.

If we can secure agreement on the EU withdrawal bill, which is a sort of gatekeeper bill for those that are to come—agriculture, fisheries, environment, trade and all those bills—we will be in a position to have an easier process in terms of reaching legislative consent. That is not to say that we will agree with the bills, but achieving legislative consent will be easier. That is because we make a distinction between policy—we do not agree with this policy; we think it is daft—and technicality. We recognise that arrangements have to be put in place for the eventuality, so we are trying to do that.

My colleague Mark Drakeford is always very articulate on that, saying that it would have been better not to have this fight. It was an unnecessary fight; we could have agreed on how the bill should have been put together, which was the practice on all bills that required legislative consent up until now—there would have been early negotiation and discussion. That did not happen this time and this is the consequence. The earlier that discussion takes place and the better it is, the more likely it is that we can make progress.

Stewart Stevenson: On a technicality, in the absence of a formal review and consideration process at Westminster for secondary legislation, is there a particular threat to the interests of the devolved nations? It appears that a lot of the implementation of the shared frameworks and other matters will be done through secondary legislation at Westminster, but there is no equivalent—

Michael Russell: That creates two questions, the first of which is whether UK ministers should be able to bring forward such legislation without consultation with Scottish ministers and this Parliament. The answer is no. That is, the Henry VIII powers, for example, should not be permitted to be exercised in ways that run contrary to the interests of this Parliament. I think that many MPs at Westminster believe that. Liberal Democrats have been involved in attempting to amend the bill

and we support those amendments because they are the right thing to do.

The second question, in relation to the complexity of that secondary legislation, is whether there should be a process here to look at that type of scrutiny and legislative consent process for secondary legislation. The Secretary of State for Scotland has indicated that that process should exist. It exists in Wales, of course, given the difference of its devolved settlement. It may well be that one of the changes to devolution that the present process produces will be a legislative consent process for secondary legislation.

Stewart Stevenson: Briefly, minister, can I take you back—

Michael Russell: We are now deep-diving into the technicalities.

Stewart Stevenson: Some important things derive from technicalities. There is no process at Westminster for parliamentary scrutiny of much of the secondary legislation, unlike the situation in the devolved Administrations. Are there particular threats if Westminster uses secondary legislation to put frameworks into effect, without even Westminster parliamentary scrutiny?

Michael Russell: Absolutely. There are particular threats in the secondary legislation process, even without Brexit—there are inadequacies in that process. Brexit emphasises and is a magnifying glass on those weaknesses and inadequacies, but it also produces additional ones—that is my point—in relation to the Henry VIII powers and the issue of legislative consent to secondary legislation. Both of those are under discussion and will need to be resolved.

The Convener: Cabinet secretary, I am mindful of the time; we have 24 questions or so and we are on number 4.

Fergus Ewing: I just want to say two sentences. I repeat what I have said to many key stakeholders, including the NFU Scotland and others with whom we work very closely, which is that the seven working groups to which I referred are considering their issues. I exhort all the main stakeholders in Scotland to contribute to the work of those committees. If they make written submissions, for example, we will guarantee that their views are fully considered.

The Convener: Okay. Thank you.

Jamie Greene: Good morning, panel. It is likely that after March 2019 we will move into some form of implementation or transition period. What is the Scottish Government's view on whether the UK should remain part of the common fisheries policy or the common agricultural policy during that

transition period, or is the expectation that we will leave on the day of exit, as some have said?

Michael Russell: I will answer that, because I have recently been discussing transition with a range of people. I think that the question is a false premise. If transition takes place, there is no doubt in the minds of the EU27 that transition means a continuation of the *acquis*—there is no other option. In those circumstances, it is not possible to say that we will leave this part but not that part. It is like the discussion that the UK Cabinet apparently had last week about tapering off the jurisdiction of the European Court of Justice. Jurisdiction is like a light bulb; it is on or off—it cannot be tapered off.

It is not possible, if there is to be transition on the basis of continuation, that there would be a leaving of anything on 29 March. However, it is obvious that in areas such as agriculture and fisheries, where there are annual negotiations, it would be difficult if there was no annual negotiation.

I have heard recognition from other countries that some arrangements would need to be made, but to assert that we will leave these things on 29 March would jeopardise the Prime Minister's stated intention to have a two-year transition period, because it is not pick and mix. Indeed, as I heard being said in Brussels in April, if there was to be transition—or, as the Prime Minister chooses to call it, implementation—that is continuation, because there is no third state that we can move to. I think that the question is a false premise.

I am keen that we remain in the EU, therefore we need a discussion about how those elements will affect things. The common agricultural policy can be developed and changed. I and many others have made no secret of the fact that we do not think that the CFP works for anybody and therefore major changes to the CFP are needed, but let us understand what transition is and what it is not.

Jamie Greene: Does the cabinet secretary want to add anything?

Fergus Ewing: Mr Russell has given a pretty copperplate answer. I will just add that you cannot be in and out of a club at the same time.

Jamie Greene: My only other query is about the comment on participation in the CFP. There may be views on whether the status quo works, but wanting the CFP to change is not the same as not participating in it. Mr Russell, do you see any benefits in exiting the CFP as it currently stands, notwithstanding any changes that you want to see to it in the future?

