

RURAL AFFAIRS AND ENVIRONMENT COMMITTEE

Wednesday 19 September 2007

Session 3

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RURAL AFFAIRS AND ENVIRONMENT COMMITTEE

4th 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)
Nanette Milne (North East Scotland) (Con)
John Farquhar Munro (Ross, Skye and Inverness West) (LD)
David Stewart (Highlands and Islands) (Lab)

*attended

THE FOLLOWING ALSO ATTENDED :

Jim Hume (South of Scotland) (LD)
Nanette Milne (North East Scotland) (Con)
Tavish Scott (Shetland) (LD)

THE FOLLOWING GAVE EVIDENCE:

Richard Lochhead (Cabinet Secretary for Rural Affairs and the Environment)
Charles Milne (Scottish Government Rural Directorate)
Neil Ritchie (Scottish Government Rural Directorate)

CLERK TO THE COMMITTEE

Andrew Mylne

SENIOR ASSISTANT CLERK

Mark Roberts

ASSISTANT CLERK

Katherine Wright

LOCATION

Committee Room 4

Scottish Parliament

Rural Affairs and Environment Committee

Wednesday 19 September 2007

[THE CONVENER *opened the meeting at 10:00*]

Foot-and-mouth Disease

The Convener (Roseanna Cunningham): Good morning, everybody. We have been joined by members of the Scottish Parliament who are not members of the committee. I welcome Nanette Milne, Jim Hume and Tavish Scott, who are here for agenda item 1.

Under agenda item 1, the committee will take evidence on the foot-and-mouth disease outbreaks. We have a crowded agenda and must deal with other matters, but I will allow between 30 and 45 minutes to deal with the item, which means that the discussion will have to be kept tight. In line with my normal practice, I will allow committee members to ask questions first. When their questions have been exhausted, I will let in the other MSPs, if there is time to do so.

I welcome to the meeting the Cabinet Secretary for Rural Affairs and the Environment, Richard Lochhead, and ask him to introduce his officials and to make a brief opening statement, which he should keep to a maximum of five minutes.

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I thank the convener for the opportunity to address the committee on the most recent outbreaks of foot-and-mouth disease in Surrey. Charles Milne, who is the chief veterinary officer, is on my left; Neil Ritchie, who is the head of the Scottish Government's animal health and welfare strategy, planning and exotics branch, is on my right. Both men and their colleagues have been extremely busy in the past few weeks.

I am grateful to the committee for moving venues to allow other members to attend, which ensures that all members who have an interest in the matter can continue to be updated on the emerging situation and the Scottish response.

The new outbreaks of foot-and-mouth disease in Surrey came as a considerable and most unwelcome surprise last Wednesday—our valuable livestock industry can take only so many knocks. As members will be aware, we immediately informed Parliament about developments and the response that we were making in Scotland. Surrey is a long way away,

but the potential for spread of the disease cannot be overstated. That is a particularly important point, given that the disease appeared in a new area and some time after the previous case, in August. For that reason, last Wednesday we quickly reintroduced the general movement ban as an immediate precautionary measure. However, we have been able to learn lessons from the August outbreak and to draw on the extensive risk assessment work that has been completed since then. As a result, we were able very quickly to allow a number of low-risk movements to occur under general licence. It is notable that we immediately allowed direct movements to slaughter and movements for welfare purposes, and that, on Saturday, we permitted collection centres to begin to operate.

The islands have been given special treatment. Based on our knowledge of animal movements, we were able to exclude the islands from the restriction zone and on Friday we allowed movement of store animals from the islands to the mainland. We continue consideration of what other restrictions can be relaxed. We will relax restrictions when doing so is right and justified by the evidence base—the risks of relaxing restrictions too soon are far too great.

In 2001, we saw the devastating impact that foot-and-mouth disease can have. Members will agree that we must take all practical steps to avoid its happening again. Scotland remains free of foot-and-mouth disease and we must continue to protect our industry. I have had regular discussions with stakeholders and know that they understand and support that position. I acknowledge that, because I know that the implications and consequences are not easy for them.

The Scottish Government will continue to review each day the restrictions that are still in place in order that we can minimise the impact. We expect soon to receive a report from the Scottish Government's centre of excellence in epidemiology on its analysis of animal movements from Surrey and surrounding areas to Scotland. The work of the University of Edinburgh-led team of experts who were involved was essential in allowing us to make early relaxations to restrictions in Scotland in August. I hope that the team's evidence will contribute to our implementing our on-going exit strategy. Again, I stress that our restrictions are a temporary preventive measure.

I accept that the impact of the outbreak has been more than simply the imposition of restrictions on animal movements—those restrictions are significant, but the effects go much wider. I am aware of the significant impact that the restrictions will have on animal welfare, which is a

particular issue for hill sheep. The Scottish Government is working with others to consider options for alleviating such problems.

We must also recognise that the welfare of individual livestock keepers is important. The Scottish Government has made early contact with welfare organisations, such as the Royal Scottish Agricultural Benevolent Institution, to ensure that appropriate welfare support can be provided to individual farmers in what will be an extremely distressing time for many. The chief medical officer is also considering what support can be made available by the national health service.

The outbreak will have an economic impact on Scotland's livestock industry and the wider red meat sector. Its extent will depend on factors such as when we are able to resume exports and how long the current outbreak lasts. The Scottish Government is considering what practical support can be given to maintain the viability of Scotland's livestock sector, on which we are working extremely closely with stakeholders, whom I have met on numerous occasions and whom I will continue to meet throughout this difficult period.

As a small nation, Scotland benefits from having extremely short communication lines, which we have been able consistently to use to our advantage. We will continue to do that.

The Scottish Government is committed to protecting Scotland from the threat of foot-and-mouth disease. We are working with others to minimise the impact of the outbreak and its implications. My officials and I are happy to answer questions.

The Convener: Thank you. Will Charles Milne give us a brief update on the medical position in respect of the cases in Surrey?

Charles Milne (Scottish Government Rural Directorate): The initial two IPs were identified on 3 August and 6 August.

The Convener: What are IPs?

Charles Milne: They are infected premises. I beg your pardon.

I mention them, because there was a 37-day gap of freedom until the third infected premises were identified on 12 September. Subsequent to that, another two infected premises were identified on 14 September and 17 September. As of today, there are five confirmed infected premises. A further 113 reports of suspect disease have been investigated, all of which have tested negative. There is one on-going investigation into suspect disease in lambs in Preston. The importance of the fifth infected premises is that it appears that the animals have old lesions. A lot of investigation has to be completed, but it might be that that case fills some of the timeline about which we are not certain.

The Convener: Thank you. That is useful.

John Scott (Ayr) (Con): Good morning. I am particularly concerned about the haulage situation and the fact that the Department for Transport down south does not appear to be taking seriously your requests for a relaxation of hauliers' hours. I would like more detail on what you intend to do about the welfare scheme that you are talking about putting in place. It would be helpful if you could tell us the numbers involved. When might farm-to-farm movement, even under veterinary supervision, take place? I have a lot of questions, but other members might want to ask some, too.

Richard Lochhead: The haulage situation and the welfare issue are interlinked. The hauliers and the wider industry have requested in strong terms that they get the go-ahead for relaxation on drivers' hours. The Scottish Government has supported their request and took up the matter with the United Kingdom Government. The difficulty arose because of the backlog that was generated in relation to stock on the hills after the outbreaks in August, and has been exacerbated by the most recent outbreak. As members will be aware, that outbreak unfortunately coincided with many of the markets that were planned; it is the busiest time of the year for the sheep sector in particular.

The longer the sheep are on the hill, the less food is available for them, so we have to get the lambs off the hills as soon as possible. That is a welfare issue, which is causing the Government serious concern—the chief veterinary officer will talk about that in a second. With that in mind, we approached the UK Government last week, shortly after the most recent outbreak. The minister who responded to us rejected our plea to relax hauliers' hours and asked for more information on the welfare issues, as opposed to just the economic issues. We thought that we had provided that; we had put together a paper on the welfare issues. We received a reply from Jim Fitzpatrick, a minister in the Department for Transport, who maintained that the issue was an economic issue, not a welfare issue.

We had said that there was a precedent in 2001 for relaxation on hauliers' hours, but Jim Fitzpatrick said that the current situation is different because we are facing a short-term local problem. We thought that the response was unsatisfactory and we made further representations. I have raised the issue with the Prime Minister through the Cabinet Office briefing room and the First Minister intends to raise the issue with the Prime Minister in person in the next day or two.

We continue to pursue the issue, which is extremely serious. Snow fell in the Cairngorms the night before last—conditions in the Scottish hills

are dramatically different from conditions in the south of England, where the outbreak occurred. We are doing our best to convey the message that welfare problems will start in the north of Great Britain, in the Scottish hills, before they work their way south.

I am sure that members are aware that the National Farmers Union Scotland and others are consulting their members on a Government-funded welfare scheme to take young lambs that have no export market off the hills. The lambs would go to abattoirs but not into the export market, and compensation could be paid. At this stage, I can say only that we are putting much effort into examining all the options. I will meet the Secretary of State for Environment, Food and Rural Affairs, Hilary Benn, on Thursday afternoon. We asked for an urgent meeting, as did the other devolved Administrations. The possibility of a welfare scheme will be on the agenda, so that we can ascertain the United Kingdom Government's approach. We are taking the issue very seriously indeed.

I will bring in the chief veterinary officer, to give his professional opinion on welfare and to talk about farm-to-farm movements.

John Scott: If a welfare scheme were to be introduced, who would fund it? Would the money come from the Scottish Government?

Richard Lochhead: Disease control budgets are first and foremost with the Department of Environment, Food and Rural Affairs. I want to ascertain the UK Government's views at our meeting on Thursday afternoon.

Charles Milne: There is an immediate welfare problem and there is a danger that it will become acute as the weather deteriorates. The problem has been compounded by the fact that restrictions have been placed on farmers since the beginning of August, so not only can farmers not move their sheep off the hills but there are far more animals on the hills than is normal for this time of year. On top of the immediate welfare problem, there is potentially a delayed welfare problem, as the animals eat all the forage that breeding animals would have eaten later in the winter. The welfare issue is therefore of extreme concern.

On farm-to-farm movements, I remind members that our overriding priority is to prevent the disease's entry to Scotland. Nobody who remembers the events of 2001 wants the virus to enter Scotland, given the potentially catastrophic consequences. We have to respect the virus, which is extremely contagious. In 1981 it blew across the English channel from France and infected animals on a farm on the Isle of Wight. We know that not only animals but people can transmit the disease, through movements of vehicles and individuals.

I also remind members that only seven days have passed since the second cluster was identified. Infected premises are still being identified—that happened only yesterday. We are undertaking the analysis to which the cabinet secretary referred, to give us the assurance that we have not moved animals to Scotland from that part of the country and that there have been no indirect contacts. The outbreak is at an early stage and I am fully conscious of the need to move animals, but we can allow movements only when it is prudent and safe to do so.

Peter Peacock (Highlands and Islands) (Lab):

I appreciate that you are considering a welfare scheme. If I may press you on that, in what timescale do you envisage being obliged to make a decision, given welfare concerns? You said that DEFRA would be principally responsible for funding such a scheme, but would you have discretion on the matter if DEFRA did not share your view on the need for a welfare scheme in Scotland? I have another question, which I will come back to, with the convener's permission.

Richard Lochhead: On the timescale, much of the feedback that we have had from hill farmers is that the next two or three weeks will be crucial. Our immediate priority is to relax the restrictions when it is safe to do so, which will help in getting much of the industry back to normality. However, on-going welfare problems may arise, for the reasons that Charles Milne outlined. At present, my effort is on putting together contingency plans on the welfare issue. Although our priority is to relax the restrictions, we must be ready for the welfare issues.

On funding, I hope to have the committee's support for my view that, if we go down the road of a welfare scheme, it should primarily be funded by DEFRA. We are not yet that far down the road—no decision has been taken on whether there will be a scheme. Thursday afternoon's meeting with Hilary Benn will be the first opportunity to explore that. As cabinet secretary, I do not want lambs to die on our hills because there is no feed for them. No one wants that, so we will do our best to prevent it from happening.

10:15

Peter Peacock: My second question is on an entirely different issue. I am conscious of a debate rumbling on regionalisation. Some comments that I have read on the issue, from commentators as much as anyone, seem to be fairly simplistic, if I may say so. I appreciate that the issues are extraordinarily complex, but I am interested in how much pressure you feel to take a regionalisation approach and what the balance of considerations is. It is not at all apparent to me, as an ordinary citizen, how much movement of livestock there is

throughout the UK, yet when such incidents happen, it becomes apparent that there is huge movement.

Questions have been raised about Great Britain continuing to be the epidemiological unit. On the basis of livestock movements, there seems to be a strong case for retaining that unit. How does that impact on the potential for regionalisation? I understand why arguments for regionalisation have resulted from the location of the present foot-and-mouth disease outbreak. However, if—God forbid—a future outbreak happened to start in Caithness, we would have the opposite set of arguments about drawing boundaries in particular places. It seems to me that national boundaries—

The Convener: Is there a question, Peter?

Peter Peacock: National boundaries do not necessarily align themselves to the epidemiological considerations. What is the thinking on regionalisation? I hope that we do not rush into decisions on the matter, because the issues are long term and complex.

Richard Lochhead: Peter Peacock makes fair points. Regionalisation means different things to different people. He is correct that disease does not recognise geographical boundaries. However, the Scottish ministers have control over restrictions only in Scotland, so we must take decisions in that context. The regionalisation argument can be considered in various ways. First, regionalisation within Great Britain could include Scotland and other low-risk areas such as the north of England and Wales—it might not be only Scotland that is regionalised. The Government's approach will depend on the likely timescale for the export ban. We must be conscious that, proportionately, the export trade is more valuable to Scotland than it is to the rest of Great Britain.

I cannot at present rule out regionalisation for Scotland. We must explore all the options in the context of Europe's view on the length of the export ban. A mission from the European Union's food and veterinary office, which is based in Dublin, is in the south of England for this week, after which officials will report to the EU. We will then have a better idea of the potential timescale of an export ban. I have a duty to minimise the economic impact on Scotland. I must view the regionalisation argument in that context.

Mr Peacock is right about cross-border trade. About 60 per cent of lambs from Scotland are slaughtered south of the border. Our shop and supermarket shelves carry meat products—well over 1,000—that have been produced using meat that has gone down south to be processed and then come back over the border to supermarket and shop shelves in Scotland. Regionalisation for

Scotland only would have implications in that regard. We must consider the issue in the context of the overall economic impact. If we were to face months and months of an export ban, we would in the short term consider the best regionalisation option for Scotland to pursue.

The Convener: I remind members that the longer the questions are, the longer the answers will be and the fewer members will get in. Peter Peacock has another question, but I will skip on to the next member, Richard Baker. If there is time and if the issue is not cleared up in the meantime, we will come back to the issue that Peter Peacock wants to raise.

Richard Baker (North East Scotland) (Lab): I will roll my two questions into one, in the hope that that expedites the meeting. It is clear that the economic impact is a key concern. You have talked about a possible welfare disposal scheme. Beyond that are wider concerns about the outbreak's impact on the cash flow of farm businesses. Can you give further details about the range of options that are being considered to ease that problem? In addition, one method—*[Interruption.]*

The Convener: Excuse me—I ask everybody to switch off their mobile phones. I had to remember to do that just a few minutes ago. It is obvious that somebody's mobile phone is on and is interfering with the sound system. Was it Tavish Scott's phone?

Tavish Scott (Shetland) (LD): It was not mine.

Richard Baker: It has been suggested that payments under the less favoured area support scheme could be brought forward. Will you talk about that? Has that possibility been considered?

Richard Lochhead: The point is important. We must discuss support for the industry at this extremely difficult time, and not just under welfare schemes, irrespective of whether they proceed in the future.

The industry is discussing with us the potential to bring forward payments under the single farm payment scheme or the LFASS. Unfortunately, various complications arise when we consider that, such as legal obstacles that mean that bringing forward part of the payments would delay the second part of the payments further into 2008. The issue is not simple, but we are putting much effort into considering bringing forward single farm payments or LFASS payments.

The current timescale is to make those payments in December and January. If we brought them forward to November or October—that may not be possible—it would have knock-on impacts on the remaining payments, which could be pushed back further into 2008. All I can say is that

we are investigating all the options. Many officials are working on that as we speak, and have worked on it all week. We are discussing with the industry what the best options may be.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Last week, when you gave us an informal briefing, which was much appreciated, you said that work was under way to identify whether any animal movements had taken place from Surrey into Scotland. You have now confirmed that that work is under way—it is a week since you started it. Have you identified any animal movements between Surrey and Scotland?

Charles Milne: Farmers have a period of grace for entering data into the databases. Under the cattle tracing system, that period is six days, so all the data would not have been put into the system until last night. However, we have not waited until all the data were added; we have run the system as best we can to try to get ahead of ourselves.

I confirm that we have no evidence to date of direct movements of cattle, sheep or pigs to Scotland from the area 50km around Pirbright, but information is still coming in. We have identified five indirect contacts whereby sheep or susceptible animals from that area have come into contact with other animals that might have come to Scotland or have been in contact with animals that have come to Scotland. Animal Health, which used to be called the state veterinary service, went out on farm to see all five premises and saw no clinical symptoms there. However, we still have a little to do to complete that work.

Mike Rumbles: When will you be in a position to say confidently that you have received all that information and to tell us definitely whether animal movements have taken place?

Charles Milne: I hope to be in that position by the end of the week. However, we must be a little bit cautious. We have databases that record animal movements, but we do not have databases that record movements of people or vehicles.

The Convener: I thought that closed-circuit television did that.

Charles Milne: We know that in 2001, a farmer from Caithness went to Cumbria, where he visited a farm, after which he returned to his animals in Caithness. We slaughtered those animals as a precaution and one of those animals had an inconclusive result. I emphasise that the total picture involves not just the animals; we are taking into account many other factors to make veterinary risk assessments.

Sarah Boyack (Edinburgh Central) (Lab): My question is about the sheer complexity of aspects of the disease, which can be spread not only through the movement of animals but by vehicles

carrying animals, people coming into contact with them and so on. In our discussions about local food, I have been struck forcibly by the issue of centralisation and the very long distances that animals have to be moved to be slaughtered. The role of local facilities was brought up at the National Farmers Union Scotland last week and has certainly been discussed in committee before. Every time I see Tavish Scott at these discussions, I think of the thousands of sheep that are transported to the mainland from the northern isles. Is there any scope for taking a more strategic long-term view of the matter by considering abattoirs? We have a centralised market, but we also have aspirations with regard to local food, but our approaches to addressing both issues are miles apart. At any given time, a huge number of animals have to be dealt with, but at times like these, that becomes impossible. Even minor relaxations in haulage restrictions throw up fundamental challenges. I know that we are in the middle of a crisis, but surely we need to think through where we can take things from here.

Richard Lochhead: This extremely interesting issue deserves a lot of debate in the months ahead. Of course, animals are moved not just because of a lack of local facilities in a certain area but because of the geographical attributes of the islands and mainland Scotland. For example, Shetland lambs are moved as part of the next stage in their journey to the north of Scotland and cattle from Orkney are moved to the north-east of Scotland to be fattened.

However, Sarah Boyack is perfectly correct to raise the issue. I have been in post for only four months but, as a result of the two crises, I am certainly learning a lot about the red meat sector in Scotland. For example, I have learned that 60 per cent of lambs go south of the border—to Wales, mainly—to be slaughtered. The industry needs to address such issues and to discuss whether other options are available. We, too, must examine the issue as part of the debate in Scotland about food policy.

I hope that the review that we commissioned from Professor Scudamore after the outbreak in August—it has not yet begun, because it needs to take the latest outbreak into account—will give us an opportunity to flush out certain issues that have emerged. However, you are quite right to say that the outbreaks have highlighted issues such as the location of abattoirs and the distances that animals have to travel.

Sarah Boyack: The Environment and Rural Development Committee in the previous session of Parliament discussed the issue extensively with the then minister, and I kicked the issue back to you, rather than to the industry alone, because I feel that the rural development programme might

have a role to play. I am glad that you are taking the matter on board.

Richard Lochhead: I assure you that the Government will examine the issue.

Jamie Hepburn (Central Scotland) (SNP): You mentioned the Government's commitment to managing this outbreak appropriately for its duration. However, if I heard you correctly, you appeared to indicate that the UK Government considers the outbreak to be short-term. You will have to forgive me if there is no easy answer to this question—I am a layman in these matters—but is there any way of estimating, or has there been any indication of, how long the outbreak might last? You might have hinted at this when you dealt with regionalisation.

Richard Lochhead: The chief vet might want to comment on how long the outbreak might last.

One of the unfortunate consequences of the disease is that, even though there has been a cull in the south of England, it still has an impact on Scotland. I am doing my best to convey that point to the UK Government, because DEFRA needs to be aware of the situation's impact on the north of Scotland, on Scotland's hills and throughout the industry. Indeed, the outbreak impacts not only on our farmers and livestock keepers but on hauliers, abattoirs and the rest of the chain. Tens of thousands of jobs are affected.

10:30

Charles Milne: We have already discussed the complex ways in which the virus can transmit itself. For example, it is not just transmitted through contact between animals; it can survive in the environment for up to 28 days in pasture and longer in manure and water. Controls are not the only issue to be considered, but that complexity is the reason why we have controls and surveillance zones that last as long they do—30 days.

It is impossible to say whether we are at the last case. Three groups of modellers have considered the outbreak and have predicted that significant numbers of further cases are unlikely. However, what happens in the real world is often different from models. It is not possible to tell committee members categorically how long the outbreak will last, but we can consider both the risk to Scotland from the current outbreak and what is likely to happen in future. We will then be able to take appropriate action for Scotland.

Bill Wilson (West of Scotland) (SNP): Most of my questions have been answered but there is one that I would like to add. A relaxation of transport rules has been declined on the ground that the problem here is local. If we are trying to set up a welfare system to assist farmers, I worry

that that system may also be declined on the ground that the problem is local.

Richard Lochhead: I received a letter yesterday from the Scottish Society for the Prevention of Cruelty to Animals, which added its voice to the concerns over the welfare issue that is facing the livestock sector—in particular, the sheep sector in the hills. Yesterday I met Lord Rooker, who was visiting Edinburgh for a prearranged meeting with me on another agriculture issue. I took the opportunity to convey to him, as forcefully as I could, the seriousness of the issue facing farmers on the hills of Scotland. Tomorrow afternoon, I will do likewise when I meet Hilary Benn, the Secretary of State for Environment, Food and Rural Affairs, in London.

The Convener: Most of the discussion today has been about animal welfare, and it is right that we have been concerned about that, but there is a human welfare concern as well. Has any estimate been made of the cost of the August and September outbreak to the industry in Scotland? I am asking not only about the direct costs to farmers. We know very well that if the marts do not get sales going, many other people will lose out as well and the entire industry downstream will lose money. For the sake of the marts, will it be possible to give a date for store sales, so that people at least have that to work towards?

Richard Lochhead: I can give members some indication of the potential economic costs. The lamb sector could be losing more than £1 million a week—through a combination of factors including a lack of sales and plummeting prices. Sheepskins that come from abattoirs cannot be exported, and we reckon that that has led to a decline of £30,000 a week for the abattoirs. The export market for meat from Scotland in 2005 was £80 million. We do not know how long the export ban will be in place, but that figure will give members a rough idea. We do not yet have an overall economic assessment, but we are researching it. Until the outbreak is over, we will not really be in a position to start getting information.

The Convener: What about the date for store sales?

Richard Lochhead: I was just about to hand over to Charles Milne on that.

The Convener: Just before you do, can you tell us whether the economic impact will be part of the review as well?

Richard Lochhead: The terms of reference for the review are relatively open, and I will revisit them after the outbreak is over. However, I cannot see a reason why the economic impact would not be part of it.

We are talking in economic terms but we should also mention the human cost. After this outbreak

began, we took an early decision to contact the organisations that I mentioned in my opening statement. We are putting the details of those contacts up on our website and we are getting the information out to the farmers, for whom this is an extremely distressing time. For hill farmers, this period of the year accounts for 70 per cent of their income, so members can imagine the tolls on emotions and mental welfare that the outbreak has had on farmers and their families. We all have to be wary of that.

Charles Milne: I have spoken to the chief medical officer to see what he can do to support families in remote areas. I will be meeting him again this afternoon to discuss such issues further.

The convener asked when we would have store sales, and the answer that I give to the stakeholders who constantly ask the same question is, "When we have evidence that it is safe to do so."

As I explained, we are undertaking an analysis and we hope to have the information by the end of the week. Of course, the position is changing daily. We had another infected premises yesterday and we could—let us hope not—have an infected premises in Preston by tonight. We will have store sales as soon as it is safe to do so. By the end of the week, I should be in a better position to give some timings.

Tavish Scott: Thank you, convener, for allowing me to come along and ask a couple of questions.

I thank Mr Lochhead and Mr Milne for their understanding of the issues and the help that they have provided to the industry in Shetland. I am in accord with Richard Lochhead's views on the emotional way in which the situation is being felt by farmers and crofters in my patch and in his constituency, never mind in other members' constituencies and regions. The situation is grievous.

I apologise for that preamble, convener. I have two questions. First, on single livestock drop-offs, the cabinet secretary and the chief vet will be aware that sheep are going from the northern isles—an unrestricted area—to Aberdeen and then in livestock trucks to particular points, mostly in the north-east of Scotland. I hope that they appreciate that that is causing practical difficulty because of the way in which livestock hauliers are having to return. They cannot drop off at separate points, despite the fact that the lambs are clearly being batched and then posted to separate points.

If the minister and the chief vet cannot answer my question today, I ask them to consider it closely. It could be argued that other agricultural contractors or even Royal Mail vans run up and down farm roads day in, day out. Biosecurity is an issue, but the lambs come from a clean source.

Do the minister and the chief vet accept that there is an argument for livestock that comes away from Aberdeen docks to be dropped off at more than one location?

Secondly, given that Northern Ireland, Orkney and Shetland are unrestricted areas, will the Government consider whether lambs can go to slaughter in Northern Ireland? If we can open up any other potential route, it will be helpful. I ask that question in the context of the points that the minister has made this morning on welfare. There can be no doubt that welfare is an issue. Grass is disappearing in front of our eyes. I know that Charles Milne—

The Convener: Tavish, if you do not speed up, I will not have time to get the other two members in.

Tavish Scott: I am speaking as fast as I can.

The Convener: Will you cut it short?

Tavish Scott: But some of the issues are important for my constituents.

The Convener: I appreciate that, but I want to get everybody in.

Tavish Scott: It is important for welfare to be addressed as a matter of urgency as well.

Richard Lochhead: I am conscious of the extreme frustration on Scotland's islands at present. Thankfully, we managed to make a lot of relaxations early on, but I will let Charles Milne comment on the risk aspects.

Charles Milne: The cabinet secretary makes a valid point. We freed up the islands far earlier and they are enjoying far more freedom than any other part of Scotland. I emphasise again that we must not risk the spread of disease if the disease is present in Scotland. We are assessing the risk of that happening.

Single livestock drop-offs are important because, as we said, livestock vehicles can transmit disease. We know that the most likely way in which the virus spread from Pirbright laboratory to the first IP was on vehicles. Unlike postal vans, vehicles that drop off livestock go into parts of farms that livestock inhabit, so they represent a different level of risk from a postal van that goes up to the farmhouse and back. We are aware of the issue and we will move on it as soon as it is safe to do so.

Mr Scott's second question was on the export of lambs. He will be aware that we have been doing a lot of work with the abattoir on Shetland to consider exporting some carcasses to the Faroe Islands. It is obvious from that work that the EU decision that is imposed on the UK does not allow us to export to either the EU or third countries. We followed that up and we have no legal base to do that.

Northern Ireland is categorised in the annex to the decision as a disease-free area, but the islands are not. They are categorised as part of GB and as a disease-affected area. The restricted zone that we have imposed includes only the mainland. Through that domestic measure, we have been able to free up the islands, but in EU law the islands are part of GB.

Richard Lochhead: We will continue to explore the issues.

The Convener: We have five minutes left. If Jim Hume is quick, I will have time to bring in Nanette Milne.

Jim Hume (South of Scotland) (LD): I will be as brief as possible. I am glad that the animal and human welfare and economic issues concerned have been recognised, but there is also the environmental impact and long-term effect of overgrazing on the hills. I come from the south of Scotland—the opposite end of the country—where there is a vast number of sheep on high ground that has had snow and where there was frost yesterday morning. Traditionally, the lambs are moved directly to store land, usually in the south of Scotland, without going via market. Has early consideration been given to allowing that movement from hill land in the south to the store land where they overwinter traditionally?

Charles Milne: Absolutely. We are well aware of the pressing need for such moves and the potential welfare catastrophe out there. However, I return to the fact that we must base our decisions on risk. We are investigating a possible link between Surrey and events at Lanark market. That is only hearsay; I am not raising it as evidence, but all such matters need to be negated before we will be safe in the decisions that we make.

Jim Hume: You realise that such traditional movement is far less risky than movement to a store mart. It could be speeded up quite quickly, once the epidemiology permits.

Charles Milne: Absolutely. I am impressed that everybody can say “epidemiology”. From a veterinary perspective, I am well aware that farm-to-farm movements represent a lower order of risk than movements to livestock-holding markets. I hope that we will be able to do something more quickly about farm-to-farm movements.

The Convener: I thank Jim Hume for his brevity.

Nanette Milne (North East Scotland) (Con): I noted what was said about the Caithness farmer during the previous outbreak. I also note that the NFUS has issued a biosecurity warning. How easy is it to detect breaches of biosecurity measures and what sanctions are in place for those who breach them?

Neil Ritchie (Scottish Government Rural Directorate): What we mean by “biosecurity”, and how easy a breach is to detect, are veterinary matters. Charles Milne has greater experience of the enforcement angle. In 2003, we introduced the first biosecurity code in the UK. The code did not introduce legal sanctions, but it would be used in any prosecution of cases involving statutory breaches. Since the introduction of the Animal Health and Welfare (Scotland) Act 2006, we have been following up the development of biosecurity codes that could be used during disease outbreaks and at other times to provide additional sanctions, promote biosecurity and ensure that in times of heightened risk we can introduce heightened measures to reduce those risks.

Charles Milne: As regards detection, information came to me earlier this week that some individuals in the industry are not complying with biosecurity standards. I have asked for regular reports on compliance from Animal Health—which was formerly the state veterinary service—and local authorities. We do not want farmers to turn up at markets or gatherings wearing contaminated footwear and in filthy vehicles. That would not be in their best interests; we are putting in place safeguards to protect them and we rely heavily on the industry to take those safeguards on board and look after its own interests.

Richard Lochhead: Although the vast majority of farmers in Scotland adhere to biosecurity best practice, it is everyone’s responsibility to send out the message about the importance of biosecurity at this crucial time.

John Scott: Jim Hume touched on store-land movements. I take it that, at this time of year, we are talking about moving hogs off the hills to traditional winterings and draft ewe sales, although those sales are not taking place. Many draft ewes go to the same homes year after year, and hogs go to the same winterings. Is there any possibility of an early relaxation of restrictions on farm-to-farm movements for such traditional winterings? I appreciate that your answer will be that that will be done as early as possible, but I would like to hear it from you.

Richard Lochhead: I will ask Charles Milne to deal with the risk-assessment aspect of your question. We are moving as fast as we can to implement as many relaxations as we can to benefit everyone in the industry who is affected. Members can imagine the bureaucratic exercise involved in trying to identify information before issuing licences for individual circumstances throughout the country. I ask members to bear that in mind.

10:45

Charles Milne: The issue raised by John Scott is raised by stakeholders again and again. I go back to the fact that we need to do work to give us the necessary assurances that such activity is safe. Members should look at the record of what happened in August. Restrictions were relaxed as quickly as they could be. We have the same intention, but our primary intention is still to keep disease out of Scotland and, if it is here, to prevent it from spreading.

The Convener: I thank everyone for their speed.

Peter Peacock: I have a question for you, convener. When you wind up the session, could you invite the minister to give us a copy of the document on the thinking on regional strategy? I know that a discussion paper is kicking around, and it would be useful for members to be able to have a look at it.

The Convener: I do not know whether that document is available for circulation.

Richard Lochhead: I would be happy to provide members with a copy of the pros-and-cons paper that we are working up. I am not sure when we will be able to do that, but it will be soon.

The Convener: I thank everyone. We will pause for a minute or two to allow for a change of Government personnel.

Subordinate Legislation

Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Amendment Regulations 2007 (SSI 2007/414)

10:47

The Convener: Agenda items 2 and 3 relate to the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Amendment Regulations 2007 (SSI 2007/414). The relevant paper is with the committee papers that were sent out. Members will remember the procedure from our most recent meeting. Item 2 will be a question-and-answer session with the minister and his officials. Item 3 will involve the moving of the motion and the formal debate. I invite the cabinet secretary to introduce his supporting officials. If he wishes to make an opening statement, I ask him to keep it to five minutes.

Richard Lochhead: As if by magic, new officials have appeared alongside me. On my left is Ingrid Clayden, who is head of the rural development division, and on my right is Sandy McNeil, who is the rural directorate's solicitor.

My opening comments will be brief. I remind the committee that the Scotland rural development programme is with Europe as we speak. After the election of the new Government in May, I was appointed as Cabinet Secretary for Rural Affairs and the Environment in mid May. We had only a fortnight or so before the programme had to be submitted to Europe. After getting a short extension, we managed to submit the programme—which will be worth £1.6 billion to Scotland over the next seven years—to Europe on 12 June.

It is clear that the previous Government, in conjunction with stakeholders around Scotland, put a great deal of work into the programme. It is a highly ambitious programme, which we are convinced will provide an enormous boost for our rural economy, including our primary producers—our farmers.

As regards voluntary modulation, the Government had to strike a balance to ensure that the programme, which had been formulated over several years, was adequately funded to enable it to be effective in achieving its objectives. We also had to be conscious of the impact on our farmers of the reductions in single farm payments that would result from voluntary modulation.

My view as cabinet secretary is that we struck the right balance. Our programme was welcomed

by a cross-section of our rural industries, including farming organisations. There were people who would have preferred lower rates of modulation, just as there were those who sought higher rates of modulation. Given the time pressures that we faced, we had to reach a judgment. I feel that we made the right judgment on the rates of voluntary modulation.

The Convener: Thank you. As the motion to annul is in Mike Rumbles's name, I ask him to put the first questions.

Mike Rumbles: I have enough to say in the debate and am conscious of time, so I am happy not to ask questions.

John Scott: Cabinet secretary, could you tell us what would be the likely consequences were the regulations to be annulled? What would the effect be on, for example, the timing and implementation of the rural stewardship scheme and the LFAS payments?

Richard Lochhead: As part of submitting the rural development programme on 12 June, we had to provide the rates that we had chosen for voluntary modulation. They are with the European Commission—they are part of the document and cannot be separated from it. If the rates were to change through the regulations being annulled, we would have to withdraw the rural development programme and resubmit it with new rates after concluding what those new rates should be. That would substantially delay the programme, which is on target to come into play in early 2008. The European Commission has until the end of the year to give the go-ahead, because the deadline is six months from the date of submission. We hope, of course, to have the green light before then, but that is the timescale to which we are working.

Annulment of the regulations would lead to a substantial delay in implementing the £1.6 billion rural development programme and everything that is associated with it. It would also lead to problems with single farm payments. Because the purpose of the regulations is to seek the Parliament's permission to take the voluntary modulation elements into account with the single farm payments that are due at the end of the year, those, in turn, would also be delayed.

John Scott: So annulling the regulations would not be particularly helpful, given the cash-flow problems that the industry faces at the moment.

Richard Lochhead: I have spoken personally to hundreds if not thousands of farmers over the past four months and have had no request to change the rates of voluntary modulation, despite the fact that many may have preferred lower rates. The last thing that they would like to hear of now is any delay in the single farm payments. Indeed, that applies to the wider rural community. Any further

delay in the whole programme is an issue not just for the farming community, because the programme has already been delayed.

Bill Wilson: The present modulation rate is 9 per cent. What was the rate in the original plan? Have you taken over the original plan from Ross Finnie or have you modified it in any way?

Richard Lochhead: The rural development programme as submitted to Brussels emanates from the rural development strategy that Scotland had to submit to Brussels prior to submitting the programme. That strategy laid out the general objectives for what we are trying to achieve within rural Scotland. It is a large document, but I am sure that you will get a copy from the Scottish Parliament information centre if you want to have a look at it. It is an interesting document.

The previous Administration worked with stakeholders on the rural development strategy, which was then converted into the programme. A lot of work was put into costing the programme so that it could achieve its objectives. A balance has to be struck in relation to how to fund the programme. The costings were in place when we came into office. We could have changed them had we so wished, but I can only reiterate to the committee that, when the new Government was elected in May, we had two or three weeks to get the rural development programme to Brussels. Reopening it in any major fashion would have led to a huge delay, and we were not prepared to do that.

To fund the costings that were estimated at the time would have required a greater level of voluntary modulation than the level that we have proposed. To get around that, we injected a further £70 million from central sources in the Government's budget into the seven-year programme. That is £70 million over the seven years of the programme. That figure represents £10 million for the one additional measure that we put into the programme, which was a new entrants scheme—that was one change that we wanted to make within the limited timescale that we had—and £60 million to help us to keep the rates of voluntary modulation to a minimum.

The Convener: As I have had no further indication of questions, we will move to the debate on the motion to annul the regulations. As I indicated earlier, the motion was lodged by Mike Rumbles. The standing orders allow up to 90 minutes for the debate, but there is no way that I am going to allow 90 minutes for it.

I invite Mike Rumbles to speak to and move motion S3M-458. Could you keep your opening speech to three or four minutes?

Mike Rumbles: It will be slightly longer than that.

The Convener: How much longer?

Mike Rumbles: A maximum of five minutes.

The Convener: Okay. Try to keep it to that.

Mike Rumbles: Thanks, convener. At the previous committee meeting, I moved a motion to oppose the creation by the Government of a new criminal offence for farmers who make errors in their paperwork. Today, we face a different issue. I have again lodged a motion to oppose another set of regulations from the Government that in my opinion unduly penalise our farmers. Unfortunately, these regulations seem to be setting an unwelcome trend.

These regulations come to us as a result of the Government's rural development programme, which involves an investment of approximately £1.6 billion over six years. To help to pay for the programme, the Government has decided to reduce still further the payments that go directly to our farmers.

The Scottish National Party's manifesto stated:

"We will pro-actively act to safeguard agriculture support for Scotland's farmers".

I do not know how the action of the Government to reduce the direct support that is available to our farmers squares with that statement. Perhaps Richard Lochhead could address that point during the debate.

On 31 May, the minister outlined the rural development programme to Parliament in a subject debate—on which, of course, there was no vote. Incidentally, of the £1.6 billion in the rural development programme, the Scottish Parliament information centre can identify only where £1.2 billion is being spent. The minister has so far left unpublished about £400 million of Government spending, so we are cutting the direct budget to our farmers without knowing where the money is going. Perhaps the minister can enlighten us during the debate and agree to make available the detailed budget for the whole of the rural development programme.

I will quote from the very short briefing on the matter that committee members received from NFU Scotland. It states:

"There has already been lengthy and intense debate on the appropriate rate of voluntary modulation. Obviously, farmers would like as low a rate as possible, but that debate was concluded in June this year when the SRDP was announced".

I have to say that the briefing is factually incorrect. There has not been anything like a "lengthy and intense debate" on modulation. The debate certainly was not concluded in June—it was not done and dusted.

The committee has a public duty to examine the proposals now. We are not and should never be a

rubber stamp for the Government; it is our job to ensure that proper scrutiny is undertaken.

Sadly, not only has NFU Scotland got it wrong about the extent and timing of the debate that has taken place, it does not seem to appreciate the role of Parliament. It has a legitimate concern that the step that I propose in the motion may, as John Scott also suggested, delay payments to our farmers. However, I would not be moving the motion if I believed that that was even a remote possibility.

The EU was concerned about the detail of the rural development programme—the rate of voluntary modulation is not a real concern for it and could easily be amended within the timeframe. The Government has until the 40-day date is reached on 31 October to do the right thing. It should and could do that. It is simply a matter of finding the money from the block grant rather than directly from our farmers.

I am pleased that I am an avid reader of *The Press and Journal*, because I think that committee members should be aware of a report on modulation in this morning's edition. We all know that compulsory modulation is set to rise from 5 per cent to 6 per cent. According to *The Press and Journal*, a report that is due to be published in November by the EU agriculture commissioner, Mariann Fischer Boel, will propose increasing the rate of compulsory modulation to 13 per cent by 2013. If that happens, compulsory and voluntary modulation will be at 22 per cent, which will confirm the worst fears of the industry.

We have no control in the Parliament over compulsory modulation, but we do have control over the level of the Government's voluntary modulation. The EU wants to increase compulsory modulation because hardly any countries in Europe have voluntary modulation. We surely cannot add to the burdens that are being faced by our farmers.

11:00

I will turn briefly to the debate in the Parliament on 31 May. I can do no better than include quotes from three speeches that were made during that brief debate. John Scott set the scene—I commend him for it—when he said:

"Currently, we have a total of a 10 per cent reduction in support for Scottish farmers through modulation. However, the minister has decided to increase modulation ... the more he increases the level of voluntary modulation, the more he reduces the profitability of Scottish farmers. Indeed, the NFUS has calculated that every 5 per cent increase in modulation reduces net farm incomes by 20 per cent ... there is a real danger that the most likely effect of significant increases in voluntary modulation will be to put farmers' businesses under further threat."

John went on to say:

"Today's announcement, however, will bring about an increase of, effectively, 5 per cent ... which will reduce net farm incomes by 20 per cent, bringing them down to just over £8,000. That is still too great an increase in voluntary modulation."

Well done, John.

I said in the debate:

"The minister has announced the levels of modulation—or, in layman's terms, cuts—for the direct payments to our farmers that help to fund that programme. Those cuts take the level of modulation from 5 per cent to nearly double that—9 per cent ... This is a hugely controversial issue. Indeed ... the SNP MEP Alyn Smith said:

"I can see absolutely no need for voluntary modulation in Scotland."

I continued further on:

"What happened to the promise in the SNP's manifesto that an SNP Government would force deductions through voluntary modulation only when cash for the programme could not be found from other sources?"—[*Official Report*, 31 May; c 259-62.]

To paraphrase my other question of 31 May, has Richard Lochhead hit the farming community because he cannot get enough cash from the Government?

I also said in the debate of 31 May that how Richard Lochhead had proceeded was no way to conduct our affairs in Parliament because we did not have a parliamentary vote on his proposals.

My final quote from the debate of 31 May is from Rhona Brankin, representing the Labour Party, who said:

"I welcome the opportunity to debate Scotland's rural development programme. Frankly, however, I am disgusted this morning because we are having only a subject debate, with no opportunity to take a vote."—[*Official Report*, 31 May; c 255.]

We on this committee now have the opportunity to take a vote. I hope that all committee members, but John Scott in particular, will do the right thing, particularly in the light of the new information about modulation levels possibly being 22 per cent, and reject the minister's proposal.

I move,

That the Rural Affairs and Environment Committee recommends that nothing further be done under the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Amendment Regulations 2007 (SSI 2007/414).

The Convener: And, like magic, I move to John Scott, to be followed by Jamie Hepburn.

John Scott: I was not expecting to say much in this debate, but I must say that Mike Rumbles has raised important points. He is correct to record what I said in the debate on 31 May. I stand by what I said because the facts to which I referred are the case.

Regrettably, however, although I would have preferred the minister to set a lower rate of modulation, we are where we are. Mike Rumbles said that there would be no risk in not going ahead with the payments, but I do not believe that the industry would thank us, given its current state, if we rejected the regulations.

Mike Rumbles also said that the debate on levels of voluntary modulation has not been going on for any length of time. Sadly, he is wrong about that because the debate has been going on for a great length of time. It is regrettable that the previous Administration could not come to a view on what the level should be, which is why the current schemes are underfunded and why work has not been going ahead.

On Commissioner Mariann Fischer Boel's proposals on compulsory modulation, as Mike Rumbles will be well aware, that is really a matter for United Kingdom ministers. Indeed, it is certainly a matter for another day.

The minister and the industry have made it clear to me—it is as plain as a pikestaff—what the consequences would be of not pressing ahead with the scheme, albeit with its imperfections, which I was the first to acknowledge and criticise. However, regrettably, it is the "only game in town", to use a phrase of one of Mike Rumbles's old colleagues, George Lyon. If we do not agree the regulations, we would be doing a disservice to the industry that would be far greater in its effect than any possible benefit that Mike Rumbles can envisage arising from our rejecting the regulations.

The Convener: Jamie Hepburn is next, to be followed by Bill Wilson. I ask members to keep their speeches to three minutes.

Jamie Hepburn: Certainly, convener. I doubt that I will take three minutes.

I am sure that Mike Rumbles is well intentioned in lodging the motion that is before us, just as he was well intentioned when he lodged a similar motion at our previous meeting. However, given what the cabinet secretary has told us, and given that the NFUS appears to agree that failure to approve the regulations would put the whole rural development programme at risk, we must think hard before voting on the matter.

Mike Rumbles asks how the Government is keeping to the manifesto commitments that he mentioned. I am sure that the cabinet secretary is more than capable of answering the question, but it strikes me that the regulations are an example of how the Government is keeping to its commitments. If we fail to approve the regulations, support for the farming industry will be jeopardised, as the cabinet secretary's answer to John Scott's question clearly indicated; we would be throwing the baby out with the bath water.

It is especially telling that, since he took up his post, the issue of lower rates for voluntary modulation has not once been raised with the cabinet secretary by farmers to whom he has spoken. We should bear in mind that the proposed rates are significantly more generous than those that were pursued by the previous Administration, under the direction of a Liberal Democrat minister. I mention that in order to jog some memories.

We must approve the SSI that is before us, especially given what the NFUS has told us. The NFUS is the body that speaks for farmers and it is concerned that rejecting the regulations would cause unnecessary delays and jeopardise the industry. We should go with what not only the cabinet secretary but the NFUS is telling us.

Bill Wilson: Mike Rumbles argues that we have no control over compulsory modulation, which is fair enough. He is concerned that if compulsory modulation rises significantly, the combined effect of compulsory and voluntary modulation may be harmful to farmers. If compulsory modulation rises significantly, might the minister re-examine the levels for voluntary modulation? Presumably that is an acceptable option.

It has been suggested that voluntary modulation will have the effect of removing finance from farmers. Can the minister confirm whether farmers will be able to apply for money from the voluntary modulation system in order to diversify their livelihoods? Given the present problems with foot-and-mouth, some farmers might welcome the opportunity to do that, to give them greater security and possible future income.

I turn to Mike Rumbles's comments on the NFUS briefing. Whether the NFUS is technically correct in saying that there has been a long debate on the issue, rather than a short or medium-sized debate, is irrelevant. The important point in the briefing is that farmers are under immense pressure. We have already heard about the psychological pressure to which sheep and hill farmers are subject. Surely it would be barbarous and almost inhuman for us to add extra uncertainty at this point. If people are struggling, as they are, it would be extremely unfair for us to add an extra level of uncertainty. I agree entirely with Jamie Hepburn that we should approve the regulations.

Sarah Boyack: I am grateful to Mike Rumbles for lodging the motion so that we can have a proper debate on the issue. I agree that it should have been debated and voted on properly after the election. That did not happen, and now it is a case of take it or leave it.

Labour members would not have proposed the measures that are before the committee. In the chamber, we made it clear that we would have

gone further. We suggested that an opportunity to go for more staged voluntary modulation had been missed. We wanted to see more flexibility and to change the way in which we support not just our farming communities but our wider rural communities. I agree strongly with the points that Bill Wilson made about diversification: more opportunity for that should have been built into the measures. There should also have been more creative support for farmers who do not currently receive support. The support that we are discussing is for farmers who are already in the system. If we are to have more local food procurement, there should be more flexibility.

We would have opted for a different system, and we have criticisms of what the minister has done, but a statutory instrument is now before us. The regulations cannot be amended, and we do not support their rejection by the means that Mike Rumbles is proposing. We are where we are.

We favour a more integrated approach to public benefit. When we debate the budget later in the year, we will look at how the money has been spent, as we know that environmental organisations are concerned that some agri-environment schemes are underfunded. However, today we have a choice. We are being invited to reject the regulations, but we believe that that would make life much harder for the farming community, which is expecting the regulations to come into force. The farming community is facing extremely difficult times and we would not want to call into uncertainty the rural development programme, which is waiting for approval in Brussels. Although we do not support the minister's proposals 100 per cent, we certainly do not want to jeopardise the package.

The Convener: I invite the cabinet secretary to respond to the points that have been made. Please keep it as brief as possible, and I remind you that officials may not participate in this part of our proceedings.

Richard Lochhead: Is this in addition to summing up at the end?

The Convener: This is your response—this is it.

Richard Lochhead: That is fine. I will do my best to respond to the points that have been made. There are a few myths that need to be cleared up. This is a £1.6 billion rural development programme running from 2007 to 2013. I have looked at the list of measures under the four axes of the programme and, over and above the single farm payment that farmers will continue to receive, it is difficult to find many schemes that are funded out of the rest of the £1.6 billion that farmers cannot apply for. I appeal to the committee, and in particular to Mike Rumbles, to recognise that the proposals are not about denying public support to

the farming community. The farming community was involved in many of the discussions and it supports many of the measures that have been funded from throughout the £1.6 billion programme, not just from the £216 million that has been diverted through voluntary modulation.

I will now address the issue of debates and votes. I had a quick look at what happened in the Parliament when the original voluntary modulation was announced under Ross Finnie, the previous Minister for Environment and Rural Development. The modulation rates that he announced were 3.5 per cent in 2005 and 4.5 per cent in 2006. There was no vote on that in the Parliament. Perhaps Michael Rumbles will correct me if I am wrong, but I looked for and could not find any demand for a debate or vote by him a few years ago. Given the former Minister for Environment and Rural Development's implementation of a 4.5 per cent voluntary modulation rate, compared with our 2007 modulation rate of 5 per cent—only 0.5 per cent more—I am surprised that Michael Rumbles thinks that there is now a much stronger case for a vote and debate in the Parliament this time compared with last time, when he did not make similar demands.

On the voluntary modulation rates that are included in the rural development programme, I point out that Michael Rumbles has been selective regarding the debate on the matter in Parliament. Bill Wilson makes a good point about what I said during that debate—it was either in an intervention or in my speech. I said then that if the EU proposed to increase the compulsory modulation rates, we would have flexibility to revisit the rates that we submitted under the programme and to reduce the voluntary element to reflect the increase in the compulsory element. I reiterate that point, which I have made in Parliament in the past. I do so in particular for Michael Rumbles, who I hope can now accept that that option is available to the Parliament to implement if we so wish.

Michael Rumbles thinks that the Scottish Government is not contributing enough towards the £1.6 billion. We are contributing 71 per cent of the budget. I do not have the figures for other EU member states or the terms of their contributions, but I am sure that he will find that the European element of other countries' rural development programmes is greater, because their Governments secured better rural development funding deals for their countries in the 1990s. We did not have that comfort in Great Britain, where the UK Government secured a miserable share of European funding for rural development in Scotland. The Scottish Government—I include the previous Scottish Government, to be fair—took the brave decision to increase the central element of the overall pot to make up for the loss of the European element. Of the £1.6 billion, Europe is

currently contributing 8 per cent and the Scottish Government is contributing 71 per cent, with £216 million coming from voluntary modulation, which can of course be largely recycled to the farmers out of many of the other schemes that are available. It is important to make that point.

11:15

Finally, let me address some of the valid points that Sarah Boyack made. We could have had greater debate in Parliament if we had not had just three weeks in which to submit the programme to Brussels. However, my decision largely reflected the two years' debate that had taken place preceding that. As Sarah Boyack outlined, we are all trying to achieve the same objectives for rural Scotland and for our farmers. We want to give them flexibility and new opportunities to diversify into new areas so that they can add value to their existing practices and we also want to help the food sector. I believe that those objectives will be achieved by the programme that we have submitted.

The Labour Party wanted to increase voluntary modulation to 15 per cent as opposed to the 9 per cent that the Government proposed. Although that would have provided the programme with a few million pounds more, we have tried to replicate that by increasing the central element to ensure that there is no overall decline in the budget. I think that we have struck the correct balance. The balance has been welcomed not just by the farmers but by a wide range of rural interests—this affects all our rural industries including forestry and food production—as well as the primary producers. We need to take that into account.

The rural development programme is a major package that could add huge value to the rural economy over the next six to seven years. I ask the committee to reject the motion to annul the regulations so that we can allow that progress to proceed as soon as possible. The Government and the Parliament need to give our farmers as much certainty as possible at a time when, unfortunately, they face great uncertainty due to the foot-and-mouth outbreak and the other pressures, such as high cereal prices, that are impacting on the rural economy.

The Convener: I invite Mike Rumbles to wind up the debate. He should take no more than three minutes.

Mike Rumbles: John Scott said that he stands by what he said in Parliament. I remind him that he said:

"That is still too great an increase in voluntary modulation."—[*Official Report*, 31 May 2007; c 260.]

However, John Scott has said today that he will still vote for that increase. He is still content—to

use his own words—to cut farmers' incomes to about £8,000 a year. That is what he will do today.

I point out to Jamie Hepburn that, whereas Ross Finnie held voluntary modulation to 5 per cent, Richard Lochhead is nearly doubling the level to 9 per cent. Those are the facts of the matter.

I respect Bill Wilson's position but, without meaning to be too hard on his comments, it seems perverse to argue that farmers' incomes are under threat so we should reduce their income further by voting against the motion. Like John Scott and the other SNP members, Bill Wilson seems to be content to see that happen.

I felt that the minister—if this is not the wrong phrase—shot his fox today. In response to Jamie Hepburn's question—we need more such questions, Jamie—he confirmed that he could indeed revisit the level of voluntary modulation. That is what I am asking for. The minister has just said that that is what he would like to do if the level of compulsory modulation increases. Therefore, he has shot down in flames his own argument that voluntary modulation is set in stone and cannot be changed. The debate has been a great use of the committee's time because it has exposed such fallacious arguments. That is one of the most ridiculous arguments that I have heard. The minister said that he could change the level of voluntary modulation as it is not set in stone.

I respect the Labour Party position, which has consistently argued for a higher rise in the level of voluntary modulation. I respect that view, although I do not agree with it. However, I do not respect those other people who, having said that the level was wrong and that we should not proceed with it, will now vote for it. That is wrong in any circumstances. As committee members, we should stand up for what we believe in and what we believe is right and do the right thing.

I press the motion.

The Convener: The question is, that motion S3M-458, in the name of Mike Rumbles, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

AGAINST

Baker, Richard (North East Scotland) (Lab)

Boyack, Sarah (Edinburgh Central) (Lab)

Cunningham, Roseanna (Perth) (SNP)

Hepburn, Jamie (Central Scotland) (SNP)

Peacock, Peter (Highlands and Islands) (Lab)

Scott, John (Ayr) (Con)

Wilson, Bill (West of Scotland) (SNP)

The Convener: The result of the division is: For 1, Against 7, Abstentions 0.

Motion disagreed to.

The Convener: I thank the cabinet secretary and his officials for their attendance. They are free to leave now if they so wish.

I advise the committee that we will break for five minutes. Members should be back for 11.25, as I will resume proceedings exactly at 11.25.

