

RURAL AFFAIRS COMMITTEE

Tuesday 9 May 2000
(*Afternoon*)

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RURAL AFFAIRS COMMITTEE **12th 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

THE FOLLOWING MEMBERS ALSO ATTENDED:

Mr Jamie McGrigor (Highlands and Islands) (Con)
Linda Fabiani (Central Scotland) (SNP)

WITNESSES

Stuart Black (Cairngorms Partnership)
Alastair MacLennan (Cairngorms Partnership)
Mr John Graham (Scottish Executive Rural Affairs Department)
Mr Douglas Greig (Scottish Executive Rural Affairs Department)
Mr David Dalgetty (Scottish Executive Rural Affairs Department)
Mr Duncan Macniven (Forestry Commission)
Dr John Webster (Federation of Scottish Aquaculture Producers)
Ian Jardine (Scottish Natural Heritage)
Peter Rawcliffe (Scottish Natural Heritage)
Dr Ian Duncan (Scottish Fishermen's Federation)
Adam Harrison (World Wide Fund for Nature)

CLERK TEAM LEADER

Richard Davies

SENIOR ASSISTANT CLERK

Richard Walsh

ASSISTANT CLERK

Tracey Hawe

LOCATION

Festival Theatre

Scottish Parliament

Rural Affairs Committee

Tuesday 9 May 2000

(Afternoon)

[THE DEPUTY CONVENER *opened the meeting at 14:00*]

National Parks (Scotland) Bill: Stage 1

The Deputy Convener (Alasdair Morgan): Good afternoon ladies and gentlemen, and welcome to this meeting of the Rural Affairs Committee. May I ask everyone to switch off any mobile phones or pagers.

We will deal first with the National Parks (Scotland) Bill, on which a significant amount of work has been done, and evidence taken, by the Transport and the Environment Committee. We should concentrate today on parts of the bill that have not been covered directly by that committee.

We will try to cover two main areas. The first of those is interaction with those who work, own or manage land. We will be assisted in that by Alastair MacLennan and Stuart Black of the Cairngorms Partnership. We will then consider marine national parks; Dr John Webster on behalf of the Federation of Scottish Aquaculture Producers and Dr Ian Duncan of the Scottish Fishermen's Federation are with us for that. After that, we will hear from Adam Harrison of the World Wide Fund for Nature. To sweep up issues that have arisen from today's session and anything else from previous meetings that we want to talk about, we have with us Ian Jardine and Peter Rawcliffe of Scottish Natural Heritage.

I will ask each group of witnesses to make a fairly brief presentation, after which it will be up to the committee to ask questions that arise from the presentations and from any written evidence that the witnesses have submitted.

Before we start taking evidence, we will hear from Elaine Murray, who acted as our reporter at the Subordinate Legislation Committee, which met this morning to consider, among other things, section 29 of the bill.

Dr Elaine Murray (Dumfries) (Lab): The committee will be interested in the suggestion from the Subordinate Legislation Committee that a procedure could be used to write into the bill a section that would allow amendment of the designation orders. That procedure is known as a

super-affirmative process; it has been used on occasion at Westminster, for example, in the Deregulation and Contracting Out Act 1994.

As members know, concerns have been raised in the Rural Affairs Committee and other committees about the fact that when it comes to the secondary legislation, we can say only yes or no. Inclusion of the additional section in the bill would allow changes to be made to the designation orders as a result of consultation on the secondary legislation. That suggestion is probably of interest to us, as it relates to our specific concerns about the need to get the bill completely right now in case there are effects that we had not anticipated when we get to the secondary legislation.

On the marine parks, there seems to be a feeling either that the situation should be left as it is or else the bill will have to be made much more specific on such parks. There did not seem to be a strong feeling that the committee wanted a great deal more to be added on marine parks. To a certain extent, that has been left for us to consider in more detail.

I am fairly sure that the first suggestion that I outlined will be included in the Subordinate Legislation Committee's report. It would be possible to add such a section to the bill in this instance—it would not affect every Scottish statutory instrument that came up, only particular instances—and that might be worth looking at. Certain reservations were expressed by the civil servants who were being questioned, but I think that they will take the suggestion away and think about it.

The Deputy Convener: The fact that the bill leaves so much open to designation by the national parks order and that that order cannot be altered, but only accepted or rejected, has certainly been a concern. The suggestion that Elaine Murray outlined would be welcome.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): That would help to solve some of our worries that perhaps we were not spending enough time on ensuring that we got it all right. An opportunity to amend the legislation once it were in force and we were considering specific parks would be immensely helpful. We would not be left with the ability only to accept or reject. The committee needs to take that on board.

The Deputy Convener: I should explain that I am in the chair because Alex Johnstone has a slipped disc. I am sure that all of us, especially me, wish him a speedy recovery. We have received apologies from Cathy Peattie and Lewis Macdonald.

I invite Alastair MacLennan and Stuart Black of the Cairngorms Partnership to open the evidence

session. Thank you for coming along.

Alastair MacLennan (Cairngorms Partnership): Thank you. I will do a brief introduction covering three main points, then Stuart will sweep up anything that I have missed out or not explained properly.

The three main points that we want to get across today concern the boundary, agri-environmental schemes and the effect on farm businesses of park designation. First, on the boundary of the prospective park, we feel that the social, economic and cultural structure of the area has to be an integral part of how the park is designated; otherwise, the structure cannot possibly reflect the area's economic, cultural and social history. For instance, suggested boundaries that leave out Grantown-on-Spey are not acceptable to local people, because Grantown is the traditional and historic capital of Strathspey. The national park boundaries should form an area that is at least as large as the Cairngorms Partnership area. To restrict the area on the basis of cost would be incredibly short-sighted and wholly impractical, and could cause more damage to a small designated area because of honeypot effects.

In the Cairngorms Partnership area, there has been 10 years of consultation and negotiation with all interested parties, which has led to the production of many volumes of work plans, management strategies, visions for the future and so on. The quality of that work is undisputed, and the content has been agreed by all interested parties. It would be a criminal waste of time and money to carry out another consultation exercise and negotiation process to reinvent another plan for a different area. That is not to discount the fact that opinions can change with time, but the documents are fairly recent and recognition must be given to all the work that has been done in the area over the past 10 years and to the fact that all sectors and interests have agreed to the management strategy and the vision for the future. That agreement in itself was quite an achievement.

Secondly, on agri-environmental schemes, many important species and habitats occur on agricultural land in the Cairngorm area. For example, the Royal Society for the Protection of Birds, Scottish Natural Heritage and others are completing a survey of farmland waders in Strathspey and believe that the survey will confirm Strathspey as one of the top breeding sites in the country for those declining birds.

The importance that is placed on the provision of a quality environment by farmers has been increasing steadily over the past 10 years; farmers within the Cairngorms have embraced the concept readily and have been extremely constructive and innovative towards production of further and

increased benefits in that field. However, they have also grown frustrated at the authorities' lack of recognition for their contribution, expertise and pioneering attitude. They now see the prospect of the implementation of the national park designation as totally inconsistent with the loss of an environmentally sensitive area scheme and the resultant move to a competitive position with every other farmer in the country for a limited-budget rural stewardship scheme. Even now, many farmers, including myself, are constrained from being able to make their maximum contribution to the natural heritage by the ceilings on the environmentally sensitive area scheme.

If national parks are to be places of environmental excellence—as they certainly should be—the farmers of the area, who have already made a large contribution towards that, should, at the very least, be given guaranteed entry to the rural stewardship scheme with an increased ceiling on the payments. That is not just a call for a dash for the cash; it is a call for a recognition of the good work that has been done already and that can be built on. We believe that the compensation offered for the increased pressures that will undoubtedly come with park designation is not enough. It is the absolute minimum and it is not enough. A tailor-made agri-environment scheme is essential to allow the good work that has been done in the time of the Cairngorms Partnership to continue.

I am involved in many of the working groups and task forces that have been set up by the partnership. I can see how an integrated and complete agri-environment scheme that encompassed all the initiatives in the one scheme could save time and money, could enhance the environment and could help to stabilise the economic prospects of the farming industry and all its social and cultural riches. Many issues should be addressed; the rural stewardship scheme does not encompass them. Some examples are integrated water catchment measures, nutrient budgeting, farm waste management plans and the maintenance of liming for the acidity of rivers, to name a few.

The effect of park designation of farm businesses could go in either direction, depending on the policies that are implemented. We prefer to look on the positive side. There is the potential for eco-tourism; farmhouse bed and breakfasts because of increased visitor numbers; enhanced marketing opportunities; and, as already mentioned, an all-encompassing agri-environment scheme. Those and possibly other opportunities could be the result of designation, but we will need the regulations, the guidelines and the methods of support for the policies to be in place before any of the benefits will be realised.

Even when we look positively at park designation, we know that there will be detrimental effects as well. For instance, there will be increased inconvenience and increased time spent with people accessing the land, with all the potential problems that that can bring. Another factor on the downside would be stricter planning regulations, which may cover farm buildings that have previously been exempt. However, we feel that that could be turned into an attribute for the park, by fully compensating people for the extra restrictions on the planning of buildings. Most people would then be happy to put up better-quality and better-looking buildings.

