

# **RURAL AFFAIRS AND ENVIRONMENT COMMITTEE**

Wednesday 20 June 2007

Session 3

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## RURAL AFFAIRS AND ENVIRONMENT COMMITTEE

### 1<sup>st</sup> Meeting 2007, Session 3

#### OLDEST COMMITTEE MEMBER

\*John Scott (Ayr) (Con)

#### COMMITTEE MEMBERS

\*Richard Baker (North East Scotland) (Lab)  
\*Sarah Boyack (Edinburgh Central) (Lab)  
\*Roseanna Cunningham (Perth) (SNP)  
\*Jamie Hepburn (Central Scotland) (SNP)  
\*Peter Peacock (Highlands and Islands) (Lab)  
\*Mike Rumbles (West Aberdeenshire and Kincardine) (LD)  
\*Bill Wilson (West of Scotland) (SNP)

#### COMMITTEE SUBSTITUTES

Bill Kidd (Glasgow) (SNP)

\*attended

#### CLERK TO THE COMMITTEE

Andrew Mylne

#### SENIOR ASSISTANT CLERK

Mark Roberts

#### ASSISTANT CLERK

Katherine Wright

#### LOCATION

Committee Room 5



# Scottish Parliament

## Rural Affairs and Environment Committee

*Wednesday 20 June 2007*

[THE OLDEST COMMITTEE MEMBER *opened the meeting at 10:01*]

### Interests

**John Scott (Oldest Committee Member):** Good morning and welcome to the first meeting of the Rural Affairs and Environment Committee, in the third session of the Scottish Parliament. At this point, it would be appropriate if members turned off their pagers and mobile phones. No apologies have been received.

In accordance with section 3 of the code of conduct, I invite members to declare any interests that are relevant to the committee's remit. Members have a note on the process. I declare my interests as a working farmer, the chairman of Ayrshire Farmers Market, a past chairman of the Scottish Association of Farmers Markets and the owner of a company for water and energy distribution services, which does not really make any difference to anything—it is an aspirational thing. That is my declaration—if members want to follow suit, I am happy to hear from you.

**Richard Baker (North East Scotland) (Lab):** I have nothing to declare.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I have nothing to declare officially, but I should point out that I am patron of the Birse Community Trust, a local community trust in my area.

**Peter Peacock (Highlands and Islands) (Lab):** I have nothing to declare formally, but I should tell members that I am a member of the Scottish Ornithologists Club, a former board member of Scottish Natural Heritage and a former member of the Cairngorms working party and, subsequently, the Cairngorms Partnership, which the committee may discuss at some point.

**Sarah Boyack (Edinburgh Central) (Lab):** I have nothing to declare formally but, in case we discuss energy efficiency or microgeneration at any point in the next four years, I declare that I received sponsorship from the Edinburgh Energy and Environment Consultancy relating to my draft member's bill on that subject.

**Bill Wilson (West of Scotland) (SNP):** I do not have anything to declare formally, but I am a

member of the Scottish Wildlife Trust and I spent about 10 years in environmental research, working in various universities.

**Jamie Hepburn (Central Scotland) (SNP):** I have nothing to declare, formally or informally.

**Roseanna Cunningham (Perth) (SNP):** I have nothing to declare, formally or informally.

**John Scott:** It occurs to me that I should probably add to my declaration that I am a member of NFU Scotland.

## Convener

10:05

**John Scott:** We come to the serious bit, which is the election of a convener. The Parliament agreed that only members of the Scottish National Party are eligible for nomination as convener. I seek nominations for the position.

**Bill Wilson:** I nominate Roseanna Cunningham.

**Mike Rumbles:** I second that.

**John Scott:** There are no other nominations.

*Roseanna Cunningham was chosen as convener.*

**John Scott:** I congratulate Roseanna Cunningham on her appointment.

**The Convener (Roseanna Cunningham):** I thank John Scott and members, surprised and honoured as I am.

## Deputy Convener

10:06

**The Convener:** The next agenda item is the election of a deputy convener. Members have the information that they need. The procedure is the same as that for electing the convener. The Parliament agreed that only members of the Scottish Conservative and Unionist Party are eligible to be chosen as deputy convener of the committee, so I need somebody to nominate John Scott because he is the only Conservative party member on the committee.