11:20

Meeting suspended.

11:25

On resuming—

The Convener: I remind members that we are still in the middle of agenda item 3, although we have finished the debate on the motion. We require to make a short report to Parliament, which will record the outcome of the debate. It can include recommendations, if members wish to include any. The draft report can be cleared for publication by a circulated e-mail, which is preferable, if members make no recommendations. Alternatively, it can be circulated for consideration at the next committee meeting—we still have time for that. The former option is probably the one that we will choose, given that the motion to annul has been disagreed to. I assume that, as well as being named as the member who lodged the motion to annul, Mike Rumbles wishes to record his strong opposition to the Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Amendment Regulations 2007.

Mike Rumbles: That would be helpful. I am sure that committee members agree that it was good that the minister made it clear that if compulsory modulation increases, he will be more than willing to consider reducing voluntary modulation. That is an important point.

Sarah Boyack: You cannot assume that that is the view of the entire committee.

The Convener: We can note that the cabinet secretary indicated that point in response to a question, which is not to say that the committee necessarily agrees. We are putting the point on record. We will circulate the draft report by e-mail for further comments. Is that okay with everybody?

Members indicated agreement.

**Plant Protection Products (Scotland)
Amendment (No 2) Regulations 2007
(SSI 2007/410)**

**Plant Health (Scotland) Amendment Order
2007 (SSI 2007/415)**

**Plant Health (*Phytophthora ramorum*)
(Scotland) Amendment Order 2007
(SSI 2007/416)**

**Seed Potatoes (Scotland) Amendment
Regulations 2007 (SSI 2007/418)**

**Zoonoses (Monitoring) (Scotland)
Regulations 2007 (SSI 2007/420)**

**Porcine Semen (Fees) (Scotland)
Regulations 2007 (SSI 2007/421)**

The Convener: Agenda item 4 is subordinate legislation. No member has raised any concerns about the instruments and no motions to annul have been lodged, not even by Mike Rumbles.

Mike Rumbles: Wait until the next meeting.

The Convener: Do members wish to make any points on the instruments?

Members: No.

The Convener: The Subordinate Legislation Committee has made no comments on the instruments. In that case, do we agree not to make any recommendations on the instruments?

Members *indicated agreement.*

Petitions

11:28

The Convener: Agenda item 5 is petitions. Members will recall that they were provided with details of five open petitions from session 2 that have been referred to the committee. The clerks have contacted all the petitioners and given them the opportunity to provide additional information. The note from the clerks summarises each petition, details the consideration of each petition during session 2, provides further information that has been referred to us by the petitioners, and lists options for the committee to consider.

Sewage Sludge (PE749)

The Convener: PE749, from Geoffrey Kolbe, is on sewage sludge. Do members have any comments on the petition?

Richard Baker: I agree with the options in our paper.

John Scott: We should write to Scottish Water asking for an update on when it expects to publish its sewage sludge disposal strategy.

The Convener: Does the committee agree that we should press Scottish Water on the timescale?

Members *indicated agreement.*

Lamlash Bay (No-take Zone and Marine Protected Area) (PE799)

The Convener: Do members have any comments on the Lamlash Bay petition from Tom Vella-Boyle?

11:30

Sarah Boyack: I feel as if I have been watching this petition for a long time. It would be useful to ask the question that the committee posed when it last had a full session on the petition, about funding from Scottish Natural Heritage and the fisheries budget. At that meeting, the committee agreed that there was scope for funding as part of a project.

The representations from the Community of Arran Seabed Trust show its concern that nothing has been done about the petition. The previous committee had a very good discussion with the Minister for Environment and Rural Development, the petitioners and representatives of local fishing interests, and there was agreement that it was possible through the Executive to clarify the funding position with respect to SNH and the fisheries budget. That agreement will be in the *Official Report* of the meeting.

We should definitely push the issue, so I support the suggestion in paragraph 18 of the clerk's paper. It is absolutely the right way to go.

The Convener: You seek to emphasise the funding issue.

Sarah Boyack: Absolutely. Two offers were on the table at that previous meeting, and we should go back and clarify the position.

The Convener: Does the committee agree with that option?

Members indicated agreement.

Ship-to-ship Oil Transfers (Conservation) (PE956 and PE982)

The Convener: We move to PE956 by Mary Douglas and PE982 by B Linden Jarvis, on ship-to-ship oil transfers, which members will be aware was the subject of a parliamentary debate.

Bill Wilson: The issue is clearly not closed. It is regrettable that a private company should have the final say on ship-to-ship oil transfers. We should keep the petitions open. The committee should take the option of writing to the minister as suggested.

The Convener: As suggested by the Royal Society for the Protection of Birds briefing?

Bill Wilson: I am sorry; I am looking at the options in paragraph 28 of the clerk's paper, which says that the committee

"could write to the Cabinet Secretary seeking an update on those discussions."

Jamie Hepburn: I seek guidance convener. Is it possible to decouple the two petitions?

The Convener: They are separate petitions and can be treated separately.

Jamie Hepburn: I am quite relaxed about keeping PE956 open, although I note the petitioner's comments and think she has been unduly harsh on the Scottish Government, given what the cabinet secretary said about the division of powers between the Scottish Parliament and Westminster. I am therefore happy to keep that petition open. However, the terms of reference of PE982 have broadly been fulfilled, because there was a debate before the recent parliamentary recess. I am pretty sure that I participated in that debate.

Sarah Boyack: We should not close the petitions because we have not reached the endgame. Although a statutory instrument was passed before the recess, the Scottish Government has not called in the assessment process.

From reading through some of the parliamentary questions on this issue, it is clear that discussions

are continuing between SNH, Forth Ports and the proposers of the transfers. The committee should keep a weather eye on the issue, monitor developments and ensure that a report comes back from the minister.

The Convener: I am going to ask members for their views on each petition separately, since the view has been expressed that they can be dealt with separately.

Is the committee happy to continue with PE956 by Mary Douglas on the basis of the option outlined in paragraph 28 of the clerk's paper?

Members indicated agreement.

The Convener: PE982, by B Linden Jarvis, arguably is slightly different, because it calls for a debate and Parliament has had that debate, in a sense. What is the committee's view on that? Do we continue with the petition simply because it is about the same subject as PE956, or do we close it?

Jamie Hepburn: As I said, we should close it down.

John Scott: Given the link between the two petitions, we should continue with both of them, but I am happy to go with the flow, convener.

Sarah Boyack: I would keep the petition open. The paper sets out what the petitioner has said about how the Government

"may use its powers ... to protect the local ecology, scenery, environment and areas of special scientific interest and habitat within the Estuary."

The debate is not closed yet. That said, I would be the first to acknowledge that progress has been made.

The Convener: Right. I propose that we keep both petitions—PE956 and PE982—open and that we proceed on the basis of the action that is set out in paragraph 28, which is to follow up on the issue with the Cabinet Secretary for Rural Affairs and the Environment, asking him for an update on the various discussions that have taken place. When we have received that update, the clerks will bring it before the committee for our consideration. Is that agreed?

Members indicated agreement.

National Parks (Scotland) Act 2000 (PE1011)

The Convener: We move to consideration of PE1011. The petitioner, Mr Ian MacKinnon, calls for a referendum on national parks. The petition was submitted in October 2006. In March 2007, a response was received from the then Minister for Environment and Rural Development, but our predecessor committee—the Environment and

Rural Development Committee—was, of course, unable to consider it prior to dissolution. We have received no comment from the petitioner on the minister's response. I propose that we write to the Cabinet Secretary for Rural Affairs and the Environment, asking whether he endorses his predecessor's position on the matter and what his plans are in respect of the 2000 act. Are members happy to go with that?

Peter Peacock: There is a case for closing PE1011, given that the legislative programme does not include a bill on the subject. I do not agree with what the cabinet secretary has said on the matter but, in all fairness, he has made it clear that he does not intend to proceed in the way that his predecessor set out. We can probably save ourselves the price of a stamp, convener.

The Convener: I do not think that we use a stamp.

Okay, the suggestion is that we close PE1011. Clearly, no movement is expected on the subject over the next four years. Is that agreed?

Members indicated agreement.

Flooding and Flood Management Inquiry

11:37

The Convener: Agenda item 6 is consideration of the proposed inquiry into flooding and flood management that members agreed to conduct. Since the meeting at which we agreed that, the Government has held a major summit on flooding, which I attended, along with John Scott and Peter Peacock. Mark Roberts from our clerking team also attended, along with a representative from SPICe. The results of their attendance can be seen in the detailed note on the summit, which the clerks circulated to members and which also includes a draft remit for the inquiry.

As a result of the Scottish Government's recent movement on the issue, our inquiry will now run in parallel with its work. That said, my understanding is that we will, in fact, be up and running before the Government gets through its process. That gives the committee the opportunity to influence the Government. I remind members of the flooding debate tomorrow morning in the chamber.

In addition to agreeing to the proposed remit, we should agree to the call for written evidence, which must be issued immediately after the meeting. I ask members to put forward the names of any organisations from which we should seek written evidence that are not included on the list. I also welcome suggestions for locations for visits, and views on whether we should seek approval to hold a formal meeting outside Edinburgh. Does any member wish to comment on any or all of those subjects?

Peter Peacock: Following on from what you said about the timing, I point out that our inquiry will take place in public, whereas the Government's process for determining recommendations for legislation will take place largely among professionals and in private. Our inquiry will, therefore, be an important part of the process of illuminating this major concern.