Michael Russell: I do not see any benefits in exiting the EU. There may be sectors—fishing is a

very rare sector—where there are people who believe that there are enormous benefits to exiting. They do not all believe that there are enormous benefits, of course. In my constituency, the shellfish sector has separated itself from the Scottish Fishermen's Federation because it is extremely concerned about how the interests of the shellfish sector and of exporting have been ignored. There are disputes on these issues, but the words “baby” and “bathwater” spring to mind in these circumstances. We need to be very careful about where we are.

The important point—I stress this for Mr Greene, because it is very important—is that it is a false prospectus to say that in a period of transition or implementation, one can pick and choose what one does. That will not be possible and if that is what the UK Government seeks, it will not happen.

Peter Chapman: As far as fishing is concerned, the important point is that when we come out of the EU in March 2019, we will have control of our 200-mile limit. International law tells us that that is absolutely the consequence of becoming an independent fisheries state, as we will then be. There will be huge changes for the fishing industry. We can still live through some sort of transition period, but we will then take control out to 200 miles and I would argue that that is indisputable.

Michael Russell: It is not indisputable in terms of the Prime Minister's own statement, so Mr Chapman might want to take that up with the Prime Minister. We cannot have transition that departs from the *acquis*. It is axiomatic that we will continue not as a member but observing the *acquis* in every regard.

Special arrangements may be made for negotiations on quotas and a range of issues, but I think that it is selling a false prospectus to say that a bright new dawn will break on 30 March 2019 in which everything will be changed. There will be major disadvantages to every sector—I have no doubt about that. Mr Chapman and I will disagree on that, no doubt.

There is no doubt also that transition means that we will have the status quo for a period of time. If it does not mean that, there will not be transition. I agree with Mr Chapman to the extent that if the UK Government does not accept that or does not understand that, something dramatic will happen at 11 pm on 29 March—dramatic in the sense of disastrous.

11:15

Gail Ross: I will concentrate on the UK agriculture bill and the 25-year environment plan. I have two questions. I think that I probably know the answer to the first, but I will ask it anyway. Has

the Scottish Government been involved in the development of the 25-year environment plan, the agriculture command paper and the UK agriculture bill?

Mr Ewing said that he was at a meeting of the Finance and Constitution Committee this morning. We know that that committee is considering a legislative consent memorandum on the European Union (Withdrawal) Bill. Will a similar procedure be used for the agriculture and fisheries bills?

Fergus Ewing: I will deal with the first question. Roseanna Cunningham is dealing with the environment matter, but I understand that there has been no consultation of our devolved Administration in respect of the 25-year plans for the environment and for food and farming. Recently, Mr Gove seems to have indicated that there will not be a 25-year plan for food and farming, so I am afraid that we are in the dark about the UK Government's plans.

I would give Mr Gove 100 per cent for personal courtesy, but 0 per cent for outcomes. We have had a sprinkling of platitudes, the expression of fine sentiments and even several quotations from fine English poetry, but none of that pays the bills.

Michael Russell: Our assumption is that legislative consent motions will be required on all bills that have devolved elements: clearly, agriculture has a devolved element. We already know that the trade bill will require a legislative consent motion—which, of course, we will not be willing to agree to unless we can resolve the issues in the bill. Those issues are broadly the same as the issues that need to be resolved in the European Union (Withdrawal) Bill, which is why I am indicating that success in the negotiations around that bill is the gatekeeper to a process that will allow legislative consent elsewhere. That might include the agriculture bill, but it is impossible to say for sure because we have not seen it.

Gail Ross: Do you know what the timescales are for either bill?

Michael Russell: Everything at Westminster keeps slipping, even though the clock is ticking. I think that the Government is now talking about introducing the agriculture bill in spring 2018; introduction at the turn of the year was previously discussed. Roughly the same timescale applies to the fisheries bill. The withdrawal bill will not go to the Lords until late January, or probably February. Everything is slipping.

Fergus Ewing: The consultation on the fisheries bill was supposed to take place in October, but we are in the dark about that, too. Nothing has been issued.

Gail Ross: What plans do you have to engage with the UK Government when the bills are introduced?

Michael Russell: We automatically engage on any such legislation. I want to stress that the best way to draw up such legislation—I am sure that Fergus Ewing will agree—is to ensure that there is early contact on the details. That is true of fisheries, agriculture and trade. Early contact means that as a bill is being developed we can spot difficulties, see things that will not work and suggest things that will work. Such sharing of legislation has taken place ever since devolution. Not only when the Administrations were of the same political hue, but in the past 10 years, too, officials have shared draft legislation and there have been discussions about how to proceed that have got rid of any difficulties. It is clear that there will be problems if the UK Government will not share the bills before they are published.

Fergus Ewing: I agree. The situation is frustrating. Good relationships are based on trust, and trust implies a willingness to share, under the usual rules of confidentiality, documents in draft form, whether they be bills or consultation papers, so that we can have a say and offer input. I am afraid that if the UK Government maintains the position that it appears to be adopting—that it will not share consultation documents, it will not share the agriculture bill and it will not share the fisheries bill—that is not consistent with a relationship that is based on trust. Farmers and fishermen want us to make progress and to have a trusting relationship.

We are working quite well with the UK Government on the Forestry and Land Management (Scotland) Bill, which we will consider next week. Given that, it is frustrating that the UK Government does not apply the same approach to the Brexit documents.

Rhoda Grant: I will ask about the principles of agricultural policy going forward, rather than about the detail. Michael Gove agreed three principles for the future of agriculture: payment for provision of public goods, incentives for innovation and help with volatility. Do you agree with those principles?

