

RURAL AFFAIRS COMMITTEE

Tuesday 29 February 2000
(*Afternoon*)

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2000.

Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Tuesday 29 February 2000

| | Col. |
|---|-------------|
| PETITIONS | 413 |
| DRAFT NATIONAL PARKS (SCOTLAND) BILL | 432 |
| AMNESIC SHELLFISH POISONING | 448 |

RURAL AFFAIRS COMMITTEE **4th Meeting 2000, Session 1**

CONVENER

*Alex Johnstone (North-East Scotland) (Con)

DEPUTY CONVENER

*Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)

COMMITTEE MEMBERS

*Alex Fergusson (South of Scotland) (Con)

*Rhoda Grant (Highlands and Islands) (Lab)

*Richard Lochhead (North-East Scotland) (SNP)

*Lewis Macdonald (Aberdeen Central) (Lab)

*Irene McGugan (North-East Scotland) (SNP)

*Mr John Munro (Ross, Skye and Inverness West) (LD)

*Dr Elaine Murray (Dumfries) (Lab)

Cathy Peattie (Falkirk East) (Lab)

*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

*attended

WITNESSES

Mr Andrew Dickson (Scottish Executive Rural Affairs Department)

Ms Jane Hope (Scottish Executive Rural Affairs Department)

Mr Ian Jardine (Scottish Natural Heritage)

Mr Peter Rawcliffe (Scottish Natural Heritage)

CLERK TEAM LEADER

Richard Davies

SENIOR ASSISTANT CLERK

Richard Walsh

ASSISTANT CLERK

Tracey Hawe

LOCATION

Committee Room 1

Scottish Parliament

Rural Affairs Committee

Tuesday 29 February 2000

(Afternoon)

[THE CONVENER opened the meeting at 14:04]

The Convener (Alex Johnstone): Good afternoon, ladies and gentlemen. Thank you for attending. I thought it appropriate to allow a few extra minutes at the start, as there were some people at the door downstairs. If members wished to take a moment to speak to them, they will have had that moment.

Apologies have been received from Cathy Peattie, who will not be joining us—I am told that she is ill. Other than that, we have a nearly full turnout.

Petitions

The Convener: The main item of business on today's agenda relates to the petitions from the National Farmers Union of Scotland, which the committee last discussed a month ago. We have deliberately kept as much time free as possible during this meeting to deal with them. One or two other items have come on to the agenda over the past week, which we would like to bring forward at the end of the meeting. However, while trying to be fairly disciplined about the amount of time that we apply to the petitions, we do not wish to cut our discussion short, given that they are the main purpose of this meeting.

Before we deal with the petitions individually, I should point out that we have a plan for a longer-term inquiry into the farming industry in Scotland. In dealing with the issues raised by the petitions, we may also wish to think about how they apply to that inquiry.

Petition PE24 refers to the pesticides tax. It was not one of the petitions referred to us in January—it has been in our hands since 12 November 1999 and we have discussed it before. We proposed to deal with it with the rest of the petitions that have come before us today. Does anyone have any comments to make on the pesticides tax, given the submissions that we have had so far?

Lewis Macdonald (Aberdeen Central) (Lab): Given the time and the number of items on the agenda, I think that we should be able to deal with this petition fairly quickly. We can note its contents and the fact that the Prime Minister has indicated at a National Farmers Union conference that there

are no plans to proceed with such a tax. I think that we should simply note the petition and move on to consider other matters.

The Convener: Are there any further comments on PE24? If not, we will note the petition and move on.

Item 1(b) on the agenda is not a petition, but it was presented in the form of a submission from the NFU. We have decided to include it with the other matters that we are dealing with under item 1. The submission is on veterinary costs.

We approached a number of organisations and have only very recently received a submission, which was circulated today, from the British Veterinary Association. The submission from the NFU on veterinary costs arrived on 14 December and has been circulated to members with the submission on veterinary costs from the British Veterinary Association. We also have in front of us a response to the request for comment. If everyone has those documents, we can kick off the discussion.

Dr Elaine Murray (Dumfries) (Lab): This is primarily a reserved matter. Our briefing note indicates that it is a matter strictly for the Office of Fair Trading. The British Veterinary Association has offered to come to speak to us about why veterinary costs are high. It might be more appropriate to encourage the OFT to look into this matter as a potential non-competitive practice and to encourage the veterinary association to liaise with the OFT.

The Convener: That is a valid point of view. Do other members have comments to make?

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): There is a presupposition that the prices are higher for reasons to do with competition law—such an assumption might be invalid. The prices might be higher for reasons that can be dealt with by the Scottish Parliament. The implication seems to be that there is an element of competition law involved. Therefore, the course of action that the NFU in Scotland should take is to complain, in the first instance, to the OFT. If the response from the OFT is dusty, the committee might want to examine the issue further.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Could the committee refer the case to the OFT?

The Convener: Having researched this a little, I feel that the best course of action would be to write to the NFU in Scotland offering our support and suggesting that it approach the Office of Fair Trading.

Mr Rumbles: Cannot the committee refer the case to the OFT?

Richard Davies (Clerk Team Leader): The OFT will follow up matters that are referred to it by anybody—matters need not be referred by a parliamentary committee or an elected representative. A complaint will be just as valid if it is referred by the NFU in Scotland.

Mr Rumbles: The petition has been referred to the committee and I feel strongly that we should take some action on it, even if that action is only to refer the petition to another body, rather than send it back to the NFU.

Alasdair Morgan: The committee should not act as a post box, as we would, in effect, if we passed on the petition without examining it. If the committee is going to refer petitions to other bodies, we should examine them to see whether there is a prima facie case—as in this instance—for the OFT to investigate. We have not done that and, given our timetable, we might not be in a position to do it. How high up our agenda should this be? The committee must decide, but unless we are prepared to take the time to examine the petition in that way, we should not refer it to the OFT.

Rhoda Grant (Highlands and Islands) (Lab): I agree with Alasdair. If the NFU can refer the complaint to the OFT, it should do so. If, after that, the NFU feels that we should revisit the issue, the complaint can be taken back to the committee.

Lewis Macdonald: I am inclined to go along with that. Mike Rumbles pointed out that the petition was sent to the committee. I can appreciate the advantages of presenting a number of different issues at the same time to the Rural Affairs Committee, but it is clear that some of the issues are not directly relevant to the committee; it is appropriate that we say that when we feel that it is the case. In this case, the union would be well advised to approach the OFT directly, if the petition is—as it appears to be—based on concerns about competition policy. The union can come back to the committee if it is not satisfied with the response from that office.

Irene McGugan (North-East Scotland) (SNP): That is the right way ahead. The NFU accepts that the manufacturers' pricing policy might have much to do with the problem, but it is also looking for a review of the licensing and supply of veterinary products. It would be fair to say to the NFU in Scotland that it should bring the issue back to the committee for wider review if OFT action does not alleviate their concerns or address all of them.

The Convener: The course that we will take is to write to the NFU suggesting that it take the matter up with the OFT. We will invite the union to keep us informed of progress and to come back to the committee if there is something that we can do to contribute to the action that it wants to take.

The next item is the first of the petitions that were submitted in January, at the time of the farmers' march. As the petition relates to road haulage tax, it was sent first to the Transport and the Environment Committee.

Mr Rumbles: I want to get my oar in, although road haulage tax is a reserved matter. There are elements of the issue in which the committee can help the road haulage industry that do not relate specifically to the tax.

I would be wary of just punting this petition away, although technically the petitioners' requests concern reserved matters. There are issues to do with rural petrol stations, for example, and the Scottish Parliament could exempt rural petrol stations from taxes such as business rates. I am trying to get my oar in quickly, because this is a reserved matter. We need to talk around this issue a bit more.

The Convener: Road haulage tax is a reserved matter and, as I pointed out, the Transport and the Environment Committee is the primary committee on this petition. To an extent, that gives us a freer hand to comment to that committee as we see fit.

14:15

Rhoda Grant: The Enterprise and Lifelong Learning Committee is inquiring into petrol pricing. It is waiting for the OFT to make a report, after which it will look at the matter again. There is not much point in our taking up this issue when we already have reporters at that inquiry.

The Convener: We are involved, as we have reporters attending those meetings to discuss the issue, but today we are asked to comment to the Transport and the Environment Committee. If our comments revolve around the areas that Mike Rumbles described, we should include them in what we say to the Transport and the Environment Committee.

Richard Lochhead (North-East Scotland) (SNP): This is an issue of the highest priority and it may be in order for this committee to give a commitment to build it into our broader investigations into employment patterns and agriculture. That would be one way of addressing the issues in the petition.