The summit was excellent in helping to inform our work, and the clerks have done a good job in pulling all the information together.

I have two small points to make about the inquiry remit, then I will say something about visits.

First, we must make it clear that, within the remit, we will assess the adequacy of the current legislation. Some aspects of the legislation will endure, but some will not be fit for purpose any more and we must bring those to the surface. Secondly, the third bullet point of the remit is:

"What role can land-use management, the planning system and building regulations play in mitigating the effects of flooding?"

I wonder whether we need to be more precise and say that we will look specifically at sustainable flood management. Within that context, we could also consider land use and natural flood management—which we heard a bit about at the summit—as well as planning and building regulations and how they contribute to sustainable flood management. That may sound pedantic, but it is quite important. Other than that, the remit is good and the clerks have captured everything.

I urge the committee to think strongly about visiting Moray to take evidence.

The Convener: Elgin, by any chance?

Peter Peacock: Elgin is the obvious place in Moray. I say that not only because it is within my region of the Highlands and Islands, but because the experience there was extraordinarily difficult and intense. It is a small area that the committee could easily see, and we could hear about the experiences of individuals who were traumatised by the events as well as about the effects on local industries, which were seriously threatened. Those are important points, but it is perhaps more important that all the statutory procedures and the complex process of planning a scheme are just coming to maturity there. All that experience is at hand, and people in the local authority, the Scottish Environment Protection Agency, Scottish Water and other organisations that are involved would be able to give us extremely well-informed contemporary evidence about all the procedures.

The other advantage of our visiting Moray would be that, on the way, we could stop at the Inch marshes, which are one of the best examples of a natural flood management system—probably the best example in Scotland. If the committee wished, we could also nip up to Invergordon to see the work that has been done there on coastal flood management, such as opening flood barriers in a particular way and restoring marshes.

Moray has a lot of the experience that we are looking for that other areas may not have, because of the timing of the planning system there and the geographical advantages of the area. I urge the committee to think about that.

The Convener: Thanks. We will not make final decisions about locations for visits today; we will take suggestions from committee members. We can conduct our visits in different ways: some can be formal meetings and some can break the committee up into groups to go to different places.

Mike Rumbles: The paper is very good, but I have a couple of points to make. First, the paper states:

“It is proposed that the remit of the inquiry should be to address the following five questions”.

Should we not have a statement of what the inquiry is about and then say that we can address

the issue by asking those five questions? It is a bit odd to say that the inquiry is five questions.

Secondly, the second of those questions is:

“Who is responsible for flood management, how is it funded”

and so on. A better question would be, “Who should be responsible for flood management and how should it be funded?”

The Convener: That is why the second part of the question asks

“and are these structures appropriate for the future?”

The idea is to address the existing system and then consider potential changes for the future.

Mike Rumbles: We should know who is responsible for flood management and how it is funded. The inquiry paper will be sent to people throughout Scotland. They should know what the system is. We should be asking how the system could be improved.

11:45

The Convener: The system is complicated, and I would not want to assume that everyone knows how it works. Having been through the experience in Perth with flood defences—

Mike Rumbles: In that case, we should send that out with the consultation papers, saying—

The Convener: Okay.

Mike Rumbles: You asked me for my views and I am giving them to you. We should state clearly in the consultation paper what the current responsibilities are and we should ask people who they think should be responsible for flood management and how it should be funded.

I know that we are not being firm on locations at this point, but Peter Peacock’s suggestion was a good example of a practical thing that we could do. It is important that this committee holds a formal meeting outside Edinburgh as soon as is practicable.

Jamie Hepburn: I commend those who produced the paper. I am relaxed about the remit; the important thing is that we have an inquiry. I am also quite relaxed about Peter Peacock’s suggestion that we go to Elgin and, possibly, Invergordon. However, I wonder whether anyone has been left off the list of people whom it is proposed be invited to submit evidence. I note that we are asking about the efficacy of the responses to flooding events and the conduct of emergency services, but I do not see the Scottish Ambulance Service on the list. I should declare that my father-in-law is an ambulance technician and works for the Scottish Ambulance Service—I am sure that he would not be responsible for any submission, however.

Sarah Boyack: I agree with colleagues that the paper is excellent. I also agree that the timing is good, because it will enable the issues to be properly debated.

Paragraph 12 deals with visits. I agree that we must have a visit to a coastal area, which could concentrate either on an example of successful coastal management or, more challengingly, on an area that has serious challenges in managing coastal erosion. We should address the fact that, in some areas, it might not be possible to hold back rising sea levels, and we should discuss the implications of that for householders and communities in terms of insurance and so on. That difficult issue should be part of the picture.

We should add a few organisations to the list of consultees. Organisations representing crofting interests could give us information about flood management on land, and the Marine Conservation Society could talk about the area where the sea hits the land and the wildlife interests there.

Bill Wilson: I echo everyone else's comments: this is an excellent paper. I agree with Sarah Boyack's comments. We should also invite submissions from a few local authorities that are at risk from the effects of rising sea levels and flooding. I am thinking about Inverclyde Council in particular, as Port Glasgow is—

The Convener: All 32 local authorities will be contacted.

Bill Wilson: Sorry—I was looking down the list for a specific name.

The Convener: To clarify, the list relates to a call for written evidence; no decisions have been made about oral evidence. We will make decisions about oral evidence once we see who we get written evidence from.

Bill Wilson: I understand that; I just want to ensure that we do not forget that lots of towns, such as Port Glasgow, have low-lying developments along the coast.

The Convener: There is a great need for us to go out and about for this inquiry. The list of potential visits, in paragraph 12, is good and we should attempt to cover most of them, even if it means splitting the committee up into four groups of two and sending people out on that basis.

What we want to do—following on from Sarah Boyack's point about coastal flooding—is ingather the experience of the many different areas that flood. Shettleston in Glasgow was flagged up in Monday's flood summit as being the main part of the city that gets flooded, even though it is an extremely urban example, especially when compared with some of the other examples, which tend to be more rural or, as Sarah Boyack says,

coastal. Milnathort—which is an interesting example, because its hard flood defences failed at the first test—would be another good place to visit. Perth, likewise, would be good to visit, not just because it is in my constituency, but because it is the centre of SEPA's flood warning operations. There are arguments for visiting just about every place on the list. We should keep all of those options open. There should be at least one formal meeting outside Edinburgh, but other informal visits will be absolutely necessary.

I take on board the point about hanging land use, planning and building regulations under the sustainable flood management umbrella. I do not know whether there is an easy way to accommodate Mike Rumbles's point; I suspect that there is. We are really looking to have a preamble paragraph that focuses on the five questions.

I wonder whether we should contact some of the communities that have been badly hit by flooding. I am conscious that every single body on the list is an institution, and it seems that, in the first instance, we should also seek written input from the community councils in some of the worst hit areas, such as Milnathort, Perth, Elgin and Shettleston. The press office will be advised to target the local press, too.

Peter Peacock: I strongly support your suggestion, convener.

John Scott: I suggest that we broaden the call for evidence a little further. Given the incidents in Hull and Tewkesbury, should we request copies of the lessons learned reports, which I imagine were not previously available? People in those areas experienced the worst-case scenario.

The Convener: That is a good point. We should take on board the experience in England. I do not rule out sending people down to visit those areas. Flooding is a big issue, particularly given that we are approaching the winter months, when one normally expects the flooding dangers to be at their greatest, although what has happened this year has somewhat contradicted that. We should give our work the widest possible exposure.

Do members agree that we should issue the formal call for evidence today? We had a lively discussion behind the scenes about whether to issue the call today, to get in on the pre-publicity for the flooding debate tomorrow, or to wait until after the debate. My view is that we should issue the call for evidence today to get in on the pre-publicity.

John Scott: The sooner we issue the call the better. There is an advantage in our going first. There might well be duplication in all we do. Rather than being the ones who are doing the duplicating, we should get in early, so that it is the

Executive that is doing the duplicating. The sooner we get started the better.

The Convener: Okay. Do we all agree on that?

Members *indicated agreement.*

Budget Adviser

11:53

The Convener: We come to agenda item 7. The Parliamentary Bureau has approved our request to appoint a budget adviser. A draft person specification has been drawn up and is provided in paper RAE/S3/07/4/11. Does anyone wish to comment on the specification?

Jamie Hepburn: It looks good.

The Convener: We need advance agreement to discuss in private at our meeting on 24 October the prioritisation of candidates for the post of budget adviser. Are members happy with that?

Members *indicated agreement.*

The Convener: I draw to members' attention the letter that has been circulated as paper RAE/S3/07/4/18, from the Highlands and Islands local authority conveners group, regarding the Crown Estate. We intend to invite the Crown Estate review working group and the Crown Estate itself to give evidence to the committee at its next meeting, subject to their availability.

I refer also to paper RAE/S3/07/4/17, which is on PE929. The petition is in an anomalous position. It was closed by the Public Petitions Committee and referred to the Rural Affairs and Environment Committee for information only, not for action. That is not a particularly useful way of dealing with petitions. I am not making any comment about the merits or otherwise of the petition. I am going to suggest to the convener of the Public Petitions Committee that future petitions that are relevant to our remit are referred while they are still open, so that we can take action as we see fit, and that closed petitions are not referred to us at all. Referring to us a closed petition puts us in the invidious position of being presented with a fait accompli; it is almost like passing the buck and I do not find it acceptable.

The next meeting of the committee will be on Wednesday 3 October at 10 am.

Meeting closed at 11:55.

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