Fergus Ewing: I do not think that I would express them in quite in that way. My view, which I have expressed several times to the committee, is that the role that farmers play as producers of high-quality food and as custodians of the landscape should be better acknowledged and respected, and that farmers have environmental responsibilities in relation to ensuring diversity and the quality of water. Therefore, I would put things a bit differently.

Incidentally, I commend to committee members the recommendations of the national council of

rural advisers, which really repay close reading. I also commend to you the report of the agricultural champions. The reports touch on everything that we are talking about and set out potential approaches that we might take—I am harking back to Mr Rumbles's question.

The problem is that until we have reasonable clarity on the future funding arrangements and what powers we will have, it is not possible to embark on an exercise of architecture redesign. We do not know what powers we will have and we have no idea—absolutely none whatever—about funding. Fine sentiments are okay, but without clarity on funding and whether the Scottish Parliament will continue to enjoy full power over agriculture and fisheries, setting out a perfect set of principles is a bit of a theoretical exercise.

Rhoda Grant: Cabinet secretary, I say with respect that I think that I made clear that I was not looking for detail. I was asking about the principles that will underpin your policy. What are they?

Fergus Ewing: As I said, it is not possible to set out principles until we know whether we will continue to enjoy all powers over agriculture and fisheries, as we currently do.

Mr Barnes has shared with me the work that he has done with his counterpart officials in DEFRA, and it is my understanding that in those discussions no matter has been identified, in respect of agriculture, that would require to be reserved. I do not want to speak for the DEFRA officials, but I am advised that there is nothing to prevent the UK Government from confirming, right now, that we will continue to enjoy all powers over agriculture, including those that have rested with the EU. I am keen to look at the way forward and would be delighted to be able to do so, so it would be extremely helpful if Mr Gove were to provide the clarity that his officials appear to be providing to our officials.

The Convener: Let me reiterate this. We are less than half way through our questions, and we are more than half way through the time that we have for them. The shorter you can make your answers, the better. I urge not just members but those who give evidence to look occasionally at me; I will try to give you the nod if I think that you need to wind up, so that I do not have to cut you off, which is rude and is something that I try to avoid doing.

Rhoda Grant: I have twice said that I am looking not for the detail but for the vision on where the cabinet secretary's priorities lie, and I am concerned that the cabinet secretary cannot answer. That worries me, especially because the area of the country that I cover, the Highlands and Islands, has done badly out of agricultural support in the past. I had hoped to be able to go away

from the committee with some comfort for people in the Highlands and Islands that their needs will not be overlooked in the future, but I have no comfort for anyone.

Fergus Ewing: With respect, I disagree with that characterisation of my views. Time and again, I have set out principles—

Rhoda Grant: What are they?

Fergus Ewing: I cannot go over all the principles that we have set out in numerous documents. For example, I refer members to the vision for agriculture that we set out in 2015, which encompassed sustainability, education, food and drink and public value, and I have already referred members to the two really useful pieces of work from the agriculture champions and the national council of rural advisers. All those help us to work together to formulate that vision, across the Parliament. I think that that is the best approach, and I will continue to follow it.

The Convener: I will bring in Mike Rumbles.

Mike Rumbles: As ever, I am trying to be constructive and helpful. What I was trying to say is that, whatever happens, either we will have continuation, to a degree, of the system that we have for Scotland, or we will take the opportunity to design a new system and feed that up to the United Kingdom Government. If we do not feed up to the UK Government what we want in Scotland, we are likely to get into a situation where the UK Government says “This is what we’ve designed,” and it will negotiate that with us. Is not it so much better to turn round and say what we want to do and what we want in agricultural support, and to try to get everybody to buy into that in a positive way?

Fergus Ewing: We are already taking that approach in the discussions that officials are having. As I said, we are having discussions and debate, but we believe that we should not be dictated to, and that clarity around powers and funding is a *sine qua non*. I am quite sure that there will be time for discussion about the way ahead, but that will be only after the basics have been clarified. The trouble is that the basics have not been clarified.

Last week, I visited a monitor farm and I spoke at AgriScot. There is alarm and anxiety in the farming community about availability of labour, for example, to get Scotch lamb into the European markets, and about having enough people to pick the tatties and berries. More than half the people who work in the onshore fish processing sector are European Union nationals. Until the UK Government provides clarity—for example, in response to NFU Scotland about a seasonal workers scheme—we are in the dark and flying blind. We have brought forward a perfect policy

but, frankly, it will not be relevant until we get answers on the basics.

Peter Chapman: I need to come back to the cabinet secretary about the fact that he continually says that he has no idea about funding or powers. I argue that that is not correct. I accept that there is still a debate to be had, but the message from Westminster is, nevertheless, that there will be no diminution of the powers of the Holyrood Parliament. Mr Gove has said that there will be the same level of funding until 2022. How can you therefore say that you have no idea of the position on either of those matters? I know that there are bits to be argued about, but you cannot sit there and say that you have no idea, because you have.

Fergus Ewing: I have said quite clearly that there is, by definition, no idea whatsoever about what the funding will be post-Brexit. Promises were made that the funding would be at least the same after Brexit. However, no opinion has been expressed about what will happen post-Brexit, despite the fact that Brexit is close upon us. So far as the interim steps go, such assurances as have been given are obviously welcome, but they apply only to farm support and not to the pillar 2 funding that does not fall within the definition of farm support. It is a technicality, but it is a very important one for horizon 2020, LEADER, the regional fund, the social fund, research, community development and a host of other things.