In many ways, that point sums up our position on national park designation. If it is done with quality and excellence in mind, it stands a great chance of being an unqualified success. If it is done purely to let people say that Scotland has national parks, and if it is a cheap and cheerful impersonation of what it should be, it will be an unwelcome change and a missed opportunity.

Stuart Black (Cairngorms Partnership): I would like to make a point regarding a perception that I think is held throughout the Cairngorms. Local people do not see their homeland as some sort of problem in need of a national park solution. They certainly do not want a national park that is there just for the sake of it so that people can say that Scotland has national parks. They do not want extra restrictions beyond those in the present designations.

Instead, the people see this as an exciting opportunity to foster and build on the success that has already been achieved by public agencies such as Scottish Natural Heritage, the Forestry Commission and the Cairngorms Partnership, and by local land managers and individuals and businesses in the area. The partnership has guided all those people in support of the natural heritage of the Cairngorms.

Rather than a place of restriction, we want a park that is a centre of excellence for all the services that work there. The Cairngorms are already a tremendous resource for the nation, and recognition must be made of the part played by those who have managed its wildlife and landscape. Farmers have a crucial role to play in delivering high-quality landscape and abundant wildlife. A park that did not include all the associated farmlands would make no sense and, as Alastair MacLennan has said, would harm the sensitive core area, as it would have a honeypot effect, steering people into the most sensitive parts of the area.

14:15

The Highland Council feels that the whole of

Badenoch and Strathspey should be within any future park, not only for neat administrative reasons but also because the Cairngorms are a blend. The hills, the farmland, the woodland and the strath all blend together to form that special area, and it would not make sense to split it apart. It should include the associated farmlands.

Farming methods have been beneficial to wildlife and to the landscape, but we can achieve even more. For many years, farmers have demonstrated their enthusiasm for that sort of work. The area has one of the highest take-up rates for ESA schemes in Scotland. The farming task group that Alastair MacLennan chairs produces many constructive and increasingly influential ideas, and its work recently culminated in a successful conference, the report on which has been circulated to members. I know that you all have plenty to read, but it makes worthwhile reading as it gives a good idea of how Cairngorms farmers feel about national parks.

If we are to continue to shoulder what is a special responsibility for a special industry in the parks, we must, as a minimum, be given automatic entry to the new conservation scheme and not have to join some sort of lottery among farmers throughout Scotland. Farmers have a bad impression of competitive schemes because of what happened with the agricultural business improvement scheme. If it is a special area, let us have a special way into the scheme for farmers in the Cairngorms. Such a concession would cost very little, but it would give farmers a welcome assurance that their efforts on the nation's behalf are valued.

I have spoken about the maximum limit; perhaps we also need a minimum payment that is a bit higher than the present scheme, to encourage and foster small farmers. That would allow farms that are no longer viable in a purely agricultural sense to continue to be of benefit to the biodiversity of the area and the economy and social health of the community in the park area. That could be achieved at a modest extra cost to the public purse. It would simply top up existing schemes to give added advantages to farmers inside the park.

To sum up, the national interest in the Cairngorms would be best served by backing local effort and initiative.

The Deputy Convener: You realise, I take it, that we are considering the National Parks (Scotland) Bill, which is enabling legislation. If it is passed, there would then be the opportunity for the Government to introduce specific national park orders to set up national parks. Those orders would define the boundaries of the parks and other matters to do with their management. Are you in favour of the concept of national parks? If so, do you have any particular problems with the

bill as introduced? That is what we have to report on.

Alastair MacLennan: We do not have specific problems with the bill as introduced. I think that I have already answered your question about whether we favour national parks. We favour them if they are created with excellence in mind and are properly funded. This may not be what you want to hear, but I do not think that they will work if they are done on the cheap.

Dr Murray: My question is actually about a different topic. Last week, we heard from Convention of Scottish Local Authorities and members of the community councils in the two areas where the first national parks are most likely to be situated. You might be aware that an addition to the draft bill indicated that the Scottish ministers could appoint to the national park authority

"persons appearing to them to be representative of particular interests"

specified in the designation order. COSLA and the other witnesses argued that it was not necessary to have representatives of particular interests on a national park authority and that their appropriate place was in the advisory group. What are your views on that matter?

Alastair MacLennan: It is absolutely essential that land management interests are represented on the national park board as well as the advisory panels.

Dr Murray: What would be the disadvantages of not being represented on the national park authority itself?

Alastair MacLennan: There would be a detachment from the land. People who do not live and work on the land do not have the same depth of knowledge of land management processes.

Stuart Black: That is absolutely right. The national park authority would lose the unique experience possessed by land managers and their families of working on the land for many generations. By their very nature, the areas that will be part of the national park are sensitive and agriculturally difficult to work. It would be essential to have people with experience of that situation and those areas on the park board. Some farmers have argued that, perhaps because of the large percentage of land area that is managed by farmers, crofters, landowners and foresters, they should have far more representation on the park board. I do not altogether subscribe to that view. We need only one or maybe two people on the board who can put our argument well; otherwise, we cannot win it politically or with the public.

Alastair MacLennan: You might be aware that the Loch Lomond area wants four or five farmers

on the board, and it is sticking to its guns on that.

The Deputy Convener: Both submissions appear to indicate that increased resources should be targeted on a national park area if it was set up, because of increased planning restrictions and the rural stewardship scheme. However, it has been argued that we should not target resources on national parks because, as is the inevitable nature of a Government dealing with a fixed cake, the amount of money available for farmers outside national park areas would be reduced. Have you any views on that argument?

Stuart Black: I should not get political, but I cannot help it.

The Deputy Convener: Well, you are in the right place.

Stuart Black: I voted yes-yes in the referendum.

The Deputy Convener: Thank you very much.

Stuart Black: As there is a completely new funding head for the Scottish Parliament, it surely makes sense to put a ha'penny or a third of a penny on income tax to fund the parks, which gets around the fact that money is being taken from a fixed cake. As the parks are for the nation, the nation should pay for them through taxation, which is a political point of view to which we would not subscribe offhand.

However, the same could be said of every item of Government expenditure. If the Parliament does not wish to put resources into parks, why should it? All the nature conservation designations are in place to protect the area; at the moment, the area is superb and people come to admire the landscape, the natural heritage and the wildlife. The area needs resources. If we are to have a park that we can be proud of in European terms, let resources be put into it. Otherwise, public money will be completely wasted just to set up a bureaucracy. The local people will then say that the emperor has got no clothes.

Alastair MacLennan: I have a problem of conscience in taking money from farmers in one area and giving it to my area, for example. I would back what Stuart Black says. If we are to implement a national park, it should be paid for by another means.

The Deputy Convener: We probably do not have queues of farmers at our surgeries, asking us to put up taxation, but things may change.

Rhoda Grant (Highlands and Islands) (Lab): The produce from farms in the national park could provide added value, which could go some way to paying towards the added costs. Would the price that you were able to obtain from your produce balance the more costly effects of working in the national park?

Alastair MacLennan: Selling our produce is the biggest problem. I feel that there are marketing advantages being in a national park, but actually achieving a premium for products is difficult. There are currently schemes that are trying to do that, but they are failing.

Even before the designation of a national park, we have been trying to get a marketing scheme going, tying the produce's environmental tag into the fact that we are in an environmentally sensitive area. It has been extremely difficult to get any movement on that, because there is a great resistance within Highlands and Islands Enterprise and the Scottish Executive to those schemes. We have had a no from virtually every door that we have knocked on to get help, although more consideration is being given at the moment.

Rhoda Grant: I am really speaking about the fact that the national park would be marketed at home and abroad, and, to an extent, would be world-renowned. The name would be known—there would not be a difficulty with marketing a new name or a new product. You would almost not have to do the marketing; the use of the name should open doors.

Mr Rumbles: I declare an interest: I live within the Cairngorms Partnership area. As the witnesses know, we are considering this enabling bill at stage 1. Part of this committee's job is to ensure that there has been proper consultation. Alastair MacLennan said earlier that we have had enough consultation, for goodness' sake—at least I thought that was what you said, Alastair.

I looked up the summary of the written submission that the Cairngorms Partnership submitted at the pre-legislative stage. The first thing that it says is that the consultation period is too short. Could you reiterate the partnership's view on the consultation process?

Alastair MacLennan: We felt that the time scale for the bill was extremely short. The fact that the copies ran out the week that the bill was produced and that the consultation was only of six weeks meant that people only got a copy of the documents two weeks before the end of the closing date for submissions.

Mr Rumbles: That was the feedback that I got.

Alastair MacLennan: We felt, at the launching of the bill, that the consultation period was too short, and there did seem to be a large amount of consultation documents available. They ran out immediately, although they were available on the internet.

The Deputy Convener: SNH has suggested that it should retain powers of last resort, once a national park is set up. How do you feel about that?

Alastair MacLennan: We feel that the four aims of the park must be equal. I thought that the bill had been altered so that they were more equal. If conservation and economic interests conflicted, would not the matter be referred to the Secretary of State for Scotland?

The Deputy Convener: Yes. I am getting a bit confused. The argument that was put forward concerned the powers of last resort for the national parks authority to stop damaging developments. I take it that you agree with those powers.