Dr Murray: There is a slight problem with the comments having to be in by 3 March, because that precludes the results of the oil price investigation by the Enterprise and Lifelong Learning Committee or any investigation that we may wish to have into agriculture and rural employment patterns. I do not know whether we could advise the Transport and the Environment Committee to take the results of those inquiries into consideration.

The Convener: What comments do committee members feel should be passed on to the Transport and the Environment Committee?

Mr Rumbles: One of the bullet points in the petition states that we should

“ensure that special regard should be paid to the sustainability of rural petrol stations”.

The Transport and the Environment Committee is looking into price differentials.

Rhoda Grant: It is discussing petrol stations as well.

Mr Rumbles: It is important that we discuss that point now; if we think that the issue is worth pursuing, it is worth noting to the other committee that we feel that way. I feel strongly that our rural petrol stations should be supported, because so many of them have been closed down over the past three years. It is up to us to take a view on this petition, and not just pass it on to another committee.

Rhoda Grant: I hear what you are saying. The Enterprise and Lifelong Learning Committee has looked at this issue, which is part of its inquiry. I am not saying that it should not be examined; I am saying that there is no point in us duplicating the work that the Enterprise and Lifelong Learning Committee is doing, especially as we have an input into that work.

Mr Rumbles: I am not suggesting that we duplicate anything. Rather than close the discussion now, this committee should take a view about the importance of rural petrol stations and pass it on as a recommendation to the Transport and the Environment Committee. Would not that be helpful?

Rhoda Grant: Are you just talking about a form of words?

Lewis Macdonald: I suspect that this committee would be unanimous in recognising the importance of this matter and would hope that the Enterprise and Lifelong Learning Committee inquiry comes up with positive recommendations on the future of rural petrol stations and on the wider issues. In making our comments to the Transport and the Environment Committee, we should welcome the fact that the NFU has recognised the importance of the issue and has also accepted that the question of rural transport costs must be tackled in combination with the wider issues of transport policy. The petition recognises issues relating to urban transport, such as congestion. We should urge the Transport and the Environment Committee to pay close heed to the recommendations that come out of the inquiry.

Mr Rumbles: I would be happy if Lewis Macdonald's points were taken on board.

Mr John Munro (Ross, Skye and Inverness West) (LD): There are already many initiatives that address the problems that Mike Rumbles has highlighted. Funds are dispersed to rural filling stations to ensure that they remain viable and the local authorities have reduced the rates on some of those properties.

I agree that the high cost of fuel affects every person and commodity in the area, but we have little discretion on the taxation element of the cost, which is a matter for central Government, to which we should make further representation.

I would be happy for us to do anything within our power to sustain the local filling stations, but we should be cautious that we do not duplicate work that is being undertaken.

Alasdair Morgan: It is obvious that, because of the distances involved in rural areas, the higher price of petrol and derv is significant.

The Convener: The first group of points in the petition calls on the Parliament to review vehicle excise duties for heavy goods vehicles in comparison to other European Union states; to establish new rates comparable to the EU norm; to negotiate with other states to achieve harmonisation of fuel taxes; and to set taxes with reference to the effects of tax levels on the international competitiveness of EU businesses such as agriculture.

We could decide whether we want to support these points one at a time, or, if the points are felt to be too specific, we could decide to take a view about the spirit in which the points are made.

Lewis Macdonald: It would be useful if we were to make a general statement that recognised the significance of the matters raised.

Mr Rumbles: It would also be useful to say that the committee supports the objectives of the measures.

Alasdair Morgan: We support the general objectives, but we might disagree over the details. Do we want to have harmonised fuel taxes across the EU? The logical conclusion would be the harmonising of all taxes across the EU. We would find ourselves in a minefield if we agreed to that measure.

Lewis Macdonald: That is right. Most of the matters in the first group are either reserved or subject to negotiation with other member states. The two points that follow that group are more within our province.

The Convener: Would it be appropriate for us to express our support in principle for the idea of a level playing field in vehicle and fuel taxation?

Members indicated agreement.

The Convener: Would that form of words meet with the agreement of the committee?

Lewis Macdonald: What are we being asked to do? Are we being asked to refer the matter to the Transport and the Environment Committee?

The Convener: Yes.

Mr Rumbles: I would like to put it more strongly. We should tell the Transport and the Environment Committee that we support the objectives of those elements of the NFU's petition. We should make a positive statement on what are good measures that the Rural Affairs Committee should be supporting.

Lewis Macdonald: I imagine that the NFU's purpose is to consult us on those matters that are within this committee's remit—issues that relate to the rural development regulations and public transport in rural communities. My view is that tax rates are not a matter for this committee. We all have views on tax, but it is the wider issues in the petition that are of a direct interest to us.

Rhoda Grant: We have talked about a level playing field for taxation; one of the things that the Enterprise and Lifelong Learning Committee was examining was the situation in European countries that have permission to levy different tax rates. We seem to want the same tax rate, although we do not have the information that would tell us whether we could do something else.

The Convener: I would not be the first to suggest that there should be different rates of tax in different areas of the United Kingdom. However, there may be a good case for leaving that option open.

Rhoda Grant: Yes, it should be left open. If we say that we want a level playing field without having the research, we would be taking a line that we might want to change at some point.

Alasdair Morgan: We have to say that we support the general thrust of the petitions. However, PE65 asks us to

"establish new rates comparable to the EU norm".

I assume that that means rates that are comparable to the EU average. Are we seriously suggesting that UK or Scottish taxes must always be set at the European average? That is just daft. That cannot be what we are suggesting.

Mr Rumbles: The point that the NFU is making is that the tax differential between the UK and Europe is outrageous. The vehicle excise duty on a 40-tonne vehicle is £5,750 in the UK, whereas in France it is £486. We are not talking about differential averages; this is a major issue. It would be remiss of the Rural Affairs Committee to make a sweeping statement saying that it is not in favour of the harmonisation of EU tax levels. That is not

what the NFU is asking for.

Richard Lochhead: That is exactly the point that Alasdair made.

Mr Rumbles: Why not remove that point—the bone of contention—and support everything else?

Lewis Macdonald: There is an interesting debate to be had about road taxes—I am sure that every member has an opinion on the matter. However, it is not an agenda item for the Rural Affairs Committee—much as I would like to discuss all the good ideas that are floating around on the subject. The committee should be conveying to the Transport and the Environment Committee the fact that we recognise the significant impact of road and fuel taxation on agriculture and employment in rural areas. We should recommend that it pay close attention to the conclusions of the inquiry of the Enterprise and Lifelong Learning Committee into petrol pricing, which will be based on considerable research and evidence.

Dr Murray: That is perhaps the point about urban transport environmental issues on which the Rural Affairs Committee should focus. We must recognise that transport policies designed to tackle urban problems can have a detrimental effect on rural areas. We should ask the Transport and the Environment Committee to consider the effects of any transport policies on rural areas, and not only on things such as congestion and pollution in urban areas.

14:30

The Convener: I would like to deal in particular with the first four points that we have been discussing: two we could probably agree on without any problems; and two throw up issues that go significantly beyond the remit of this committee. I think that there will be little trouble with the first and the fourth points. In the first point, the NFU asks

"that a review be undertaken by Government of Vehicle Excise Duties . . . for Heavy goods vehicles, relative to other member states of the European Union".

Do we have any problems with that?

Lewis Macdonald: I do not have a specific problem with it, but I wonder whether that would be the right approach for the committee. I was more taken with your initial suggestion that we give a general response to the four points together.

The Convener: It depends how we interpret the word "review". We have to remember that excise duty is as it is because someone put up sound reasons for that. However, other people may want to reconsider those reasons.

Rhoda Grant: I go along with Lewis's suggestion. With the best will in the world, even though we can acknowledge the problem and say that it should be taken into account, the Scottish Parliament cannot review vehicle excise duties—much as we might want to—as that is not within our remit.

Mr Rumbles: It is patently obvious that transport costs impact disproportionately severely on rural communities, as the NFU's briefing note suggests. We would all agree with that. The first point that it raises is the one thing that we should acknowledge more than any other. I accept that we cannot review excise duties for heavy goods vehicles in the United Kingdom, as that is not within our remit. However, this is so important an issue for our road haulage industry, and one that impacts so much on all our rural communities, that it is important that the Rural Affairs Committee takes this opportunity to register and comment on the fact that differential rates of vehicle excise duties in the UK and in our neighbouring competitors in Europe are outrageously wrong. Although we recognise that we do not have the power to do anything about it, we should say what we feel. We should speak up.

The Convener: Shall we take the line that this committee recognises the tremendous disadvantage that higher rates of vehicle excise duty and fuel taxation place on rural parts of Scotland?