I am afraid, Mr Chapman, that there has not been sufficient assurance offered about the period up to Brexit, and that we are flying completely blind about the situation post-Brexit.

The Convener: All Parliament will have welcomed the announcement of the review of convergence payments. What will the timescale be and what do you believe should be the process of the review? A short answer would be appreciated.

Fergus Ewing: The review was promised some years ago, so I am pleased that the UK Government has belatedly recognised that its promise must now be implemented. I discussed that with Mr Gove at a meeting a few weeks back and we agreed that we should, prior to Christmas, settle the remit of the review and the identity of the person or people who will conduct it. We also wish to set the timescale within which the review should be completed. I have put to Mr Gove proposals that I believe are sensible and reasonable. I was pleased that he said that he would work with us to settle the matter by Christmas.

11:30

The Convener: If, as one hopes for Scottish farming, we get a good result and the convergence payments are made available to

Scotland, is the Scottish Government in a position to ensure that all the people who should have received such payments do so, including any backdated money?

Fergus Ewing: I very much hope that the review will find that money that was intended for Scottish farmers and Scotland's rural communities should go to those communities. That is the Scottish Government's clear objective, and I hope that we will be in a position to implement it.

Plainly, the intention and original plan was to pay that money annually over the whole period from 2014 to, I think, 2021. The fact that the plan was subverted by the UK Government—which, in my view, wrongfully appropriated the money and used it for other purposes—might cause difficulties with regard to technicalities, and such matters will have to be looked at. However, as cabinet secretary, I am determined to ensure that those who are entitled to the money get it.

The Convener: Farmers will welcome the indication that there is no intention to siphon off any money for other purposes.

Will the review of the convergence payments affect agricultural support budgets post-Brexit?

Fergus Ewing: It has been agreed that the review should have two components: first, a look at what has happened in the past, and secondly, a look at what will happen in the future. My answer, therefore, is yes—the review should look at the fundamental issues in respect of distribution of funding in the UK, and it should reflect on the fact that, as I understand it, Scottish farmers will in 2019 receive just about the lowest payments per hectare of farmers in any EU state. In fact, Scottish farmers have been receiving less per hectare than farmers elsewhere in the UK: the review should look at that, too. I believe that that has been accepted in principle by Mr Gove. I undertake to come back to the committee as soon as we have clarity on those matters.

John Finnie: Good morning, panel. The Scottish Government has commissioned research on EU workers in various sectors. Are you able to outline what that research has shown and what the Scottish Government will be able to do post-Brexit for those who rely on seasonal non-UK workers?

Fergus Ewing: Yes. A research project on farm workers in Scottish agriculture is being undertaken by a team of researchers at Scotland's Rural College, and I can inform Mr Finnie that fieldwork has been completed and the data is being analysed. The team will present findings at the meeting of the cross-party group on rural policy on Tuesday 5 December, and final publication of the SRUC report is expected early next year.

I expect that the report will echo the concerns that were expressed to me recently at a meeting with fruit farmers; by people who work in abattoirs, on which I note that 95 per cent of the official veterinarians—those highly-qualified veterinary supervising officers—come from EU states; and by people in fish processing and tourism. There is a serious concern that many businesses in rural Scotland will be made unviable without the continued work of people from the EU. The fact that those people choose to come and work here is something that we should appreciate and welcome, and for which we should be grateful and thank them. The SRUC report will play a useful role in informing the debate.

Fulton MacGregor: This committee and other committees have heard evidence again and again about various industries and sectors being worried about the impact of Brexit on EU labour. How might the various sectors retain access to such labour after Brexit?

Fergus Ewing: I will make a brief comment and then pass over to Mr Russell.

Plainly, one of the benefits of being in the EU has been free movement of people. It has been great for people who have wanted to choose which country to work in—perhaps there has not been enough recognition of the fact of having personal freedom to enjoy that—and it has been great for Scotland to have had the benefit of their work. I do not think that any parts of the rural economy will be unaffected by the move.

Therefore, I hope—I think that this hope is shared by everybody, regardless of their political persuasion—that we can get some early clarity from the UK Government on the matter. Recommendations for a seasonal workers scheme have been made by the NFUS, and they are certainly worthy of consideration. Above all, I hope that an early decision is made by the UK Government, because workers from the EU are absolutely essential to the economy and to communities in rural Scotland.

Michael Russell: I refer the member to the evidence that the Scottish Government submitted to the Migration Advisory Committee a few weeks ago, on which my colleague Dr Alasdair Allan has been leading. It shows the Scottish economy's dependence on inward migration, which is pretty substantial. There is no natural regeneration of the population in Scotland, unlike south of the border, where about 40 per cent of population growth comes from regeneration. That does not happen here. Unless we have people coming in, the population becomes static and then begins to decline.

The situation in rural areas is quite stark. Rhoda Grant and Gail Ross will know that, at the most

recent convention of the Highlands and Islands, the leader of Highland Council presented some evidence that showed that about 20 per cent of the Highlands and Islands workforce is due to retire over the next period. We are talking about 80,000 people. It is literally impossible to find 80,000 people from the natural regeneration of the population, so we face a continuing decline in the Highlands and Islands population. In Argyll and Bute, the extremely rural constituency that I represent, that means continuing and accelerating depopulation, particularly in the most rural parts of the constituency. That will have a huge effect on a range of activities, including agriculture and aquaculture.