Stuart Black: A park plan will be drawn up, which will be the bible and map of the way in which the park will proceed. I would have thought that any conflict should be charged against that agreed park plan, at which point the First Minister could adjudicate on the matter.

The Sandford principle will stand, but it should be zoned, with a central core zone moving out to the areas in which more economic activity can take place. As long as the zoning area is agreed beforehand, and the park plan is agreed by all the parties, as the management structure of the Cairngorms Partnership was, there will not be many problems. However, we would have to accept that, ultimately, the First Minister should be able to intervene in the national interest.

The Deputy Convener: Thank you very much for your evidence, Mr Black.

Stuart Black: Thank you.

14:30

The Deputy Convener: We move to the subject of marine national parks. I invite Dr John Webster and Dr Ian Duncan to come forward.

Good afternoon, gentlemen. I invite you to amplify the submissions that you provided for the committee.

Dr John Webster (Federation of Scottish Aquaculture Producers): Good afternoon, and thank you for the invitation to attend. I am here to speak on behalf of the Federation of Scottish Aquaculture Producers, which is a fairly loosely constituted body that is being established to deal with various areas of common interest across the aquaculture industry. Its members to date are Scottish Quality Salmon Ltd, the organisation for which I work, the Scottish producers in the British Trout Association, and the British Halibut Association. The Association of Scottish Shellfish Growers is considering its position in relation to membership of the federation.

In reporting the federation's position on marine national parks, I am aware that some individual sectoral bodies have submitted comments on the

bill, and some formal consultation on the subject has taken place between the individual sectoral bodies. Two points have emerged from those initial consultations. First, there is a qualified acceptance of the general principle of marine national parks. Secondly, concerns remain about how marine national parks may be defined and their borders delineated.

The principle of marine national parks is held to be acceptable, provided that opportunities for sustainable development of the various sectors in the Scottish industry, and the vital employment that is provided by the industry, are not affected adversely by any new designation. The Scottish industry is tightly regulated; it regards that as a good thing, but feels that some of the regulatory mechanisms are excessively bureaucratic. Within MNPs, the opportunity might arise for some streamlining of that bureaucracy.

In the notes that I have made available to the committee, I have highlighted the phrase "sustainable development" because that is regarded as being in the aquaculture producers' interests, and is also widely accepted as a key driver for Scottish aquaculture. An example of sustainable development can be seen in the salmon farming sector. Members of Scottish Quality Salmon are obliged to initiate and implement a fully accredited ISO 14001-based approach to environmental management in addition to the existing requirements that apply to product quality and safety, which are certified under a scheme that is operated independently according to the appropriate European standard.

On the second point that emerged from our consultation of federation members, the view is that the delineation of individual marine national parks requires careful consideration, particularly in relation to factors such as the high degree of biological and hydrological flux that is characteristic of marine environments. Although our terrestrial colleagues may disagree, animals and plants in water tend to move around to a much greater extent than do animals and plants in the terrestrial environment, where it is comparatively straightforward to define boundaries. That can create problems.

I will address Scottish aquaculture's economic contribution, and concerns about the effect of the designation of marine national parks. Scottish aquaculture products have a farm-gate value of more than £500 million and a retail value that approaches £1 billion per annum. A significant proportion of those products is generated specifically for quality export markets, to which sustainable practice is a prerequisite for entry. There is a tartan quality mark for salmon that is produced by SQS members and marketed under Label Rouge in France. Scottish farmed salmon

was the first non-French product to be awarded that accolade, which we retain—Scottish salmon is the only foreign and fish product that is marketed under Label Rouge. The award of the mark depends on operation in areas of high environmental quality.

Figures from the Food and Agriculture Organisation of the United Nations and the Marine Stewardship Council indicate that in the next 10 years an additional 30 million tonnes of fishery products will be required for human consumption. Our view is that Scottish aquaculture will play an essential role in supplying product to make up part of that shortfall, especially at the quality end of the market.

We are concerned that aquaculture's contribution to employment in rural Scotland may be affected adversely by the designation of marine national parks. The Scottish aquaculture industry supports somewhere between 6,500 and 7,000 jobs, many of which are in remote, rural locations, where there are no alternative employment opportunities. That employment contributes about £1 million a week in salaries to communities.

To summarise, the federation's view at this early stage is that marine national parks should be designated and managed with significant local input to protect and enhance opportunities for the continuing sustainable development of the Scottish aquaculture industry, thereby helping to protect jobs, livelihoods and communities that depend on it. If that can be achieved, marine national parks may create additional marketing opportunities for the primary producers who operate in them.

Dr Ian Duncan (Scottish Fishermen's Federation): The Scottish Fishermen's Federation cannot support the bill in its present form. It is clear that the bill has been defined in terms of terrestrial national parks, but what happens in the terrestrial world does not translate to the sea. Issues of ownership, local authority demarcation, access, tourism, and resource management and development are fundamentally different offshore.

It was difficult to draft a response to the bill. In the terrestrial environment, there are examples of national parks or prospective national parks, but there are none in the marine environment. A series of questions needs to be answered. First, what would be the purpose of marine national parks, given the plethora of existing measures for the protection and management of the marine environment?

In offshore waters, extensive and restrictive licensing governs fishing. There are engine power restrictions, strict quotas, satellite monitoring and designated ports. In the inshore environment, we have regulating orders, such as those in Shetland,

and there are prospective regulating orders for Orkney, the north-west and Fife. There are also innovative measures, such as v-notching, to protect various crustaceans. On top of that, the sole purpose of the Scottish Fisheries Protection Agency is to ensure that those regulations are adhered to carefully and totally. The ecosystem is already protected by various measures, including environmentally sensitive areas, sites of special scientific interest and special areas of conservation.

Legislation already exists to allow the prosecution of those who pollute waters. There is also legislation that provides for the closure to fishing of particular polluted waters. A recent example of that is the waters around the Shetlands, which were opened some time after the Braer disaster. We also have a significant monitoring programme around the coast to examine both biotoxins and chemical toxins.

Secondly, I would like further information on the areas that are likely to be designated as marine national parks. The federation would accept and could see value in areas that about a terrestrial national park—the coastline, estuaries and possibly even sea lochs—being included sensibly in the scope of a terrestrial national park. However, once that is extended offshore, it becomes much less clear what we are seeking to protect and what the setting up of a marine national park would achieve. Past the six-mile limit, there are European-wide issues. The activities of the Scottish fleet could be restricted, although not those of the fleets of our European Union partners. That would be unsatisfactory for all concerned.

The final point is the issue of need. Marine national parks elsewhere tend to protect areas of outstanding marine species diversity. Primarily, they are found in tropical areas—one thinks of barrier reefs and so on—but the situation in Scotland is not comparable. The reefs in Scotland tend to be found in deeper, much colder water, which is often more turbid and less attractive. Although we can envisage easily why a terrestrial national park would be a significant tourist attraction, it is less clear whether a marine national park could be such an attraction. The only example that I could come up with was cetacean watching. However, that already takes place and I can see no great need to create a marine national park for that purpose.

The federation would prefer that aspect of the bill to be removed and remitted to a group such as the Scottish inshore fisheries advisory group, in an expanded form; that group could examine the issue and propose something more appropriate to the management of the seas. We want to create sustainable resources that are managed in a

sensible and long-term manner, but we do not think that the National Parks (Scotland) Bill will achieve that. The federation would support a bill that rationalises the current regulations, creates devolved management and, most importantly, protects the needs of those who depend on the sea. However, we cannot support the current bill.

The Deputy Convener: Thank you. When did you first become aware of the proposal for marine national parks? Have you responded to any of the SNH consultations over the past few years?

Dr Duncan: We have been aware of the plans for some time. The problem is that the informal discussions have left us with more questions than answers. Until we know which areas are prospective marine national parks, it is difficult to respond to such consultation meaningfully.

The Deputy Convener: Are you opposed to the idea because you have not really been involved deeply in the consultation process?

Dr Duncan: No, quite the reverse. Of the associations, we represent by far the greatest number of fishermen. They are particularly conscious of issues such as this, because they have many fears about them. When we cannot offer them answers or clarify particular points for them, those fears grow. Over the past few years, they have been concerned that marine national parks would represent closures of waters.

The Deputy Convener: To what extent have you pressed Government for answers to those questions?

14:45

Dr Duncan: We have asked Government, but Government has not provided any significant answers. We wanted some idea of where a marine national park would be located, but no one has been able to suggest a site. If it would merely about a terrestrial area, our concerns would be reduced significantly. Similarly, if the park would be an area of reefs, our concerns would be reduced—fishermen tend to avoid reefs, as their nets become snared there. Until we get an answer, it is difficult to advance a meaningful response.

Mr Rumbles: Would it be right to say that you opposed to marine national parks in principle?

Dr Duncan: Not quite. We are unclear about what a marine national park would be, as the bill is drafted primarily for terrestrial areas. We are not by any stretch of the imagination against the principle of conservation. If that is the aim of the bill, we will support it. However, we are against this particular mechanism.

Mr Rumbles: Let us be clear about this. At stage 1, we are considering the general principles

of the bill, rather than the enabling legislation that would set up a marine national park or the Cairngorms national park. Are you saying that you are not opposed to the general principles of this bill?