Members indicated agreement.

The Convener: Elaine has touched on the third point already. The NFU asks the Scottish Parliament to

“ensure that the environmental problems of urban transport be addressed directly through measures such as road pricing and further provision of public transport.”

Mr Rumbles: That is outwith our remit—it concerns urban transport.

Alasdair Morgan: I think that we would agree that rural areas need different solutions from urban areas. I do not think that we should express a view on what the solutions for urban areas might be.

The Convener: Should we also say that we recognise that the solutions to urban problems are causing problems in rural Scotland?

Alasdair Morgan: Any solutions to environmental problems should not be so broad as to take no account of the different circumstances of rural areas.

Lewis Macdonald: In tackling urban transport problems, we tend to focus on environmental concerns such as congestion, but those problems do not impact on rural communities in the same way. The point that is being made is that transport

policy should be concerned not only with environmental issues, but with infrastructure and economic sustainability. This committee should support that view.

The Convener: Does anybody have a form of words that would cover the point? Lewis, you got very close to the form of words that we need.

Lewis Macdonald: We need to say that we recognise the point that has been made by the union: that transport policy should not focus exclusively on the issues that concern urban areas, but should take into account the particular issues that concern rural areas across the whole range of transport policy.

The Convener: Does that form of words meet with everyone's agreement?

Members indicated agreement.

Alex Fergusson (South of Scotland) (Con): Is the union not rather saying that, when it comes to tackling environmental problems in urban areas, the solutions should take account of the effect that they will have on rural areas? The suggestion is that they have not done so thus far.

Lewis Macdonald: What is being asked for, and what we can agree to, is that transport policies should be sensitive to rural areas.

Alex Fergusson: Absolutely.

The Convener: The final bullet point on the committee paper for this item takes us back to the issue that Mike Rumbles raised about rural petrol stations. Does the committee have a consensual view on that?

Mr Munro: I do not think that we have any difficulty in supporting that point.

Lewis Macdonald: There is unanimous support for that point.

The Convener: As it is worded on the paper?

Lewis Macdonald: Yes.

Alex Fergusson: Despite the measures to protect rural petrol stations that John Munro mentioned, many have closed. We must therefore deal sensitively with the matter.

The Convener: Do we accept the wording as it appears on the paper?

Members indicated agreement.

The Convener: The next petition, PE68, concerns the climate change levy. Again, we will pass our comments to the Transport and the Environment Committee. The petition calls on the Scottish Parliament not to apply the proposed climate change levy to the Scottish agriculture sector.

Dr Murray: Again, this is a reserved matter. The climate change levy was introduced by the UK Parliament. I cannot see why there is a separate argument for the Scottish agricultural sector. I see it as an issue that affects the entire agricultural sector. I know that the weather in parts of Scotland may be colder than that in parts of England, but there is not a tremendous difference. The main issues—questions such as whether agriculture will benefit from the national insurance rewards—are issues for the entire sector.

The Convener: The Scottish NFU has made a representation to the Scottish Parliament. As such, it is the situation in Scotland that is being addressed. As Elaine Murray says, the effects of the levy would be exactly the same throughout the United Kingdom, but we must consider the petition as it has been presented to us.

Dr Murray: Except that the Scottish Parliament will not be responsible for applying the proposed climate change levy.

Lewis Macdonald: That is right. The Scottish Parliament will respond to the climate change levy through the Transport and the Environment Committee rather than through the Rural Affairs Committee.

The Convener: We are being asked to send our comments on the petition to the Transport and the Environment Committee. As the NFU has made this representation in the form of a petition, this is the ideal opportunity for us to pass our comments to the Transport and the Environment Committee.

Mr Rumbles: This could have the same effect as the fuel price escalator. It may increase costs but not produce the expected results. I recognise that this matter is outwith our responsibility.

Alasdair Morgan: It is not clear what the final form of any climate change levy will be. There has been extensive consultation. People do not necessarily associate the agricultural sector with high use of energy, but there are parts of the sector that use high levels of energy. We need to flag up to other committees that are more involved in this issue that a problem could arise, depending on the form of the tax.

The Convener: The point made by Mike Rumbles is worth noting. There are precedents for the climate change levy in other areas of taxation. It may be the case that we have not learned from the mistakes of the past and will fall into the same position as before. There may be longer-term problems, for example in relation to competition, which has been a difficulty in other areas.

Lewis Macdonald: The point that you and Mike Rumbles have made may be true. There is an intention to learn from experience and to consider carefully the form that the tax should take. As

Alasdair Morgan said, consultation is taking place.

The general view of the Transport and the Environment Committee is that much needs to be done to reduce the impact of climate change. It is for people outside this committee to determine whether the levy is the right way to address the impact of climate change.

The Convener: The petition calls on the Scottish Parliament not to apply the proposed climate change levy to the Scottish agricultural sector. The NFU has made a clear statement and seeks our support for it. Do we take the view that the climate change levy should not be applied to the Scottish agriculture sector, or do we take the view that, if it is to be applied to that sector, it should be done in a way that does not disadvantage the industry?

Rhoda Grant: Any comment that we make should not apply only to the agriculture sector. Rural industries tend to be more fragile than urban industries. If we address agriculture alone, we will paste ourselves into a corner. We should suggest that the Transport and the Environment Committee also consider the problems of rural industries.

Alex Fergusson: I understand that one of the principles of the climate change levy is that it should be revenue neutral for business as a whole. That is fair enough, but we should make representations that that principle should apply to rural business as a whole. There is a distinct possibility that a levy that is raised in rural Scotland will end up in urban Scotland. If the rebate is done through the national insurance system, high-density employee businesses will benefit more than low-density employee businesses, so rural businesses will tend to be at a disadvantage.

The Convener: Do I get the impression that the committee is not opposed in principle to a climate change levy?

Alasdair Morgan: I do not think that we should be discussing whether we are for or against the proposed climate change levy.

The Convener: The committee is obviously concerned that the climate change levy might disadvantage people who live and work in rural Scotland. I am trying to establish whether the committee would like to comment on that particular aspect of the levy, or whether we simply want to say that the levy itself is not a good thing.

14:45

Mr Rumbles: I take Alasdair Morgan's point. It is not up to us to comment on the principle of the climate change levy, and, as other members have said, we are simply flagging up areas of concern

about how the implementation of the proposed tax could have an adverse effect on rural industries. Alex Fergusson made a valid point about the density of employees and population and the propensity for revenue-neutral taxes to hit rural industries much harder. We should make those concerns known to the Transport and the Environment Committee.

Alasdair Morgan: One of the problems is that we have no evidence one way or the other that the levy will have such an effect.

The Convener: Except for the precedent in other areas.

Alasdair Morgan: The point is that we have no evidence to show that the levy might result in money being transferred from rural to urban areas, where there are just as many capital-intensive, energy-intensive, low-employee industries. The problem with the tax is that it moves cash from energy-intensive industries to labour-intensive industries such as councils and the civil service. However, those industries also exist in rural areas. It might be an idea to say that, if evidence showed that some cash might be transferred out of the rural economy because of the levy, that would be a cause of great concern. However, we certainly do not have that evidence.

Mr Rumbles: But we are flagging up our concerns that that might be the case.

Lewis Macdonald: Convener, can we take the same position with this petition that we took with the previous petition? We could alert the Transport and the Environment Committee to the agricultural community's concerns that there might be a differential, and say that, when the taxing policy comes to fruition, it should be sensitive to rural and urban needs.

The Convener: Are members satisfied with that approach?

Members *indicated agreement.*

The Convener: We will move on to item 1(e). We have grouped together three petitions—PE61, PE62 and PE67—that relate to the issue of agrimony, specifically for the arable sector, the beef and sheep sectors and the dairy sector. As all members will have an opinion on agrimony, would anyone like to kick off the discussion?

Mr Rumbles: I should declare an interest here.

The Convener: I have to declare an interest as well.

Mr Rumbles: I have already lodged a motion that supports the principles behind these petitions.

The Convener: Feel free to speak to your motion.

Mr Rumbles: Quite. I would like the committee to support these three petitions from the NFU. If all members agree, the committee convener could write to the Minister for Rural Affairs, Ross Finnie, asking him to pursue the matter with the UK Government.

Dr Murray: I understand that the Scottish Executive supports obtaining agrimony, and we might be able to add our weight to that support.

Alasdair Morgan: I asked a question on this on Thursday, and I was surprised by how non-negative Ross Finnie's answer was, in contrast to the usual answers that we get from ministers when we ask for anything. They are all programmed to say no, and I do not say that in a party-political sense.

The minister's answer indicated that there might be some movement. It strikes me that this is allowed under EU rules. It is time limited, so it is not an open-ended commitment and, by and large, it is there to compensate people for currency fluctuations, which are outwith their control. It is no fault of the industry that it needs this cash, and we should support it.

The Convener: Are there any other comments?

Alex Fergusson: I agree with everyone so far. We should support this. I agree that the Executive is sympathetic, and we should give it every encouragement to pursue that compensation, which, as Alasdair said, is time limited, because there is not a lot of time left.

The Convener: Is it the committee's view that I write to Ross Finnie expressing our support for petitions PE61, PE62 and PE67?

Alex Fergusson: We are only commenting on petitions 61 and 62, because the European Committee is the lead committee, according to my briefing paper.

The Convener: We can write to the minister if we like.

Mr Rumbles: Alex, you could also sign the motion.

Alex Fergusson: I will talk to you about that later, Mike.

The Convener: Before we leave this item, I am not entirely sure why the dairy sector was selected for different treatment.

Alasdair Morgan: If you do not know, I suspect that we will not know.

The Convener: If there is no further comment I will proceed as proposed.

The next petition is PE63, on agri-environment schemes. It calls upon the Scottish Parliament to determine the resources that are required to meet

the objectives of the schemes in Scotland, and to oblige the application of additional funds from UK resources. The petitioners view the current resources as inadequate for the purposes of the measures, which recognise the public benefits from good land management practice. Are there any comments?

Lewis Macdonald: I believe that there is already a commitment to increase the level of agri-environment funding by 50 per cent over a two or three-year period, but on top of that, there is room in the rural development regulations, which we looked at a few months ago, to increase that support. Indeed, in the papers that we received for this meeting, it was pointed out that consultation is under way on modulation as a means of increasing the support. We should pay attention to that consultation in coming to a conclusion.

The Convener: The modulation proposals could be used for that purpose. They are also targeted on rural development funds.

Lewis Macdonald: That is right, but it is my understanding that the agri-environment scheme comes under the wider rural development regulations, and is one of the mechanisms for promoting rural development.

The Convener: But my concern is that we have to be careful not to assume that agri-environment schemes will be the main beneficiaries of any scheme for modulation.

Lewis Macdonald: Indeed, it is one of the three beneficiaries, but clearly there would be an impact of modulation.

Irene McGugan: I am aware that we have not discussed modulation. It is important that we look at the outcome of the consultation, because you are right that it may or may not impact to a great extent on agri-environment payments. The petitioners are right that resources are inadequate. Without doubt, Scotland has received less funding than have other countries, including other countries in the UK. That must change. It would be sensible to incorporate the outcome of the consultation in any discussion of modulation.

The Convener: Are there any other comments?

Dr Murray: This may be more of a procedural point, but I note that the Transport and the Environment Committee has been asked to comment to us, but it has not considered the petition. How can its views be encompassed in our discussion of the petition if it has not made them known to us?

The Convener: It has not yet appeared on that committee's agenda. We should suggest that it consider the matter.

Lewis Macdonald: Can we continue

consideration pending that committee's discussion and pending the outcome of the consultation?

The Convener: We have covered several urgent items today, but this item is worthy of a little extra time.

Alex Fergusson: What is the time scale on the consultation proposals?

Alasdair Morgan: The consultation is just about finished.

The Convener: We hope to be able to consider the responses to the consultation exercise.

We shall continue that item on agri-environment schemes at a future meeting. We shall revisit the subject periodically in any case.

Petition PE64 relates specifically to the pig industry and calls on the Scottish Parliament to seek permission from the European Union to introduce a national aid package to pay producers £5.26 per pig slaughtered. The additional paper that has been circulated contains a response from Franz Fischler to my letter of 20 January 2000.

The question that we must answer is whether we support the figure of £5.26 per pig slaughtered. Are there any comments?

Rhoda Grant: That is rather a narrow question. We are considering welfare standards that were put in place by the UK alone. I wonder why the industry has not looked to Europe for compensation for that. It seems to be concentrating on BSE-related costs without considering the costs attached to the welfare standards. Is the industry missing something by doing that?

Mr Rumbles: I understand from discussions with the minister and from the correspondence with Mr Fischler that there is not much chance of the animal welfare element falling within EU rules. I know that Ross Finnie is pursuing the other matter of the so-called BSE tax, which is the one that is likely to be compatible with EU rules. That is the thrust of the civil servants' work at the moment. Franz Fischler has made it quite clear that those are the rules that we ourselves imposed on our industry when the Westminster Government passed that legislation.

Richard Lochhead: The committee has discussed the pig industry on a number of occasions, and that has led to this correspondence. The £5.26 payment is at the heart of the industry's case, and I am inclined to support its appeal. As Mike Rumbles says, there are two separate issues: one, the BSE tax and payment of £5.26 per pig and, two, the welfare standards.

The payment of £5.26 is not the only measure that the industry is calling for; it is calling for other

measures, such as a level playing field for welfare standards throughout Europe. The rest of the EU has a couple of years' catching up to do on the UK. The sum of £5.26 is a cost that has been incurred through no fault of the pig farmers, and I think that they are therefore entitled to that level of compensation.

Mr Rumbles: Herr Fischler has made the situation clear in his letter. He says:

"In order to be acceptable any aid must of course meet the conditions laid down by the Treaty."

I understand that the department is working on that at the moment. If we all agree, we should add our weight to the Executive's efforts to achieve recognition of the acceptability of the scheme under EU regulations. We should do that in the form of a letter to the minister.

15:00

The Convener: In essence, we are saying that we should deal with this in the same way that we addressed the agrimonetary compensation issue. I should write to Ross Finnie in support of this petition.

Mr Rumbles: You should also ask when the department will be ready to submit its proposals to the EU.

Richard Lochhead: We should ask for a general report about the situation. It is clear that events have moved on in recent weeks and that the pressure that has been applied has paid off. The Prime Minister is now involved. Discussions are taking place between Government and the industry. It is imperative that this committee keeps a close watch on what is happening, continues to support the pig industry and lets the industry know that it is doing that.

Lewis Macdonald: I have no difficulty with the principle that has been discussed, but we must be careful not to be too prescriptive about an aid scheme. We should say that the £5.26 BSE payment that is proposed in this petition is only one of the measures that should be sought—Richard Lochhead made that point earlier. We should not say to the minister that that is the only avenue that is worth pursuing. I am confident that he will be pursuing other avenues.

The Convener: It is fair to say that there is support in principle from the minister on this issue. We will offer him our support, and ask for a progress report and a time frame for the implementation of measures.

We received the letter from Franz Fischler only yesterday so there has been no opportunity for other members to read it. It contains a new proposal for

"voluntary based funds to help pig producers to overcome low price periods."

Do members think that we should ask representatives of the industry for their comments on that suggestion so that we can consider it at a later date?

Members indicated agreement.

The Convener: The next petition, PE66, relates to the over-30-months scheme. It calls on the Scottish Parliament to support the removal of the limit on the payable weight of cattle that are destroyed in the over-30-months scheme. The scheme forms part of the package of measures to combat BSE. There is a limit of 560 kg on the payable weight of cattle that are slaughtered and the petitioners submit that the weight limit is discriminatory and prevents consigners of cattle receiving compensation to which they should be entitled.

Dr Murray: I am not desperately inclined to support this petition. There is only a small pot, so there may be more deserving cases elsewhere in the agriculture sector, which require support more. There is a suggestion that it would be difficult to gain approval for this measure in either Brussels or Whitehall and that it might encourage people to fatten up stock prior to slaughter to get a better price.

Rhoda Grant: The work that would be required to renegotiate the limit would divert resources from such matters as the negotiations for the pig industry. We have to set priorities. The pig industry is in a dangerous situation; we should divert efforts to that rather than start to negotiate about something else.

The Convener: My party had difficulties with this petition.

Alasdair Morgan: We should remember that the over-30-months scheme will become redundant; we do not know when, but we hope that it will be sooner rather than later. As Rhoda Grant said, the pig industry is one important issue and agrimonetary compensation is another.

The Convener: Our guidance is that the initiative that is suggested in the petition would cost £2.2 million. If we had £2.2 million to spend on one of the issues that we have discussed today, we would not spend it on this one.

Are we agreed that the committee does not support the premise behind this petition?

Rhoda Grant: I agree. We have to make a hard decision in this case.

Mr Rumbles: I agree. We should concentrate on the pig industry, as Rhoda said. If no other matters had to be dealt with, I would say that we should do something about this petition, but we

cannot agree to do something about all the petitions and this one is the least deserving of attention.

Alex Fergusson: As we know, the projected cost of the suggested measure would be £2.2 million. I would like to divert £2.2 million to the pig industry, but we are unable to do that. It is important to emphasise that, in deciding to do no more with the petition, we are not denying the pig industry that money. I accept that other priorities need to be addressed, but I am sympathetic to this petition. In fact, I am sympathetic to all the petitions—I suppose that I should register that as an interest.

Mr Rumbles: You are supposed to say that at the beginning.

Alex Fergusson: I am not a working farmer any more, so I do not have to.

The Convener: Is it the view of the committee that we not support the premise behind petition PE66?

Members *indicated agreement.*

Draft National Parks (Scotland) Bill

The Convener: The next item on the agenda is the draft national parks bill. Members will be aware that the draft bill was published by the Executive in January for public comment. We have invited officials from the Executive, and from Scottish Natural Heritage, which was commissioned originally to advise the Government, to take us through the background to the proposals. Members will have received a briefing note that was issued by SNH last August. It outlines the proposals that were put to the Executive.

Dr Murray: Are not we supposed to appoint rapporteurs to the Transport and the Environment Committee today?

The Convener: We will do that before the end of this agenda item. I invite Mr Ian Jardine and Mr Peter Rawcliffe from Scottish Natural Heritage to take us through the background. Thank you for attending, gentlemen. I propose to allow you as much time as you need to run through the issues; I will then open the discussion for questions.

Mr Ian Jardine (Scottish Natural Heritage): I will make some brief remarks about the involvement of Scottish Natural Heritage and the process that led up to our advice to the Government, which was published in February 1999.

The briefing notes set out the long history of national park proposals in Scotland. By 1990, Scotland was one of the few European countries that had no provision to designate national parks. SNH's involvement began in 1997, when the secretary of state announced that the Government thought that national parks were the right way forward for Scotland in relation to a few relatively large areas of natural heritage importance. At that stage, the secretary of state said that the Government considered Loch Lomond and the Trossachs as an area suitable for such designation.

SNH was asked to undertake consultation and to advise the Government on appropriate structures and powers for national parks in Scotland and, at that point, we were given some important steers. First, we were to consider a designation for relatively large areas. Secondly, it was clear that the need to ensure an integrated approach—as opposed to a narrow, sectoral one—was paramount. Thirdly, it was clear that the policy on national parks was related to other policies on sustainability and rural development. Fourthly, we were told to look for particular solutions for Scottish circumstances, rather than copying from elsewhere. The term “national park” has no agreed international definition and the

purposes and legal bases of such parks vary between countries. Fifthly, we were told that ministers wanted a solution that would allow individual parks to have powers that were tailored to local circumstances. That made it clear that the legislative basis would be divided into primary, enabling legislation—such as the draft bill—and specific orders that would be made subsequently, in relation to every proposed park.

Throughout 1998, SNH undertook a wide consultation process at both national and local level, particularly in two areas that had been identified publicly: Loch Lomond and the Trossachs, and the Cairngorms. That culminated in the document, “National Parks for Scotland: Scottish Natural Heritage’s Advice to Government”, which the committee will have read. We also published “National Parks for Scotland: Report on the process of consultation”, an account of the consultation process and how the views that had been expressed during that process had influenced our advice to the Government. I do not think that the committee has seen that document.

A fundamental question is why we should have national parks. However, a feature of SNH’s consultation was that very few people questioned the need for national parks. The responses tended to focus on the implementation of the policy, in particular on issues such as representation on the park authority and its purposes and powers. The majority of people who commented on the principle of national parks were in favour of having them.

Overall, the view that statutory designation would bring a far better chance of achieving integrated management, and clearer purpose, accountability and resource basis, seemed to be widely accepted. SNH endorsed that view in its advice to Government. That is not to criticise or undermine the achievements of existing voluntary arrangements, but to say that we need a firmer, more assured basis on which to plan for the future.

I want to highlight some of the key points of SNH’s advice. First, we advised that the criteria for park designation should be in statute; in countries where that has not been, problems have arisen. Secondly, we advised the inclusion of a purpose relating to social and economic development. SNH believes that such a purpose is important if integrated management is to be achieved and if the areas are to realise economic benefits from their natural heritage assets. Thirdly, we advised the need to ensure that local communities feel that they are involved in the governance and management of the parks.

Fourthly, we emphasised the importance of having a statutory park plan, to which public bodies are formally committed, including scope for zonation within a park to allow particular measures

and incentives to be focused and targeted. SNH did not conclude that park authorities need necessarily be planning authorities, but that in some cases that would be appropriate. Neither did we recommend a wholesale transfer of powers from public bodies to the park authorities; we argued instead for a duty on those bodies to exercise their powers in line with the park plan. Fifthly, we emphasised the need for a system that would allow for the inclusion of marine areas in the national park system.

15:15

SNH described what it was seeking to define as a contract between national and local interests, reflecting on one hand the national importance of the areas and the national interests in securing them, and on the other hand the interdependence between the natural heritage and the well-being of local communities. Such a concept is difficult to enshrine in legislation, but both primary and secondary legislation need to reflect an appropriate balance between national and local interests, and must consider conservational, recreational, social and economic interests. Legislation must also recognise that the parks are intended to provide examples of Scotland’s outstanding natural heritage at its best, and that they should be managed to the best of our ability.

The Convener: Thank you. I hope you realise that we are on a steep learning curve as far as the national parks are concerned, but that we are very keen to learn. Please feel free to lead us in the right direction.

Irene McGugan: You mentioned that Scotland was coming to national parks somewhat later than other countries, but that we should consider them in an individual way, and that there should be something unique about Scotland’s national parks. What are the significant differences between the draft bill and the legislation that set up parks in England and Wales?

Mr Jardine: The point about parks in Scotland having a social and economic purpose is different from the parks in England and Wales, and probably different from most national parks in Europe. In the modern context of sustainable development, we felt that that was important.

Another key difference lies in the park authorities’ nature as planning authorities. The national park authorities in England and Wales are planning authorities, but we felt that that would not always be necessary in Scotland. In some cases, planning issues will be paramount and it may be wise for the national park authority to be the planning authority. In other cases, we felt that that would not be so, and that there should be the option not to have a planning authority as the park

authority.

Mr Peter Rawcliffe (Scottish Natural Heritage): As planning authorities, the park authorities in England and Wales are much more like local authority bodies. The draft legislation tries to define a new type of body in Scotland.

I want to add a point about representation: in England and Wales, parks make specific provision for including parish councils in their board structures.

Irene McGugan: Did you take much account of the situation in other countries when you formulated your recommendations in your response to the draft? Did you consider the management of the parks and the people involved in that? Did you seek the views of the people who live in the national parks, on the way in which the parks are run and whether they had improved their lives?

Mr Jardine: We did a certain amount of work on that and published some research reports on the experience of national parks in other countries. We tried to discover what lessons we could learn, but we were mindful that we were not allowed to copy from anywhere else. We attempted to analyse experience from elsewhere without necessarily importing any of it. That extended to examining the experience of parks in other European countries, such as the French regional parks. They use a different model, in which people in an area elect to have that area made a park. They can also elect to remove that status. We looked at various models from elsewhere.

Alasdair Morgan: You think that some areas will have planning powers and that others will not. Do you have particular areas in mind? Can you indicate which areas would fall into each of those categories?

Mr Jardine: In Loch Lomond and the Trossachs, a great number of issues about the management of the area, in terms of its infrastructure and built structures, have more to do with planning powers.

There is a feeling that the case for planning powers for the Cairngorms park authority was less well made, in that many of the issues that affect the core area are not directly related to planning powers, but are land management issues. In such an area, a national park authority that was focused on consideration of planning applications—for, as an extreme example, dormer windows in Aviemore—would not represent what that national park was all about. If one speculates about the possibility of another national park in Highland, where there is a single planning authority, the argument for making the national park authority the planning authority does not seem very robust.

Dr Murray: I want to ask how various interest groups would be represented on a national park authority. The bill suggests that half the representatives should be appointed by local authorities and half should be appointed by Scottish ministers. What feedback has SNH received from the various stakeholders and interest groups about how that mechanism would reflect the diverse interests of those who want to participate? I ask that in particular in relation to the four main aims of the national parks.

Mr Jardine: That is what the bill proposes regarding nominations to the park authorities. I must duck the question and suggest that the Scottish Executive should explain how that formula was arrived at.

What is important to SNH is the balance between the primary legislation and what the secondary legislation might say about how particular interests will be represented in a system of nominations. I emphasise that there should be a balance between local and national interests and that there is a need to secure places on authorities for people who live and work in the areas. If such provision is not made through primary or secondary legislation, there will be disappointment at a local level.

Lewis Macdonald: Your answer highlighted a point that I wanted to mention. Are there substantial differences between SNH's advice and the draft bill on any other area?

Mr Jardine: The secondary legislation might sort out any differences, such as the one that has been mentioned. There are no major differences. The board of SNH has still to formulate a response, so I must be careful. I am speaking merely as an official. SNH's view is that, by and large, the bill reflects our advice to the Government. There are some differences in the wording that has been used in the draft bill. We might come back to those differences because, inevitably, we felt that our wording was better. We would like to explain why.

I would also like to highlight the issue of duties on other public bodies. We felt that the deal to make the national parks work required national public bodies to follow the park plan to ensure integrated management. The bill contains a "have regard to" responsibility, and SNH is likely to raise the question whether that is strong enough to meet its recommendation.

Richard Lochhead: What are your job titles in SNH?

Mr Jardine: I have the unilluminating title of director of strategy and operations east. Do you want me to explain what that means?

Richard Lochhead: No, that is fine.

Mr Rawcliffe: I am blandly called a national strategy officer.

Richard Lochhead: It is useful just to know to whom you are speaking.

What will be SNH's relationship to the park authorities once they are up and running?

Mr Jardine: Although we will continue to have our statutory responsibilities within those areas, we have recommended that bodies such as SNH should be able to delegate some powers to the park authority. SNH could stand back and let the national park authority run some areas.

Richard Lochhead: Does that mean that you will delegate those powers, or surrender them?

Mr Jardine: It is phrased as delegating powers. The view was taken that bodies could decide to pass their powers to the national park authority where that made sense, and that idea comes through in the bill.

We did not recommend that SNH should have any special rights on national parks, apart from our normal statutory duties. Although the bill potentially gives us the role of reporter on national park proposals, we would be only one of a number of possible organisations that might be called on to do so.

Richard Lochhead: That is an interesting point. If SNH were unhappy with the way that the national park authority was discharging powers that it had delegated, would it step in?

Mr Jardine: We are now well into the realm of hypothetical situations. I think that SNH would step in if that happened. If SNH had a statutory duty to do something, and we felt that that duty was not being carried out in line with our statutes or obligations, there would have to be a system to allow us to take back those powers.

Richard Lochhead: So the national park authority will be quasi-independent?

Mr Jardine: No, the authority will be independent. It will have its own powers, which will be given by statute. However, we hope that people will feel that the best solution is for the national park authority to run these areas. As a hypothetical example, the management of national nature reserves is SNH's responsibility. However, if a park authority had various statutory powers such as managing land within a national park and employing rangers, it might make sense for SNH to say that the authority is better placed to manage land declared to be a national nature reserve. In that case, SNH could delegate that power or contract the national park authority to carry out that duty.

Rhoda Grant: How much scope is there in secondary legislation to make national parks

individual? Could the make-up of the authority be made quite different for each national park?

Mr Jardine: From my reading of the bill, national parks could be quite different under secondary legislation, and SNH's advice was to try to preserve that. For example, one national park could be a planning authority, another might not. Secondary legislation could mean a different system of representation on the park authority for different areas.

The parks could also differ in terms of the other powers that they hold under secondary legislation. The minister has asked SNH to start thinking about advice on the two areas that have been identified and to advise on issues such as the relevant powers for Loch Lomond and the Trossachs and for the Cairngorms.

Dr Murray: You referred to the suggestion that there could be marine national parks, and I know that the minister is considering the idea that there could be a totally marine national park. Have you examined that concept? The legislation surrounding the marine environment is rather different, and different interests are involved. How much consultation has there been with representatives of marine interests?

15:30

Mr Jardine: We have considered the issue. Responses to the consultation exercise came mainly from non-governmental organisations. I do not know whether other marine interests such as fisheries responded.

Mr Rawcliffe: They did not.

Mr Jardine: No. We did not receive representations from any fisheries organisations. We have not treated the issue in as much depth, partly because there were not so many other examples to study as there were for land-based national parks, and partly because time was limited and marine legislation is complicated. We have not analysed the marine legislation in quite as much detail as we have analysed the other legislation.

Given that Scotland's marine heritage is just as outstanding as that of other European countries, if not more so, we accept that it is illogical not to be able to extend national parks into the marine environment. In principle, the enabling legislation should allow for that in future, even though there are no firm proposals at the moment for a marine national park.

Rhoda Grant: I am happy that there is enabling legislation in the bill, but will there be adequate consultation? When secondary legislation is introduced to designate an area as a marine national park, will there be thorough consultation

with the fishing industry and with other interests that might not have thought at the time of the initial consultation that national parks would affect them?

Mr Jardine: I will not try to interpret the legislation, but the draft bill contains provisions requiring the minister to publish a proposal and appoint a reporter to consult all the relevant interests. For a park with a marine component, that would have to include fishing interests. That is certainly my reading of it.

The Convener: We are progressing into the areas in which we will need answers from the Scottish Executive rural affairs department representatives. Are there any further questions specifically for SNH?

Mr Munro: At the risk of getting my knuckles rapped for straying out of the suggested area of debate—

Alasdair Morgan: Perish the thought.

Mr Munro: My question concerns sport shooting and other activities that currently take place within the boundaries of the proposed national parks. What safeguards have been built in to protect that sort of activity? Once the national park boundary has been established and the principle of the national park accepted, it becomes a public place. Under current legislation, firearms and other weapons may not be presented in a public place without being under cover or in a sheath of some sort. Has anybody raised the question of building in safeguards?

Mr Jardine: As far as I am aware, no one has made that specific suggestion. The bulk of the Cairngorms area is already a national nature reserve. That may make it as much of a public place as a national park would be, yet sporting activities have been carried on in the Cairngorms since the declaration in 1954. As far as I am aware, no one has challenged it. The point has not been raised with us.

Mr Munro: Does the national nature reserve have the same sort of designation as a national park?

Mr Jardine: I cannot answer in legal terms, but it is a statutory designation. The Cairngorms is de facto a public place. There are rights of way and long-distance routes through the area. As far as I am aware, there has never been an issue of having to control sporting activities for those reasons.

Richard Lochhead: I wish to return to Irene McGugan's point. You mentioned that you had spoken to people living in national parks elsewhere. Did they express any reservations?

Mr Jardine: We did not speak to people in those areas. We commissioned research reports on

various aspects of national parks elsewhere. There was some direct contact. We funded farmers from the Cairngorms to go to France to find out what farmers in regional parks there thought about those parks, so there was that kind of exchange. I am not sure whether there were direct consumer or customer surveys in other national parks.

Mr Rawcliffe: Our research picked up issues that can be simply articulated. If local people are not involved in the management of these places, tension can build up. The lesson from elsewhere is that to have a successful park, local people have to be involved in its governance and management. That is part of our advice.

Mr Jardine: We can point to bad examples, where national parks were designated on narrow grounds and local people objected to them strongly. In some countries, people effectively prevented Governments from establishing national parks, because local interests were not involved and there was no recognition of the socioeconomic impacts. French regional parks are interesting, because there is a system to vote the regional park away if people do not want it any more. As far as I am aware, that has only happened once. I cannot remember how many regional parks there are, but it is a fair number, which suggests that the majority of people who live in the parks are content that they provide a benefit.

Richard Lochhead: Did you consult people who are living in potential national parks in Scotland?

Mr Jardine: Yes. We focused particularly on the two named areas, although there were some meetings with community councils elsewhere. We organised a series of local meetings. In the Cairngorms, it was felt that it would be best to hold separate meetings with each community council, so there were 23 public meetings throughout the Cairngorms, at which people could express their views. The reports of all those meetings are published by SNH. Inevitably, there is a mixture of views in those reports. Some people are strongly in favour, and some people have serious reservations.

We were advised by local people in Loch Lomond and the Trossachs that consultation would be done slightly differently, so it consisted of five meetings that pooled together groups of communities, but the same sort of process was followed.

Alex Fergusson: On the matter of representation, in your researches into national parks in other countries, did you come across any where the equivalent of the authority was democratically elected?

Mr Jardine: I am not aware of any.

Alex Fergusson: So that would be an exciting first step to take.

Mr Jardine: It would be different. I think that there are examples where there is a mixture of appointed and elected representatives, but I am not aware of any that are entirely elected.

The Convener: If there are no more questions for the gentlemen from SNH, I thank them for coming along and answering our questions. You have been most helpful. Who knows? We may have to call on your help again.

I call Mr Andrew Dickson and Ms Jane Hope, who represent SERAD, to come forward. As I do not have the information in front of me and following our experience of a few moments ago, I ask the witnesses to begin by stating their positions.