**Mike Rumbles:** I nominate John Scott.

**The Convener:** We do not need a seconder.

**Sarah Boyack:** I am happy to second the nomination.

**The Convener:** Okay. There are no other nominations.

*John Scott was chosen as deputy convener.*

**The Convener:** I congratulate John Scott.

**John Scott:** Thank you.

## Work Programme

10:07

**The Convener:** Agenda item 4 is on our "approach to developing a work programme". It is a splendidly general item that we can discuss briefly.

I suggest that it would be a good idea to organise an away day during the recess, as it would allow us to spend a bit more time in an informal setting talking through the many issues that are likely to present themselves over the next couple of years. Obviously, an away day discussion would not prescribe the committee's work for the next four years, but it may be useful as a means of developing our work programme over a shorter period.

We can make decisions at our meeting next Wednesday, when, I understand, we will have subordinate legislation business to deal with. We may as well start as we are obviously going to go on. It might be useful to get either the Cabinet Secretary for Rural Affairs and the Environment or the Minister for Environment along to next week's meeting, even if only for a brief period, to talk us through the issues that they regard as being particularly current. I have made an informal approach, and I think that if we formally invite the cabinet secretary, he will be able to be here, albeit not for an entire morning. I think he has about 45 minutes available. That would be a useful slot for the committee to continue its consideration of what we might do over the next wee while.

I invite the committee to agree to an away day in principle. We will never get unanimous agreement on a date, so we will just have to go for the best one. Do members agree to have an away day?

**Members indicated agreement.**

**The Convener:** Do members agree to invite the cabinet secretary to the next meeting?

**Members indicated agreement.**

**Sarah Boyack:** I request that the cabinet secretary give us an indication of the legislative programme. I am conscious that the workload of the committee in the previous session was dominated by legislation. That circumscribed what we could do in the way of inquiries and post-legislative scrutiny. It would be useful to know what the picture is in relation to primary legislation and subordinate legislation.

**The Convener:** I think that that is right, particularly with respect to the potential timing of legislation. When we plan our business, it is always useful to know when a lump of legislation

will be launched at us, because we will need to factor that into the timetable.

Of course, we also have budget scrutiny to put into the diary. We are still trying to ascertain how that will work this year because, as I understand it, it is later coming from Westminster, so the process will be a bit later in the year than it would usually be. We must ensure that anything we decide to do will also fit in with budget scrutiny.

This meeting is an opportunity for members to put on the table anything that they are particularly interested in and would like to have considered. We will have another such opportunity next week and a third opportunity at the away day. The plan would be to formalise our programme of business at the very beginning of September, so that we have a work programme that takes us through to Easter, if not up to the summer recess.

The previous committee's legacy paper has been circulated to members—at least one member of the committee was on the previous committee: Sarah Boyack was instrumental in taking forward its work until the last few months of the session—and we have various papers from the Scottish Parliament information centre that give us a heads-up on some of the other things that are coming up.

I invite members to indicate whether there are any particular matters that they want us to take on board.

**Mike Rumbles:** I thought that the introductory briefing pack that was provided by the clerk was excellent, and very helpful in conjunction with the legacy paper.

I noticed—it might be different this session—that 59 per cent of the previous committee's time was spent dealing with matters that the committee did not choose to deal with: legislation, subordinate legislation and public petitions. We could almost say that the previous committee was not in control of its own agenda. It is very important for us to be in control of our own agenda. I know that we have to deal with legislation and subordinate legislation, and it is absolutely right that we deal with petitions, but I hope—I know that we will leave the issue for our away day and that no decisions will be made today—that we will not box ourselves in to dealing with other people's agendas when we set out our programme for the year ahead and beyond.

The convener pointed out that Sarah Boyack was on the previous committee. Peter Peacock was also on the previous committee briefly, but it is important that we make our own decisions. I read the legacy paper and I have to say—Sarah Boyack will probably disagree—that I am not particularly keen to take over something that the previous committee had just started. On the basis of what the previous committee stated in its legacy

paper, it seems to me that it was looking at the issue and had found that it was important, but it had just started the work. I was not terribly clear—

**The Convener:** Do you have a specific example in mind? I am sure that Sarah Boyack will not mind.

**Sarah Boyack:** For the record, I was not on the committee when the legacy paper was produced.

**Mike Rumbles:** Okay.

At paragraph 10, on page 15 of its legacy paper, the previous committee stated:

"The Committee recognised that it had limited time in which to consider this issue further this session, and noted that it would be more appropriate for it to be considered fully early in session 3."

**The Convener:** You are referring to the sustainable development work?

10:15

**Mike Rumbles:** Yes. That is the major issue in the legacy paper. I feel that it is a committee in the previous session saying, "We did not have time to do this, but I am sure that the next committee can take it on." That is the impression I get from the legacy paper. I am cautioning against such assumptions.

A marine bill is on the stocks. I would like us to do a wider study of that issue. There is also the issue of the Crown Estate—some people say that that is a reserved issue, but many things that are related to the Crown Estate are not reserved. We need to spend a lot more time examining the budget process. Finally, I would like to focus on agriculture regulations and agricultural support.

**The Convener:** Does anyone else want to raise specific issues?

**Bill Wilson:** This is not a huge point, but I notice that Scottish planning policy 6 protects national parks, but not regional parks, from wind farm development. I would like to examine the differences between national and regional parks in terms of protection and consider what protection regional parks should have that they do not presently have.

**The Convener:** Anyone else?

**Richard Baker:** It might be possible, on some of the issues that have been mentioned, to arrange for a member to act as a reporter and report back to the committee. On other committees that I have been on, that has been a useful way of managing time on some smaller issues.

I am keen that we engage in some post-legislative scrutiny. We should try to carve out some time for it. The clerk will be aware that, in the previous session, the Procedures Committee,

which we were both involved with, was determined that committees should conduct more post-legislative scrutiny. We should be trying to ensure not only that our legislation is excellent as it is created, but that it is reviewed and maintained to ensure that it works properly once it is in place.

We should not be too wedded to formal evidence-taking committee meetings; we should think in wider terms of how the committee could work. For this committee in particular, outreach, visits to other areas and engagement with rural communities is important. We should not be wedded to the idea of always being in Edinburgh. Other committees have found informal, round-table discussions with stakeholder groups useful—indeed, I believe that they have sometimes found them more useful than formal evidence-taking sessions. It would also be good to invite some stakeholders to a couple of sessions during the away day, so that we can get some ideas from the community, the NFUS, Scottish Environment LINK and so on. It would be useful to hear what such people think the committee might most usefully spend its time doing.

**John Scott:** I have declared my interest, and I would like to put down a marker for the development of local food, particularly in schools and hospitals. The issue goes wider than rural areas, as it includes health and reducing our carbon footprint.

I would also like us to consider whether there is still a need for the Scottish Agricultural Wages Board. Many people believe that it no longer serves a worthwhile purpose.

**The Convener:** That could be dealt with as part of the regulatory issue.

**Peter Peacock:** On Mike Rumbles's point about the legacy paper, I point out that the conclusion that he is talking about is the conclusion to the annex, not the conclusion to the legacy paper. I have similar reservations about that topic.

I was on the previous committee only for a short time, but I think Mike Rumbles makes a good point when he says that it was dominated by legislation, statutory instruments and so on. I think that we have an opportunity, over the coming period, to get into some bigger territory. I suspect that the difficulty will be limiting what we consider, as the field is vast.

Richard Baker made a good point about methods of working. One way of extending a committee's ability to deal with issues is to appoint reporters to cover particular matters. We should consider doing that at some point.

The budget will clearly be a big issue. In its legacy paper, the previous committee expressed a great deal of concern about the transparency of

the process and noted that it was difficult to get to grips with. It is inevitable that that will take some time.

The previous committee produced a substantial report on the marine environment and there is a possibility of the Executive introducing a marine bill—what is happening to the marine environment is hugely important. The issue has many dimensions, but we must have a look at it.

As fisheries negotiations are coming up, we need to examine what the science is saying about fish stocks and what is happening to the habitat on the sea bed and to the biodiversity of the seas.

More generally, we must assess whether we are meeting our targets on biodiversity. What is happening to the habitat and to different species and how regeneration is progressing is important territory that embraces issues such as farming and agricultural support.

I have two further brief points, the first of which is about land reform. My remarks are not driven by the recent court case, although I have concerns about it. Regardless of that, we should do some post-legislative scrutiny to identify whether the Land Reform (Scotland) Act 2003 is working fully as it was intended to work and whether any measures require to be taken on the back of that.

Secondly, I have noticed that since the new Administration came in—today's weather is a good example—it has hardly stopped raining. I do not necessarily draw a conclusion from that, but flooding is a serious issue. When I saw the rain this morning, I wondered what was happening in Elgin, in Inverness, in east Sutherland and in Caol in my region. Some of the islands have particular problems with flooding, but the situation in Kirkwall, for example, is not unique. The whole of Scotland faces such issues, as the convener will know more than most, given the problems in her constituency. Flooding and issues to do with the water framework directive are a big area as well. The difficulty that we face is in narrowing down all those options rather than in deciding what to do.

**The Convener:** That is right—there will not be a shortage of work for us to do; the difficulty will be deciding our priorities.

**Jamie Hepburn:** I will add to our woes in regard to thinning down our agenda. There are two areas that I would like the committee to look into, perhaps by launching inquiries. I hear what other members say about our predecessor committee's agenda being somewhat out of its hands. I suppose that we will need to wait and see how much legislation and how many statutory instruments come our way before we can work out our ability to investigate other areas.



Rural housing shortages and rural deprivation—which Rob Gibson raised recently in the Parliament—are two issues that I hope we can consider investigating. Rob Gibson suggested that there might be an issue to do with the way in which deprivation is measured in our rural communities. Deprivation is a significant problem in rural communities, even though it is not as visible as it is in urban Scotland. I noticed that the legacy paper suggested that housing might be outwith the committee's remit—members must forgive me because I do not have the precise reference; I did not have any Post-it notes with me on the train—but given that the issue clearly has implications for rural affairs, I hope that we can at least consider examining it.

**The Convener:** Thanks; that was useful. Do you have another point to make, Sarah?

**Sarah Boyack:** I have not spoken on the work programme yet.

**The Convener:** Have you not? I am sorry.

**Sarah Boyack:** It is okay; I was interested to hear what everyone else had to say.

Notwithstanding Mike Rumbles's comments about being in charge of our own destiny, there are some matters outstanding from the second session, including the petition by the Community of Arran Seabed Trust and the petitions on ship-to-ship oil transfer. We had a briefing from the Cabinet Secretary for Rural Affairs and the Environment on ship-to-ship oil transfer last week and I think that something will happen on that in the Parliament next week. The COAST petition was about the establishment of a no-take zone, which is an interesting topic that would be relevant to any consideration of a marine bill that we might be asked to undertake. Although extensive negotiations took place at meetings of the Environment and Rural Development Committee, the issue seemed to die away, so it would be interesting to follow up on that work.

I agree with other members' comments on engaging in post-legislative scrutiny of the Land Reform (Scotland) Act 2003. It might be helpful to ask the clerks to provide us with a briefing on the recent judgment. I have been going on what I have read in the newspapers—I know that there might be an appeal—but it would be useful to stand back and take a general look at one of the first pieces of legislation to be introduced in the Parliament's first session.

I am attracted to the ideas that John Scott and Mike Rumbles had about local food and agricultural support. Consideration of the budget is approaching. That will involve examining many issues to do with what is supported and what the money buys. The Environment and Rural Development Committee in the previous session

tried to track organics through the budget process, but found it incredibly difficult because money was always parked in different columns. That is a challenge of the budget process. I am interested in considering agricultural and rural support and local food. We should consider not just how food is grown, but how it is processed and how it adds value in communities.

I do not think that a previous committee has considered biodiversity. Peter Peacock mentioned biodiversity in the context of marine work, but I do not think that much has been done on biodiversity on land. The issue has been chuntered on about at ministerial level during the past few years, but it has not been considered in committee, although it is pretty crucial.

Several manifestos promised flood legislation. We get an annual report from the Executive that reviews the implementation of the Water Environment and Water Services (Scotland) Act 2003. It would be useful if the cabinet secretary could clarify next week whether flood management will be dealt with in the proposed climate change bill or through another vehicle.

**The Convener:** That would be useful. Flood management is on my shortlist of issues against which I put a question mark, because it is a continuing problem in many areas in Scotland. The problem is symptomatic of a much bigger issue.

The methods of working that one or two members mentioned are important. In the committee on which I served most recently, we used many approaches, including public debates, events in the chamber, external meetings and many round-table discussions. We should discuss the appropriateness for this committee of all such approaches, which are useful. There is no doubt that in some cases we can get more from a round-table discussion than we could get from a formal evidence-taking session. I hope that we will continue to use different mechanisms.

For the benefit of new members, I say that, as far as I am aware, budget scrutiny has been a bone of contention in every committee during the past eight years. I hope that we can get budget scrutiny on to a better footing, but it is always a problem. Sarah Boyack talked about the problem of tracking issues across many areas of the budget. It is very hard to follow the money—indeed, the budget almost seems deliberately designed to avoid the possibility of anyone doing so. We will see whether the process is different this year.

It is unlikely that there will be as much legislation as there has been in the past, so the committee will probably have a little more freedom—or at least freedom from the strict timetables that were

the bane of committee life—to follow up issues that arise from the legacy paper.

We may have to consider a marine bill. I say may not because there might be no such bill—there will definitely be a marine bill—but because we need to clarify the remits of the Rural Affairs and Environment Committee, the Transport, Infrastructure and Climate Change Committee and the Economy, Energy and Tourism Committee. Those three committees will consider matters that, arguably, any one of them could consider, so we need to ascertain into which committee's remit issues that we might consider will fall. For example, the Environment and Rural Development Committee in the previous session conducted an inquiry into developments in the biomass industry, but I am currently unclear whether such an issue would fall within this committee's remit or that of the Economy, Energy and Tourism Committee. We are still trying to ascertain the parameters.

I take the view that a Rural Affairs and Environment Committee is entitled to consider a wide range of issues under the broad umbrella of rural affairs and environment, notwithstanding that such issues might cross over into other remits. There are, obviously, important issues to do with showing courtesy to other committees, but if we discuss rural affairs without discussing, for example, rural housing, rural transport and other such things, only farming will be left.

My view is that we should look at cross-cutting issues—and our cross-cutting abilities should be asserted right from the start, so that we do not find ourselves too boxed in to narrow areas of concern. At the moment, we are ascertaining which are the lead committees for legislation. There will be lead committees, but I propose that we take a broad view of the subject areas we wish to discuss.

10:30

**Mike Rumbles:** I am delighted to hear you say that, convener, as that view is widely held by members of the committee. I was a member of the Rural Affairs Committee in the first session, and I was rather disappointed with the way in which we approached rural housing. If we examine that area, we should invite the minister with responsibility for housing to give evidence to the committee, not rely on taking evidence from the two ministers who are involved with rural affairs and the environment. We could broaden it out in that way.

**The Convener:** That is correct. In talking about rural affairs and the environment, we could talk about virtually anything.

**Sarah Boyack:** I agree with that. When the previous committee pursued its climate change inquiry, we managed to get a series of ministers to

give evidence to us—four ministers from different portfolios, I think.

As you say, convener, it is a matter of ensuring that you negotiate with other conveners. The previous committee conducted its biomass inquiry because we felt that it was topical, relevant and needed to be done. The Enterprise and Culture Committee, of which Alex Neil was the convener, was quite relaxed about our conducting the inquiry. If another committee is not doing something on an issue, it is totally legitimate for us to do it. There are cross-cutting elements to the environment and to rural affairs, and I think that we do not need to be shy about that.

**The Convener:** I have been asking questions about land reform as well, as I am interested in where that is going at the moment. However, to get a feel for that area, we may have to wait for a couple of court decisions. A second decision is expected in about three weeks' time, in Stirlingshire, and I am not sure how appealable the first decision is. We will just have to wait and see, but that is an area in which I would be actively interested.

There are one or two other items that the committee may wish to pursue. In eight years, the committee has never really considered forestry. Like biodiversity, it is a subject that we have not really touched on. There is also a slightly more controversial issue. As far as I can see from the SPICe briefing, a household waste prevention action plan is due to be published this year. As we know, several councils have either tried to move to, or are seeking to move to, a different way of dealing with household waste. As politicians, we are well aware that that will be immensely controversial when it happens. That is another issue next to which I have put a question mark. The waste inquiry that was conducted by the previous committee focused more on non-domestic waste than on domestic waste; domestic waste will be the next big battleground.

There are also some live public petitions. We will continue to work with any petitions that are lying on the table, and there will be some new ones. The COAST petition from the Isle of Arran, which Sarah Boyack mentioned, is still on the committee's agenda and must remain so.

The big issue that remains—which, given the announcement of a marine bill, we might also want to think about—is the marine environment inquiry that the previous committee conducted. I confess that I have not had enough time to read the report on that inquiry, but if we are to make an early move for time for a committee debate in the chamber, it might be useful, given that there will be a marine bill, to request a debate on that report, albeit only one member around the table was actively involved in the inquiry. I take it that Sarah

Boyack was still convener of the Environment and Rural Development Committee when the marine environment inquiry was being conducted.

**Sarah Boyack:** For the first meeting on it, yes.

**The Convener:** Okay. So nobody around the table—

**Peter Peacock:** I was a member of the Environment and Rural Development Committee for part of the inquiry and was struck by the immense complexity of the matter. The committee found it difficult to reach anything other than broad conclusions on a range of things. The advisory group on marine and coastal strategy report on the marine environment was published at about the same time as the committee's report, and I think that an Executive response is due to us at some point. You are right, convener. Work in that territory is ripe for progressing.

**The Convener:** That work is the one thing that I would want to pick up directly from the legacy paper, and progress. There is every likelihood that, even if this committee is not the lead committee on the marine bill, it will feed into the lead committee. From this committee's perspective, it may be useful to get work up and running on the issue anyway. We do not have to take a decision on that today, as there is no chamber time for committee debates before the recess. We can leave the matter lying, but I fully intend to read the previous committee's inquiry report, as it will obviously be germane to work that we must do.

There are many things for the committee to do. This discussion has allowed us to think about them, and we can now individually and in conversation begin a process in which priority issues will emerge. Next week, we have an opportunity to hear from the minister; what is said then may throw up more things that we would like to do. We will also have an away day, which we will organise as quickly as possible. It is likely that it will be around the third week of August—I am working on the basis that nobody wants to come back in July if they can avoid doing so.

**Mike Rumbles:** Or in August.

**The Convener:** Nobody wants to have an away day in the final week of August, which is close to when members must return to the Parliament. There are school holidays in the first two weeks of August. I am trying to find a slot that works for us.

**Peter Peacock:** I will be here in the first part of the third week of August, but not in the second part.

**The Convener:** We could always have it on a Monday.

As there is nothing else that we need to discuss and no other issues that members want to raise, I close the first meeting of the committee in this session. I will see everybody next week.

*Meeting closed at 10:38.*



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