Dr Duncan: The section that deals with marine national parks differs significantly—in the depth, quantity and quality of information that is provided—from the provisions for terrestrial national parks. The section on marine national parks appears to have been tagged on to a terrestrial national parks bill. We regard that as less than satisfactory, as there are fundamental differences between the terrestrial world and what lies offshore.

The Deputy Convener: Why do you think that the section has been tagged on to the bill? You say that you have been talking about the concept of marine national parks for several years, so it should be no surprise that the Administration should want to include such parks in the bill, even though there is less enthusiasm for them than for terrestrial national parks.

Dr Duncan: A large number of people are less enthusiastic about marine national parks. I get the impression that people want the section to remain in the bill simply because it puts down a marker for future activity. We can understand that, but it seems unfortunate that so much work has been done to create a sensible bill to establish terrestrial national parks, but so little attempt has been made to match that in a marine environment.

Dr Murray: My questions are directed more at the Scottish Fishermen's Federation. It is interesting that the Federation of Scottish Aquaculture Producers takes a somewhat different line from the SFF on the principle of marine national parks. Assuming that provision for marine national parks remains in the bill, could you propose changes that would make it more satisfactory?

Dr Duncan: As I suggested in my opening remarks, it might be useful if the issue could be remitted to a group such as the Scottish inshore fisheries advisory group, in an expanded form, to take account of the fact that aquaculturists do not presently sit on that committee.

Dr Murray: So you would prefer marine national parks to be removed from the bill and introduced as separate primary legislation.

Dr Duncan: Yes.

Dr Murray: Would increased provision for byelaw powers and an assurance of representation on a national park authority—there is provision in the bill as introduced for sectoral interests, nominated by the minister, to serve on the national park authority—allay some of your

concerns about marine national parks?

Dr Duncan: Probably not, primarily because it is easy to identify the interested parties in a terrestrial environment, whereas, for an offshore environment, it is not simply those who are on the contingent land who would be interested.

Dr Murray: I refer to the provision in the bill as introduced—which was not in the draft bill—to allow the minister to appoint people with sectoral interests. In this example, those people could appropriately be representatives of fishing or indeed aquaculture interests. Would that help to alleviate some of your concerns?

Dr Duncan: Once again, no. Our problem is that although we are the Scottish Fishermen's Federation, we represent a number of associations that do not always have a common policy on such issues. One difficulty is that there would have to be significant representation by all those who would fish in an area, not just in Scotland but throughout the United Kingdom. If the area were outside a six-mile limit, there would have to be European representation as well. At that stage, I suspect that there would have to be representation from every stakeholding country in that area. The cost that would be involved in that level of consultation would be almost prohibitive.

Dr Murray: What are the views of Dr Webster's organisation? You are not as unhappy with the concept, but could improvements be made to the bill to improve the situation?

Dr Webster: It is early days. We are talking about the enabling legislation. In time, we would like there to be local management groups that would incorporate the people who are responsible for generating wealth within the area. This is as much an opportunity as it is a problem. Our markets want aquaculture products that have been produced in pristine environments. We do not see this as a problem at this stage, unless something emerges in the secondary legislation that creates problems for us.

Mr Rumbles: The purpose of the committee is to consider whether we agree with the general principles of the bill. In your response to Dr Murray's question, it seemed as though you were unhappy with the principle, whereas you just replied to me that it was not the principle that you disagreed with.

Section 29, on marine areas, says only:

"In relation to an area comprised wholly or mainly of sea, this Act applies with such modifications as the Scottish Ministers may by order prescribe."

That modification would come in the secondary legislation, which the committee would also consider. I am trying to establish whether you would be happy with section 29 as it is, or whether

you want it removed. It is only an enabling section.

Dr Duncan: I understand that it is only an enabling section. Do I want it removed? The answer is yes, simply because we would accept wholeheartedly the underlying premise of conservation that we discussed earlier. Once again, it would not work to try to adapt the terrestrial component of the bill to the marine environment. The significant problems in attempting to do that would have to be addressed separately. It does not simply come down to representation; it comes down to more fundamental issues.

Alex Fergusson (South of Scotland) (Con): I will take a slightly different tack, but also directed at Dr Duncan. The question is borne of slight ignorance on my part. I think I am right in saying that you—or the federation—would claim that the marine environment is already subject to a number of designations. You would say that there are enough designations already. You mentioned that certain measures are already in place to protect the marine environment and the marine ecosystem. Can you give me some examples of those measures and the extent to which they restrict the activities of your members?

Dr Duncan: You can look at that in two different ways: protecting and conserving the fish stocks, and protecting and conserving the ecosystem.

Three significant designations exist to protect the ecosystem: the declaration of an area as a site of special scientific interest, as environmentally sensitive, and as a special area of conservation. Those have the effect of limiting certain types of activity in that area.

The protection of fish stocks is significantly different; the primary means of protecting fish stocks would be the quota system. It has many flaws, but that is its initial aim. There are also restrictions on engine power and the type of vessel that can be used. Licensing restrictions ensure that there is a limit on the activity in any particular area.

We are discussing ecosystem and stock because we do not know what would be inshore and what would be offshore. The absence of clarity on that makes it difficult to answer your question fully.

Rhoda Grant: We had a discussion with the Cairngorms Partnership about added value from products that were produced in a national park. Have you given any thought to the economic benefit of a marine national park? We have had written evidence about the possible resulting benefit to fish stocks. In some countries, fishermen have asked for small national parks to be designated as they add value to the fishing grounds outside that area by acting as a breeding

ground.

Dr Duncan: We have thought about that. The problem is that if one were to seek to enhance the price of stock from an area that had been designated a national park, there would be an effect on stocks that were not in a national park. We would not welcome that; it would increase the price in only one area and might have a detrimental effect on the effort involved in collecting the stock.

From an aquaculturist's point of view, what you suggest makes sense, since aquaculture tends to involve a commodity that is grown in an area and is geographically restricted. Fishing works differently and a number of problems would be involved in designating one area as more worthy than another. The proposal would not be in the interests of all fishermen, as not all fishermen can fish in one area.

Rhoda Grant: What about the improvement of fishing grounds leading to a greater stock of mature fish on the boundary of the park? It would not be possible to market those fish as produce of the park, but it would make fishing more profitable in that area.

Dr Duncan: That is predicated on an assumption that a breeding ground would be designated as a national park. Again, the absence of clarity about what areas are being discussed makes the question difficult to respond to. I do not think that it would be helpful to set up a national park around a breeding ground as breeding grounds move over time.

Rhoda Grant: The designation of national parks would be dealt with under secondary legislation. That would be consulted on widely.

Dr Duncan: I accept that, but I repeat that a national park would not necessarily be the best way of protecting a breeding ground.

Rhoda Grant: We have talked about the economic advantages. Have you quantified the economic disadvantages of having a national park?

Dr Duncan: We spoke about the prices of fish. If a marine national park restricted the activities of fishermen, that would be a great concern. The bill does not touch on that, but it would be unsettling.

Rhoda Grant: Given that there would not be many marine national parks—as far as I know, none have been proposed so far—and they would cover only small areas, would that be a huge problem?

Dr Duncan: If the park covered only a small area, I cannot see what good it would do anyway.

Until we are clear about what is proposed—whether there would be a six-mile limit, for

instance—it is difficult to respond to your detailed questions. Hypothetical speculation can be of little benefit.

Richard Lochhead (North-East Scotland) (SNP): Most of the questions that I wanted to ask have been asked.

Dr Duncan, do your objections arise because you oppose the idea of marine national parks or because the concept appears to have been bolted on to the legislation as an afterthought?

15:00

Dr Duncan: We are disturbed by the fact that it appears to have been treated as an afterthought, which suggests that a fundamentally important matter has been thought of as secondary. There are many restrictions facing fishermen and although Dr Webster said that the bill might in some way streamline those restrictions, I suspect that it would not. The legislation would impose added restrictions on the present strict and stringent restrictions. We would consider that to be unfortunate.

We are very conservation-minded—far more so than we were in the past. We continually look toward the achievement of sustainable fishing. To that end, we have commissioned Jean-Jacques Maguire—the former chair of the International Council for the Exploration of the Sea—to produce a report that examines such issues as sustainable fishing and how to develop the fishery to ensure its success in perpetuity. We take those issues seriously, but we do not believe that a marine national park would address them or in any way facilitate the success of those aims.

Richard Lochhead: Presumably, one of the arguments in favour of a marine national park is that it would help to integrate the activities of all marine users, including fishermen. Are there examples of other Scottish organisations in which fishermen work together with other marine users?

Dr Duncan: Yes. However, when it comes to fish stocks, it is difficult to talk about an area of sea having borders, because fish tend to be migratory. We would prefer national management of fish stocks—at Scottish level, at inshore level or at offshore level—through mechanisms such as the Scottish inshore fisheries advisory group. Such bodies are designed to bring together all the stakeholders in an area to achieve proactive moves towards legislation. That seems to be more sensible than designating a small area of sea, which might or might not include breeding fish and which might be offshore or inshore. If we need only a means of bringing together all the stakeholders, a marine park will be unwieldy because there will be many stakeholders in a small area.

The Deputy Convener: Thank you, Dr Duncan and Dr Webster, for your evidence.

I call Adam Harrison from the World Wildlife Fund. Good afternoon, Dr Harrison.

Adam Harrison (World Wide Fund for Nature): I am afraid that I am not a doctor.

The Deputy Convener: I am sorry; there are so many doctors with us this afternoon.

Adam Harrison: I am in distinguished company. I have to correct the confusion about what WWF stands for, which is the World Wide Fund for Nature, but not the World Wrestling Federation, as is sometimes suggested. [*Laughter.*]

I will make a brief presentation on marine national parks, in which I might echo some of the points that we heard earlier. WWF agrees with the principles of a marine national park and has argued for one for a long time. However, we agree that there are complexities and concerns about what the legislation might mean in practice.

Our written submissions illustrated many potential and existing benefits of marine national parks elsewhere in the world. It also suggested what benefits there could be in having such a park in Scotland. In counterpoint to that, there are also many threats to Scotland's marine environment. As we have heard, there is a great range of legislation, designations and regulations that applies to the marine environment, which is put to a wide variety of uses. We believe that marine national parks will provide a useful and inspirational statutory focus for simplifying complex issues and that they will help to develop a co-ordinated way forward.

Following on from what the representatives of the Cairngorms Partnership said, we believe that the bill presents us with an exciting opportunity to build on what has been done in the past. Marine areas, the marine environment and coastal communities should not miss out on the opportunities that are provided by national parks.

However, we agree that the existing legislation seems to be strongly biased towards land-based national parks. Some of the changes that have been made since the first draft of the bill was consulted on have, however, provided hooks on which we can make progress. In particular, there should be a strong assumption that there will be active participation in the process from its beginning, in proposing, designating, setting up and managing marine parks. Some of the changes that have been made will allow such participation to take place.

We welcome the requirement to consult with interested parties who live, work and do business in the area. WWF pushed for that during the first consultation and welcome its inclusion in the bill.

We want to ensure that there is consultation and to try to clear up the problems that will arise with marine national parks, some of which were alluded to earlier.

We do not want the baby to be thrown out with the bath water. We want marine national parks to be enabled by the legislation, but we do not want a prescriptive process whereby the Government lays down what will happen in the marine environment. We want the process to be participatory—it must build not only on the need for conservation, but on the need for development, social justice and inclusion. National parks should provide all those things.

The Deputy Convener: Thanks. Before we discuss marine parks, there are some points that I want to raise on representation in general. In your submission, you suggest that there should be “a full stakeholder analysis” in respect of national park proposals. Has there been adequate involvement of stakeholders in the plans that are being produced for the Cairngorms and Loch Lomond?

Adam Harrison: There has been much consultation and involvement in those plans, but I am worried by the fact that that involvement has been passive. Plans and ideas have been made available—as required by the bill—only to people who have the capacity to respond to them. I would like the situation to be turned on its head—just as national parks deserve the best conservation measures, they deserve the best involvement of people in the planning process. That process should be active rather than passive.

The Deputy Convener: Are you suggesting an improved process for other potential national parks, or should we return to the Cairngorms and Loch Lomond for further analysis?

Adam Harrison: I hope that, in future, the process that leads to the production of national park plans will encourage people to participate actively. I hope also that the national park authority will be required to ensure that there is active participation, instead of the passive consultation that we seem to have at the moment, in which plans are made available only to people who are able to respond. That is an issue for land-based national parks and marine parks.

Mr Rumbles: I would like to pursue the theme of stakeholder involvement—particularly community involvement—in Loch Lomond and the Trossachs and the Cairngorms. Part of the committee’s job is to judge how effective the consultation process has been and to comment on that. The Executive’s analysis of the consultation exercise shows that 64 per cent—nearly two thirds—of people who responded to the consultation wanted either direct elections to the management board or

more direct local representation. Do you have any comments on that? You have been talking about the importance of stakeholders, among whom I am including the community.

Adam Harrison: If enacted, the bill would be enabling legislation, but it is difficult to make a specific recommendation for a specific area. Representation on the management board of each park would have to evolve from the process of proposing and designating the parks. It would be for the stakeholders in a park—both in the community and at a wider national or international level—to decide about levels of representation. Our proposal for a stakeholder analysis was an attempt to provide a level, objective base line of the sorts of people who should be included in that process. If such people are not involved in the process at the moment, they should be.

Mr Rumbles: What sort of stakeholders are you talking about?

Adam Harrison: People with who live, work and carry out their business in a park are obviously stakeholders. There should also be mechanisms for involving a wider range of stakeholders, such as people who might have a relationship with an area as visitors and tourists and people who have an environmental interest, such as WWF and the plethora of other environmental organisations in Scotland.

Mr Rumbles: Have you any comment to make on the proposal in the bill that 10 of the 20 board members should be appointed by Scottish ministers and that 10 should be appointed by local authorities?

Adam Harrison: We see that as a way of arriving at a balance. The bill contains the proviso that members who are appointed by ministers should have an interest in the park, but we would like those interests to be made clear.

Mr Rumbles: So, is transparency very important?

Adam Harrison: Yes.

Dr Murray: I would like to go back to the marine national parks. In your second submission, you express WWF’s support for the concept of marine national parks, but say that you are unclear about the meaning of the bill’s wording on the designation of marine areas. Could you suggest an improvement to the wording?

Adam Harrison: I do not know about the specific wording, but we hope that the parts of the bill that relate to the purposes and aims of the parks will not be changed by Scottish ministers—we hope that they will be the core principles of national parks. However, I agree with my colleagues that Scottish ministers should ensure that the bill is appropriate in relation to existing

legislation at Scottish, United Kingdom and international level, and that it should ensure that stakeholders are involved.

Dr Murray: You have heard the SFF's concern that nobody has been able to say where marine national parks might be designated. Do you have any suggestions for parks in Scottish waters?

Adam Harrison: We are discussing enabling legislation and I do not think it is for WWF to suggest particular areas. We hope that such proposals will come from people with an interest in the areas.

The Deputy Convener: I am a bit puzzled. The SFF—who do not want the parks—do not know where they will be. The WWF—who want marine parks—do not know where they will be. It worries me that we are considering legislation, but do not know what the end result will be.

Adam Harrison: The bill is an enabling bill to—

The Deputy Convener: But what would it enable?

Adam Harrison: We want to ensure that the bill does not preclude the possibility that marine national parks could be proposed in the same way as land-based national parks.

The Deputy Convener: I am not convinced.

Dr Murray: That was not the SFF's only concern. It is also concerned that a plethora of legislation already restricts fishing. How do you respond to the other points that the SFF made?

Adam Harrison: Which particular points do you mean?

Dr Murray: The SFF sees no real need for national parks because it feels that the legislative framework that is required to protect the environment in fishing areas already exists.

Adam Harrison: National parks are not just about the environment. For WWF, what is exciting is the integration of environmental concerns with the legitimate need for sustainable development. National parks will provide a statutory focus—as well as an inspirational focus—that would ensure real integration. National parks are not only about biological conservation; they are about sustainability.

Dr Murray: Some interested parties have suggested that, because the marine environment is so different, marine national parks should, perhaps, be removed from the legislation and that entirely separate primary legislation that is specific to marine national parks should be introduced. How does WWF respond to that?

Adam Harrison: We would like reference to marine parks to remain in the bill. Our initial

response was that it should be mentioned in the first section, so that that section would say, "an area of land and/or sea." We would like "marine" to be mentioned there because the bill is an historic piece of legislation, and—as I said—throwing the baby out with the bath water is not justified. Acknowledging that the issue is complicated and difficult is no reason to say that we should not try to address it.

15:15

Dr Murray: Do not you think that the matter is worthy of the extra attention that separate primary legislation would give it?

Adam Harrison: Perhaps the secondary legislation should sort out some of the issues, in particular who will be involved in managing and setting up parks.

Richard Lochhead: I want to continue discussing the need for marine national parks. First, can you give us an example from any time during the past few years in which the existence of a marine national park would have made a difference? If there is a need for such parks, you must be able to give an example in which their existence would have made a positive difference. Secondly, there are various organisations in which marine users come together, such as the Moray Firth Partnership and the Solway Firth Partnership. Can you tell us why your objectives could only be achieved through a marine national park, rather than through some of the existing bodies?

Adam Harrison: As I said, our earlier submission lists many overseas examples of the benefits of marine national parks.

Richard Lochhead: Can you, however, give an example in which such a park would have made a difference in Scotland?

Adam Harrison: Some of the designated special areas of conservation have had too narrow a biological and geographical focus. The national park mechanism would open up the process of conservation and bring in commercial users of resources. I cannot give the committee specific examples in which marine national parks have made a difference, but the difference that we would like to see is broadening of the negotiation from a narrow geographical or biological focus. We want to try to bring people in to that equation. What was the second question?

Richard Lochhead: Are there objectives that cannot be achieved through existing partnerships?

Adam Harrison: Just as land-based national parks are being proposed as the top tier of designation that would ensure that an entire area is managed with specific aims—and would enable the integration of different aims in that area's

management—so would marine areas in Scotland benefit from that status. There are existing designations and regulations and there is existing legislation, but they are very fragmented, and we want to bring them all together.

Rhoda Grant: I want to change tack. Your previous submission mentioned land managers and the possibility of compelling them to produce individual land-management plans that would fit in with the park plan. Should they be offered encouragement to do that, such as, for example, a financial or economic benefit?

Adam Harrison: Yes. The natural progression would be first to seek voluntary compliance with the management plan of the national park and then to look at financial incentives. If that did not work, one could examine whether there should be some compulsion to follow the national park plan. It is interesting that national park authorities would now be given the remit of ensuring that the aims of the plan are achieved. Rather than merely having regard to the plan, we would like public bodies to be similarly compelled to ensure that the plan is achieved. We would also like private bodies to have to ensure that the plan is achieved.

Rhoda Grant: Could the element of compulsion fall foul of the European convention on human rights?

Adam Harrison: We believe that the process leading up to the plan must be participatory and must involve land managers. In the long term, the amount of conflict will be reduced if resources and efforts are directed towards that. As those from the Cairngorms Partnership said, if a plan was agreed and someone had been involved in developing it, it would be difficult for them to turn round later and say that they will not follow it.

There are existing compulsions, such as deer management orders, which influence land management in Scotland. That might be a model for other forms of management in national park areas.

Rhoda Grant: Does that strengthen the farming community's call to include a representative on the park board? If farmers were involved in the park board, would there be a stronger incentive for them to follow the park plan?

Adam Harrison: Yes. It is essential that land users are either directly represented or have a process for being represented with which they are happy.

The Deputy Convener: Thank you, Mr Harrison. For the record, we shall take this evidence session as having included consideration of petition PE128, which we received from your organisation.

I now ask Ian Jardine and Peter Rawcliffe of

Scottish Natural Heritage to come forward.

I remind visiting members that they can participate if they would like to do so.

Mr Jamie McGrigor (Highlands and Islands) (Con): I did not have a chance to ask my questions. I thought that we were unable to question the witnesses.

The Deputy Convener: You misunderstood what I was saying. If you have supplementary questions, of course you may ask them.

I invite Ian Jardine and Peter Rawcliffe to make their presentation.

Ian Jardine (Scottish Natural Heritage): I shall say little by way of presentation, as this is our second appearance before the committee. You can take as read everything that we said before.

Scottish Natural Heritage has had a role in advising on the process to date and in carrying out consultations on behalf of the Government. Our advice is contained in a document that the committee has seen previously.

There has been some confusion about what SNH says about its role in the process. Our recommendation is that there should be an independent national park authority, but we are not asking for a specific role in it beyond our existing statutory duties. That is the only point that I wanted to clarify for the record. I shall answer any questions.

The Deputy Convener: On representation, you said that you wanted local communities to be more closely involved in the management and governance of national parks. How do you suggest that that be achieved? Would it require any changes to the bill as introduced?

Ian Jardine: We are happy that the bill can achieve that as it stands, because it allows for more specific details about representation to be dealt with in the secondary legislation. However, the recent change to the bill, which puts more of a focus on ensuring representation from local interests, is important and helpful. Accepting that it might be a point for secondary legislation, SNH believes that there will always be a problem if the people who live in the park feel that they do not have a direct role in its management. The park would be seen as something that is run from outside or by central Government.

A balance must be struck between representation of the national interest in the national asset and local management. We recognise that the national interest is also represented by the fact that ministers have a role in approving the plans and that, by and large, national bodies retain their powers within park areas. The proposed system's strong national

influence must be balanced by clear provision for local people in terms of day-to-day management of the national park authority. We have included a significant representation from local interests to ensure that key interests in the national parks are represented on the management body of the park, not only on advisory bodies.

Mr Rumbles: In your advice to Government on the national parks, you set out

“the need for significant representation from local interests”.

You then go on to say:

“These local interests could be chosen in various ways, including from democratically strengthened community councils or through direct elections.”

Examining the analysis of the Executive’s own consultation process, we find that, on the question of representation, 64 per cent of respondents wanted either direct elections or more local representation. However, COSLA’s evidence made it clear that there was no guarantee that, of the 20 appointees—10 of whom would come from local authorities—the other 10 would be representatives of the local community. It seems that neither your advice to the Executive nor the views of respondents have been fully taken into account in the bill. Can you comment on that?

Ian Jardine: We recognise that the bill has been changed to put more of an onus on ministers and local authorities to appoint people from the local area, which is a move in the right direction. SNH has mooted the idea of direct elections. We do not have any problem with that system as far as the management of the parks is concerned. However, the issue is about ensuring that local people feel enfranchised in the park system, and direct elections would be a good way of doing that.

That said, I recognise that quangos are not ideally placed to hold forth on democratic deficits. Although that is more of a political issue than a natural heritage advisory issue, other models for direct election systems should at least be considered. While it is possible for local authorities to choose elected members from entirely outwith the park, that would be a very disappointing move, and highly unlikely to happen. However, the local authority must strike a balance between representing its own interests and the interests within the park.

Mr Rumbles: We have taken evidence from community councils, which represent all the interest groups in the local community. Do you agree with the suggestion made by several councils that having four people on the board of 20 would be a reasonable way of anchoring direct local representation?

Ian Jardine: That is reasonable. The only rider is that, as you are aware, we have been asked to

consult further on the issue of representation, so SNH does not have a formal position on what is right or wrong.

Irene McGugan (North-East Scotland) (SNP): Will you clarify whether the further consultation will be specifically about the Loch Lomond and the Trossachs NPA and the Cairngorms NPA, or will it be about national park authorities generally?

Ian Jardine: The consultation will be undertaken only in Loch Lomond and the Trossachs and in the Cairngorms.

Irene McGugan: Will the outcome of that consultation feed into the primary legislation or will it influence specific designations?

Ian Jardine: It is solely to advise ministers on the content of the secondary legislation.

Irene McGugan: Will you produce some form of guidance as a result of the consultation?

Ian Jardine: We will publish whatever we produce.

Irene McGugan: Whom are you consulting?

15:30

Ian Jardine: We are mindful that the primary legislation is going through Parliament now and that we must not do anything that pre-empts it. We cannot assume that the bill as it stands will be the final version of the legislation. Therefore, we have not embarked on formal consultation, although we have begun discussions with a range of groups in each area.

In the Cairngorms, which is the area that I know best, we have worked through the Cairngorms Partnership and its peer groups—the communities group, the local councillors group, the landowners group and the recreation group—and we have had meetings with the five local authorities. We have had informal discussions with other public bodies, but no formal group has been set up. At this stage, we have had introductory meetings to explain that we have been asked to take initial soundings. The process in Loch Lomond is similar.

The next stage will be to produce and get people’s initial reactions to options for boundaries and powers, with a view to carrying out formal consultation after the legislation is enacted.

Richard Lochhead: What is your latest thinking on marine parks?

Ian Jardine: The short answer is that it is developing. We thought that national parks had to apply to areas of land or land and sea. Therefore, we have to come clean and say that we did not start by considering a purely marine park; that concept has arisen relatively recently. SNH has no suggestions on where a purely marine park would

be.

However, we think that it is important to include the marine option in the sense that a national park could include coastal areas. If there were a national park that was on the coast, none of the purposes in relation to the natural heritage, the economy and recreation would stop at low watermark, so it would be odd for the national park to stop there. The argument developed logically from there. If in the future there were national parks in coastal areas, it should be possible for them to be extended into the marine zone.

Richard Lochhead: Would it be fair to say that SNH would be perfectly relaxed if marine national parks were left for separate primary legislation instead of being tagged on to the National Parks (Scotland) Bill?

Ian Jardine: We would like this legislation to enable national parks that are either on land or on land and sea. We have not argued the case for a purely marine national park. We would not regard it as critical if this legislation did not enable an entirely marine park. However, we would like the option of extending into the marine zone a terrestrial park that stopped at low watermark.

The Deputy Convener: So we are not all at sea on the matter of marine national parks.

Alex Fergusson: Strike that from the *Official Report*.

I will address one specific power of the national parks authority. SNH has suggested that the national parks authority should have a last-resort power. Such a power would be authoritarian and could, if it were ever used, be seen as draconian. Am I right in saying that Scottish Natural Heritage already has a last-resort power in SSSIs?

Ian Jardine: We do not operate that power. The last-resort power is something called a nature conservation order and is a power of the First Minister. SNH can apply to the First Minister to make such an order.

Alex Fergusson: The question that I have in mind is still applicable. How often has such an order been applied for in the past 10 years or so?

Ian Jardine: I cannot give you a figure. During my nine years as a director of SNH, I have been involved in the application of nature conservation orders four or five times.

Alex Fergusson: What leads to an order being applied for?

Ian Jardine: One case related to the cockle harvesting in the intertidal zone. Boats were coming up from Lowestoft and dredging the cockles off the Moray firth coast, so a nature conservation order was applied for in the Culbin SSSI. In another case, we applied for a nature

conservation order to prevent dredging works in the River Spey that a landowner wanted to undertake and that we felt would be damaging. With nature conservation orders, there is provision for appeal and inquiry. They are not draconian in the sense that nobody can argue against them.

Alex Fergusson: Do you think that such orders would be applied for more often in national parks, one of whose aims is social and economic development? There is bound to be a segment of society that regards national parks as a discouragement to economic development. Do you see that as a possible area of confrontation?

Ian Jardine: I hope that confrontation would be less likely in national parks. If the national park authority is achieving its purposes, it should be able to identify where conflicts may arise and to work out a way round them. In the past confrontations have come out of the blue and have tended to relate to black-and-white issues. I hope that there will be less need for nature conservation orders in national parks than elsewhere.

The Deputy Convener: I thank Mr Jardine and Mr Rawcliffe for their attendance.

Budget Process

The Deputy Convener: Item 2 on the agenda relates to the Scottish Executive's budget proposals. The purpose of this item is to hear a general explanation of the budget. We then have a couple of weeks to consider what we have heard. After that there will be a further opportunity to obtain information at an informal question-and-answer session. We then have to report formally our views to the Finance Committee. [*Interruption.*] I have just been informed that there is a slight problem with the recording equipment. I will suspend the meeting for a couple of minutes so that we can get it fixed.

15:37

Meeting adjourned.

15:43

On resuming—

The Deputy Convener: We seem to be in business again. As I said, some of the points that we raised earlier will be explained to us. We will have another opportunity at an informal meeting in a couple of weeks to pursue the issues that are raised by the responses. After that, we will have to meet formally and agree our report to the Finance Committee.

We have before us Mr John Graham, who is head of the Scottish Executive rural affairs department, Mr Douglas Greig, who is the Scottish Executive's chief agricultural economist, Mr David Dalgetty, who is the finance team leader, and Mr Duncan Macniven from the Forestry Commission. There is a sheet available that outlines the issues that have been raised by the committee's reporters, Richard Lochhead and Cathy Peattie.

Mr John Graham (Scottish Executive Rural Affairs Department): We propose to spend no more than 10 minutes on giving the committee a broad overview of the budget, during which we will deal with some of the questions that the committee has raised. Members may then follow that with questions if they do not understand our explanations.

The department's budget from the Executive is £554 million this year. That does not loom terribly large in the Executive's overall budget of more than £14 billion. Of our budget, about 70 per cent sits outside the assigned Executive budget and outside the Barnett formula arrangements. It is not expenditure over which the Executive has any discretion. It is either money that comes to us from Europe through schemes in which we are bound by European rules and in which we must pay out

as much as is claimed, or it is money that we pay out using arrangements that are settled at a UK level, such as hill livestock compensatory allowances. As part of the devolution finance settlement, spending over which the Executive has no discretion sits outside the assigned budget and the Barnett formula arrangements. David Dalgetty will say more about that in a moment.

Our discretion over the budget is confined to the balance. Of that balance the largest element is the £87 million or so that is spent on science. It is described in the document as agricultural services and comprises the support that we give to research, education and advisory services in the agricultural and biological research institutes and the Scottish Agricultural College.

We also fund two substantial agencies: the Fisheries Protection Agency and the Fisheries Research Services. That is the second largest element of the budget. The balance comprises agri-environment schemes, crofting schemes, support for fisheries and so on. Those receive relatively small sums.

That is the overall shape of the rural affairs budget. I will ask David Dalgetty to say more about how the budget is derived. Duncan Macniven will then say a little about how we handle the spending that is funded by the EU and the influence of the exchange rate, about which the committee has asked.

15:45

Mr David Dalgetty (Scottish Executive Rural Affairs Department): As the secretary of the department said, our spending is dominated by the £300 million to £400 million that is spent on the common agricultural policy market support scheme. Such schemes are mandatory in Scotland, as they are elsewhere in the UK and across the European Community. They are entirely reimbursed by the European agricultural guidance and guarantees fund, which is known as the EAGGF.

That £357 million or so for the coming year—that is, the provision for these CAP on-farm payment schemes—and the money for the hill livestock compensatory allowances are outside the Scottish block formula arrangements. For reasons that I will explain later, the figure for the HLCA will be rather higher than the figure proposed in the budget, because of the farming package—the No 10 summit package that was announced at the end of March—which added more money to that figure.

As part of the devolution settlement it was agreed that Scottish ministers, or ministers elsewhere in the UK, would have no discretion on the sums to be spent on those schemes.

Therefore, it would be quite unreasonable for Scotland to have to settle for a Barnett formula share of any increase in spending in England, particularly in the case of agricultural schemes, where spending in Scotland tends to be, on average, a rather higher proportion of total UK spending than other kinds of spending.

The sum total of all that means that over two thirds of the spending on the whole programme is funded entirely by Brussels, that is, by means of reimbursing the expenditure that is made by us. About 10 per cent of the total budget is partly funded by Brussels. All the common agricultural policy schemes are entirely reimbursed. The HLCAs and the agri-environment and farm woodland schemes are partly reimbursed, at rates varying between 20 and 50 per cent.

The balance of our spending, only about a quarter of the total spending, is what could be termed domestic spending, for which there is no EU contribution. Even for that, the actual spending is dictated, at least to a degree, by EU policy requirements. Take the spending on the department's three agencies: the Fisheries Protection Agency, the Fisheries Research Services and the Scottish Agricultural Science Agency. Much of the work of those agencies is in discharge of ministerial policy commitments derived in the EU. It is a rather peculiar programme, driven by a lot of external influences.

Mr Douglas Greig (Scottish Executive Rural Affairs Department): I will briefly cover the impact of the value of sterling, particularly on the first line of table 6.1, "Market Support (CAP)". Expenditure on the reach of the schemes involved in this—the payment rates—is set in euros. As sterling appreciates against the euro, or as the euro weakens against sterling, the sterling equivalent falls in the UK. It has been falling markedly over the past couple of years. The payment rates are based on a set of operative dates for each of the schemes—each scheme has its own dates. It is the sterling-euro rate on a particular day that determines what the payment will be in sterling. That then determines, as David Dalgetty has pointed out, what we draw down from the European guidance and guarantee fund.

Mr Graham: I will ask Duncan Macniven to say a word about how the Forestry Commission fits into this, and how the separate Scottish system works. Members will appreciate that the Forestry Commission is not part of my responsibility.

Mr Duncan Macniven (Forestry Commission): The Forestry Commission is an odd beast. We answer, post-devolution, to the three administrations—we have a GB department—and we dance to their tune. With a lot of flexibility, it is possible to deal with matters differently in different parts of the country.

As regards our work in Scotland, we are funded by the Scottish Executive, and similarly by the Welsh. The remainder of our work is funded from Westminster. In the tables that members have in front of them is the money that flows to us and the expenditure that we incur on account of the Scottish Executive. The Scottish Executive assumed responsibility for the Scottish part of our work on D day last year, 1 July 1999. The figures that are set out cover a nine-month period.

I can expand on that if members would find that helpful. Clearly, it is possible to give a great deal more information about the breakdown of our costs and our income, and I am happy to do that, either orally or in writing, in response to questions. More information will be provided in our corporate plan for Scotland for the past financial year. We will shortly publish a corporate plan for the new year, and more information is provided there. That is not really tied to the flow of funds as the document that members have in front of them is. It will show the costs and income relating to all our activities, both before and after D day.

The Deputy Convener: Thank you. Obviously, we will get another chance to ask questions later, but I suspect that colleagues may have some questions now.

I understand that the Government's modulation proposals, which I know have only just gone out to consultation, will be to modulate payments that are not part of the Barnett Scottish block. Is that correct?

Mr Graham *indicated agreement.*

The Deputy Convener: On the other hand, the amount being modulated is being matched by a similar amount. Is that coming out of the Scottish block?

Mr Dalgetty: As you acknowledge, deputy convener, the consultation period on modulation has just finished and ministers have not announced their final view or what they would use the modulation funds for. In principle, however, you are right: the payments that are to be modulated would be the on-farm payments—the £300 million or £400 million of payments under the livestock and arable schemes. The modulation that is being considered would start at 1.5 per cent in 2001. The proposition then would be for that percentage—which, in Scotland, might represent £10 million or £11 million—to be matched by funds from the Exchequer. It would not be part of the block-grant arrangement.

The Deputy Convener: Does that imply that, as the payments are calculated in euros, the matched sum depends on the value of the payments at the time that they are made?

Mr Dalgetty: Yes.

The Deputy Convener: Okay. I do not think that I want to pursue that.

Does the fact that that payment is not coming out of the Scottish block mean that the general principles of the scheme, the percentages, for example, have to be fixed at a UK level and that SERAD cannot fix different percentages? Could SERAD decide how to spend the money but not how much the money might be?

Mr Dalgetty: My understanding is that there cannot be separate modulation rates within a member state, although I will make an effort to find out whether that is right.

Dr Murray: The Finance Committee has asked us to consider whether the targets and objectives in the budget are appropriate. SERAD has two targets: to support 280 on-going and new core research and development projects and to award 40 per cent of the flexible fund contracts by open competition. It would be helpful for us to know the current position as regards those targets.

Particularly in light of some of the recent problems in the agriculture sector, I wondered why targets on support for the primary sector, the adding of value to primary products—whether in the agriculture or the forestry sector—and the commercialisation of agricultural and biological research are not included in those targets. Should targets be set for support for rural industries?

Mr Graham: The targets in the document are not the sum total of the targets to which those managing the budget are working. We could enlarge on that in the more detailed session that you are planning.

The key document is the strategy for our agricultural and biological research, which we published almost exactly a year ago. We could let you have a copy. It sets out the objectives for the programme. It is important to understand that the research programme is not near-market research; it is not aimed at solving today's problems, but builds our longer-term understanding of processes and the underlying science. The near-market research is done by the private sector and, in some cases, by the Scottish Agricultural College.

Dr Murray: I have a different opinion, but I do not want to get into that debate now.

Richard Lochhead: What is the easiest way in which to ascertain how much the Scottish Executive spends on rural affairs?

16:00

Mr Graham: The pat answer is to parry with a question and ask how one defines rural affairs. The department's spend is largely devoted to rural affairs, although some of the science spend has a

rather tenuous link with rural affairs. We are in the science programme, supporting the Scottish and UK science base. The benefits that flow from the research that we are funding will not accrue to rural Scotland exclusively. Clearly, other elements of the Executive support rural development in Scotland—for example, the enterprise and lifelong learning department supports Highlands and Islands Enterprise. The question is not easy to answer. However, if Mr Lochhead assembles a commentary on overall Executive spend in rural Scotland, we would certainly try to assess it.

Richard Lochhead: That would be helpful. I am interested in what David Dalgetty called the domestic element—the cash that comes out of the Scottish block that is not linked to European funding—which he said accounted for roughly a quarter of the budget figures.

Mr Dalgetty: In the quarter that we get, the biggest amount is for the research and science-based spending. A small part of that quarter is devoted to things such as the crofting building grants and loans scheme, the crofting counties agricultural grants scheme and, strangely enough, the rural development measures under objectives 1 and 5(b). Those are marginal, structural agricultural schemes, which—ironically—are part of that money.

Richard Lochhead: How much of the discretionary element of the funding comes out of the Scottish block?

Mr Graham: Some £160 million, give or take.

Richard Lochhead: How does that compare year on year?

Mr Graham: The figures are rising slightly, but in real terms the amount is broadly flat.

Richard Lochhead: Do you have percentage indicators for that?

Mr Graham: We could supply those figures.

Mr Dalgetty: Since the comprehensive spending review in 1998, there has been a modest increase in provision for our agri-environment scheme spending. We fund about 60 per cent of that spend from our domestic money. There has also been an increase in the capital provision in the order of £6 million for the Scottish Agricultural College and the Scottish agriculture and biological research institutes. As John Graham suggests, those are relatively modest increases.

Richard Lochhead: Do you have percentages to compare what is happening in other departments?

Mr Graham: I do not carry them in my head.

Richard Lochhead: You suggested that the figures were relatively flat for the rural affairs

department. I would like to see some comparisons with the figures for other departments.

Mr Graham: We could produce some comparisons; they would show, for example, that spending in the health department is rising more rapidly than spending in the rural affairs department.

Richard Lochhead: My final question is on the fisheries figures, which go from 6.7 to 7.5 to 5.0 to 4.9. Can you explain that decline?

Mr Graham: We are operating a grant scheme, so we are dependent, to an extent, on what projects come in, when they are completed and when the grant becomes payable. With such spending, we quite often find ourselves supplementing the originally planned provision in year, either because a particularly attractive project comes up or because there is a bunching of payments on a series of projects to which we have become committed. Factors such as those lie behind the figure of 7, which I think appears for one of the years in the line that you are looking at. David Dalgetty knows more about the detail.

Mr Dalgetty: The standing baseline provision for fisheries reflects the nature of the regimes. On the farming side, the common agricultural policy not only provides for a great deal of individual farm support to farmers, but requires us to give that support. It is not a matter of choice—there is provision for, and a requirement to pay, large sums of money to farmers.

On the common fisheries policy side, there are no such general provisions for payments to fishermen. The core of the spending is on the so-called fisheries instrument for financial guidance—FIFG—which, again, is 100 per cent funded by Brussels. That scheme offers support for improvements in the marketing and processing of fish. We have to operate a back-up scheme to provide, for individual applicants who are successful, the necessary member state contribution. To a large extent, that is determined by demand and in any one year you can end up with more people who need the back-up contribution than you would in another year. We tend to meet such blips of demand within the year by finding offsetting estimating service savings elsewhere. The standing baseline is flat at about £4.4 million a year for those measures.

Mr Rumbles: Do any budgetary implications flow from the Executive's commitment to the community right to buy and rights of access in the land reform proposals? If so, where are they in the budget figures that are before us?

Mr Graham: On access, the budgetary implications are found in the Scottish Natural Heritage budget, which is part of the rural affairs department but not part of the rural affairs budget

that you are looking at. In other words, it is the province of the Transport and the Environment Committee, which is where the forecast impact of the access legislation is found.

Funding for the community right to buy is coming from the new opportunities fund, which is lottery funded. The new opportunities fund is setting up a separate Scottish land fund, which will open for business in the autumn of this year. I think that £11 million has been set aside in that fund to cover a period of several years.

Mr Dalgetty: The figure is £10.78 million.

Mr Graham: That fund will support activities that flow from the right-to-buy legislation. That lottery funding is completely outside the Scottish block arrangements.

Mr Rumbles: In that case, in what way is the budget that is presented to the Rural Affairs Committee today different from the budget that was presented in the regime before devolution and before the rural affairs department came into existence? Has the presentation changed?

Mr Graham: Apart from the fact that, in the previous year's presentation, the environment spend was included in our chapter because we presented the budget by official department rather than by ministerial portfolio, the range of spending that is covered in the report is the same as before, because the functions of the department are, in essence, the same. David Dalgetty is closer than me to the preparation of the document. Have I missed any significant differences?

Mr Dalgetty: No. In previous years, we would not have had this interesting discussion between the legislature and the Executive over the detail of the proposals.

Mr Rumbles: I am trying to tease out the change in the direction of the budget. Am I wrong in suggesting that the direction has not changed very much? Here today, the Rural Affairs Committee is examining the rural affairs department. However, when you said that SNH was for the Transport and the Environment Committee to examine, I got the feeling that we seemed to be back to the old department structure, which covered only agriculture, fisheries and food. Is the department now really a rural affairs department, or has there just been a change of name?

Mr Graham: The manifestation of the existence of the rural affairs department is probably coming through elsewhere in the work of the Executive; it is not coming through in a huge new spend from the department. That is largely because, as we have explained, so much of our spending is EU determined and EU dominated. The functions for which we are responsible as a department—

agriculture and fisheries—are heavily dominated by European regimes. Shifts are certainly going on elsewhere in the Executive, in the attention and priority that is given to rural Scotland as a result of the existence of a rural affairs department and a Minister for Rural Affairs.

Mr Rumbles: Control of the budget seems to be elsewhere, however.

Mr Graham: That would be true for any of the policy issues that run across the Executive. Other people control budgets that are of interest to those promoting the cross-Executive policy, be it sustainable development, social justice or what have you.

The Deputy Convener: To what extent would it be fair to say that, although the Minister for Rural Affairs has an overarching interest in rural matters, that is not necessarily mirrored by his department, which is more like the traditional department?

Mr Graham: That would be a fair statement of the position but, as I said to Mr Rumbles, the Minister for Rural Affairs is not alone in that. For example, the Minister for Communities is in the lead on the Executive's policies on social justice but does not, by any means, control all the key budgets that contribute to social justice, such as education, health and so on. The Executive is working corporately in all those areas.

Richard Lochhead: On discretionary versus non-discretionary funding, how much of the Scottish Executive block of £16.5 billion will come to your department?

Mr Graham: The answer is essentially the same as the figure that I gave you earlier—around £160 million of our spending sits inside the block.

Richard Lochhead: Are you saying to the committee that, of £16.5 billion, the minister is directing around £160 million to your department?

Mr Graham: That is right.

Richard Lochhead: That is a tiny percentage of the block.

Mr Dalgetty: Yes. My response would be along the lines of the point that we made earlier. The bulk of the expenditure is constrained by the EU framework within which it is made; it is funded by Europe directly. The department is in some senses an agent of the Commission in administering CAP measures in Scotland.

Mr Graham: Another way of looking at the situation is to recognise that the influence that the minister can exercise on the direction of EU-funded spending and of the spending that is settled at UK level is extremely important. As it happens, that is the business that he is in this afternoon, at one of the periodic meetings of the agriculture ministers in London. That is how we try

to ensure that EU spending is directed at the priorities that matter to Scottish agriculture.

The Deputy Convener: There is time for one final question, from Elaine Murray.

Dr Murray: I presume that the figures in the tables in "Investing in You" are in cash terms rather than in real terms.

Mr Dalgetty: That is right.

Dr Murray: Have you considered presenting the figures in real terms?

Mr Dalgetty: Unless I am mistaken, there is a table at the back that presents the figures in that way. That happens for each chapter of the report.

Mr Greig: It is table 6.10.

Dr Murray: Can you break the figures down further than that? The table shows only headline figures, and no analysis of those figures.

Mr Dalgetty: We do not do that systematically. The figures have been presented like this for the first time this year in all chapters of the departmental report, but only for the main spending blocks. The CAP element so distorts the comparison that it would be of doubtful value to present those figures in aggregate terms.

The Deputy Convener: Thank you for your attendance and your answers, gentlemen.

Meeting closed at 16:15.

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