We must find a way to resolve that situation. The only way to resolve it is by having free movement. Migration policy is set up in such a way that even a seasonal agricultural workers scheme would not provide a solution. There will be inhibitions to that.

Members would benefit from reading the report that the British Irish Chamber of Commerce published on Monday. It is a very sane and sensible organisation that is doing a huge amount of work on the vast amount of trade that takes place between the UK and Ireland. It indicated that only membership of the customs union and the continuation of the single market arrangements will produce the conditions that will allow that trade to continue. I am quite sure that there are members of the committee who will dismiss things that the Scottish Government says as the ravings of mad nats, but the people in the British Irish Chamber of Commerce are not mad nats in any sense; they are sensible, sober businessmen. In looking at the situation, they have come to the inevitable conclusion that exit from the EU will mean economic damage, particularly in terms of accessibility to labour. Almost every sector in Scotland is now saying the same thing. That point of view needs to be heard.

Fulton MacGregor: You touched on the subject of my follow-up question: the seasonal agricultural workers scheme. Could you expand on your views on that?

Michael Russell: The seasonal workers scheme was much criticised while it was in operation. It produced a result, but it was often focused on student labour. The short-term nature of the stay of those who came was difficult. Agriculture—horticulture, in particular—has changed substantially since then. There is almost year-round activity, and the volumes are substantially greater. The reinstatement of the scheme is unlikely to attract the people who presently come. That is partly because there is a shortage of agricultural labour across Europe. Germany has recently licensed up to 10,000

Ukrainians to come into the country to work in agriculture, because there is a shortage of agricultural labour.

Scotland has been able to attract people who come for the longer term and who—even though they might go home regularly—are involved in other activities. In Angus, for example, people who work in soft fruits might also work in fish factories and fish processing. There is a dynamic pattern of activity that will be taken away if free movement is lost. It is not at all clear where substitutes for those workers will come from. There are not nearly enough people in Scotland to substitute for that dynamic labour force. How we will get people to come here from elsewhere is a moot point.

It is also important to make the point that the fall in the value of the currency has meant that many people are not willing to come. They think that it is no longer worth it to the same extent and that is bad news for rural Scotland.

The Convener: Before I bring in the cabinet secretary, I know that the deputy convener has a question that he might like to answer.

Gail Ross: The National Council of Rural Advisers published an interim report this morning that makes a number of recommendations. The first recommendation on page 3 relates to how we “attract and retain home grown talent”,

which the minister has just touched on. I support the recommendations to

“base more businesses in rural areas”,

Brexit or no Brexit, and to

“build on talent attraction work”.

How do you propose to take forward the recommendations in the report?

Fergus Ewing: I was about to quote from that section in response to the previous question. The NCRA makes a number of interesting points that we have not heard in the debate previously and I would like to share a couple of them:

“A smaller labour pool will increase competition and result in increased costs to business as wages rise. Micro/family owned businesses that are so dominant in more remote, rural areas could find it difficult to compete with their larger counterparts”—

because there is a smaller pool of labour

As Gail Ross said, the council has outlined a series of recommended approaches under the headings of “Labour & Skills”, “Trade”, “Funding”, and “Legislation & Standards”, and they are all worthy of consideration. However, that is an interim report, as is that of the agricultural champions. I reiterate that we will consider their advice, as we consider advice from all sources, including stakeholders with whom we work closely.

We hope to come to a view in the spring as to the best approach to be followed, and to inform that by listening carefully to the advice that we are given. We should certainly consider how we can attract and retain home-grown talent. The NCRA says that we should

“Promote remote rural areas as centres of excellence for ‘non-traditional’ rural sectors ... Overcome connectivity barriers”—

whether they be physical or virtual—

“Promote opportunities for people to work remotely and base more businesses in rural areas ... Introduce greater flexibility in immigration rules to recognise that self-employed businesses in rural areas operated by non-UK nationals provide essential services”,

and generally ensure that the necessary talent exists to maintain the vibrancy of the rural economy in Scotland.

Richard Lyle: During the EU referendum campaign, fishermen were promised that fisheries would come back under the control of the UK and everything would be rosy in the garden—or in the sea. I believe that we will be sold out again. On 1 November 2017, in reply to Baroness Wilcox, Michael Gove said that the nature of the relationship between the UK and the EU

“will probably not change dramatically the day after Brexit.”

How do you see the relationship between the UK and the EU on fisheries post-Brexit? What would you like to see in the UK fisheries bill? When do you expect the bill? Do you think that fishermen will be sold out again?

Fergus Ewing: Upon leaving the EU, the UK, as a coastal state, will assume full control of its exclusive economic zone, in line with international law and the rights and responsibilities that that entails. There is an acceptance on the part of both Governments that fishing needs to be sustainable and stocks need to be measured by size. There must then be conservation and no overfishing. The EU’s total allowable catch method is a sensible way to deal with that and it is also recognised as such by almost everybody involved. There is no reason why the coastal status negotiations should be carried out exclusively by the UK Government in future. Scotland is the leader in fishing, given the value of the industry and its contribution to the economy and the wealth of our fishing grounds. We should, therefore, be offered the opportunity to play the lead role in negotiations within a UK coastal state model following Brexit. We should have that voice where our interests are at stake.

I am looking forward to an answer to the question that I have put to Mr Gove and his ministerial team, which is:

“Can you confirm that access to our exclusive economic zone will not be bartered away to achieve other aims in the EU Brexit negotiations?”

There has been no answer to that question, but there should be.

The Convener: Before I bring Richard Lyle back in, I will briefly bring in Stewart Stevenson.

11:45

Stewart Stevenson: Cabinet secretary, you mentioned conservation and the need to manage stocks. Given that the UK has been a member of the International Council for the Exploration of the Sea since 1902, is it your expectation that the scientific environment that leads policy in this area will remain unchanged, whatever the future relationship with the EU might be?

Fergus Ewing: I cannot speak for the UK Government, nor, I suspect, would it wish me to. I cannot say what its plans are, what is in its mind or what its views might be. However, I have set out briefly the principled approach that we should take. We will continue in ICES. That is the right approach and I hope and expect that the UK will, generally speaking, follow that approach, as it is in the interests of the environment and the long-term interests of the fishing sector, too.

Richard Lyle: To be brief, fishermen’s representative bodies seem to have a high expectation that access to UK waters will be managed in a radically different way post-Brexit. What is your view on that, and what is your view on Scotland’s exclusive economic zone?

Fergus Ewing: Obviously, we wish to see Scottish fishing succeed as best it can. Indeed, I was pleased to play a part in the December negotiations last year, which I think achieved a successful outcome for the fishing sector and one that was very much welcomed by the fishing representatives with whom I worked in Brussels last December.

The same approach will be applied again this December, in a couple of weeks’ time. We will have an opportunity to debate that in Parliament, traditionally before the European negotiations, in order to inform our approach to those negotiations.

The guiding principle will be sustainability in the setting of quotas, in line with scientific advice. Although our relationship with the EU might change, our commitment to working with other European nations to achieve the best outcomes will not.

The Convener: Peter Chapman, do you want to follow up on that before your next question?

Peter Chapman: The UK fisheries bill will allow us to control fishing within a 200-mile EEZ. The fishing community sees great opportunities in that. Given that only 40 per cent of the fish in our EEZ is caught by UK or Scottish boats, compared to

the 85 per cent that the Norwegians catch within their EEZ, do you agree that the bill will offer a sea of opportunity for our fishermen?

Fergus Ewing: Mr Chapman mentions the relationship with Norway. It is fair to say that the outcome of the negotiations with Norway have been deeply concerning to our fishing sector in many respects. It is not just about the EU; it is a very complex pattern.

The question arises as to what happens when Brexit occurs, if it occurs, in March 2019, which will be in the middle of a year for the purposes of the CFP. In recognising the calendar year basis of fishing negotiations, it would seem sensible to agree a rolling over of arrangements at the December council in 2018, to include the existing access arrangements for the remainder of the 2019 calendar year, assuming that the final package is acceptable to us. There is much about which we disagree with Mr Gove, but he indicated on 6 November that he would support that position.

The sea of opportunity is something that fishermen wish to see. We are concerned that it may be traded away and bartered with in other EU negotiations. We have asked for clarification that that will not happen.

I work very closely with the SFF and all fishing organisations, including those that are not aligned with the SFF. We are seeking, as we always do, to get the best possible outcome for all our fishing.

Peter Chapman: Okay, I accept that. Given that scientific data will always be very important as far as fishing and fisheries are concerned, will Marine Scotland continue to collect and share scientific data on fisheries post-Brexit? How will that be funded?

Fergus Ewing: Yes, Marine Scotland will continue the good work that it does in that respect.

As to the overall funding issues, one of the many uncertainties about Brexit—and I raised this one specifically with Mr Gove—is the future of the EMFF. From memory, that has accounted for about £80 million of benefits over the period of the existing programme. It is of immense benefit for practical things such as upgrading ports and harbours and the provision of facilities such as ice-making and factory equipment to help fish processors to update and improve their profitability and efficiency. The fund is also of benefit to research on things such as better tackling fish disease, which is important to the aquaculture sector. In short, I have asked Mr Gove what will replace the EMFF post-Brexit and, again, I am very keen to hear what the answer is.

John Finnie: My question is about holding Government to account. In evidence to the House

of Commons Environmental Audit Committee on 1 November, Michael Gove talked about the creation of a commission that would do that job. He said that it would have

“the power potentially to fine or otherwise hold Government to account and certainly to hold public bodies other than Government to account.”

He went on to talk about an example relating to the common fisheries policy. He also said that he hoped, but could not guarantee that a body would be in place on Brexit day. What is your view on what should replace the European Commission and the European Court of Justice in holding the UK Government and devolved Administrations to account?

Michael Russell: I am always slightly worried about the interpretation that is put on the European Court of Justice, particularly by UK ministers. Let us be clear that the role of the European Court of Justice is not simply to hold to account national Governments; its role is often to answer inquiries about the law and to protect citizens who come demanding redress. Famous European cases have indicated that there is an ability to say to the European Court of Justice that a legislative right that should be fulfilled is not being fulfilled.

I fail to understand the obsession with the ECJ among certain ranks of the Tory party. The ECJ has performed a positive role in ensuring that citizens can be defended, and the attempt to recreate it or a few of its functions in watered-down form and in an unspecified way is unsatisfactory. My view is that the role of the ECJ has been vital in, for example, environmental matters and it should continue to be recognised in that way. It is part of the folly of Brexit that, in throwing that out, we are throwing out opportunities for citizens to be protected, to get what they are due and to ensure that there is action that provides that. I do not honestly believe that Michael Gove wishes that to happen, and therefore those things being talked about are window dressing.

John Finnie: If no organisation is set up, there might be a governance gap, which you talked about earlier. I am not quite sure what a deep dive is, but I wonder whether that featured in your diving, deep or otherwise.

Michael Russell: We have with us people who have been down and seen the sea bed.

John Finnie: How do you see the Scottish Government being held to account for matters such as future farm payments?

Michael Russell: Continuing membership of the single market, particularly in the customs union and possibly through the European Economic Area route, creates opportunities for decisions to

be reached under the European Free Trade Association Court. The EFTA Court recognises judgments of the European Court of Justice, so there is an interrelationship. There are structures that work well and that are comprehensive. I would much rather that we accepted that than that we attempted to invent things that would inevitably involve watering down. In the UK Government's view, it will not be possible for us to create those structures specifically in Scotland.

The best solution is not to be involved in this process, which is a wrong process. The next best solution, which is not as good, is to remain in the single market and the customs union. In those circumstances, the structures exist and things can be enforced in a way that benefits individual citizens.

John Finnie: Were we to have neither of those options, then what?

Michael Russell: I do not accept that either of those options is impossible—I am sorry, but I just do not accept that. The evidence of the past year is that there is a growing realisation that the route that abandons the single market and the customs union is the wrong route. We have gone from a situation, 12 months ago, in which the UK Government was determined to have no transition or implementation to a position in which it accepts the need for that. We see gradual progress, but we need to argue for it.

We have already raised the issue of the Irish border. In the circumstances, the only feasible solution is the one that the Irish Government and the Scottish Government are talking about; therefore, I do not accept a thesis that says that those options are not possible. If they are not possible, there will be an enormous diminution in the protection that will be afforded to individual citizens in a range of ways, not simply with regard to ensuring that the Government is held to account but with regard to defending people's basic rights, which have been defended by the fact that we are part of the EU. Those rights will be put at risk and will be eroded—I have no doubt of that.

The Convener: As the question was on farm payments, it would be fair to allow Fergus Ewing to respond.

Fergus Ewing: In the scenario that Brexit occurs in March 2019, the first question is, will we be in or out of the CAP? We are unclear about that because of Ian Duncan's remarks, which we discussed earlier, and Michael Gove's lack of clarification. It is for the UK Government to say what its proposals are, following the Prime Minister's speech in Florence, in which she said that there will be a transition. If we were to be out of the CAP at the beginning of the transition period, there would arise the question of who

would be responsible for oversight and implementation of the compliance and disallowance provisions of the CAP. The UK Government has not said anything whatsoever about that. That is another area in which we are completely in the dark.

John Finnie: We alluded to Mr Gove's evidence earlier. To what extent does scrutiny of any future arrangements feature in discussions between the Governments?

Michael Russell: It features to a limited extent, in essence, because there is no detail or flesh on the bones of any proposals. To hark back briefly to the withdrawal bill, we are the ones who said that there needs to be further scrutiny of ministers' decisions. As you know, as part of negotiations that have taken place in the Parliament, I have offered to consider how we could put that scrutiny in place. However, that proposal is being resisted by the UK Government at Westminster. We are conscious of issues around accountability, but the UK Government appears to be avoiding even its accountability to the House of Commons.

The Convener: There are three questions left. I would dearly like to get them in within the timescale, so I urge short answers.

Gail Ross: Over the past few weeks, we have heard from certain quarters that no deal is better than a bad deal. In your opinion, what are the implications of having no deal?

Michael Russell: No deal is a deal. I am sorry to be so theological with regard to the complexity of the issue, but that is the case. No deal means accepting the worst of all possible deals, which is that everything just stops. Actually, there is a step beyond that—nobody knowing whether or not there is a deal, which is what would happen if the talks stalled, nothing took place and we ambled towards the end of March 2019 with no idea of what was going to happen. That is a potential outcome.

In a sense, having no deal is unthinkable, because it is impossible to work out what would happen. Look at the border situation in Ireland. There would automatically be the hardest of borders, because there are two different customs regimes. The arrangements for airlines would lapse and we would have to deliberately opt back into them.

There is a great deal of complexity to this matter. Over the past 45 years, EU laws and regulation and so on have meshed together, and the idea that, at a particular moment, all of that can be broken does not make sense. The EU can sail on—it continues—but what can we put in place, particularly if, for example, the withdrawal bill has not been passed? What would happen in those circumstances? We simply do not know. Of

course, we will prepare ourselves, in a sense, by trying to think the unthinkable, but it is an incredibly difficult thing to do, because we are looking at a set of circumstances in which a lot of the underpinning regulatory structures would simply no longer have effect. We could pass emergency legislation that would put them back into effect, but that would be tricky to do, because there are bits of them that we could not operate.

Having no deal is a nonsensical proposition. The fact that the UK Government is talking about it and there are those in the UK Government who want it is very scary indeed.

The Convener: Because of time constraints, I ask that only one minister answer each of the next questions.

12:00

Mike Rumbles: My question is for Mike Russell. You have come across as being constructive in all your dealings across portfolios with the UK Government. Like you, we do not want to be where we are, but we are where we are. As a general principle, rather than the different departments across the Scottish Government waiting to find out what the UK Government wants, would it not be better philosophically, politically and practically for us to design our own systems across the board and put those forward?

Michael Russell: I see where you are coming from, Mr Rumbles. The portfolio cabinet secretaries have the responsibility for progressing their issues; I simply advise and work with them and interface with the UK Government. In this instance, the lack of information and the strong likelihood that we will have a common framework—I refer you to the list of 111 powers—means that we are endeavouring to construct that framework. That is the right way forward. It may be that, if there is such a framework, we will be able to accelerate the process of developing those things that are not to be dealt with within it—there will be things that can be dealt with outwith it. However, we will need to see what the framework looks like first.

Jamie Greene: Much has been said today about the retention of responsibilities and powers by the devolved Administrations. On the assumption that the Scottish Government will be responsible for the delivery of some form of agricultural subsidy or payment, what commitments will the cabinet secretary give to Scottish farmers that all payments will be made on time and in full?

Fergus Ewing: I have discussed that matter many times with you all in this room. I assure you that my top priority remains the proper administration of pillars 1 and 2 of the CAP

payment system. I am pleased that, over the past couple of months, we have made considerable progress by paying out to the Scottish farming community loans at the rate of 90 per cent. I am also pleased that we were able to do so slightly earlier than I had set out.

I have set out a clear schedule for when farmers, crofters and others should expect to receive various payments. That has been welcomed across the sector, but we are not complacent. This morning, I had a weekly conference call with my officials. I assure Mr Greene that I am doing my best to ensure that the payments are made in accordance with the scheme rules and that loans will be used if necessary in respect of LFASS next year. I am quite sure that I will be sitting in this seat and discussing the topic again before too many weeks have elapsed.

The Convener: I thank the cabinet secretary, the minister, Ian Davidson, David Barnes and Mike Palmer for giving evidence to us this morning.

I ask that committee members stay in place while I briefly suspend the meeting to allow a changeover of witnesses.

12:03

Meeting suspended.

12:07

On resuming—

Subordinate Legislation

Fishing Vessels and Fish Farming (Miscellaneous Revocations) (Scotland) Scheme 2017 [Draft]

The Convener: Item 3 is consideration of subordinate legislation. First, the committee will take evidence from the Cabinet Secretary for the Rural Economy and Connectivity on an affirmative instrument. The motion seeking the committee's approval of the instrument will then be considered under item 4. Members should note that no representations have been made to the committee on the instrument.

I welcome back Fergus Ewing, the Cabinet Secretary for the Rural Economy and Connectivity, and welcome to the meeting from the Scottish Government team leader Greig Chalmers and solicitor Fiona McClean. Would you like to make a brief opening statement, cabinet secretary?

Fergus Ewing: Thank you, convener. The statutory instrument revokes six grant schemes that are redundant and have been superseded. The proposed revocations are, therefore, technical in nature and remove expired instruments from the books. The equivalent instruments have already been revoked in the rest of the UK. The Scottish Government does not anticipate any negative impact on business or the voluntary sector should the instrument come into force.

Current grant funding for the maritime sector is delivered via the European maritime and fisheries fund, which is used, along with Scottish Government funding, to co-finance projects and provide support for sustainable development in the fishing and aquaculture sectors and conservation of the marine environment, helping to deliver growth and jobs in coastal communities. Given the fact that, since its opening in January 2015, the EMFF scheme has awarded over £46 million to eligible project proposals, I hope that the committee is content to support the motion in my name.

The Convener: Thank you, cabinet secretary. Do members have any questions?

John Mason: I am more than happy to support the motion, cabinet secretary, but can you tell me whether there is a lot of redundant secondary legislation lying around that needs to be cleared up or whether this the clearing-up process?

Fergus Ewing: Is that a general question for the Government as a whole, or is it just about this instrument? [*Laughter.*]

John Mason: It is just about this instrument.

Fergus Ewing: All the money in the six schemes that are listed has been spent. I can read them out, if you want.

The Convener: I do not think that they need to be read out, cabinet secretary. If you can say that there are no more redundant instruments in this area, that will be confirmation enough.

John Mason: With regard to fishing, for example.

Fergus Ewing: There are none.

Richard Lyle: I note from our papers that, in relation to the Fishing Vessels (Temporary Financial Assistance) Scheme 1982,

"One of the conditions for receiving the grant was that 75% of the crew of the vessel were ordinarily resident in the UK on the last day of the relevant qualifying period in 1982."

I am sure that, given the number of years that have passed since then, many of those people will have retired. That is another reason why that scheme, in particular, should be got rid of.

The Convener: That was a useful observation, but I am not sure that it requires an answer.

As there are no other questions, cabinet secretary, I offer you the chance to make some closing remarks. If, as I assume, your opening remarks have covered what you wanted to say, I suggest that we move to item 4 and formal consideration of motion S5M-08383.

Motion moved,

That the Rural Economy and Connectivity Committee recommends that the Fishing Vessels and Fish Farming (Miscellaneous Revocations) (Scotland) Scheme 2017 [draft] be approved.—[*Fergus Ewing*]

Motion agreed to.

The Convener: I suspend the meeting briefly to allow the witnesses to depart.

12:11

Meeting suspended.

12:12

On resuming—

Meeting closed at 12:12.

**Land Reform (Scotland) Act 2016
(Commencement No 6, Transitory and
Saving Provisions) (Modern Limited
Duration Tenancies) Miscellaneous
Amendments Regulations 2017 (SSI
2017/370)**

**Seed (Miscellaneous Amendments)
(Scotland) Regulations 2017 (SSI 2017/384)**

The Convener: Item 5 is consideration of two negative instruments. As no motions to annul the instruments have been received, does the committee agree that it does not wish to make any recommendation in relation to either?

Members *indicated agreement.*

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba