

RURAL AFFAIRS AND ENVIRONMENT COMMITTEE

Wednesday 27 June 2007

Session 3

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RURAL AFFAIRS AND ENVIRONMENT COMMITTEE

2nd Meeting 2007, Session 3

CONVENER

*Roseanna Cunningham (Perth) (SNP)

DEPUTY CONVENER

*John Scott (Ayr) (Con)

COMMITTEE MEMBERS

*Richard Baker (North East Scotland) (Lab)

*Sarah Boyack (Edinburgh Central) (Lab)

*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)

John Farquhar Munro (Ross, Skye and Inverness West) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

Richard Lochhead (Cabinet Secretary for Rural Affairs and the Environment)

John Mason (Scottish Executive)

CLERK TO THE COMMITTEE

Andrew Mylne

SENIOR ASSISTANT CLERK

Mark Roberts

ASSISTANT CLERK

Katherine Wright

LOCATION

Committee Room 6

Scottish Parliament

Rural Affairs and Environment Committee

Wednesday 27 June 2007

[THE CONVENER *opened the meeting at 10:01*]

Scottish Executive Priorities

The Convener (Roseanna Cunningham): I call the meeting to order and thank everyone for coming along. I have an apology from Sarah Boyack, who will be late because she has to give evidence on her proposal for a member's bill at another committee. She will make it along here as soon as she can. There are no other apologies.

I remind everybody to switch off their mobile phones, pagers, BlackBerrys, PDAs, DVDs or whatever, so that we do not have any interference.

The first agenda item is the Scottish Executive's priorities. I thank Richard Lochhead, the Cabinet Secretary for Rural Affairs and the Environment, for coming along to the meeting at relatively short notice. He is accompanied by John Mason, director of the environment directorate, Ingrid Clayden, head of the rural development directorate, and David Mallon, head of the biodiversity policy and sustainable management branch of the marine directorate.

This session is an opportunity for the cabinet secretary to set out his legislative and non-legislative priorities for the parliamentary session. It is also an opportunity for committee members to question him on those priorities before the committee decides what it will do over the next 12 to 18 months.

I will invite the cabinet secretary to make an opening statement of up to 10 minutes, which is longer than I would usually want a minister to speak. As a convener, I normally try to keep ministers' opening statements to a length of five minutes, and I intend that to be the norm in this committee. However, I am giving the cabinet secretary a little latitude this morning because when I asked him to attend, I also asked him to clarify a number of specific areas, so I thought it only fair to allow him the time to do so.

I want the cabinet secretary to clarify how his portfolio overlaps with those of other cabinet secretaries and various ministers, and how the Executive will deal with cross-cutting issues. I also want him to clarify the responsibilities of the Minister for Environment, Mike Russell, who could not be here today, and what bills, subordinate

legislation and other policy priorities he envisages introducing to Parliament during the next year or so. Because of those specific questions and the issues that were raised at last week's meeting, I thought it appropriate to give the minister a little longer than normal.

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Thank you, convener. It is fantastic to make my first appearance before the committee. I congratulate the convener and the deputy convener, John Scott, on their new positions.

I have just come from speaking to pupils from Firhill high school in Edinburgh, who have launched a global footprint campaign, about which they have been in correspondence with Al Gore. My morning has already had an environmental theme.

It is great to be here among old friends. I recognise many of the faces on the committee. I believe that Mike Rumbles was on the Rural Development Committee with me back in 1999, although I attended meetings then in a different capacity.

I am pleased to be invited to the committee meeting this morning. There is no need for me to introduce my officials, because the convener has done that already.

I know that the committee wants to address a number of issues, but I will begin by saying a few words—I may not take 10 minutes—about the overall approach that I intend to take to my portfolio.

I hope that committee members are familiar with the five strategic objectives that the First Minister has set out: to make Scotland wealthier and fairer, healthier, safer and stronger, smarter, and greener. As Cabinet Secretary for Rural Affairs and the Environment, I have particular responsibility for the strategic objective of making Scotland a greener place—improving Scotland's environment and the sustainable use and enjoyment of it. It is right that that objective is broader than my portfolio, because that encourages more joined-up and effective government in delivering sustainable development.

I will not rehearse the speech that I made in Parliament on a greener Scotland. However, the committee may recall that we committed ourselves in the four years ahead to focusing on five key themes: climate change; sustainable places; people and nature; consumption and production; and people and landscape. We hope that those five themes will characterise our work over the years ahead. Richard Wakeford, who was head of the Scottish Executive Environment and Rural Affairs Department and is now director general for

a greener Scotland, sits on the strategic board in the civil service to drive forward our agenda at official level.

As the cabinet secretary with responsibility for rural affairs, I recognise the importance of rural Scotland and want to ensure that the needs and aspirations of our rural communities are taken into account across the Government. Through the use of our land and the contribution of farming, fishing and forestry, and in many other ways, rural Scotland has a key role to play in achieving our strategic objectives.

On the environment, one of my particular priorities will be to work closely with the Cabinet Secretary for Finance and Sustainable Growth. His work on climate change will be of particular relevance to our ambitions to make Scotland a greener place.

We are committed to further improvements in recycling and to preventing waste in the first place. We are also committed to moving towards a zero waste society, with sustainable consumption and production; however many decades that may take, we must start now. I intend to ensure that recycling and waste prevention form an integral part of the Scottish Government's work. I am considering a range of options for taking forward the general issue of waste, including the need for residual waste facilities and the role of energy from waste. I recognise that early decisions on those issues are needed, especially if we are to meet our obligations under the landfill directive.

I understand that the committee would appreciate a specific update on ministerial responsibilities for water, which I am happy to provide. Scottish Water is the responsibility of Stewart Stevenson, as the Minister for Transport, Infrastructure and Climate Change. Flooding, the water environment and drinking water quality sit in my portfolio and are the responsibility of Michael Russell, as the Minister for Environment.

I will explain the breakdown of responsibilities between Michael Russell and me, as I know that that is of interest to the committee. As the Minister for Environment, Michael Russell will lead on biodiversity, forestry, crofting, land reform, landscape and habitats, sustainable development and aquaculture. He will also play a key role in taking forward work with many of the agencies under our remit, such as the Scottish Environment Protection Agency and Scottish Natural Heritage.

Members will be aware that one of the first tasks that I faced on taking up my new post was to deliver the rural development programme to Europe and to set the rate of voluntary modulation. The programme had to be submitted to Europe by 12 June. The committee will be aware of my decisions in relation to the programme from the

parliamentary debate that took place on the matter. I am pleased that we managed to balance the need to ensure that we set a rate of voluntary modulation that would be manageable for our farmers with the need to deliver the range of environmental impacts that are required under the programme, such as increasing competitiveness in agriculture and forestry, enhancing the environment and supporting our rural communities.

In addition, I intend to ensure that the food and drink industries contribute to our rural economy. Our primary producers, who are well placed to provide healthy and sustainable produce, would benefit greatly from such a policy. I welcomed the launch, which I attended, of Scotland food and drink, an industry-led initiative that will help us to raise our game in promoting Scottish produce. I have also expanded the Government's food unit to drive forward the implementation of our food strategy. I met the heads of three of the supermarkets at the Royal Highland show last week. I am keen to continue that positive engagement and to invite the chief executives of all the major supermarkets to Parliament in the autumn, to drive forward our food agenda in the months and years ahead.

My portfolio has important links with the United Kingdom Government and a strong international element to it. It is a privilege to be the first cabinet secretary in the new Scottish Government to attend the European Council to talk about fisheries and agricultural matters. I was delighted by the warm welcome that I received from Commissioner Borg and other fisheries and agriculture ministers. I felt that my first engagement at EU level with the UK Government was constructive and productive. I found it useful to observe the European Council at first hand. I have already begun to discuss with my UK counterparts how we can work more effectively together. Scotland's voice and Scotland's concerns must be heard in the UK and Europe.

Strengthening Scotland's voice will mean lots of things for Scotland. For example, it will mean that Scotland will be given greater weight in EU negotiations and that domestic arrangements, such as quota management, will genuinely suit our needs. We have wasted no time in getting down to discussions with colleagues on those and other issues. I am determined to find new ways to promote sustainable fisheries and deliver a fairer deal for our fishing communities.

I finish by placing a few markers on key issues that I will be taking forward. The Government is committed to addressing the need for change to legislation on the management of Scotland's marine and coastal environment. The work of the Environment and Rural Development Committee

in the previous session of Parliament will be a valuable guide to the development of policy. While marine legislation is a medium-term commitment, tomorrow in Parliament we will be taking swift action to plug the gap in our powers under the habitats regulations. As the instrument in question is subject to the affirmative resolution procedure, members will have the opportunity to debate the matter in the chamber, so I do not intend to comment in much detail this morning.

I feel an enormous sense of privilege to be responsible for a portfolio that concerns people and communities in rural Scotland who live and work on the land. As members will be aware, the Government's view is that legislation is not the only way in which to deliver better government and improve the quality of life for our people. I hope that, in this new climate, our committees have more of a chance to breathe and are given greater freedom and space to get to grips with many of the challenges and opportunities that come within their remits. I have no doubt that this committee will grasp that opportunity. Perhaps we can find new ways for the Government and committees to work together.

Given that I have been in post for only a little over one month, if I am unable to answer any detailed questions or if members want more information on any of the subjects raised, I will follow up in writing. In the meantime, I look forward to a productive and constructive relationship with the committee. I am keen to get down to business.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Welcome to the committee—these are interesting times.

I thank you for outlining your priorities for the next four years. You made it clear that you will not go down the legislative route, so my question is on management and the non-legislative initiatives that you will use in your role. In the previous two parliamentary sessions, we had programmes for government—as opposed to party manifestos—which the committee could look at and say, “This is what the Executive wants to do.” We do not have a programme for government in front of us, so we are fishing—if I may use that phrase—to find out exactly what you intend to do. Your remarks were very much introductory and were not terribly specific. I am particularly interested in the regulation of, and support for, agriculture, which I want the committee to consider—we may well do that. It would be helpful to get some comments from you. I have already asked you about that in written questions and I have had some information back.

10:15

In the manifesto on which you were elected, you were keen on, among other things, a scheme for

new entrants to farming. The manifesto says:

“Our aim is to build a system that works best in a Scottish context and we will support this initiative with annual funding of £10 million.”

In answer to my written question, you said that you want to encourage 500 new entrants through the scheme over, I assume, the six-year period of the rural development programme. I will use my arithmetic—£10 million over six years for 500 farmers works out at £20,000 each, which is £3,000 annually. I am very keen for you to answer my point in practical terms. This is like motherhood and apple pie, in that everyone around the table thinks that it is a good idea to encourage new entrants to farming. However, I would like a bit more detail about the initiative than you have outlined to us so far. Do you really think that £3,000 per year for the next six years will entice 500 new people into farming in the current circumstances, considering the costs that they will face? Do you think that that money could be used to support people who are already working in the industry for their parents, for example? I would like a little bit more detail.

The Convener: Before the cabinet secretary answers, I remind committee members that the longer their questions, the less time the cabinet secretary will have to answer. I will allow a little latitude because this is our first opportunity to question him, but members should remember that he cannot stay until lunch time so I ask members who are waiting to think about asking more succinct questions.

Richard Lochhead: Thank you, convener; I also thank Mike Rumbles for his question.

On the cost, when the First Minister announced the initiative before the election, it was to be a £10 million scheme, and we have committed £10 million towards the scheme in the Scottish rural development programme. That is, of course, £10 million more than there was previously for such an initiative.

The new entrants scheme is one of our priorities because, like Mr Rumbles, we recognise that the sector's age profile is rising. If we want to attract new generations into rural Scotland, and into agriculture in particular, we need to offer support.

However, Mr Rumbles has applied the £10 million crudely. The £10 million could fund 500 farmers to the tune of about £25,000 each, but that might not be over the full seven years—the scheme might be used for only two or three years. The details will be worked out and published in due course, after we have consulted the industry, but we had to put the £10 million into the scheme as soon as we put the scheme to Europe, otherwise the £10 million would not have been available. We had to put the scheme out as a loan

interest subsidy scheme, similar to that which operates in Northern Ireland, in which the interest on loans acquired by new entrants is subsidised. In the weeks ahead, we will have to work out the details, such as who will qualify and the timescales involved.

To pick up on a point that Mike Rumbles made, and as we have said from the beginning, a loan interest subsidy scheme is not the only way to attract new entrants. It is one measure in the overall package that is required. That is why, last week, we asked the tenant farming forum, which represents a broad range of Scottish rural interests, to launch a consultation about the barriers that are preventing young people from getting into agriculture, and to come back with recommendations about how Governments can demolish those barriers, allowing us to take things forward from there. We have asked the forum to report back to the Government by the end of the year, if possible.

As I said, this is one measure from an overall package. We put it into the rural development programme so that we could have such a scheme, because we pledged to do so in our manifesto. The initiative has been warmly welcomed. I spoke to lots of people at the Royal Highland show last week and the scheme has a lot of support from within the industry.

Mike Rumbles: Will the scheme attract new entrants into farming? What is your definition of new entrants? Are they people who are not in farming at the moment? You will be aware that the parents of many farmers are the tenants or owners of the farm.

Richard Lochhead: We are consulting on the exact definition. For instance, young farmers might want to apply for the scheme so that they can be sustainable within the sector. Of course, people who are outwith the sector at the moment but who want to get into it and who face barriers will need support as well. I am very keen to discuss that aspect with the industry, and I have already asked people within the industry for their views on where the boundaries should lie and who should qualify.

Mike Rumbles: Can I ask a brief follow-up question?

The Convener: I am conscious of the fact that other members are waiting. I will come back to you if there is time.

Richard Baker (North East Scotland) (Lab): Welcome to the committee and to your post, minister. The fishing industry has already been high on your agenda. Up until now, the position of your party, unlike that of other parties, has been to advocate withdrawal from the common fisheries policy—although I notice that recently you have chosen to call for an informed debate on the

CFP's ills. There is consensus on the need for a reformed CFP, with more local management of stocks. How do you intend to pursue that policy constructively through your participation in discussions at UK and European level, to which you have referred?

Richard Lochhead: That is a good question. I hope that that debate will take place over the coming months and years. We must work within the Scotland Act 1998, which does not allow Scotland to pull out of the common fisheries policy, even if we wish to do so.

Richard Baker: Is that still your position?

Richard Lochhead: That is the constitutional position—the Scotland Act 1998 does not allow Scotland to pull out of the CFP. We can continue to put the argument for withdrawal to the UK Government, which has the relevant power, but the Scotland Act 1998 does not allow us to pull out of the CFP unilaterally because we are not an independent country. However, that will not stop us highlighting what we consider to be the flaws of a one-size-fits-all approach to fisheries management in Europe. I know that members of all parties feel that the current circumstances can be improved dramatically. We want to make progress on behalf of our fishing communities at every opportunity.

We can do that in a variety of ways. First, I am keen to discuss with all stakeholders—the fishing industry, the fishing communities and the environmental organisations—how we can develop a better conservation management system for Scottish waters. I want us to consider what conservation measures are best for Scotland's waters and to work together to get them implemented. That is a high priority.

Secondly, in regard to Scotland's relationships with the UK and the EU, we must ensure that we have influence over the EU negotiations, which are vital to livelihoods in Scotland's coastal communities. I am keen for Scotland to have a greater role within the UK, and I welcome the commitment of the current UK ministers—those who were in office this morning—to examine how we can work together more effectively under the existing arrangements. We want to improve dramatically those arrangements so that Scotland can have greater influence in the EU negotiations.

Richard Baker: The science on fish stocks is crucial to the informed debate and the progress of which you have spoken. Environmentalists and the representatives of the catching and processing sectors to whom I have spoken favour more investment in the science so that informed decisions can be made about stocks. Do you agree that such investment is required in the

Fisheries Research Services—for example, in the lab at Aberdeen?

Richard Lochhead: It is vital that the industry and the scientists work together much more closely. That is why I launched an industry-science partnership at the sea fisheries exhibition in May. If my memory serves me correctly, we have committed £0.25 million to that initiative. It is important that the fishermen are able to bring their experience at sea to the scientists and that the scientists are able to speak to the fishermen about what their priorities should be. It might be possible for them to identify a range of more pertinent issues, such as the impact of climate change on stocks or the location of juvenile stocks. A great deal of scope exists for improving the relationship between the industry and scientists.

Richard Baker: I have a final, brief question on another area. You mentioned waste strategy, which is a huge issue that covers domestic and business waste. Last week, the convener mentioned the importance of domestic waste issues. Waste was a big election issue. Do you think that domestic waste should be collected weekly or fortnightly?

Richard Lochhead: I will be extremely polite and say that I hope that local authorities give such matters serious consideration, given that it is their responsibility to deal with them.

Waste is a massive issue, on which we face some tough challenges. I will not go into too much detail because other members might have wider issues that they want to raise.

Richard Baker: It was worth a try.

Peter Peacock (Highlands and Islands) (Lab): I will try to be succinct, but I want to cover three different areas. I welcome the cabinet secretary to his position and hope that he enjoys committee grillings as much as I used to when I was a minister.

You announced—in Aberdeen, I think—your intention to introduce a marine bill, which I welcome. Can you give us an indication of the timescale for doing that? Will your bill be introduced in parallel with the UK bill, to ensure that it is complementary to it? The report from AGMACS—the advisory group on marine and coastal strategy—is on your desk. Will you accept its recommendations and will it form the basis of the proposed marine bill?

The Convener: Will every question contain three questions?

Peter Peacock: No, the next one has only two—or one, depending on your interpretation. I will be brief. John Swinney indicated last week that flooding would form part of the proposed climate change bill, which will, as I understand it, address

some important flooding legislation issues. Again, I welcome the fact that flooding will get attention. However, John Swinney explained that such measures are quite a long way down the track because of a variety of complexities related to the climate change bill. Would it not be better to introduce at an early stage a standalone bill on flooding? Will the legislation, either as part of the climate change bill or on its own, take account of how the EU flood risk directive is incorporated into our law?

My third point is on the budget. When you were a member of the former Environment and Rural Development Committee, you were critical of the budget process and its transparency. That committee's legacy paper talks about needing to improve the process. What can we expect from you that will change decisively the committee's ability to scrutinise the budget? What greater transparency do you propose to introduce and how will the information that you give us differ from that given in the past?

Richard Lochhead: First, on marine legislation, it is certainly my belief that there is cross-party support for marine legislation to tidy up and streamline the governance of Scotland's waters and to respond to the massive new challenges that face our marine waters. I am unable to commit to a legislative timetable just now, but the Cabinet will discuss matters and make an announcement after the recess. It is out of my hands at the moment.

Mike Rumbles suggested at the beginning of the meeting that no legislation will be forthcoming, but that is not quite the case—I am sure that there will be environmental legislation over the next four years. Marine legislation is extremely complex, it will be time consuming and it will consume a lot of Government resources and, no doubt, committee resources, because I am sure that members will want to play a role. I am keen for the marine legislation process to go ahead, which I have said publicly and in Parliament, and there is lots of cross-party support for a bill.

When I was in opposition, I broadly welcomed the recommendations in the AGMACS report and I am now keen to develop many of them. As we get into the debate about the marine bill, we will work out exactly which of the recommendations we will develop. For example, the recommendation to extend Parliament's conservation powers from the 12-mile limit to the 200-mile limit has cross-party support. I am sure that we are all keen for that to happen and I have already raised the subject with the UK Government. The new UK Government, which will be appointed this afternoon or later this week, might be keen to introduce its bill and we will pay close attention to that.

I take a keen interest in flooding. We know from the television pictures that we have seen over the past 24 hours that flooding is a pertinent issue not just in Scotland but throughout the UK. Following discussions with John Swinney, the Cabinet Secretary for Finance and Sustainable Growth, we decided to consider the option of having standalone legislation. The committee will have an opportunity to make submissions to our consultation on the climate change bill and the role that flooding will play within it. The reason why we want to keep open the option of standalone legislation for flooding is that if it can be done to a different or perhaps a better timescale, we would be keen to go down that route. We have to ascertain whether there is indeed a better timescale before we take that decision.

You asked about the European directive aspect of flooding. We are keen to take that into account. The scoping work for what flooding legislation would look like has to be done, but as we have been in government for only four weeks, we have not yet done that work. It is clear that we have to take into account the European directive.

I agree whole-heartedly with the previous committee's comments about the budget process—the *Official Report* records my saying so. The process is complex. I know that my predecessor, Ross Finnie, who was in post for eight years, shared those views. I recall numerous occasions on which he attended committee meetings and said that he wished that he was able to give more clarity on the figures. I am keen to provide more clarity and I will certainly look at how we can do so. It is a big issue. John Swinney, who is responsible for finance, will want to look at the matter closely. Please rest assured that we are very keen to be as open and transparent as possible with the committees about the budget process.

10:30

John Scott (Ayr) (Con): Good morning, minister, and welcome to your post.

You have discussed the £10 million for the new entrants scheme. As I see it, the key question is where you will get the tenancies for the 500 new entrants. How will you deliver those tenancies?

I am particularly concerned about how you will make progress on local food. Will that be a cross-cutting issue in the Cabinet, given all the different agendas that are involved, such as health and the environment? Obviously, Mike Russell will deal with the issue, too. We need a cross-cutting approach, but that has not hitherto been evident in the Government.

Finally, would you welcome the committee investigating the Scottish Agricultural Wages

Board, which has in my view long since outlived its usefulness? If I was to ask a fourth question, it would be about rural deprivation, rural housing and affordable housing, which are big issues. Do you have any plans for how you might address them? I appreciate that I have asked four questions, which is probably more than you were expecting.

Richard Lochhead: On the new entrants scheme, the problem of tenancies is exactly why we asked the tenant farming forum to launch a consultation. I pay tribute to the forum, which has already done a lot of work on the issue. I want it to build on that work, to consult widely in rural Scotland and to come back with solutions. I am the first to agree that financial assistance is not the only solution to the problem of attracting new entrants into agriculture, which is exactly why we have gone down that road. The forum is very well aware of the tenancy issues—it is a tenant farming forum and those issues are at the top of its agenda, so I look forward to hearing what it says.

Local food is a good example of an issue on which we can take cross-cutting action. John Scott has an honourable track record on promoting local food. Sarah Boyack and other committee members have also taken a keen interest in the issue. I will give an example of how we want to approach the issue in a cross-cutting manner. The Cabinet has six members and we have had subject debates in the Parliament on our strategic goals. Each cabinet secretary has the role of contributing to the other cabinet secretaries' strategic objectives. We are not operating in silos, because each cabinet secretary must work toward all the strategic objectives. My role as cabinet secretary is not just to create a greener Scotland, although I am in charge of ensuring that work on that is co-ordinated and happens—I am the lead person on that. I must also contribute to creating a wealthier Scotland, a healthier Scotland and so on. Work on the food agenda is one way in which to do that. For instance, my role is to feed in to Nicola Sturgeon, the Cabinet Secretary for Health and Wellbeing, on how our work on food can help the health agenda. By the same token, if national health service bodies serve local healthy food, that will help the rural sector and will help to achieve a wealthier and more sustainable Scotland. That is how I intend cross-cutting action to work.

It is a good idea to investigate the Scottish Agricultural Wages Board, if the committee is willing to do so. I would co-operate with the committee on that, but I have not reached a view on whether we should scrap the board. There may be good reasons for keeping it, but I understand some of the concerns that have been expressed. For instance, I understand that a couple of 17-year-olds who were interviewed for "Landward" said that they are unable to get on the bottom rung

of the farming ladder because of the wage levels that the board stipulates. That is clearly cause for concern, but there may be solutions to that problem. The board is an autonomous body and the Government is not committed to carrying out another review of it until 2010. If we wanted to carry out a review before then, it would require primary legislation. That option is open to ministers, so if the committee were to consider the issue, I would in part be guided by its deliberations.

If there is one rural issue that I hope we can address in the next four years, it is the housing crisis in rural Scotland. Again, there is cross-party support for action on that. When we have cross-party consensus on issues such as local food and rural housing, I hope that the committees and the Government can work together closely to find solutions. The minister with responsibility for housing, Stewart Maxwell, will take a lead on rural housing, but I have already told him that I wish to meet him and work with him on rural housing and affordability.

Jamie Hepburn (Central Scotland) (SNP): I thank the cabinet secretary for his helpful remarks. John Scott has stolen some of my thunder—I was going to ask about rural deprivation and housing shortages. I thank the cabinet secretary for the guidance that he has given on how he intends to address those issues, which I hope the committee will consider.

I still have some thunder left. I was interested in what the cabinet secretary said about the rural development programme, which has been submitted to the EU. It seems that the programme is pretty ambitious and has been well received by stakeholders throughout Scotland. It might be too early for you to say, but what feedback on the programme have you had from Europe?

I am glad that you were well received at the EU agriculture and fisheries council, which you attended as part of the UK delegation. I am intrigued to know your thoughts on the EU response to the new SNP Government and its demand that greater weight be given to Scottish interests in representations. Richard Baker touched on that issue.

Richard Lochhead: The rural development programme received warm feedback. Of course, much of the work on the programme was done by the previous Administration—I will not sit here and take all the credit for it. We made amendments to the programme, but the scope to do so was limited, given the timescale. Our job is to worry about the detail of the programme as we implement it. That is where we will direct our efforts during the next few months.

The rural development programme was warmly welcomed because it includes a variety of schemes and measures, for which all kinds of rural communities and businesses, in particular in the agriculture sector, will be able to apply. It will deliver huge investment in rural Scotland.

Jamie Hepburn mentioned the agriculture and fisheries council. It is early days, but we have been given a warm welcome in the EU. The First Minister and others will progress issues that he mentioned in the contexts of Scotland's role in Europe and of the need to build relationships with nations inside and outwith Europe. Such work is high on our agenda and will be good for Scotland.

I can comment only on my experience of the council and the UK Government. I am keen to continue negotiations with the UK Government to ensure that Scotland's interests are recognised, particularly on issues such as fisheries. It is important for Scotland to be able to influence the negotiations that take place in the months leading up to the councils. Although it is extremely important to have a seat at the top table, much work happens behind the scenes in the run-up to the meetings and Scotland must be part of that machinery. In the months and years ahead, we must gain a role in that and all the other networks in Europe. The ministers with responsibility for agriculture and fisheries whom I met gave us a warm welcome.

Sarah Boyack (Edinburgh Central) (Lab): I have questions on the keeping it simple in the countryside initiative and on animal welfare, and a brief question on organics.

Before the election, the SNP said that it wanted to merge the Scottish Environment Protection Agency and Scottish Natural Heritage. The new Executive announced the keeping it simple in the countryside initiative on 19 June. Many of the organisations that were referred to in the announcement are distinct or were set up by separate acts of Parliament. To what extent have you considered the initiative's legislative implications? Will you give an assurance that you will report to the committee in more depth on your proposals?

When I was Deputy Minister for Environment and Rural Development I was happy to support the on the ground programme, which supports better joined-up working, but the keeping it simple in the countryside initiative seems to go much further in its approach to organisational structure. The initiative raises issues to do with urban and rural Scotland and disruption to the organisations involved.

The Environment and Rural Development Committee in the previous session of the Parliament dealt with the Animal Health and

Welfare (Scotland) Bill. Will you give a timescale for the secondary legislation that will flow from the Animal Health and Welfare (Scotland) Act 2006? You were particularly interested in the issue. In particular, is there a timetable for bringing legislation on snaring before the committee?

Richard Lochhead: What was your last point?

Sarah Boyack: Will you keep to the previous Executive's commitment to ban snaring? If so, what is your timescale for that?

Richard Lochhead: I will kick off on SNH and SEPA. The Government recognises that the public sector landscape is cluttered. The feedback from many sectors is that that helps no sector. There is duplication, sometimes conflict and lots of bureaucracy. I have detected warm feedback from the agencies on our agenda for them—they feel that much more could be done to make our public sector organisations and agencies more efficient and responsive. However, we are keen to take that one stage at a time.

The on the ground initiative is excellent and the agencies—including SEPA, SNH and others—are enthusiastic about implementing it. We are looking for a single delivery point for all the services in rural Scotland and the agencies are co-operating fully with that agenda. Members will know that about a week ago in Grantown-on-Spey, Michael Russell, the Minister for Environment, met chief executives and chairs of at least nine of the organisations for which we are responsible. I understand that that meeting was productive.

We must progress one stage at a time. Ultimately, the merging of SEPA and SNH—which was a manifesto commitment—will have to be investigated. We acknowledge that primary legislation would be necessary for a merger, so it would be a parliamentary issue. We have said that no compulsory redundancies will result from our streamlining the bureaucracy in our agencies and quangos.

Believe me—the appetite out there is huge for streamlining quangos and the bureaucracy and for doing what we can to cut regulation. There is conflict and duplication among organisations. Streamlining is in everyone's interests: it is in the interests of the economy, of the Government and of the environment. For a small nation of 5 million people to have so many kinds of agencies—a range of agencies and quangos falls under my portfolio—is perhaps over the top. I hope that we can all work together to address that bureaucracy.

I have no timescale for the secondary legislation on animal welfare. The matter will come before me soon so—if it is okay with the member and the convener—I will outline later where we are going.

Sarah Boyack: When I asked you to return to update the committee with your plans on the keeping it simple in the countryside initiative, so that they would be subjected to parliamentary scrutiny, I was not thinking of your doing that at the end point when you were considering merging organisations. You express concerns about overregulation, but the serious concern on the other side is, as big organisations such as SNH, SEPA and the Forestry Commission Scotland have distinct duties, that we could lose some of the cutting edge of their work on some of the major issues that you have outlined.

I thank you for the comments on the subordinate legislation under the Animal Health and Welfare (Scotland) Act 2006. I am keen to see the timescale, because outside organisations are keen for us to make progress on those issues.

Last week, when I asked about organics in the chamber, I was told not to worry, because new money was included in the rural development programme. I have subsequently spoken to people in the organics movement who are worried that the new money does not match the SNP's manifesto ambition to provide

“equity based financial support for farm businesses”

making

“the transition to organic production.”

When will you report to us on implementation of the organic action plan and on your plans for an ambitious new action plan, given the new support under the rural development programme?

Richard Lochhead: I would be delighted to return to the committee to discuss organics further. At the Royal Highland show last week, I met the various representative organisations, which warmly welcomed our investment under the rural development plan. Of course, I am aware of the concerns about the balance between conversion costs for people who want to convert to organic farming and maintenance grants—I know that a fine balance must be struck—but I am confident that our additional investment in the programme for organics will make a good difference. As I said, I am happy to discuss the matter with the committee at a later date.

On the keeping it simple in the countryside initiative, as I said in my opening remarks, the Minister for Environment, Michael Russell, is leading on that agenda. I am sure that he will be delighted to speak to the committee on the matter, if the committee so wishes.

10:45

Bill Wilson (West of Scotland) (SNP): You will no doubt be disappointed to hear that I have only one rather brief question. You said that you will

meet the supermarkets. During the election, we talked about regulating the prices that supermarkets pay to farmers and suppliers for their milk. Is that still on the agenda?

Richard Lochhead: I am not quite sure that we said that we would regulate prices.

Bill Wilson: We certainly talked about the price of milk.

Richard Lochhead: I take your point. Clearly, we have to address the price of milk; I am very keen to help the dairy sector to secure a better price for its produce.

Last week, I had very productive meetings with the chief executives of Sainsbury's, Marks and Spencer and Morrisons, who were visiting the Royal Highland show, and invited them to a round-table meeting in Edinburgh involving ministers and the chief executives not only of those three stores but, I hope, of all the big UK supermarket chains and UK ministers. I think that such a meeting, which would take place after the recess on a date to be arranged, would prove to be extremely useful in establishing a new dialogue between the Government and the supermarkets. We would be able to discuss, for example, their role in Scotland, the Government's food agenda and the benefits for the supply chain and primary producers in this country. Such a meeting has huge potential, so I was delighted when the three chief executives said enthusiastically that they want to attend it. I am very hopeful that it will go ahead as it will take us into a new era of dialogue that will help us to secure a better deal for primary producers in Scotland and push forward our local healthy food agenda. Such moves will have huge environmental and health benefits.

The Convener: Mike Rumbles wanted to come back in. I ask him to try to be brief, as I also have one or two questions.

Mike Rumbles: I want to focus again on agricultural regulation and support. Because there is no programme for government, I will quote from your manifesto, which states:

"In government we are determined to deliver lighter and effective regulation. This commitment will include a policy of 'one in, one out' so new regulations replace rather than add to old regulations."

I was very pleased to read that commitment. However, later this morning, the committee will consider and discuss seven Scottish statutory instruments, one of which is the Cattle Identification (Scotland) Amendment Regulations 2007 (SSI 2007/312). I am taking you at your word about the process, minister; I assume that, in producing seven regulations that will add to the existing regulations, you either have removed, or are in the process of removing, other regulations. Under the current process, the committee

approves regulations. However, when you remove them, nothing comes before the committee, and so we can only assume and take your word that you have done so. Is there any system for letting the committee know which regulations have been removed? We want to know that information.

Richard Lochhead: That is a very clever question. However, although I cannot speak for all seven SSIs that the committee will be considering, I should point out that many of the regulations that will come to the committee will update or replace regulations that derive from European legislation.

We are very keen to consider the principle of removing regulations when new ones are introduced. After all, we have to reduce the regulatory burden on rural businesses, which are subject to many regulations. SEPA has already done some work on the matter, and I will do my best to ensure that the committee receives information about some of the work that the agencies have begun. I cannot tell members exactly what point that work has reached, but it is continuing. If we can find a way of reporting back to the committee on what the agencies are doing to tackle the matter, we will certainly do so.

Of course, that will not happen overnight. First we must identify the regulations that we can remove, by speaking to the customers—the farmers, the fishermen, the rural businesses and others who are subject to the regulations. I am keen to establish a mechanism whereby the customers—the people whom we serve—can feed back to the Government on regulations that they think are needless, duplicated or not achieving their purpose. We hope that that will give us a way forward.

Mike Rumbles: Will you tell the committee which regulations you remove? If you do not do so, we will think that you have not removed any.

Richard Lochhead: I appreciate that. It will take time to get the system up and running, but we will certainly keep you up to date with the system.

The Convener: I want to press you on your potential legislative programme, on the basis that the committee needs to ascertain how it can move forward.

You said that a marine bill would be introduced in the medium term. Can we take it that the bill will be introduced in the second or third year of this parliamentary session, rather than in the next 12 months?

I appreciate that we do not know whether legislation on flooding will be included in the climate change bill. If standalone legislation on flooding is to be introduced, might we expect a bill within the next 12 months? The committee needs to think carefully about what it does.

Is it envisaged that the cross-cutting approach to food and drink and work in the food unit in the Executive might give rise to primary legislation?

I understand that a household waste prevention action plan will be published this year. The legacy paper of the Environment and Rural Development Committee in the previous session flagged up the possibility of further legislation on waste. Is there a feel in your department about the likelihood of primary legislation on waste? If such legislation is likely, are we talking about the short, medium or long term? I appreciate that you cannot be very specific at this stage.

I have two questions on process. First, will the Minister for Environment, Mike Russell, be able to deputise for you across the board when you cannot attend committee meetings, or will there be a clear delineation between your remits? That is a business-handling issue.

Secondly, you said that you were working with John Swinney on the climate change bill. That bill will be a big, cross-cutting bill and although this committee does not expect to be the lead committee on the bill—for obvious reasons—I anticipate that we will feed into it. How will you and John Swinney work together and what will be your role?

Richard Lochhead: John Swinney and I will work closely together on climate change. He is the lead cabinet secretary for the bill and will not be surprised if the Rural Affairs and Environment Committee invites him to speak about it. The First Minister and the five cabinet secretaries are working closely together to ensure that a cross-cutting approach is embedded and that we work towards the same objectives. I suggest that you invite the lead minister to discuss the bill in due course.

There is a clear breakdown of responsibilities between Michael Russell and me, but we will cover for each other. If for some reason I cannot attend the committee, you should feel free to invite the Minister for Environment. He might not forgive me for saying that, but I am sure that he will do his best to attend. We are happy to send a note to the committee on the breakdown of our responsibilities.

The Convener: That would be useful.

Richard Lochhead: I can only reiterate that I am unable to give you an exact timetable for the legislative programme. There will be an announcement on the programme at some point after the recess.

The Convener: You said that the marine bill would be for the medium term, so can we rule it out for the next 12 months?

Richard Lochhead: The marine legislation is complex, so if the Government gives it the go-ahead, it is a fair comment that producing it in the next 12 months would perhaps be ambitious. I am sure that, without speaking out of school, I can say that members can assume that a marine bill will not be before them within 12 months.

The Convener: Or any bill?

Richard Lochhead: That very much depends on where discussions go on legislation to deal with flooding.

The Convener: That is the only possibility for an early bill.

Richard Lochhead: Legislation on that is in the consultation phase.

The Convener: Our knowing that helps us, because we must decide how to process our business.

Richard Lochhead: I will tell the Minister for Parliamentary Business that committees need to know a rough legislative timetable as soon as possible.

As the new minister with responsibility for food, I am keen to promote food policy, so I will seek a debate in the chamber on it after the summer recess. I hope that the committee can play a role in developing a food policy for Scotland, given the cross-party support for local healthy food. If committee members feel that they have a role, perhaps they can discuss that.

The Convener: You do not expect legislation on that.

Richard Lochhead: I am not aware that there is a need for legislation, but I will come back to the committee if I have missed that. I consider the matter to be a policy issue. Existing legislation and public procurement arrangements can be used to develop food policy. That is certainly an issue on which we can work closely together.

Given that I await advice on legislation that may be required on waste, and given that my three colleagues have sat next to me for the whole meeting and have not been allowed to speak, I will invite John Mason to contribute to proceedings before they close, if he has anything to add on the subject.

John Mason (Scottish Executive): All we can say is that all the options for delivering the zero-waste policy are being examined. It is too early to say whether that will require primary legislation. That will become clear as we work in the next few months. If it is required, decisions will be made about whether provisions will be in a separate legislative vehicle or will form part of the climate change bill. Those decisions have still to be taken.

The Convener: Waste might be dealt with in the climate change bill, too.

John Mason: That bill could be the legislative vehicle.

The Convener: Right.

Peter Peacock wants to ask a final question, for which a maximum of three minutes is left.

Peter Peacock: Your questions have helped to draw out conclusions, convener. I am surprised about the length of the delay for introducing the marine bill, although I appreciate that the bill is complex. Are you saying that we will not see even a draft bill until at least 12 months from now, or could we see a draft bill before then? Would a draft bill be part of a detailed consultation? What exactly is the timescale? The issues are important and we must get to grips with them. As you know, the committee's predecessor generated a bit of momentum on the issues. Will you give me more clarity?

Richard Lochhead: I wish that I could, but it is difficult to do that because the timetabling has not been agreed and will be announced only after the recess. All I am saying is that the legislation is complex, so it will not be produced in the very near future. I am happy to return to the committee on timetabling once I have spoken to the Minister for Parliamentary Business, just to put members more in the picture. As for the months ahead, I do not know about 10 months or a year ahead, but we are not talking about producing the legislation in the very near future.

The Convener: I thank the cabinet secretary for attending. I feel sure that this is just the first of many encounters. I give him and his colleagues a minute to leave before we move on to our next agenda item.

Work Programme

11:00

The Convener: Agenda item 2 is a brief discussion about our work programme in the light of what we have heard. We will not necessarily take final decisions today; we will discuss the issues in greater detail at our away day in the summer. I suggest that we spend until about 11:10 having a conversation about what we have heard.

In summary, it seems highly unlikely that we will have to deal with legislation in the next 12 months. If we have legislation to deal with, it is likely to be a flooding bill, but given what the cabinet secretary said I would be surprised if such a bill is introduced within the next 12 months. That gives at least some clarity on the issues that the committee might want to discuss.

Jamie Hepburn: The note from the clerks suggests that we consider commissioning briefings from the Scottish Parliament information centre, in preparation for the away day. Would it be helpful to commission a briefing on rural deprivation and rural housing? John Scott and I asked the cabinet secretary about the issue and I raised it at the committee's first meeting. Other issues in the list that the clerks have drawn up would require more in-depth briefings, but we might be able to get a helpful, fairly brief briefing—for want of a better description—on rural deprivation and rural housing.

Sarah Boyack: The promotion of local food is on the list. At last week's meeting I mentioned organics as part of a range of environmentally friendly farming methods and food production. I take as an open door the cabinet secretary's invitation to us to make recommendations to him. I do not think that we would need much briefing on the issue; we would need to give a bit of thought to what we might suggest to him. The committee could have an early win on that.

We could do with a briefing on flood management. I have dealt with the issue a bit from the other side—as a minister—and it is complex. The issues are to do with the interrelationship of the Flood Prevention (Scotland) Act 1961 and all the subsequent legislation and with the possibility of sustainable flood management. I would appreciate a technical briefing on the matter, especially as we were again invited to tell the minister whether legislation on flooding should be introduced separately or as part of the climate change bill, in the winter of 2008.

Peter Peacock: I am not sure that this comment is terribly helpful, but it is difficult to narrow down the list because all the issues listed represent legitimate territory for inquiry. I would like

information about how far we are from achieving the biodiversity targets and about the complexity of that issue.

Two issues are missing from the list. Sarah Boyack asked the cabinet secretary about plans for SNH, SEPA and a wider group of organisations—

The Convener: The list includes agricultural regulation, but you are talking about environmental regulation.

Peter Peacock: Yes. It would be interesting to get a feel for the purposes of the organisations. Perhaps a briefing could include information about the Crown Estate. Mike Russell talked about organisations that have a rural character when he made his announcement, but he did not mention the Crown Estate, although it is a big part of the rural scene.

I do not know to what extent the fisheries negotiations will be part of the committee's routine business, or whether we must be deliberative in putting the issue on our agenda. Big issues are at stake; there are all sorts of scientific arguments about the state of our stocks. Richard Lochhead talked about the need to strike a balance between sustainable fisheries and a fair approach to communities. There are huge tensions in that regard.

Do we require to think about having a budget adviser to help us get behind the figures, as everyone is concerned to do? Perhaps the clerks can think about that before our away day.

The Convener: It might be useful to organise that early doors.

To take a little of the burden off SPICe, it might be useful for us to make early bids for the research budget. Instructing research would allow us to begin an inquiry while we were doing something else. I am keen for us to consider that at the away day, because massive bids for the research budget will probably not be made in the early years of the session. We want to be first in.

Bill Wilson: My comment is slightly broader. I asked about the planning requirements for wind farms under Scottish planning policy 6 in relation to national parks and regional parks. It would be interesting to know what other differences in legal protection there are between national parks and regional parks. Regional parks predate national parks. I presume that, to be designated as regional parks, they had considerable significance. In what ways are national parks covered that regional parks are not?

The Convener: SPICe may already have relevant information on some issues, such as the SNH and SEPA question. SPICe staff can look

through their archives. As long as information is not too old, it may still be of major relevance.

Mike Rumbles: I know that agricultural regulation and support is complex, but in preparation for our away day, it would help if SPICe provided a paper that outlines the main regulations that affect our agricultural sector and what support is available to it. Some elements of the sector receive major support, yet vast parts of it do not. It would be helpful to know what regulations affect the industry, what support exists, what parts of the sector are not supported and whether they manage to thrive.

John Scott: There are 10 items in our paper and it seems that not much legislation will be introduced in the first year of the session. I am slightly concerned that there are hundreds of topics that we could discuss and that—with the best will in the world—we might have overlooked. Just in case there is an issue of which we have not thought, we could make it known that suggestions to the clerks or you, convener, about what we could discuss might be welcome—I say that advisedly. If such an issue became evident, you and the clerks could reach a view on it and make it a topic for discussion at the away day.

The Convener: There is no harm in the committee's reaching out to tell principal organisations what we have discussed and asking whether we have overlooked something. I see no problem with that, because opportunities are available.

Richard Baker: What Peter Peacock said about fishing is important.

In relation to the promotion of local food, I hope that the minister will update us on his negotiations with supermarkets. Pricing, to which Bill Wilson referred, is a fundamental issue, and an Office of Fair Trading investigation into supermarkets has been conducted. It is welcome that the cabinet secretary has opened up those discussions and I would like us to keep an eye on them.

The Convener: It is worth our giving SPICe a stronger steer, because we have a pile of suggestions. I hope that SPICe has some of the information already and does not have to do separate research.

I endorse the comments about flood management. A properly worked-up background paper on the current legislation on and processes for flood management would be extremely useful, because no part of Scotland is not affected by flooding.

I confess that I thought that rural deprivation and rural housing would be good for pitching into the separate research budget on, because useful academic research on that might be able to run

alongside what we are doing then be brought back into the committee. Going down that route might be fairer to SPICe, as such a piece of work would be likely to be big.

I take the point about the Crown Estate, which is quite a heavy hand in parts of Scotland. Perhaps we could ask SPICe to provide a briefing that combines agricultural regulation and support with the role of the Crown Estate. Information on that might already be available.

Peter Peacock: I agree. The marine bill will cover matters that relate to the Crown Estate. Even if the bill is a long way from being introduced, issues need to be considered.

The Convener: Given what we have heard, if SPICe can provide a third briefing, it should probably be on food policy. I do not want to rule out work on waste management, but we have had to deal with the issue a few times during the past few years, so we are probably more au fait with it. SPICe could direct us to existing work on waste management. We probably need more of a work-up on food policy.

We have suggested commissioning three substantial SPICe papers and asking SPICe to direct us to work that has been done in the past. Rural deprivation and rural housing, which we can discuss at the away day, is a more appropriate subject on which to commission research from outside the Parliament. Are members happy with that? I do not want to overburden SPICe.

Peter Peacock: Could we have an insubstantial paper on biodiversity?

The Convener: An insubstantial paper? Okay, but SPICe asked us not to commission more than two or three briefings.

Sarah Boyack: A paper on biodiversity was published just after the election and a lot of good, basic information is available. Much work has been done on local food, too. For those issues, what matters is the policy angle and how we approach the policy options. For other issues that we have discussed, more research is needed. We have to tease out the different levels—

The Convener: It is difficult. I do not want to overburden SPICe, but the committee must have as much information as possible. SPICe can direct us to information.

It is easy to overlook a useful note on recent developments in the committee's remit, which is included in our papers. The note in last week's papers said that SPICe has produced new briefings on international polar year and biodiversity. Some of the briefings that we want have already been produced.

Peter Peacock: I accept that, but I want to know whether we are anywhere near achieving the biodiversity targets.

The Convener: Okay. What the commission will not preclude discussion of other issues at the away day, but we need more information on the substantial matters that we are likely to have to deal with or that we want to consider.

Sarah Boyack: Peter Peacock talked about the budget. Richard Lochhead said that the issue is complicated, which is absolutely true—

The Convener: I have heard that before.

Sarah Boyack: Endlessly. Some expertise on the budget might be useful. The committee in the previous session had adviser support—I think it was to do with common agricultural policy reform or the rural development budget. It might be useful to have a budget adviser to support the committee, because the issue is so technical.

The Convener: The committee that I convened previously had a budget adviser.

Sarah Boyack: I do not think that the parliamentary committee with responsibility for rural affairs has ever had a budget adviser, but it might be no bad thing to seek such support this year.

The Convener: I am strongly in favour of that idea—and I am particularly strongly in favour of putting in our bid early in the four-year parliamentary session, before the various pots of money start to run out. The earlier we put in bids for support, the more likely we are to get them accepted.

I think that everyone has commented who wanted to do so. Your comments will be wrapped into plans for the away day, which is likely to take place on 14 August.

Peter Peacock: May I ask about a procedural issue? I was interested in what Richard said about—

The Convener: Which Richard? We have a Richard on the committee.

Peter Peacock: I apologise. I meant Richard Lochhead, but actually I think it was his official who said that waste management might be included in the climate change bill. The climate change bill could become enormous—

The Convener: Yes—it could be the everything bill.

Peter Peacock: I genuinely do not know what the procedure is for negotiating with the parliamentary authorities on the division of responsibilities. Waste management is clearly

within the committee's remit, although I understand why it has a climate change aspect.

11:15

The Convener: My understanding is that another committee will be the lead committee on the bill. Depending on the size of the bill, I expect that that committee will want to enlist the resources, time and expertise of other committees, to feed into its work. That would be a matter for negotiation with the convener of the lead committee. If the climate change bill becomes the everything bill, I cannot imagine the convener of that committee not wanting other committees to consider some aspects of it.

I would have a slight concern if measures on flooding and waste were put into the climate change bill, as they are separate issues. Committees have considered bills with distinct parts—the issue is not insurmountable—but it makes the process more difficult. We will press for further information as early as possible. At this stage, that is the best I can say. I will raise the issues of the climate change bill at the Conveners Group. I suspect that the bill will involve more than two committees—for obvious reasons, it could involve the Local Government and Communities Committee, too.

Subordinate Legislation

Products of Animal Origin (Third Country Imports) (Scotland) Amendment Regulations 2007 (SSI 2007/304)

Vegetable Seeds Amendment (Scotland) Regulations 2007 (SSI 2007/305)

Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No 2) Regulations 2007 (SSI 2007/306)

European Fisheries Fund (Grants) (Scotland) Regulations 2007 (SSI 2007/307)

Cattle Identification (Scotland) Amendment Regulations 2007 (SSI 2007/312)

Plant Health Fees (Scotland) Amendment Regulations 2007 (SSI 2007/314)

Bovine Semen (Scotland) Regulations 2007 (SSI 2007/330)

11:16

The Convener: Under agenda item 3, we have seven statutory instruments to consider under the negative procedure. No motions to annul have been lodged, but Mike Rumbles has concerns about the Cattle Identification (Scotland) Amendment Regulations 2007 (SSI 2007/312).

Mike Rumbles: I have discussed the issue with the clerks and seek the indulgence of the committee to put the regulations back on the agenda in September. I would like to call the minister to ask him about the regulations, as they create criminal offences and I would like to know more about them. The issues are serious and we need to have the minister before us. I know that we have time constraints, but we can bring back the regulations in September.

The Convener: The statutory instruments were introduced fairly early to allow for the possibility that any one of them might have to come back before the deadline, so there is plenty of time to do that.

John Scott: I share Mike Rumbles's concerns. The Executive note states that one of the policy objectives of the regulations is that all movements of cattle

"on to and off the holding must be notified to the competent authority within 3 days of the event."

That is a short timescale—it is not clear whether it means working days, but it is difficult for people to comply with it. It is almost excessively onerous. I declare an interest as a farmer. As someone who has tried to do such things, I know how difficult it is. I just wanted to add that to the points that Mike Rumbles made.

Richard Baker: Another issue is that the current system of penalties cannot differentiate between fraud and genuine error in those circumstances, which is an issue that several members have taken up with the Scottish Executive Environment and Rural Affairs Department over several years. I echo Mike Rumbles's comments and would like to hear from the minister on the issue.

John Scott: Richard Baker makes a good point. Almost every party's manifesto contained something about the appeals process and the need to differentiate between fraud and genuine errors. That has not yet been resolved. We should put the issue on our work schedule, because it is hugely contentious for those who are involved.

The Convener: The Executive note on the cattle identification regulations is better than those on many of the other sets of regulations; it is at least in plain English, even if it does not go into sufficient detail to allow us to assess whether we are talking about working days. I would like that to be communicated. The plain English aspect of it is great, but it could have done with being a little bit more specific.

The Executive notes on the other sets of regulations were so opaque as to be utterly useless. We have had eight years of useless Executive notes, and I do not want to have to spend another four years considering useless Executive notes. The civil servants should at least be commended for using plain English in the cattle identification regulations. That example should be drawn to the attention of the various other parts of the Scottish Executive. When I read through all the other regulations that we are considering, I found the Executive notes hopeless.

Bill Wilson: As a new member, I agree with you whole-heartedly. I certainly struggled through some of them.

The Convener: An Executive note explains nothing when it refers only to various policy directives without explaining their import.

Peter Peacock: It takes many years of training to acquire that skill.

The Convener: Let us at least start firing warning shots.

John Scott: I have concerns about another set of regulations.

The Convener: Perhaps, in future, you could let the clerks know in advance.

John Scott: I am sorry; I did not appreciate that.

The Convener: Which instrument do you have a concern about?

John Scott: The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No 2) Regulations 2007 (SSI 2007/306). If I have understood it correctly—and I may not have done—annex A of the regulatory impact assessment says that the cost of each maximum residue level will be £11,629, which is an enormous cost for people to bear. I am not sure what we can do about it because it appears that there is no question but that the regulations need to be brought into force, but I wanted to register my concern about the cost.

The Convener: We are deferring one set of regulations to an early meeting after the recess, so I see no reason why we should not defer this set as well, so that the question can at least be asked. Would you be satisfied with a written explanation of how the cost is arrived at? We have time to defer the regulations, because we do not have to report to the Parliament until 17 September.

John Scott: I may not have understood the regulations correctly, but I would be grateful for an opportunity to reconsider them with a view to determining whether the costs can be reduced.

The Convener: Okay. We will get the minister back on the Cattle Identification (Scotland) Amendment Regulations 2007 and the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No 2) Regulations 2007. If he is coming for the former, he can come for the latter.

That leaves us with five out of the seven instruments to consider. Are we agreed that the committee does not wish to make any recommendations on the Products of Animal Origin (Third Country Imports) (Scotland) Amendment Regulations 2007 (SSI 2007/304), the Vegetable Seeds Amendment (Scotland) Regulations 2007 (SSI 2007/305), the European Fisheries Fund (Grants) (Scotland) Regulations 2007 (SSI 2007/307), the Plant Health Fees (Scotland) Amendment Regulations 2007 (SSI 2007/314), and the Bovine Semen (Scotland) Regulations 2007 (SSI 2007/330)?

Members indicated agreement.

The Convener: That ends today's business. Our next meeting will be after the summer recess. Committee members will be informed of the date of that meeting and, prior to that, of the arrangements for the committee's away day.

Meeting closed at 11:24.

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