Mr Andrew Dickson (Scottish Executive Rural Affairs Department): Thank you, convener. It is a great privilege and pleasure to appear before the committee this afternoon.

I am the head of the countryside and natural heritage unit at SERAD. Obviously, the unit deals with national parks, but it also deals with sponsorship of Scottish Natural Heritage, countryside policy and policy on access to the countryside.

Ms Jane Hope (Scottish Executive Rural Affairs Department): I work in Andrew Dickson's division and I am head of the national parks bill team.

Mr Dickson: I will say a little about the draft bill and its approach, although I ask members to forgive me if I repeat some of Ian Jardine's comments. As he said, the draft bill largely represents the transfer into legislation of the main parts of the advice that we received from SNH.

We are just coming to the end of the consultation period on the draft bill. We have received a lot of comments already and we expect quite a rush of comments in the next few days. We will then publish a summary and analysis of the comments received. The comments themselves will be publicly available, unless, for any reason, the people who make them ask for them to be kept confidential.

Ministers will then consider the position. As members probably know, Sarah Boyack is due to speak to the committee next week, when she may have an update to give—I do not want to trespass either into that area or into any kind of speculation about the draft bill.

As members have heard, the draft bill is very much an enabling bill, setting the framework for national parks. It also allows for flexibility between parks and between the contents of different

designation orders, which is intended to allow scope for innovative approaches to be developed within national parks, involving the features of the local area and the local community. One could say that the legislation goes for a light touch.

The draft bill has five parts. The first sets out the reason for establishing national parks, which reflects both the substance of the advice from SNH and the fact that SNH wants that advice to be set out in statute, as Ian Jardine said. The advice is set out in section 1(3):

- “(a) to conserve and enhance the natural and cultural heritage of the area,
- (b) to promote sustainable use of the natural resources of the area,
- (c) to promote understanding and enjoyment of the special qualities of the area by the public,
- (d) to promote economic and social development of the area.”

Those aims should be read in conjunction with section 8(5), which states:

“In exercising its functions a National Park authority must have regard to the aims set out in subsection (3) of section 1, but if it appears to the authority that there is a conflict between”

the aims, “greater weight” must be given to the first aim at section 1(3)(a), which is

“to conserve and enhance the natural and cultural heritage of the area”.

The second part of the draft bill—sections 2 to 6—deals with the process of setting up the national park. Again, that process is very much in line with SNH's advice.

Extensive consultation will take place. Ministers will publish a proposal on which they will commission a report from a reporter. The draft bill contemplates that the reporter will be SNH, but it could be another body. Alternatively, ministers could undertake the report directly—that is, through the Scottish Executive.

The conclusions of that consultation will be published. The process is then put on hold for six weeks before a designation order is introduced. Ministers may also hold a local public inquiry, if they wish to do so.

When the designation order comes back to the Parliament, it will be treated as an affirmative resolution—which means that the Parliament has to vote it through affirmatively rather than just nodding it through without questioning it.

Schedule 1 of the bill sets out the membership and constitution of national park authorities. There is room for different designation orders to make different provisions, but there will be a maximum of 20 members. Whatever the total, 50 per cent of the members will be appointed after having been

nominated by the local authorities in the park area. There is a requirement that members may be appointed only if they have

“knowledge or experience relevant to the functions”

of the national park area. There is an assumption that members will have local knowledge as well as wider expertise in particular areas. The designation order could specify that members should have experience of the local community. There is also a requirement for ministers to consult widely before appointing the members whom they will appoint directly—the ones who are not nominated by the local authority.

15:45

The next sections of the bill deal with the powers, duties and functions of national parks. Most important, they also cover the consultation on and the drafting of a national park plan. As you have heard, there will be flexibility in relation to the different functions that different national parks will have. In particular, section 9 of the bill gives wide discretion on the degree of planning functions that will be involved. That could range from complete designation as a planning authority; through designation as a planning authority for specific purposes but without all planning powers; to designation of the national park authority as a statutory consultee in the planning process but not as the planning authority itself.

The next sections of the bill contain a number of mainly formal provisions concerning financial propriety and regularity of accounts. There is an important provision that the Scottish Executive should fund national parks and an equally important provision that each national park authority will be required to set up an advisory group. It is not specified how big that group might be, but the implication is that it could be a kind of sounding board for issues that arise in the national park area. It could also include a much wider representation of all the various interests that might want to have a say in the running of the national park, but that will not necessarily have a determining role or be directly represented on the national park authority itself.

The Convener: Thank you. I will open up the meeting for questions.

Mr Rumbles: When can we expect a summary of the comments made during the consultation exercise? I feel that we will be pushed for time, so the sooner we can get that summary the better.

Mr Dickson: Time is indeed very tight. I will ask Jane to respond to that question.

Ms Hope: The consultation is due to end on Friday. We have been summarising the responses as we have gone along, so I hope that all we will

have to do is to add the last few responses. Ministers will be considering that next week, so I hope that the summary and report on the consultation will be available fairly soon. I am sorry, but I cannot give you a precise date.

Mr Rumbles: Does “fairly soon” mean in a couple of weeks or at the end of March? What do you reckon?

Ms Hope: It has got to be before the end of March, so I would like to think that it will be in the next few weeks. I should add that I am talking about a summary of the responses. The individual responses will be publicly available, according to normal practice.

Mr Rumbles: When do you think that the individual responses will be available?

Ms Hope: I expect them to be available at the same time as the summary.

Dr Murray: I appreciate that the matter is still under consultation and that this is not the final bill, but perhaps you can comment on the method on which representation on the authority is based. Do you think that it will satisfy the desires of all the likely participants and stakeholders in the national parks? Now that we are focusing more on the possibilities of the marine environment, have you had any response on the concept of a marine national park? I realise that the consultation process is on-going.

Mr Dickson: We have received a large amount of comments on both those matters. Clearly, in each potential national park area, many interested parties will want to be represented on the national park body. That may vary from one national park to another—there may be a difference between a marine national park and a terrestrial national park. The designation orders will be flexible enough to allow that to happen. However, it is clear that within the bounds of membership of a park authority there are unlikely to be enough seats round the table for every interest group. A judgment will have to be made in each case.

The bill is sufficiently flexible to allow for a marine national park. That does not apply in the case of the first two areas and Sarah Boyack would probably say that she would rather wait to see what happens in Loch Lomond and the Trossachs and in the Cairngorms before pursuing a marine park. Nevertheless, there is scope for such a park under the bill.

The Convener: Have you had responses from organisations relating to fisheries and the marine environment?

Mr Dickson: I am not sure about fisheries. We have heard from people with an interest in marine areas and from marine conservation bodies.

Ms Hope: To my knowledge, we have not yet received anything from organisations with an interest in fisheries. However, there are a few days left. We have had a few comments on the World Wide Fund for Nature's petition that presses the case for marine parks.

Rhoda Grant: The advisory group has been designed to encourage local people to participate. What powers does the group have? Is it just a sounding board or does it have some input?

Mr Dickson: If the word "advisory" is going to mean anything, the national park authority will have to seek the group's comments on specific issues. It would be for the advisory group to volunteer comments if it did not like the way in which the national park authority was running things. No very formal powers are proposed for the advisory group. Nevertheless, the group is considered to be an important part of the policy jigsaw.

Mr Rumbles: In the consultation process, did any residents of the two areas say that the national parks authority—which, of course, will be a quango—should contain directly elected representatives? Was there a groundswell of opinion in that direction?

Ms Hope: It is difficult to say whether there was a groundswell of opinion, but the idea was certainly mentioned. I do not want to pre-empt the decisions that will be made in the light of the responses that are received.

The bill provides for the involvement of communities in a number of ways. One way is through membership of the national park authority, another is through membership of the committees that the authority would be empowered to set up. Only a certain number of members of the authority are allowed to sit on those committees; the other seats would obviously be taken by non-members. The advisory group, which we have talked about, does not have to include members of the authority. The bill also provides for the wide consultation of those who live and work in the park on the park's planning and on Scottish ministers' appointments to the authority.

Mr Rumbles: That sounds like a top-down approach. When the committees are formed, people will be appointed to them by the national park authority.

Mr Dickson: That is the case, but the efficacy of the committees will depend on the extent to which they reflect the community. If a national park authority appointed an unrepresentative selection of people, the committee's effectiveness could be diminished.

No one will be surprised to hear me say that we will not be drawn at the moment on the question of

direct election to national park authorities. I had better not tell you to ask Sarah Boyack that question when she comes before you next week because she might not have made up her mind by then. However, it is within the ministerial domain.

Richard Lochhead: Is it envisaged that the people who are appointed to the national park authority by ministers will be people who represent the area?

Mr Dickson: The bill is not specific on that, but it says that the necessary qualification for any member to be appointed to a national park authority is knowledge or experience relevant to the functions of the national park authority or the national park. That does not rule out the appointment of someone who has expertise in a relevant area but who happens to be based outside the national park. We do not want to be too narrow in our definitions.

Lewis Macdonald: I take it that there is significance in the fact that the bill deals with national parks. It was interesting to hear regional parks being mentioned. Presumably, the intention behind having appointed—but not locally based—people would be to protect the parks' national character and to bring in expertise at a national level. Is that a fair comment?

Mr Dickson: That is certainly a possibility. As I have mentioned, the bill as drafted allows for a fair degree of flexibility.

The Convener: Are there any more questions? You may have been warned about this—I think Elaine Murray raised it at a previous meeting: can you tell us what "infertment" means?

16:00

Ms Hope: It means someone completing title to heritable property by means of recording their title to land at the registry of sasines or registering their title at the Land Register of Scotland.

The Convener: We will treat the bill in a new light now.

Ms Hope: It is a technical term that we did not feel we could change.

The Convener: Richard Lochhead has pointed out that section 12 of the draft bill—

"Duty to have regard to National Park Plans"—

states that the Scottish ministers, the national park authority, a local authority and any other public body or office holder are required

"when exercising their functions in relation to a National Park . . . to have regard to the National Park Plan."

What authority does the phrase "have regard" contain?

Mr Dickson: It is a very well-attested bit of legal drafting that can be found all over the place in statute. It has considerable force: any other public authority would, under the requirement to have regard to national park plans, be accountable for how it behaved in relation to the plans and could not do anything that ran counter to some important element in them. It is a matter for possible debate and consideration by ministers. Whether to go a little further than that may have come up in consultation, but that is the wording at present.

The Convener: Are there any other questions? Are we all experts on the subject now?

There are no more questions for the moment, so I thank the witnesses for coming to enlighten us on national parks. We will do our best to understand the issues. We are very grateful for your time and assistance.

We will now move on to the last item on the agenda, the—

Richard Lochhead: What about appointing a reporter?

The Convener: Sorry. Well spotted.

Mr Rumbles: We have moved on to the next agenda item.

The Convener: No, I think that we will happily retrace our steps.

As we discovered in the joint meeting with the Transport and the Environment Committee, that committee has appointed reporters to deal—jointly with us—with issues surrounding national parks. We agreed to appoint two members of this committee to reciprocate that arrangement. Do members have anyone in mind who would be suitable for that job?

Lewis Macdonald: I suggest Elaine Murray.

Alasdair Morgan: I suggest Irene McGugan.

The Convener: Any other suggestions? I think that we can safely say that we have two volunteers, so we ask them to do that job on our behalf. Thank you.

We will now progress to the final item on the agenda.

Amnesic Shellfish Poisoning

The Convener: The next item relates to the Executive response to the report on amnesic shellfish poisoning, or ASP.

We have received a letter from the Deputy Minister for Rural Affairs in response to a letter that I wrote to him after we considered the Executive's response to the report on ASP. I want to acknowledge receipt of this letter. Do members have any comments on John Home Robertson's letter?

Mr Munro: It does not take us any further forward. The ban has extended for almost a year and we have still not come up with a solution. We are entering the new fisheries season; I am concerned that another ban will be imposed before we have lifted this one. It is time that we received some direct answers about how fisheries can continue in other countries, such as Ireland, that have an environment similar to that of Scotland but came up with a solution very quickly. Our testing regime has to be re-examined.

Richard Lochhead: I support John Munro. A Scottish Parliament information centre report comparing the situation in Ireland and Scotland would be helpful. I am getting confused messages: we have the response from the Deputy Minister for Rural Affairs, what the Minister for Health and Community Care said in Parliament, and what other people say about end-product testing in Ireland. A research note should also consider the interpretation of EU law.

Mr Rumbles: I, too, support John Munro on this. In his letter, the Deputy Minister for Rural Affairs says that

“there is unlikely to be a speedy resolution to this matter”

and that David Byrne, the European commissioner for health and consumer protection, has advised that

“the Commission are taking the necessary steps to proceed with these examinations.”

As John Munro said, if Ireland can operate an end-product regime, why do we not interpret EU regulations in the same way? I would have liked to receive more information on that in the minister's letter. We should ask the minister, as well as SPICe, to give us that information.

Rhoda Grant: I am quite happy with those suggestions. The letter states that the minister has spoken to the European commissioner for health and consumer protection, who has said that work needs to be done to establish whether the way in which scallops are tested can be changed. I take that to mean that the Commission believes that what we are doing is correct and is examining what is in place. We should urge the minister to

push the Commission on, as work should be done on this as a matter of urgency.

The Convener: I have a couple of suggestions that will cover some of what has been said. First, I think that it would serve our purpose to ask the Irish Government for details of its end-product testing scheme and for guidance on the interpretation of EU law that has allowed it to operate that scheme.

Secondly, although we have been concerned with the economic consequences of the ban, this is essentially a health matter, so we should seek the support of the Health and Community Care Committee for a request that the Deputy Minister for Rural Affairs and the Minister for Health and Community Care and their officials appear before this committee to discuss the issues that cut across the two committees' remits.

Richard Lochhead: That is a good idea and we may want to keep it as an option, but first we should hear from the Irish Government.

Rhoda Grant: I want to broaden those options. We should ask the Irish Government what monitoring and testing it carries out. We need to know about the whole system to understand whether it meets requirements. Also, when we write to the Deputy Minister for Rural Affairs, we should emphasise two-tier testing.

Mr Rumbles: We should not seek information from the Irish Government—it is the Executive that must take action. I would rather hear the Executive's interpretation of the system that is in operation in Ireland, as we will not influence any ministerial decision by getting information from Ireland.

The Convener: I would be happy to keep the minister fully informed about our actions and about any information that we receive from the Irish Government, so that he can respond to the same questions.

Richard Lochhead: I do not understand why we cannot request information from both the minister and the Irish Government. We have had two vague letters from the minister and do not want to be sitting here in three weeks' time with a third one.

The Convener: We will seek information from the Irish Government about how it reached its current position—

Mr Rumbles: We should not let the minister off the hook. I would like him to explain his interpretation of the Irish Government's position.

The Convener: We will also request that the minister explain the differences between the interpretations of European law in Scotland and in neighbouring countries.

Mr Munro: I get confused by all the answers that I have had over the months. A couple of weeks ago I received a response from a minister saying that the Irish testing regime is far more onerous than ours. That does not stand up to scrutiny, as the fishery in Ireland is able to continue while ours is closed.

There is another matter about which we seek information. The directive that obliged the Executive to impose a ban was directive 492. One of the members of the EU standing veterinary committee has suggested that that is the wrong directive and that the right one is directive 493. Directive 492 is directed at shellfish that are static on the seabed, such as limpets and mussels, but the scallop is mobile and therefore comes under directive 493. That may offer another avenue for investigation.

Lewis Macdonald: That is an interesting idea.

The Convener: We propose to write to the Irish Government to request information on its testing scheme and its interpretation of EU law. We will also write to John Home Robertson to ask for his interpretation of EU law in this area, and to inform him that we have written to the Irish Government. The clerk tells me—he is well trained—that we should also inform the Health and Community Care Committee and the Minister for Health and Community Care of what we are doing. Does that course of action meet with the approval of the committee? We will put the matter back on the agenda when we have collated the responses that we have solicited.

Do members wish to raise any points relating to any matter that has been discussed today? As there are no further comments, I thank you for your attendance and support.

Meeting closed at 16:14.

Members who would like a printed copy of the Official Report to be forwarded to them should give notice at the Document Supply Centre.

Members who would like a copy of the bound volume should also give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the bound volume should mark them clearly in the daily edition, and send it to the Official Report, Parliamentary Headquarters, George IV Bridge, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Wednesday 8 March 2000

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5
Annual subscriptions: £640

BOUND VOLUMES OF DEBATES are issued periodically during the session.

Single copies: £70

Standing orders will be accepted at the Document Supply Centre.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £2.50
Special issue price: £5
Annual subscriptions: £82.50

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £2.50
Annual subscriptions: £80

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0131 228 4181 Fax 0131 622 7017

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 0171 242 6393 Fax 0171 242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 01232 238451 Fax 01232 235401
The Stationery Office Oriol Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 01222 395548 Fax 01222 384347

The Stationery Office Scottish Parliament Documentation Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers