

# **RURAL DEVELOPMENT COMMITTEE**

Tuesday 2 October 2001  
(*Afternoon*)

Session 1

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## RURAL DEVELOPMENT COMMITTEE

21<sup>st</sup> Meeting 2001, Session 1

### CONVENER

\*Alex Fergusson (South of Scotland) (Con)

### DEPUTY CONVENER

\*Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

### COMMITTEE MEMBERS

\*Rhoda Grant (Highlands and Islands) (Lab)

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab)

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

\*Mr Jamie Mc Grigor (Highlands and Islands) (Con)

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

\*Dr Elaine Murray (Dumfries) (Lab)

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

Elaine Smith (Coatbridge and Chryston) (Lab)

\*Stewart Stevenson (Banff and Buchan) (SNP)

\*attended

### THE FOLLOWING ALSO ATTENDED:

Dr Sylvia Jackson (Stirling) (Lab)

### WITNESSES

Andrew Dickson (Scottish Executive Environment and Rural Affairs Department)

Jim Halley (Scottish Executive Environment and Rural Affairs Department)

John Hood (Scottish Executive Environment and Rural Affairs Department)

John Nicolson (Scottish Executive Environment and Rural Affairs Department)

### CLERK TO THE COMMITTEE

Richard Davies

### SENIOR ASSISTANT CLERK

Mark Brough

### ASSISTANT CLERK

Jake Thomas

### LOCATION

Committee Room 2



## Scottish Parliament

### Rural Development Committee

*Tuesday 2 October 2001*

*(Afternoon)*

[THE CONVENER *opened the meeting at 14:01*]

**The Convener (Alex Fergusson):** Ladies and gentlemen, it is just after 2 o'clock and we have a great deal to get through so I will cut the niceties to a minimum.

I welcome Sylvia Jackson, who will be contributing when we discuss national parks. Thank you for coming and we look forward to your input.

### Interests

**The Convener:** I also welcome John Farquhar Munro on his return to the committee. He obviously missed it greatly, as we did him. I thank George Lyon for the substantial work he did in his short time on the committee. He, too, will be missed.

As a matter of procedure, I have to ask John Farquhar Munro to make a declaration of any of his interests that are relevant to the remit of the committee.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** I have nothing new to report. I am simply a poor crofter and on occasion I depend upon less favoured area status and hill livestock compensatory allowances. Apart from that, I have nothing to declare. I am glad to be back participating in the committee, which has been one of the Parliament's constructive committees.

**The Convener:** As George Lyon served as a reporter on the committee's work programme, the committee might now consider whether another member should be appointed in his place. We have tended to have one reporter from each of the main political parties. That would mean that either John Farquhar Munro or Mike Rumbles should be appointed to replace George Lyon. Are there any suggestions?

**John Farquhar Munro:** As I am new to the committee, it would be appropriate for me to wait a little while I get my feet under the table. In the meantime, I propose Mike Rumbles to take up the position vacated by George Lyon.

**The Convener:** Is Mike Rumbles happy with that nomination?

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I am happy with that.

**The Convener:** If nobody wishes to suggest otherwise, I welcome Mike Rumbles to the work programme group. I look forward to your input.

## Loch Lomond and the Trossachs National Park (PE393)

**The Convener:** Agenda item 2 is consideration of petition PE393, which has been submitted by Killin community council. The Public Petitions Committee referred the petition to the Rural Development Committee and asked us to consider raising the petitioners' concerns with the Minister for Environment and Rural Development today. The minister is not here this afternoon, but at agenda item 3 we will discuss with officials the consultation exercise that has now been completed. I therefore ask Sylvia Jackson, in whose constituency Killin lies, to give her concerns and insight into the problem.

**Dr Sylvia Jackson (Stirling) (Lab):** There has been an enormous reaction since the start of the draft designation order consultation, not just from the community in Killin, but from people living in the abutting areas and from various organisations. I will explain why. The Killin area, which is in Glen Dochart, is excluded from the proposed Loch Lomond and the Trossachs national park, but the western part of Glen Dochart and the area round Tyndrum and Crianlarich are included. That seems somewhat illogical.

The community's representations come chiefly from the community council. The Scottish Executive has visited Killin and I gather that all 50 people who went to the day surgery that was held said that they were in favour of Killin's inclusion in the national park.

There have also been representations from adjoining community councils, which feel that Killin is part of their area. All the children in the area go to the same secondary school and Killin is represented on the same Stirling Council area forum. In a social sense, Killin is part of the bigger area that mostly lies within the boundaries of the proposed national park.

There have also been representations from Stirling Council, from the Loch Lomond and the Trossachs interim committee, from the local tourist board and from Scottish Enterprise Forth Valley. Every single organisation that I can think of that is concerned with the national park has said that Killin should be part of the national park area. The petition has provided a further means of bringing the community's concerns to the notice of the Scottish Executive and, via the Public Petitions Committee, of the Rural Development Committee.

The petitioners have focused on the criteria that were outlined by Scottish Natural Heritage for the inclusion of areas in a national park. They have successfully highlighted the facts that the Killin area is an area of outstanding natural and cultural heritage, that it has a distinctive character and a

coherent identity and that both the community and the national park would benefit from its inclusion.

To be honest, I cannot find a reason why the area should not be included in the national park.

**The Convener:** Thank you for that obviously strong support of the petition. I am keen to have a short discussion on it, so that we gain the measure of other members' support, but I would like first to ask Dr Jackson whether, as the constituency MSP, she has received any representations to suggest that Killin should not be part of the national park.

**Dr Jackson:** I have received none.

**The Convener:** So the support for the petition has been 100 per cent.

**Mr Rumbles:** I am very sympathetic to the case that has been presented. It is absolutely clear, as far as I can see. Even the Scottish Executive response, which is before us, appears to be supportive. I have only one simple question, which I hope we can answer: why did SNH leave out the Killin area in the first place? Judging from the criteria that SNH produced, to which Killin community council made a very good response, the decision to leave out the area seems strange and I am somewhat perplexed by it.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** I wish to support the petition. The Falls of Dochart, which I frequently drive past, is probably one of the best-known tourist spots in Scotland. Killin, which has many amenities, would form a natural entry into the national park. The other entry from that angle would simply be a sign on the road running from Lix Toll to Tyndrum. From that point of view alone, Killin would make a very good addition to the national park.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I should declare a potential interest: my wife and I have a house in the proposed Loch Lomond and the Trossachs national park area.

I support the petitioners. There are great links between those parts of the Endrick valley, Loch Lomond and Trossachs areas that are to be included and those that would be excluded. I see no logic for the exclusion of Glen Dochart.

I say that as one who spent many years in the Lomond mountain rescue team, which had joint exercises with the Killin mountain rescue team because we covered areas in common. There is no obvious geographical feature that divides or in any way differentiates the areas. The exclusion therefore seems to me to be arbitrary.

Given that we seem to have broad-based support from all the parties, we can give far more weight to the views of communities than to the

apparent objections of SNH, which I find extremely difficult to understand. I fear that we will consider such objections again when we come to consider the Cairngorm national park boundaries. It has been suggested that part of Badenoch and Strathspey should not be included in that national park. In those areas, there are similar feelings and views to the ones in Killin to which Sylvia Jackson has referred.

**Dr Elaine Murray (Dumfries) (Lab):** On Mike Rumbles's point about why SNH is taking the view that it is, the note from the Executive suggests that it was based on cultural and geographical considerations or, if we read between the lines, that the excluded area looked a bit more like the Highlands than Loch Lomond and the Trossachs. That is clearly not reflected in how members of the local community identify themselves in the representations that they have made or in the views of local members who obviously know the area a lot better than I do. If the desire of local people is to be included in the national park, we should support that.

**The Convener:** Stewart Sutherland—I mean, Stevenson.

**Stewart Stevenson (Banff and Buchan) (SNP):** You are giving me responsibilities to which I do not answer.

**The Convener:** One day, perhaps.

**Stewart Stevenson:** I, too, support the petitioners. The views of the community are important. I am fairly familiar with the area. My great-great-grandfather was born just a few miles west of Killin. I do not know whether the MacGregors were terribly popular in the area. Nonetheless, I support the petition.

**The Convener:** Thank you. Would Jamie McGrigor like to respond to that?

**Mr McGrigor:** They were very popular indeed.

**Mr Rumbles:** We are taking evidence from Scottish Executive officials under the next agenda item. Can we come back to this item and make a decision?

**The Convener:** That is what I was about to suggest. It is obvious where the sympathies of the committee lie. Our next agenda item is to ask officials about the consultation programme. If we feel the need to return to the petition following discussion with the officials, I suggest that we do so. Is everybody happy with that suggestion?

**Members indicated agreement.**

## Loch Lomond and the Trossachs National Park

**The Convener:** I welcome Andrew Dickson, John Nicolson and Jim Halley, who have come to answer our questions as best as they can. I ask them to start by giving a short outline of all the issues that are involved. It is important to realise that we are not just focusing on Killin under this agenda item. There are other issues as well. After the outline, we will question the officials and try to get a feeling for the consultation process.

**Andrew Dickson (Scottish Executive Environment and Rural Affairs Department):** On my right is Jim Halley, who has taken over from Jane Hope, whom some of the committee will remember, as head of the national parks team. On my left is John Nicolson, who has been spending a lot of time of late walking the boundary. I shall say a little bit more about that in a moment.

We have listened with considerable interest to what has been said about Killin. We have listened with considerable interest to all the representations that have been made on that subject. If I may, I will return to that subject, but first, I will put the consultation on the national park—essentially the national park designation order—in context, most of which the committee will know, but of which I will remind you.

Before a national park is established, several stages of consultation must be gone through. That was the subject of considerable debate during the passage of the National Parks (Scotland) Act 2000. Scottish ministers first publish a proposal for a national park. In the case of the Loch Lomond and the Trossachs national park, ministers decided to ask SNH to act as reporter and to consult on the proposal.

The consultation covered matters to be included in the designation order—the area of the national park, the functions of the park and the structure of the national park authority. The Executive also asked SNH to undertake that consultation inclusively and to take steps to ensure that the consultation was participatory. It is fair to say that SNH did that. It did much work through surgeries, meetings and receiving feedback from people in the park area and a wider area.

14:15

SNH's report of the consultation was thoroughly thought through and researched. The conclusions were largely accepted by the Scottish ministers, although not in every last detail, and have been included in the draft designation order, on which we have just finished a 15-week round of consultation. We distributed 2,700 copies of the

consultation paper and 35,000 summary leaflets. We held eight public surgeries in the park area—that was John Nicolson's part of the consultation—and consulted owners of land round the proposed boundary of the park, to ensure that the details of the boundary are sensible and that it does not cut through landholdings or go across topographical features illogically.

We have received 200 formal responses to that consultation. The main issue that has been commented on is the boundary. Many responses came from the Killin area and from further afield about the inclusion of Glen Dochart and Killin. Responses have suggested that more of the Cowal peninsula, Strathblane and Strathendrick should be included in the national park. Comments have also been made on the boundary round Loch Earn and St Fillans.

In the opposite direction, representations have been made that the area round the Lake of Menteith should not be included in the park. All those responses will be considered carefully. Ministers recognise the strength of feeling and have had the opportunity to experience that at close quarters in all cases, which they are considering carefully.

Generally, in deciding the contents of the designation order that the Parliament will consider, ministers must have regard to the criteria in section 2(2) of the 2000 act, which says that the area of the national park must be

"of outstanding national importance because of its natural heritage or the combination of its natural and cultural heritage"

and must have

"a distinctive character and a coherent identity".

The designation of the area as a national park must be

"the best means of ensuring"

that the four national park aims, which the act lists, are achieved in a co-ordinated way. Ministers will not please everybody in every case. The matters are for judgment. However, it is fair to say that ministers are in a position to make a well-informed judgment.

Mr Rumbles asked why SNH recommended that Killin should be left out of the park. As members will be aware, that was not an absolutely clear, open-and-shut recommendation. It was a recommendation on which there was a difference of emphasis between SNH as reporter—objectively assessing the views that had been put to it and testing them against the criteria—and SNH as natural heritage adviser to Scottish ministers. Wearing both those hats, SNH accepted that the decision was finely balanced.

In fact, SNH, as reporter, recommended that the whole of Glen Dochart should be excluded from the national park area because, as Elaine Murray said, it took the view that that area looked towards the Highlands and Breadalbane rather than towards the Trossachs. However, that was a finely balanced view. Commenting as natural heritage adviser, SNH took the view that the Tyndrum-Crianlarich area and the western part of Glen Dochart should be included in the national park, but that the eastern part of Glen Dochart and Killin should not be. Again, that was a finely balanced view. With the benefit of that argumentation and of the views that have been expressed, most recently here this afternoon, ministers will have to weigh up all the arguments and reach the decision on what to put before the Parliament.

I shall stop, as I have probably gone on long enough. There are other areas that members may want to explore, but it is probably best for me to stop at that.

**The Convener:** Thank you. I think that other areas will emerge during our debate, and I open the discussion to members.

**Mr Rumbles:** I was keen to know on what basis SNH recommended that the Killin area should not be included in the national park, so I am glad that you addressed that point, Mr Dickson. You said that SNH felt that Killin looked more to the Highlands than to the Trossachs. What about places such as the Argyll forest? Where does that look to? It does not seem to be logical. SNH does not seem to have treated those areas the same.

**Andrew Dickson:** It is a matter of fine judgment. That is really all that I can say. To some extent, at the margins, it becomes subjective.

**Fergus Ewing:** To pursue that point, if the objection is that Glen Dochart looks like the Highlands, would you accept that the upper part of Ben Lomond looks like the Highlands? Would you accept that, if you walk from the west highland way up over the hill to Comer farm, the bleak moorland there looks like the Highlands, and that that argument therefore takes us precisely nowhere?

**Andrew Dickson:** I do not think I can say more than that it is a matter of fine judgment. There will be a number of areas in which it is by no means clear-cut. The drawing of boundaries is something that has to make it clear-cut, but the basis of the decision will not always be clear-cut.

**Fergus Ewing:** You said that 200 people responded. What is the total population in the area that is contained within the current boundaries?

**Jim Halley (Scottish Executive Environment and Rural Affairs Department):** I think that the population who would be eligible to vote within the



park boundaries is something like 12,000 to 15,000.

**Fergus Ewing:** So, only a small number of people have responded—200 out of 12,000.

**Andrew Dickson:** Yes, but the responses were clustered on specific issues. Bear in mind that many of the same people would have responded earlier to SNH. You may think that there is a degree of consultation fatigue, but that consultation followed up the strong arguments that were put in the Parliament during the debates on the National Parks (Scotland) Act 2000.

**Fergus Ewing:** I appreciate that efforts were made to consult and I am aware that SNH made efforts to go round and hold meetings. However, it is obvious that only a small proportion of the population responded.

I understand from Balfron community council, which has made separate representations to me to argue for the inclusion of the whole of Strathendrick and Strathblane, that it conducted a referendum of residents a couple of years ago. The result showed an overwhelming majority in favour of inclusion, by a ratio of 14:1. I understand that the boundaries cannot be determined solely by a referendum—that would not be in accordance with the primary legislation. Nonetheless, do you not agree that far more weight should be given to the clearly expressed views of communities such as Balfron, which has not only conducted a consultation but has held a full referendum of all those who live in the area?

**Andrew Dickson:** All the views that have been expressed, and the strength with which they have been expressed, have been and are being made known to ministers. Ministers will think carefully before they reach a final decision.

**Fergus Ewing:** Where the ministers are in doubt or are minded to consider inclusion—as with Killin, Balfron and even Carbeth estate—would not it be helpful to hold referenda? That would enable us to find out the views of all the people who live in the affected areas, not just of those who habitually respond to consultation documents.

**Andrew Dickson:** That is not part of the system of consultation that was introduced after considerable debate in Parliament.

**The Convener:** The issue that Fergus Ewing raises came up early in the debate on the National Parks (Scotland) Bill.

How many of the 200 responses that you received came from people who live outwith the suggested park boundaries?

**Andrew Dickson:** Only a small minority, I believe.

**Jim Halley:** We have not yet done the complete

analysis, but I, too, believe that only a small minority of responses came from people who live outwith the suggested park boundaries. A large number of responses—around 80 of the 200 responses that were received—referred to the boundary question. However, we have not yet analysed those responses by address.

**Dr Sylvia Jackson:** Could you say a little more about Balfron and the Endrick valley? I have received a considerable amount of information from people in those areas, particularly from Balfron community council and more recently from Strathblane community council. I gather that a letter from Balfron community council to the committee has been circulated. The council argues that its case is based on the criteria for inclusion. The main issue for Balfron community council is management of the Endrick valley. Large conferences have been arranged to consider how the environment and culture of the area can best be managed. One of the principal conclusions of those meetings was that there needs to be more integrated management of the area. It is clear that Balfron and Strathblane community councils feel strongly that the national park could provide such management. I dare say that that is one argument for the inclusion in the park of the Argyll forest, to which Mike Rumbles referred. You may feel that the area does not meet the criteria for inclusion. Even so, Balfron is near the proposed boundary of the park and the community council has made a good case for its being included, on the basis that there is a need for management of this important area.

**Andrew Dickson:** That may be the case. Strong arguments will be put for the inclusion or exclusion of particular areas. The third criterion in the act is that the designation of an area as part of a national park is the best means of ensuring that the four national park aims are achieved in that area in a co-ordinated way. Ministers must, and will, have that in mind when finally they come to make up their minds on where the park boundaries should be.

**Richard Lochhead (North-East Scotland) (SNP):** Some people think that the designation of national park status will push up property values and that there is a danger of people being priced out of their communities. Do any of the consultation responses echo those concerns?

**Jim Halley:** There were a couple of responses—a single-figure number—to that effect.

**John Nicolson (Scottish Executive Environment and Rural Affairs Department):** One or two individuals raised that issue at one or two of the public surgeries that we held.

**Richard Lochhead:** Can you elaborate on those concerns?

**John Nicolson:** They were basically what you have already said—that the designation of the area as a national park will cause house prices to rise.

**Richard Lochhead:** What grounds were put forward for the exclusion of the Lake of Menteith from the national park?

14:30

**John Nicolson:** Most people want the Lake of Menteith to be included in the park. The residents in the Port of Menteith area are not against the park, but do not want to be in the park themselves.

**Richard Lochhead:** What are their reasons?

**John Nicolson:** They feel that the lake and the surrounding area are perfectly well managed as they are.

**Andrew Dickson:** We are returning to the point about designation being the best means of ensuring the co-ordinated achievement of the aims of the national park. Arguments over specific cases could run in both directions.

**Richard Lochhead:** Did anyone argue that their area should be in the national park so that their property values would increase?

**Andrew Dickson:** I doubt it.

**Dr Murray:** The suggestion in the draft designation order is that the national park authority will be the planning authority. The local authorities will retain responsibility for the structure plans, but will be obliged to consult the national park authority on bringing together those plans. If the national park authority does not feel that the local authorities have taken its views on board in the preparation of the structure plan, what recourse does it have?

**Andrew Dickson:** Under the present system, structure plans have to be approved by Scottish ministers, who will take into account all the representations that have been made by interested parties. That is, if you like, the court of appeal. The same thing goes for the national park plan, which the national park authority will have to propose. From that point of view, there should be the possibility of a consistent approach because of the involvement of ministers.

**Mr McGrigor:** Do you agree that a national park should be as diverse as possible? I would push for the inclusion of the Balfron and Strathendrick areas, which I know well because I lived there as a child. The Endrick area is part of the angling area of Loch Lomond and it would be difficult to manage angling there if some angling areas were included in the national park while others were not. For that reason alone, I would like that area to become part of the whole. It was always

considered to be part of Loch Lomondside.

**Andrew Dickson:** You mentioned diversity. The second criterion is that the park should have a distinctive character and a coherent identity. A judgment on coherent identity is subjective, but that is a criterion on which ministers have to be satisfied.

**John Farquhar Munro:** It would appear that the establishment of the national park boundaries, particularly the one to which we are referring, was not an exact science. Although there was local consultation, the decision about where the boundary should extend to, and what the extent of the park should be, was arbitrary. I accept that, but I cannot see the distinction between the arguments for including or excluding Killin. If you are acquainted with the Killin area, Mr Dickson, you will accept that it lends itself geographically to inclusion within the Loch Lomond national park. It is ideally situated geographically. I wonder what the argument is against including it within the boundary of the new park.

**Andrew Dickson:** As I think that I have said, the case of Killin in particular was one in which both the recommendation of SNH as natural heritage adviser and the decision of ministers about what to put into the draft consultation document were finely balanced. Your points and those of the petitioners will be carefully taken into account when ministers formulate a final view.

**John Farquhar Munro:** Our evidence suggests that there is an overwhelming body of support in the Killin area for its inclusion within the park. I hope that those representations will be considered.

**Andrew Dickson:** Yes. That is noted.

**Rhoda Grant (Highlands and Islands) (Lab):** What is the next stage? Should those areas not be included in the national park as finally drawn up? Is there a right of appeal? Are there further steps that people can take or have we come to the end of the line? Must we now wait for ministers to publish their plans?

**Andrew Dickson:** The next stage is for ministers to bring a final, draft designation order before Parliament, which must be considered through the parliamentary process. The order is subject to affirmative resolution, so Parliament has to vote for it to go ahead.

**Rhoda Grant:** There is no opportunity to amend at that stage.

**Andrew Dickson:** That is right.

**Mr Rumbles:** Rhoda Grant's last point is precisely my point. When the Executive decided to set up the national parks, it chose a particular way of doing that, which was to introduce primary

legislation to this committee and to Parliament. The setting-up of the national parks was to be achieved by the designation orders.

Rhoda Grant asked Mr Dickson if there was a right of appeal. Well, there is—it is to this committee and to Parliament. I am particularly keen to hear that the ministers do not assume that Parliament is a rubber stamp on this issue and that they accept that it is up to the committee to say yes or no to the draft designation order. It would be a great shame if the ministers did not listen to the voices around this table and did not read the *Official Report* of today's meeting. This will be the first designation order to be laid before us. I for one do not want to delay it, but the minister has chosen this route and has assumed that the process will be smooth. I just want to flag that up. I hope that that information is passed to the ministers.

**Andrew Dickson:** Indeed, it will be. However, it is not for me to say anything about what the minister considers the likely view of Parliament will be. It is a pity that the minister could not be here this afternoon, but she will take those considerations into account.

**Stewart Stevenson:** What costs, if any, are associated with including Killin?

**Andrew Dickson:** We have not made a specific calculation of that. On the basis of the recommended park boundary, SNH calculated that the full cost of running the park, including running costs and project costs, would be around £5.4 million a year once the park was fully up and running. I imagine that the inclusion of Killin, which would extend the current proposed park area, would not change that figure considerably. However, the figure would have to be considered if ministers decided to go down the road of including Killin.

**Stewart Stevenson:** In your view there would be no financial barrier to including Killin.

**Andrew Dickson:** I am hesitant to be categorical about that, because there might be issues and projects around Killin that could be brought forward under the umbrella of the national park and that might be expensive. However, from where we are at the moment, I would not have thought that the financial consequences would be exorbitant.

**Stewart Stevenson:** No financial consequences have been identified during the consultation process.

**Andrew Dickson:** No, but the consultation process did not generally go into that kind of detail.

**Dr Sylvia Jackson:** I have a few points, the first of which follows on from the last question.

Andrew Dickson was at Duck Bay Marina, where we had extensive discussions during which I, and others, raised the issue of resources. There is great concern about whether the resources are sufficient. Other issues were also raised, but, as I am not sure how pertinent they are to today's discussion, I will just list them quickly. Concerns about planning were raised—that relates to Richard Lochhead's comments. People want the national park to be a living park and do not want to have heavy burdens placed upon them, making it difficult for them to carry on their businesses. People do not want large-scale housing development outwith the park boundary. Infrastructure was one of the biggest issues that came up. How will the road network cope—not only the trunk road network, but, perhaps more important, the non-trunk road network? I would be pleased if the witnesses would take those issues away and reconsider them.

My last point follows on from Jamie McGrigor's comments. There are significant management issues about the park's boundaries. Jamie McGrigor mentioned fishing, and the Endrick valley has been identified as an area that requires integrated management. If we do not address those important issues, we will lose a part of the national park that could enhance it.

**Fergus Ewing:** I will be brief. Members may be aware that Highland Council launched a campaign recently for what it considers to be much-needed improvements to and upgrading of the A82. The council has drawn particular attention to the difficult stretch that lies between Tarbert and Inveraman, which is restricted to a single track because parts of the road have fallen into the loch.

I asked these questions back in 1999, but I did not get much of an answer. Will the designation of the part of Loch Lomond that includes that stretch of the A82 make the improvement to and upgrading of the trunk road more difficult, simply because it will fall within the national park? Can you describe how, in the view of the minister and the Executive, designation will affect such issues?

**Andrew Dickson:** I will answer your last question first. It is proposed that the national park authority should be a statutory consultee for a range of other public authorities, including roads authorities. One would therefore expect that the park authority would be consulted and would take a view on that issue. Infrastructure provision might be relevant to the national park aim of promoting the sustainable economic and social development of its communities. I do not think that I can say any more than that. Without doubt, the question will have to be further debated.

14:45

**The Convener:** It is worth pointing out that we will also be able to ask the opinion of the Transport and the Environment Committee on some of those issues when the designation order comes before the committee.

**Mr McGrigor:** Can you give me some idea of what restrictions will be placed on water activities on Loch Lomond? Around the other lochs outside the national park area, there are concerns that watercrafts of different kinds will be diverted from Loch Lomond.

**Andrew Dickson:** There has been a lot of concern about speedboats and jet-skis on Loch Lomond. The national park authority will have byelaw-making powers that could be used to control such activities. On the control of such activities outside the national park, I understand that the Civic Government (Scotland) Act 1982 gives local authorities the power to make similar byelaws. I had better leave it at that. We will look into the position and write to the clerk. I am not 100 per cent sure of my ground on that issue.

**The Convener:** Members have come to the end of their questioning, so I thank Andrew Dickson, Jim Halley and John Nicolson for their time. Perhaps they might take away with them the committee's firm feeling—if I judge aright—that the Killin and Balfron areas should be considered for inclusion within the park. We have probably not heard the last of that subject.

It now remains for the committee to determine what it wishes to do. We could perhaps decide on the petition separately. The appropriate way forward might be for me to write a letter on the committee's behalf to the minister to stress our support for the case that has been made today. However, I am willing to listen to what other members have to say.

**Rhoda Grant:** It would concern me a little if we were to respond only to the petition and leave out Balfron community council's submission. Perhaps it could be included in the same letter. Balfron community council has taken the time to write to us and has an equally strong case, which should be given consideration.

**The Convener:** I should have made clear my intention to put the case for the inclusion of both Balfron and Killin. I would like to hear what Sylvia Jackson has to say about that.

**Stewart Stevenson:** I suggest that you write separately on the two matters, so that if one falls the other does not fall with it. Killin community council has petitioned the Parliament, so it would be procedurally proper to deal with the petition in its own right. Two issues should be put in any such letter. First, the community in Killin is clearly

of the view that it should be included in the national park area. Secondly, the evidence that we have just heard indicated that there is no known financial impediment. The Executive is not being asked to sign a blank cheque if it chose to accept Killin's inclusion. I am perfectly happy to support the Balfron submission, but I suggest that it be dealt with separately so that both do not fall because of a perceived inadequacy in the case of one.

**Mr Rumbles:** We should stress in the letter that we are acutely aware that the draft designation order will be dealt with under the affirmative procedure. Therefore, we must make our views absolutely clear to the minister at this point, as we will not have the chance later. I hope that we will do the decent thing.

**The Convener:** That point is well made. This is our final chance to influence ministerial thinking and I will seek to do so in the letter.

**Fergus Ewing:** In case it is a relevant interest, I declare that I am a trustee of the Carbeth Trust, which relates to the Carbeth hutters. Carbeth is another area for which a strong case for inclusion has been made. Like Rhoda Grant, I hope that we will ensure that no area or community is excluded simply because it was not sufficiently organised to send in a petition or a submission. I hope that ministers will consider carefully Carbeth's extremely strong case for inclusion. The area is of outstanding scenic interest and is subject to all sorts of designations. For a huge variety of reasons, the area is of great importance to our national scenic heritage. I hope that its case will not be overlooked. It could perhaps be mentioned in the letter.

As Mike Rumbles has said, once we go into the affirmative procedure, although not hamstrung, we will not really be in a position to influence the boundary issue further. I hope that the Executive will listen carefully to all the views that have been expressed today.

**Rhoda Grant:** What is the deadline for responding to the Executive?

**The Convener:** The public consultation finished last week, so we are past the official deadline. Nonetheless, I like to think that a letter from the committee would carry weight.

**Rhoda Grant:** There are people who have responded to the Executive's consultation but who have not contacted the committee. I would not like to be seen to be weakening their cases by making representations only on behalf of people who have contacted us and made strong cases. Fergus Ewing suggested that some people may not have been so organised and may not have thought of contacting us. I would not want that to be used against them. We should consider all people who

have sought inclusion in the national park.

**Mr Rumbles:** We are dealing with a specific petition. We have the evidence before us and, as Stewart Stevenson has said, we must address this specific issue. At the same time, perhaps in another letter, we can address other issues. However, we do not want to be accused of opening up the issue to consider areas on which we have heard no evidence. It is crystal clear what should happen with the petition.

**The Convener:** I accept that point and the idea of writing two letters is logical. I would be happy to do that and to mention Balfron, Carbeth and the other areas from which representations have been made. Solid, robust thinking must be applied to the applications that have been made.

**Dr Jackson:** I sometimes disagree with Mike Rumbles, but this time I agree with him totally. I would like the committee to deal with the petition separately. Whatever you decide to do about Balfron, the issue that is critical for the community is the management of the area.

**The Convener:** Do not worry—we all have arguments with Mike Rumbles now and again.

We have probably said all that needs to be said on this matter. We will write a letter that deals specifically with the petition, which we have all read and discussed, and we will write a further letter on the other issues that have been mentioned. Those letters will be sent in my name as convener. Is everyone content with that?

**Members** *indicated agreement.*

**The Convener:** I thank Sylvia Jackson for her useful and valuable input—she is welcome to stay, of course.

That formally concludes consideration of the petition—I have to say that for procedural reasons.

## Subordinate Legislation

### Rural Stewardship Scheme (Scotland) Regulations 2001 (SSI 2001/300)

**The Convener:** Members have received copies of the Rural Stewardship Scheme (Scotland) Regulations 2001 (SSI 2001/300), along with further documentation.

I am pleased to welcome John Hood and Andrea Ramsey, who will answer any questions that we wish to ask. I suspect that questions will be asked on the regulations and I have no doubt that there will be discussion. I invite members to open the discussion.

Good grief—as members are silent, I ask Rhoda Grant, who has had correspondence on the issue, to run through her concerns and tell us how satisfied she is with the answers that she has had.

**Rhoda Grant:** I think that everyone has had copies of my e-mail on the responses that I received.

My first concern was that the scheme is apparently competitive and that therefore small farmers and crofters with a smaller area of land will lose out because they will be unable to compete in providing the same number of habitats as larger farms can.

There were also concerns about the extension of the scheme if somebody takes on extra land. I have been involved in cases in which people have had to resume land from a sub-tenant because the sub-tenant's husbandry was failing and the land was in a bad condition. Transferring the scheme to such land could cause problems.

Thirdly, I was concerned about someone who is part of the scheme giving up land and then having to repay benefits given to them under the scheme. I was quite pleased with the answer I received, which said that if someone has to retire, for instance, that will be regarded as okay and that person will not have to repay the money.

I am still concerned about the first problem, but I understand that there will be a review of the scheme—I would be interested to know how soon it will be carried out. A review will reveal how many people apply for the scheme and are turned down and will make it possible to determine which people are successful in gaining entry to the scheme and whether any areas appear to be excluded.

**John Hood (Scottish Executive Environment and Rural Affairs Department):** I am glad that you found the correspondence helpful.

The arrangements for ranking applications that we receive under the rural stewardship scheme

are a development of arrangements that we have operated for a number of years with the countryside premium scheme. The change in the arrangements is that we now focus more on applications that will help to deliver national and international undertakings on biodiversity and nature conservation.

Since we began operating arrangements for ranking agri-environment scheme applications, concerns have been expressed to us by the Scottish Crofters Union and others that the arrangements may lead to the exclusion of smaller units. In each year in which we have operated arrangements, we have reviewed and modified them to ensure that the greatest possible spread of applicants is allowed into the scheme. Most assuredly, it is not our intention to keep out small farms or crofts.

Last week, I discussed with the Scottish Crofters Union what the timetable might be for review of the ranking arrangements for the scheme. I have invited the Crofters Union and the other organisations that have prepared conservation plans—the farming and wildlife advisory group and the Scottish Agricultural College—to provide us with information on the applications that they have submitted. Once decisions have been taken, we will, of course, examine the outcome of the first application round for rural stewardship funding.

I am not sure that we can devise a ranking system that will ensure that everyone is guaranteed access to the scheme. The reason that we have such arrangements is to ensure that the best applications receive funding. We are aware that the payments made under the scheme have wider economic benefits for rural communities, so we want to ensure the widest possible enfranchisement of farmers and crofters.

The arrangements for ranking will be reviewed after the first round of applications is complete. As I said, I have invited the Scottish Crofters Union and others to provide us with information on the outcome from their constituencies, which we will consider.

15:00

**The Convener:** I would like to press you further on that subject. I understand that 476 applications have been made under the scheme and that the period for applications is now closed. Is that correct?

**John Hood:** Yes.

**The Convener:** The total cost of those applications, if all were approved, would be £28.5 million.

**John Hood:** That is also correct.

**The Convener:** It is likely that about £5 million will be available for the scheme, because of all the other schemes to which attention has to be given, such as the organic aid scheme, before funding is available for the rural stewardship scheme. Is the figure that I have given roughly correct?

**John Hood:** The figure of £28.5 million is correct. I am the programme manager for the rural stewardship scheme, and I cannot tell the committee today how much money is available to applicants.

**The Convener:** Is there not a similarity between this situation and what happened with the agricultural business improvement scheme? I do not doubt for a moment that it is your intention that the best applications should receive funding. However, in reality, will only the applications that can be afforded receive funding? That would mean that some of the more expensive priorities, which may be the most important, would have to be dropped so that funding could be available to the largest possible number of people.

**John Hood:** I do not think that the scheme will operate like that in practice. I cannot be precise about how much money is available for this year, but the figure of £28.5 million that the convener quoted is the cost of applications over five years, rather than over one year.

**The Convener:** That is correct.

**John Hood:** When deciding which applications can be funded, ministers must take account of the resources that are available in the year of approval and the effect on funding in future years of any commitments that are made. We are not in an ABIS-type situation, because we have an application window. We are not operating on the principle of first come, first served. In the farming community and among people who advise farmers there is widespread understanding of the fact that the scheme is competitive and that access to funding is not guaranteed. We are trying to manage funding to ensure that the maximum possible number of applications is dealt with.

The decision by the European Community to remove our ability to place a limit on payments may have a considerable effect on the number of plans that we are able to approve. As members may know, under the countryside premium scheme there was a limit of £30,000 per business over five years. Many organisations, including farming organisations and RSPB Scotland, argued for a long time that that limit should be removed. The EC has now done that. I have no evidence that it removed the limit in response to lobbying by the RSPB and others, but the result has been that we have received some applications that individually are worth more than £500,000. That will have an impact on the number of farms that

can be covered by the scheme, given that we have a finite budget.

We have included in the proposals for the rural stewardship scheme arrangements that are designed to mitigate the effect of such applications. Where more than 100 hectares of inby land or more than 1,000 hectares of moorland are being managed, the rates of payment for all of the land will be abated to 80 per cent. We need to see how those arrangements work in practice. It is new for us to have to operate a scheme without a limit on the payments that can be made to any one business. We will need to consider carefully the impact that that has on uptake.

**Fergus Ewing:** You said that there have been 476 applications, the total cost of which would be £28.5 million. Is that right?

**John Hood:** That is correct.

**Fergus Ewing:** By my rough calculation, that means that the average aid sought is about £59,900.

**John Hood:** That is also correct.

**Fergus Ewing:** Does that not really make a mockery of a scheme that is surely designed to help crofters and small farmers obtain a little extra income by looking after their smallholding or family farm? Instead, the money seems to be going to wealthy bodies. You mentioned a figure of £500,000. Will the Executive ensure that no such payment is made and that the scheme benefits the crofters, small farmers and hill farmers who need the money and who will almost certainly leave farming if they do not get it?

**John Hood:** You raise a number of points. The scheme's purpose is not of itself to provide additional funding to crofters and small farmers, although we certainly want those agricultural practitioners to gain from the funding in ways that benefit them and their local communities. Although I have explained that we have no desire to exclude local farmers, we must operate the scheme in accordance with Community legislation, which prevents us from putting a cap on the payments that individual businesses can receive. We will have to see the impact of the last-minute steps that we took in our negotiations on the rural development plan to mitigate the effect I described a few minutes ago. We might have to revisit the issue.

Although studies have shown that agri-environment scheme payments are valuable to rural communities, we should not overstate their value. The total expenditure for such schemes is about £20 million a year, whereas the amount of subsidy that agriculture in Scotland receives is about £450 million—we need to keep a wee bit of perspective. Agri-environment schemes alone will

not be the saviours of rural communities, but the Executive readily acknowledges that they have a part to play, which is why we have taken steps to make the schemes as inclusive as possible.

**Fergus Ewing:** Will you publish a table of the top 100 applicants for aid in terms of how much money they are seeking? Will you disclose the identity of applicants and how much money they have applied for from the rural stewardship scheme? Such a league table would be very much in the public interest.

**John Hood:** I am certainly happy to provide the committee with a top 50 or top 100 list of applications and the value of the payments that the applicants expect to receive. However, I am not sure that we can also disclose the identities of the applicants.

**Fergus Ewing:** Why not?

**John Hood:** Data protection considerations apply to the release of information about agri-environment agreements.

**Fergus Ewing:** Well, we have to publish our expenses.

**John Hood:** I am not saying that we cannot disclose identities; I am just pointing out that data protection may be an issue. I am happy to take your request away and if we can disclose identities, we will do so.

**Fergus Ewing:** I am grateful for your response. However, I am totally shocked by the evidence that we have heard today.

**Mr McGrigor:** I must declare an interest as I have a hill farm and am involved in a countryside premium scheme.

Given that much of the funding for the rural stewardship scheme comes from the modulation from other agricultural schemes, farmers feel strongly that it is unfair that designated sites have priority. How exactly would you define a designated site? How will such priorities achieve your stated aim of fairness in the scheme?

**John Hood:** Priority is not simply given to designated sites, by which we mean sites of special scientific interest, special protection areas and special areas of conservation. The definition will also include national parks.

**Mr McGrigor:** Will it include less favoured areas?

**John Hood:** No.

**Mr McGrigor:** It is important that you specify what such sites are. Your letter to the committee says that the money should go to farmers in priority areas, such as those covered by site designations.

**John Hood:** The LFA designation is not a site designation. The types of site covered by that description are described in the scheme literature, which is in the public domain, and can attract points under the ranking system.

**Mr McGrigor:** If a farmer's land does not have such designations, is he far less likely to get on to the rural stewardship scheme?

**John Hood:** That would depend on the other habitats on the farm and on what the farmer chooses to manage. The designation attracts points only if the designated habitat is managed within the scheme. I know of cases in which the farmer has a designated site and has chosen not to manage within the scheme. In such circumstances, points will not be awarded. Only about a quarter of the total points available are linked to site designations. Around a third of the points are linked to the ability of applications to meet local biodiversity targets, as set out in local biodiversity action plans.

**Mr McGrigor:** So it is not necessary to have a site designation to get on to the scheme.

**John Hood:** No. That is not a qualifying criterion; it is simply part of the arrangements for ranking applications.

I said that all the elements of the ranking system will be kept under review. The rural stewardship scheme is a national scheme that is designed to meet broad conservation objectives throughout the countryside. We do not want the scheme to become a special protection area scheme, a natterjack toad scheme or any other type of specific scheme. The impact of qualifying criteria on applications will therefore be kept under review.

We piloted the arrangements for the final year of operation of the countryside premium scheme. We have not made a formal study, but the information on applications that I have received from the advisers is that the new arrangements made virtually no difference to which farms qualified and which did not. I am not sure whether that is good or bad news for the RSS arrangements, but that is the opinion of the farming and wildlife advisory group and Scottish Agricultural College advisers who were involved in drawing up plans for the CPS.

**Dr Murray:** I, too, was a little concerned that applications for as much as £500,000 have been lodged under the rural stewardship scheme. I share Rhoda Grant's concern that some of the smaller applicants may lose out when the big boys put in such applications—particularly as fewer than half the applications to the countryside premium scheme seem to have been successful. We need to review how the scheme is working to ensure that everybody is getting a fair share of the pot of money.

The information that has been circulated to members from RSPB Scotland suggests that more money is available and a larger amount is available per acre of farmed land for agri-environment schemes south of the border. It also suggests that Scottish farmers do significantly worse out of the agri-environment budget than most European Union countries. Is that the case? If it is, should we not consider how we can improve access to agri-environment money in Scotland?

**John Hood:** You mention the percentage uptake of the countryside premium scheme, but there is a danger in focusing on one scheme only. There is also an organic aid scheme and there were 10 environmentally sensitive area schemes until the end of last year. In 1999—the last year for which we have figures—we had to refuse funding for around half of the CPS applications, but more than 1,200 farms were brought into agri-environment schemes. That was the highest number ever in one year.

I am not sure that the amount of money per acre is a particularly meaningful indicator. Agri-environment payments are of necessity calculated in relation to income foregone. Around 90 per cent of Scottish land is classified as LFA and income from that land will be less than from land elsewhere. The amount that is paid per acre throughout Scotland is therefore not a particularly meaningful indicator.

It is true that there is more demand for funding than there is funding to satisfy that demand. The rural stewardship scheme is part of Scotland's rural development plan and the funding for that plan was allocated by Europe from the common agricultural policy guarantee budget on the basis of uptake of funding by member states in the previous funding round.

The upshot of that was that, because agri-environment schemes throughout the UK had consistently underspent over a period of years, the UK got a smaller allocation of funding from Europe than might otherwise have been the case. That was one of the factors that led agriculture ministers to decide that they should introduce arrangements for modulation, to bring more European funding into rural development plans.

15:15

Another factor that should be borne in mind is that agri-environment funding is the only measure included under the rural development regulation that has mandatory levels of co-financing. The EC co-finances agri-environment payments at the rate of 75 per cent in objective 1 areas and 50 per cent elsewhere. It follows that the amount of domestic money that can be put in is in part determined by



the amount of European money. Outside objective 1 areas, if there is £10 million of European money, for example, the maximum amount of national money that can go in is another £10 million, because the co-financing rate is 50:50. The same applies in objective 1 areas, although the balance is different—it is 1:3. The funding is not quite as straightforward as some people might try to make it look.

The rural development plan indicates that about £85 million or so will be available for agri-environment schemes in the period up to 2006. That is in addition to the funding that is continuing for agri-environment scheme applications that were approved up to the end of 1999. There is a considerable funding stream, although I am not for a minute arguing that it is meeting all the demand. The funding stream for the pre-2000 applications includes an extra £12 million that the Executive put in as part of the comprehensive spending review; £6 million was put in over three years. As far as possible, steps have been taken to meet the demand.

We need to bear in mind the fact that we do not operate the same schemes as England does. Until recently, England did not have marketing and processing grants, whereas we have continued to operate such schemes in Scotland. We spend more on LFA support. There is a wider funding picture.

**Richard Lochhead:** You said that there was an underspend in agri-environment schemes in the UK. Is that throughout the UK?

**John Hood:** Yes.

**Richard Lochhead:** Is Scotland just as bad as south of the border?

**John Hood:** I cannot give precise figures, but we were all in the same boat. Until three or four years ago, the farming community did not show great interest in agri-environment schemes. Five years ago, we were spending about £2 million in Scotland; we are now spending £20 million. There may be many reasons why uptake has gone up. If someone had had a crystal ball five years ago and had foreseen that a low uptake might have meant a low allocation under Agenda 2000, things might have been different. However, that is 20:20 hindsight.

**Richard Lochhead:** If, for instance, a landowner has made an application for £0.5 million, are the jobs that will be created or the other subsidies that the landowner has received taken into account in the criteria for the ranking of the applications and in determining whether that person is entitled to that £0.5 million?

**John Hood:** There is one requirement that applicants must meet in order to apply to join the

scheme, which is that they must be the occupier of agricultural land. If they meet that requirement, they are free to draw up an application and submit it. The application will be submitted on the basis of the published criteria, which do not include references to job creation or the other subsidies that they may receive.

**Richard Lochhead:** So a farmer who gets a subsidy of £0.5 million could qualify for another £0.5 million subsidy from the scheme even if, for example, no new jobs would be created.

**John Hood:** In theory, that is correct. However, the rural stewardship scheme is not a subsidy scheme; it is a scheme that pays farmers to undertake positive conservation management of the land.

**Richard Lochhead:** I never said that it was a subsidy scheme. However, it still involves public money.

**John Hood:** The scheme is such that the farmer has to undertake operations that he is not currently undertaking. He has to change his way of farming, which imposes a cost on his business. Study evidence has shown that expenditure that goes to farming communities has considerable effects on job creation—both upstream and downstream—in contracting and in supply, for example. There is therefore an impact on the wider rural economy. However, there are no criteria in the scheme that relate to job creation or to other subsidies that the farmer may be receiving.

**Richard Lochhead:** It concerns me slightly that bigger farms, even though they already benefit from economies of scale, would be perfectly entitled to the grant—possibly of £0.5 million—without any socioeconomic factors being taken into account.

**John Hood:** The socioeconomic impact of the rural stewardship scheme payments, and of all the other payments made under the rural development plan, will be subject to evaluation. If the study showed that the way that the scheme was operating offered only narrow benefits to rural communities, I guess that we would have a case for saying to the European Commission that we wanted to reimpose a limit on payments. It would be open to ministers to press for that.

**Richard Lochhead:** So ministers could say to the European Commission that they wanted to impose a limit.

**John Hood:** A change in Community law would be needed, which is not easy to achieve. However, the purpose of an evaluation would be to find out the effects of the expenditure. If we could point to effects that were markedly different and less desirable, from a rural development point

of view, than the effects of expenditure on schemes prior to the removal of the limit on payments, we would have arguments that we could take to the European Commission.

**The Convener:** Am I correct in saying that the scheme is open to any occupier of agricultural land?

**John Hood:** Yes.

**The Convener:** No matter what their status?

**John Hood:** It is open to occupiers of land farmed in hand or land-tenanted.

**Mr Rumbles:** I would like to continue Fergus Ewing's interesting line of questioning. We are talking about public money. Is information published on successful applications for other financial schemes that SEERAD runs?

**John Hood:** Not that I am aware of.

**Mr Rumbles:** I believe that the public are entitled to know where public money goes. Do you know whether the Freedom of Information (Scotland) Bill, which the Executive has just published, will make that information available to the public?

**John Hood:** I am sorry, but I do not know the answer to that.

**The Convener:** I can understand members' desire to go down that line of questioning, but it is a line of questioning for another occasion. We are here to discuss the rural stewardship scheme and we should stick to that.

**Stewart Stevenson:** The scheme is meant to deliver environmental benefits. For the large applications in particular, how will you measure such benefits during the five-year period?

**John Hood:** A few moments ago, in response to Richard Lochhead, I mentioned that there would be arrangements for evaluating the impacts of all the measures in the rural development plan. In the rural stewardship scheme, the evaluation will cover not only the socioeconomic impact of the expenditure through the scheme, but the environmental changes that come about because of the changed management that we are paying for.

**Stewart Stevenson:** During the five years, how frequently will you evaluate the outcomes for individual farms?

**John Hood:** The evaluation will be undertaken by independent consultants and we are working on arrangements for that. We will ask those consultants to suggest how often farms should be visited.

Some types of vegetation—heather moorland, for example—will respond slowly to changes in

grazing pressure, so one might not want to go on to heather hills every year to see what changes are taking place. Changes in water margins might happen more rapidly; different types of vegetation and shrubs might respond more quickly there. Arrangements are in place for monitoring the impact of the environmentally sensitive area schemes. There are 10 separate schemes, which are all being evaluated. The chosen sites are visited every year, which is an expensive exercise.

The answer to your question is that the sites will be visited as often as is necessary to enable us to be satisfied that change is taking place. That is part of the formal evaluation process. There are also in-house arrangements for periodic inspections of farms that are participating in schemes that are part of the rural development plan. We do a fixed percentage of those every year; we would not inspect the same farms every year. At that stage, we are establishing whether the requirements of the scheme are being complied with. That would include an assessment of whether the change that we were looking for was beginning to take place. The approach is a two-pronged one.

**Stewart Stevenson:** Regulation 12 refers to breaches of undertakings. If the large applications are approved, what additional undertakings might you impose on grants in excess of, for the sake of argument, the previous limit of £30,000?

**John Hood:** No additional conditions would be applied. The same conditions apply to an agreement for £30,000 as apply to one for £5,000 or to one for £500,000. The same standards would also apply in ensuring compliance.

**Stewart Stevenson:** Do you accept that large sums of money that are disbursed to large interests should be monitored differently from grants that might be made to, for example, a crofter with a few acres?

**John Hood:** Where large tracts of land are being managed, it might make sense to pre-select some of them in the sample for the environmental evaluation exercise. Some conservationists would say that there is greater benefit in managing a large area of land than in spending the same amount of money managing a number of disparate smaller areas. I am not qualified to comment on that, but the view has been expressed.

One factor that would be taken into account in selecting farms for inspection to ensure compliance would be the amount of payment involved. Such requirements already apply to the integrated administration and control system subsidy regime and similar requirements will apply to the rural stewardship scheme.

**Stewart Stevenson:** You made the point that the benefits to be derived from managing large

areas might be greater than those from managing small areas. Would you therefore accept that, if we apply that criterion, large applications are likely to be successful at the expense of small applications under the scheme?

**John Hood:** I did not say that the benefits would be greater; I said that there was a view that that might be the case. Large applications and small ones will be assessed on the same basis, in accordance with the published criteria.

**Stewart Stevenson:** What weight will you give to the view that others have expressed?

**John Hood:** No weight will be given to it. The ranking process is mechanistic. It is designed not to discriminate against small farms by saying, for example, that if someone has 50 hectares of wetland, that is better than having 1 hectare. It says that any designated wetland is of equal value. There are no references in the ranking criteria to the proportion of land that the farmer is bringing in. The ranking is on the basis of the designation and the local biodiversity action plan species that might benefit from the management that is proposed. There are also other criteria.

It is fair to note that most designated sites in Scotland are north of the Highland line. I do not know to what extent that might benefit crofting areas. We must wait and see the result of the first round of applications. I assure the committee that we will examine the outcome closely.

**Rhoda Grant:** When you face one application for £500,000 and 500 applications for £1,000, it is obvious that the 500 applications will spread the benefit of the moneys from the scheme to more people and to a greater number of habitats. Given the need for rural development, is such a comparison relevant when you decide whether to approve an application?

**John Hood:** No. Applications are assessed on their merits. Larger units would probably score more highly than smaller units would, but that should not be taken as an absolute. For example, some large arable units would have great difficulty in finding habitats. Most arable units would not have a nature conservation designation. In the scheme, we have included several creation options that would bring biodiversity benefits. We have tried to find several routes that would allow farms to find their way into the scheme. We thought about small farms and arable farms and tried to produce arrangements that gave them all a reasonable crack of the whip.

**Rhoda Grant:** Would it be useful to establish a separate budget? Will the Executive do that? You said that you do not know what the overall budget will be for the applications that you have received. Would it be more helpful to have a separate budget that allowed everyone to know how much

will be spent on the scheme every year? That would enable people to decide whether it was worth their while applying to the scheme, instead of hoping for the best.

15:30

**John Hood:** Agri-environment schemes have a separate budget. We have had to contend with the fact that a plethora of schemes exists.

**Rhoda Grant:** That is what I was referring to.

**John Hood:** Until about four years ago, we had five schemes. We are now down to two. We will always have to balance demand against available funding. Even if funding were sufficient to meet all demand, we would still want to have arrangements to ensure that money was granted to applications that were likely to deliver conservation benefit. The ESA scheme since 1987 and the organic aid scheme have operated by funding all eligible applications. If we started from scratch now, I am not sure whether we would establish such an arrangement.

**Mr McGrigor:** You said that there were many reasons for the huge increase in take-up of the scheme. Have any lessons been learned from the embarrassing ABIS situation and the over-take-up in that scheme, which resulted in many applications not being honoured?

**John Hood:** I do not think that we are talking about anything that bears any similarity to ABIS. We have a scheme that operates in the Scotland rural development plan. The funding for agri-environment schemes is set out in that plan for up to 2006. We must do our best within the resources that have been made available by Brussels and the Executive to manage demand within those totals. With ABIS, an industry that was apparently in dire financial straits produced £22 million of development proposals in a few weeks.

**Mr McGrigor:** Do you think that the take-up has been big because the agriculture industry is in an appalling state and has lost other forms of income through the decreases in the sheep annual premium and LFA payments?

**John Hood:** That may be one reason, but the farming community also recognises that those in an agri-environment scheme have a guaranteed income stream for five years. When we consulted on the arrangements for the countryside premium scheme, the farming unions thought that one year was long enough for an agri-environment agreement. The unions are now very happy with a five-year term.

**The Convener:** On that note, I thank Mr Hood and Mrs Ramsey for their time and for the full and open way in which members' questions have been answered.

An unfortunate aspect about the procedure that we are using is that the statutory instrument has come to us fairly late in the day. I find that unsatisfactory, especially as we have to report on the instrument by 22 October. Given the recess, that means we have two choices today. We can declare that we are content with the instrument and comment on it in our report to the Parliament, or we can move to annul the instrument. If we choose the latter course, we will have to meet either on Friday morning or next week; the option is open to us, however, and it would be wrong to pretend that it was not. I sense a great deal of unease about the scheme. I ask members for their comments.

**Rhoda Grant:** I agree. I feel a great deal of unease about the scheme, but I do not feel that we should seek to annul the instrument, because people are applying for the scheme at the moment and they are depending on successful applications. We should report that we are concerned about the scheme and that we would welcome an early review. We should review the scheme as soon as possible and look at where the money is going and what rural development benefit it is having.

One of my big concerns is that the money will go to large landowners rather than to small farmers and crofters. We need to examine the applications as soon as possible. We do not need to know who is getting the money, but we should know what kind of holdings are involved, their acreage, and the amount of money that they are getting from the scheme. That would help us to come to a conclusion and, if required, ask for a new scheme to be drawn up.

**Mr Rumbles:** I entirely agree with Rhoda Grant. I would go one step further: I do not have a problem with asking who gets the money, because it is public money. When people apply for public money and do not get it, that is a different matter, but the public should have access to information on people who successfully apply for public money. The issue is much wider than that single point, however. There is unease among committee members and I concur with Rhoda Grant.

**Dr Murray:** The unease is not about the purpose of the scheme; it is about the way in which it operates. I support Rhoda Grant's suggestion that we should press for an early review. In particular, we should gain as much information as we can on who is successful in obtaining money under the scheme.

I will not move that we annul the instrument, but I would like to know the purpose of reports from the Subordinate Legislation Committee. The committee often comes to us with drafting issues, for example. What can we do with those reports? Apart from the fact that this report has taught me a

word that I did not know before—which I look forward to dropping casually into conversation—what is the purpose of Subordinate Legislation Committee reports? Unless they are used as a reason to annul a statutory instrument, not a lot happens to them after the instrument has been to us.

**The Convener:** That is a perfectly valid question, which worries me, too. However, I am told that the purpose of the Subordinate Legislation Committee is to advise us as the lead committee.

**Dr Murray:** I am not sure whether the Subordinate Legislation Committee is saying that we should move to annul the instrument because it is defectively drafted or whether it is saying what it says for our interest.

**The Convener:** I think that the Subordinate Legislation Committee is just noting the facts. It is not asking us to annul the instrument, so I presume that it does not feel that it is important for us to take that action.

**Mr Rumbles:** For clarification, the Subordinate Legislation Committee would not ask us to do that anyway. That is our decision.

**The Convener:** Yes, that is correct.

**Stewart Stevenson:** I would express my feelings more strongly than my colleagues have, but with the same sentiment. Were it not for the fact that it is impossible for timetabling reasons to do so without disadvantaging the smaller applicants, I would have asked that we hold on for a further week and obtain the information on large applications before we approve the instrument. It is very disappointing that we are working to a timetable that makes that option unavailable to us. If that view is shared by my colleagues, we should reflect it back up the line. However, given the timetable and the need not to disadvantage the small applicants, regretfully we must proceed.

**Richard Lochhead:** The use of the money cannot be influenced by the committee. I presume that the environmental benefit will be static. There is nothing that we can do about that. There seems to be a lack of control over the social benefit of any of the successful applications, which is a common concern among members that should be conveyed by the committee.

I am concerned that every time statutory instruments come before us we are stuck between a rock and a hard place. We moan and groan about them, but we cannot do anything about them. The committee should do something about the legislative process, perhaps by instigating a debate in the Parliament. Getting these pieces of legislation, finding lots of flaws in them but being unable to do anything about them because that

would disadvantage the farming industry, the fishing industry or whomever makes a mockery of the committee system. Perhaps, for once, we should do something about this.

**The Convener:** I agree. I find a striking similarity between this scheme and the decommissioning scheme with which we were presented at our previous meeting. By the time we are able to discuss these matters, it is too late. If we hold back the legislation, we will disadvantage individuals, businessmen and everyone else who is involved.

**Fergus Ewing:** If we moved to annul the regulations, many crofters and small farmers who have waited a long time for some additional income would lose out. On that basis, it would be wrong for us to move to annul the regulations. Nevertheless, the evidence that we have heard today shows that the regulations are flawed. I feel that there should not only be a review, but that an amending statutory instrument should be produced to tackle the obvious flaws.

First, although I understand that the scheme is discretionary and that regulation 7 allows ministers discretion to say no without facing an action of a judicial review, I do not think that that fact is made sufficiently clear. Secondly, Richard Lochhead's points about the economic benefits, jobs and so on should be taken into account—after all, people are part of the environment too. Thirdly, it would be sensible to rule out from receiving the benefit people who do not need the money. Wealthy bodies such as the RSPB, which I understand is the wealthiest voluntary organisation in Europe, should not be entitled to receive money that might otherwise help people to keep their farms or crofts.

In evidence, we heard the civil servants say that the scheme is not intended to be the saviour of farmers. No one was suggesting that. As was pointed out, there is so little money that the scheme could not possibly be the saviour. Nonetheless, it should be a help and it should provide assistance for crofters and small farmers in doing what they have been doing extremely well for a long time—being the real stewards of the environment. I hope that the Executive will not just review the regulations, but produce an amending statutory instrument to address all the defects.

Finally, I would like us to ask the Executive specifically to deal with the issue on which Mike Rumbles, Richard Lochhead and I have canvassed. The principle that the identities of the individuals who receive benefits under any scheme should be made public, as happens in all other areas of public expenditure, must be established and accepted by the Executive.

**Mr Rumbles:** These regulations came into force four days ago, yet here we are discussing them. It

is one of the worst practices of Westminster that we seem to have inherited. Ministers lead very busy lives—that is true—but I am fed up with their practice of laying regulations before us in the expectation that we will simply rubber-stamp them. It is important that the committee sends a message to ministers that this is not an acceptable way in which to proceed.

I am also getting fed up with the argument that we have to agree the regulations because delaying their introduction would cause people harm in the rural environment. The scheme came into force four days ago. We could have discussed it. Its introduction could have been delayed by a few weeks, which would not have been unreasonable. We must change the way in which we handle subordinate legislation.

**Rhoda Grant:** Some of the statutory instruments that come to us are not as complex as, for instance, new schemes. The scheme was drawn up over a period of time and people expressed their concerns to me during that time, although I did not know what would be in the scheme.

Might the way forward be to say to the Executive that the committee should be involved in the consultation process on new schemes? That would take away the last-minute presentation of schemes to which the committee has had no input. If we were involved at the beginning, with consultation on new schemes, by the time the scheme was due to be considered by the committee it would have worked through the process and there would, I hope, be no problems.

15:45

**The Convener:** Several points have come out of the discussion, one of which concerns the procedural aspects of the regulations, which we will discuss first. The view that has come across is that we should discuss with the Executive—I presume that the Executive handles the timing of such matters—our dissatisfaction at the two recent examples. I like Rhoda Grant's suggestion that when a new scheme is discussed it would be appropriate to bring the committee in on the discussions so we can to some degree influence the thinking, rather than simply react when it is too late to do anything. Is the committee happy that we should take that course of action?

**Mr Rumbles:** We should get the matter correct technically. The committee has been asked to approve the regulations, but we should approve them in a proper time scale and with consultation.

**The Convener:** Yes, we still have to approve them.

**Mr Rumbles:** We should approve them in a

proper time scale—not after the event.

**The Convener:** Are members happy with the course of action that I suggested in terms of procedure?

**Richard Lochhead:** There is the option of involving the Procedures Committee. I am sure that this committee is not alone in suffering the phenomenon. The conveners liaison group also might want to discuss the matter.

**The Convener:** The Subordinate Legislation Committee might also want to discuss it.

**Richard Lochhead:** The Parliament should change its procedures—it is young, so if something is not working we should change the system.

**The Convener:** Are members content to wait for the Executive's reaction before it decides what to do?

**Richard Lochhead:** The issue is for the Parliament.

**Mr Rumbles:** I ask the convener to put the matter on the agenda for the next meeting of the conveners group.

**Richard Lochhead:** I want to clarify that the issue is not for the Government, but for the Parliament.

**The Convener:** I would be happy to put the matter on the agenda for the next conveners group meeting, if other members agree.

**Fergus Ewing:** Can we have a report back from you, convener, and from the other member of the committee who is a convener—Mike Rumbles—after you have persuaded the conveners group to discuss the matter? Will you come back to the committee and report triumphantly?

**The Convener:** We will do that with glee. We know where we are going on the procedural issue, so we now must decide what to do with the instrument. I assume that we are not going to move to annul and that therefore we are content with the instrument. Do members wish to make points other than the ones that we have agreed to make when we report to Parliament?

**Fergus Ewing:** We should make a point that is along the lines of the debate that we have just had: we believe that the scheme is flawed because it might benefit wealthy land occupiers and not the people who should be receiving the money—by and large, crofters, small farmers and tenant farmers. Also, the scheme should have a mechanism to allow the socioeconomic factors that Richard Lochhead mentioned, such as job creation, to be taken into account. Ministers should be entitled to have regard to the financial standing of an applicant to assess whether the

applicant needs the money or, in the case of wealthy applicants, whether they might be able to do what is necessary for stewardship of the environment without state aid.

**The Convener:** Are you suggesting that there should be a limit to the size of business that can benefit from the scheme?

**Fergus Ewing:** The Executive should be able to have regard to those aspects. At the moment, as we have heard, the termination of applications is dealt with in regulation 7.

The committee should say that we are not happy with the scheme and that although we believe it would be wrong to annul it we think that it should be amended. The points that I have just made should be included in a letter to the minister indicating that we believe that an amended instrument should be brought forward and that we should be involved in the consultation process on it. That would not be unduly prescriptive. Perhaps some of the other arguments could be referred to as bullet points. It is important that we say not just that there should be a review, but that there should be a better scheme and that an amendment should be brought forward quickly—in a matter of weeks, not months—to put in place a better scheme.

**Rhoda Grant:** Given that the applications that have been made will be decided on quite soon, it is important that we get a breakdown of what has been approved. That would give us a better idea of how the scheme is working and whether only large landowners or several smaller units are benefiting. That would be an important step to take before we consider drawing up a new scheme. Unless we know what is currently happening we might end up developing a scheme that is no better than this one.

**The Convener:** In his evidence, Mr Hood said that he is prepared to give us such a list—the farmers may not be named, but the size of the grants and the approved schemes would be given. I would not be happy for the committee to recommend that the size of an individual business should determine whether it receives a grant—if the proposed scheme fulfils the necessary criteria.

**Fergus Ewing:** The minister should be entitled to have regard to the financial standing of the applicant. That is not the same as saying that such an applicant should be automatically disentitled. At the moment, the minister cannot consider the financial standing of an applicant, which seems perverse.

**Richard Lochhead:** Just for clarification, the point is that if a scheme is oversubscribed—as one such as this is bound to be—and some schemes will create jobs and achieve the same environmental benefit as other schemes that will

not create jobs, surely that should be a key factor in deciding which applications to accept.

**The Convener:** Thank you for clarifying that. Do members agree that the clerks should draw up the report as soon as possible along the lines that have been discussed?

**Members** *indicated agreement.*

**The Convener:** Are members content with the instrument?

**Members** *indicated agreement.*

## Budget Process 2002-03

**The Convener:** Let us move on rapidly. Members have received papers—I know that they will have read them. The note explains how the committee might deal with the Executive's budget proposals. The minister's reply to our stage 1 report and a briefing note from the Scottish Parliament information centre on how the figures in the revised allocation compare with those in the original plans are included in the papers. We also have a private briefing from the Finance Committee, which includes an annexe detailing the Executive's revised allocation of spending; the plans have changed substantially since we considered the first draft at stage 1.

It might be helpful to point out that paragraph 10 of the clerk's note should help us to focus our thoughts. We have to determine the main points to be pursued or to take up with the minister on 23 October, which is our first meeting after the recess. We have scheduled a private briefing that morning with David Dalgetty, who has previously endeavoured to make plain to us that which is not.

**Fergus Ewing:** We should take up the suggestion, made in paragraph 10 of the briefing note, of taking evidence from the minister. We should do that before we make our stage 2 report. The Finance Committee has invited us to pursue the issues that we identified in stage 1. In our stage 1 report, we identified that the share of rural affairs expenditure, when compared with other departments, has declined. The minister has commented on that and we should pursue that.

At stage 1, the minister said in evidence that he felt he could not renegotiate the environment and rural affairs department's share of budget with the Cabinet. In the light of subsequent and recent developments, he might be prepared to reconsider that. I would like the opportunity to ask him about that. Pursuant to that point, we find in Tom Edwards' useful paper for the Scottish Parliament information centre the revelation of Angus MacKay's announcement of the £66.8 million underspend in the environment and rural affairs portfolios. The money is to be carried forward to the next financial year, but Tom Edwards is not able to say, as he does not know, how the £66.8 million underspend is to be divided between environment and rural affairs. If a large chunk of money came into the rural affairs budget, it would have a significant, and possibly beneficial, impact. I would like to have further information on that, so that we are better able to deal with the stage 2 report.

**Dr Murray:** The SPICe paper shows that the current realignment process in the environment and rural affairs department has led to a cut of £6 million. That cut was made partly to find the extra

money for care of the elderly, McCrone and so on, which many of us support. The SPICe paper shows that the £6 million cut was made by a reduction incrofting grants and loans and a cut in the funding of the agricultural and biological research institutes. We took evidence from the institutes at stage 1. It might be beneficial to follow up on how decisions were taken in the realignment process on which budget lines were to be cut.

**The Convener:** Are members content that those are the two main lines of questioning that we want to put to the minister? We hope that he is free to come on 23 October; approaches have been made to get him to come on that day.

**Members** *indicated agreement.*

## **“A Forward Strategy for Scottish Agriculture”**

**The Convener:** Discussion of item 6, the agriculture inquiry, has been somewhat overtaken by events in the chamber. I am sure that members are aware that a debate is to be held tomorrow on “A Forward Strategy for Scottish Agriculture”.

In front of us are a series of choices. We have a paper from the clerk with the background and evidence that we have taken in our inquiry, outcomes, possible next steps and conclusions. Have members read the paper? If so, are they happy with it?

**Members** *indicated agreement.*

**The Convener:** I suggest that we look at the conclusions. Four possibilities are laid in front of us. My feeling is that we should not be coming to a firm conclusion on what we have done so far. I am pleased to see that other members are nodding in agreement. We have the debate tomorrow and it would be crazy for us to come to a conclusion before then. We have also commissioned external research, which is coming to its final production stage. We should receive it before the end of this month or next month.

It would be far better for us to draw those things together in the near future, so that rather than going off at stops and starts and doing separate things, we can go forward—and I dread this word—in a co-joined fashion. Are members in broad agreement with that suggestion?

**Members** *indicated agreement.*

**The Convener:** Good heavens.



## Work Programme

**The Convener:** We move on to item 7. I regret that members received only yesterday the paper in my name on the work programme. Members are indicating that they have had a chance to glimpse at the paper.

Essentially, the heavier-printed sections of the paper are the recommendations. I will briefly take members through them. In paragraph 3, I recommend

**“that the Rural Development Committee agrees to make integrated rural development central to its work in 2002.** There are two ways in which this theme may be pursued: firstly, it will help the Committee prioritise those subjects which have the greatest long term impact on rural communities; and secondly it may form the basis of a significant inquiry in its own right.”

16:00

Paragraph 6 makes the suggestion that

**“A report should initially be prepared for the Committee’s work programme reporters, with a view to the Committee being able to spend time in December considering the options to include:**

- relevant projects that it may be useful to visit in 2002, and
- lines of inquiry for the Committee to consider on pursuing the theme”,

which is the theme of integrated rural development. The other option to be considered is

“methods of pursuing the theme (for example: site visits, commissioned research project, civic participation work, etc.).”

Paragraph 9 concerns closer working relations with other committees, communities and institutions:

“I recommend that work programme reporters should consider the mechanisms that might be used to enable the committee to have closer contacts with rural communities, other Committees of the Parliament and the European Community.”

That would be a huge commitment, which would require some discussion.

Under other commitments, I have suggested that the committee should agree

**“to consider the Land Reform Bill after completing work on the Protection of Wild Mammals (Scotland) Bill and the Fur Farming Bill.”**

I understand that the fur farming bill will be introduced at some stage, but that it should not take up a huge amount of our work load.

Under secondary legislation, I ask that the committee agrees

**“that I should seek the endorsement of the Conveners’ Liaison Group and the consent of the Parliamentary**

**Bureau to hold a meeting for this purpose in the Loch Lomond area and to visit the Cairngorms area before that National Park designation order is brought before us.”**

The organisation of the meeting in the Loch Lomond area must be done quickly, because our bid must be submitted by Thursday.

**Mr Rumbles:** I absolutely agree with your suggestion that we hold a meeting in the Loch Lomond and the Trossachs area, but I would not like us simply to visit the Cairngorms without holding a meeting. We should not treat the one differently from the other. We should have a meeting in the Cairngorms area whenever we can.

**The Convener:** Should we meet in the Cairngorms before the designation order is laid?

**Mr Rumbles:** Yes. The time scale would be good.

**The Convener:** I am not against that. We could possibly leave that bid for the CLG’s next bidding round, which will be in January. It is highly unlikely that we will get there before January. I am happy with your suggestion. Are members that way inclined?

**Rhoda Grant:** Would it be useful to hold the meeting in the Cairngorms after the draft designation order is laid, so that we could take evidence from the local community before making our recommendation on the draft order?

**Fergus Ewing:** I am in broad agreement with Rhoda Grant and Mike Rumbles. The committee should treat both areas in the same way. We are quite a way down the road on the proposed boundaries of the Cairngorms national park. I am concerned that if we wait until January before making a bid to the conveners group, nothing much will happen until it is too late. It is difficult for the clerks to organise such meetings, so cannot we submit a bid now to get the principle agreed and leave the details to be sorted out later?

**The Convener:** If members are happy, there is nothing to prevent our submitting a bid for two meetings, one in each national park area. I had been a bit concerned that bids had to be submitted for the quarter to which they referred, but apparently that is not the case. Bids can be carried over from one quarter to the next. If the committee is happy, we will proceed on that basis.

**Members indicated agreement.**

**The Convener:** Paragraph 15 of the paper gives a list of our existing reporters. Richard Lochhead and I were appointed reporters on petition PE138, on Scottish quality beef and lamb assurance. It is probably fair to say that we have not managed to progress matters hugely, although matters have moved on. We will return to that subject in a minute. Elaine Murray, Mike Rumbles and Fergus

Ewing and I are grouped as reporters to consider the details of future work programmes. Richard Lochhead is the reporter on the meat inspection service. Rhoda Grant is to monitor progress on amnesic shellfish poisoning.

One of the things that we would like to have much more time to deal with but do not is sea cage fish farming. Members will be aware that the Transport and the Environment Committee has decided to hold a rolling inquiry to monitor and review the work of the Executive in that area. In view of our interest in the area and the lack of time in which to deal with it, I suggest that we appoint a reporter or two to monitor the progress that is being made. Perhaps, however, the committee feels that that would be a waste of time.

**Mr Rumbles:** It is a sensible idea. Having at least one reporter would be useful and I nominate John Farquhar Munro.

**The Convener:** Are you happy with that, John?

**John Farquhar Munro:** Yes.

**The Convener:** Are members happy with having John Farquhar Munro as the reporter to the Transport and the Environment Committee?

**Members indicated agreement.**

**The Convener:** We look forward to regular and enlightening reports from you, John.

I am asking the committee to endorse the approach to the future work programme as set out in this paper, which says that we will inquire into integrated rural development as a longer-term priority—when we were on our away day, we all agreed that we want to examine that—consider land reform subject to legislative commitments; follow the work programme for the remainder of 2001, which is described in detail and includes meetings and fact-finding visits outwith Edinburgh; and follow the work programme for 2002-03, which is described in outline.

**Fergus Ewing:** I broadly support the paper. It is unfortunate that the committee's work programme is almost entirely dominated by pieces of legislation, most notably Mike Watson's Protection of Wild Mammals (Scotland) Bill, which has taken up a tremendous amount of time even though the public feel strongly that we should be considering items of greater priority to Scotland. However, we have a job to do and we must do it.

The paper suggests that we make integrated rural development central to our work. That is a phrase that can mean almost anything one wishes it to mean and it does not significantly aid us in trying to establish a work programme. I would like to establish that, if we agree this paper, it will not preclude our considering important matters that might arise from time to time and which are of

concern to a great many people in rural Scotland. If particular problems arise, such as those relating to less-favoured areas payments, forestry policy or salmon farming, I hope that we will not be prevented from dealing with them simply because we have chosen to pursue a general theme of integrated rural development.

**The Convener:** Had I thought that that were the case, I can assure Mr Ewing that I would not have allowed my name to be put to the paper: we cannot close ourselves off to issues such as those.

**Mr Rumbles:** At the risk of causing everyone to reject the paper—because, as you said earlier, convener, everyone disagrees with me—I think that the convener has produced an excellent paper and I fully support it.

**The Convener:** I knew that that would have an effect on your further deliberations, Mike. Thank you for your support.

We must remember the commitment that we made at our away day, which is that we want to be proactive rather than reactive.

Do we agree to use the paper as a basis for future consideration?

**Members indicated agreement.**

## Protection of Wild Mammals (Scotland) Bill

**The Convener:** Last week, while I was unavoidably detained outwith the country—at my own expense, I hasten to add—I understand that the Protection of Wild Mammals (Scotland) Bill was referred back to this committee for stage 2. I am not prepared to enter into the argument about whether that was the right or wrong thing to do; it is a matter of fact and I believe that this committee is mature enough to be able to handle the matter sensibly. I have made that point to the promoter of the bill and others.

We have to determine a timetable for scrutiny of the bill. The paper before us suggests that we begin consideration of amendments on 23 October, which is the first Tuesday after the recess. Bearing in mind that the minister will be with us for the budget discussion, I suggest that we determine that, on 23 October, we go no further than section 1. I also suggest—and it can be no more than a suggestion at the moment—that on day two, which is 30 October, we go no further than section 3. It might well be that we are still on section 1 at that stage. However, if we do not plan further ahead than that, it will allow those who have amendments brought to them to plan ahead without our catching up on ourselves if the work gets complex.

The intention would be to continue on 6 November and 13 November. By that stage, we will have a better idea of how many amendments have to be handled and what the work load will be. I am reluctant to go any further than that at the moment because we do not yet know what the weight of amendments to later sections of the bill will be.

**Dr Murray:** I concur with what you have said. There were concerns about the bill coming back to the Rural Development Committee. However, the will of Parliament was clearly expressed during the stage 1 debate and, whatever our own views, we all accept that there was an overwhelming desire for the bill to proceed.

Certain criteria were drawn up by the Parliament, and there were three areas that the bill was intended to cover: the banning of mounted foxhunting; the banning of hare coursing; and the banning of baiting of foxes underground. That might help to determine which amendments are competent. I know that it will be the convener's decision, but it might help to assess whether the amendments that are lodged are within the scope of the bill. For example, if I lodged an amendment that would amend the Wild Mammals (Protection) Act 1996, that would not be competent under Parliament's decision of a couple of weeks ago.

We should be able to fulfil the timetable. The onus is on us to get on with the work that we have been given, and I am sure that we will all do that.

**The Convener:** Thank you for those comments. I do not think that we can be ruled absolutely by a timetable, but we will be ruled by responsibility. We will endeavour to keep within the timetable.

**Mr Rumbles:** My personal view was that it would be better if another committee or an ad hoc committee proceeded with the bill. However, that is the decision of the Parliamentary Bureau. I believe that the committee has a duty to make the bill work. As a result of the evidence that was given to us, I felt that the bill was unworkable. I encourage others to lodge constructive amendments that will make the bill work. The timetable is sensible and the committee will approach the bill in a workmanlike fashion.

**The Convener:** Among the papers that I was sent was the publication, "Guidance on Public Bills". It is useful reading and I encourage members to read it if they can find the time.

**Fergus Ewing:** We have a job to do and, as Mike Rumbles and Elaine Murray have said, we will do that job. There is no problem with that. Our job is to introduce more clarity and precision and to achieve the Parliament's aims. It will have the opportunity to achieve those aims at stage 3.

However, I am struck by the short deadline that faces those who wish to draft amendments. Drafting amendments is one of the most difficult parts of our job and it is also difficult for those outwith Parliament. I am sure that I am not alone in having been contacted by a large number of individuals and groups that are concerned about a process that they do not fully understand. There is little time between now and 19 October, which is the deadline for submitting amendments.

Let us assume that some amendments fall for technical reasons. It would be helpful if we could explore those technical issues before 19 October because, if we end up with defective amendments, we end up with a defective bill. That might imperil the aims of the promoter of the bill. I genuinely feel—and it nothing to do with party politics or my own views on the bill—that the 19 October deadline will not allow sufficient time for those with an interest in lodging amendments to lodge them, or for the committee to consider carefully all those amendments. I should be happier if the period were extended by at least a fortnight, to allow the necessary work to be done and to allow the debate that should take place with bodies such as the Scottish Gamekeepers Association and the Scottish Hill Packs Association to occur. That would enable us to bring the best possible bill back before Parliament at stage 3.

16:15

**Rhoda Grant:** I understand that, since the bill was published, a unit has been set up in the Parliament to deal with members' bills and to give advice on drafting. Could we ask that unit to assist us? It is very important that any amendments that we lodge are drafted properly and would make good legislation.

**The Convener:** I am advised that the bill is not included in the unit's work load. Although Rhoda Grant's suggestion is helpful, what she proposes cannot be done, I am sorry to say.

**Richard Lochhead:** I welcome the constructive comments that members have made. I, too, would have preferred the bill to be referred to an ad hoc committee. Given that that will not happen, it is right that we should take a constructive approach.

Are full-day meetings planned on the days that have been set aside for consideration of the bill?

**The Convener:** That is not the intention at this stage.

**Richard Lochhead:** Do we intend to take evidence on the amendments?

**The Convener:** That option is open to the committee. I would not rule it in or out. Taking further evidence would inevitably prolong the process but, as has already been said, the most important thing is to avoid producing a bad bill. It must be a sound bill. If it is necessary to take evidence to make the bill sounder and more robust, we should not shirk doing that.

**Richard Lochhead:** Does that mean that, instead of taking a decision on amendments when they came before the committee, we would take evidence on them? How would the process work?

**The Convener:** Can you repeat the question?

**Richard Lochhead:** Would we call for evidence on an amendment once that amendment was before the committee?

**The Convener:** I am advised that we are breaking new ground here. That has never been done before.

**Mr Rumbles:** I agree entirely with what Fergus Ewing said about the importance of getting the bill right. However, I am also considering the issue from a political point of view. Regardless of where we stand in the argument, it is clear that a number of members did not want the bill to be referred back to this committee for stage 2 consideration. The clerks have provided us with guidance on a suggested way forward. Their view is reasonable, or they would not have produced it for us. I know that two weeks is not a long time, but in my view it is sufficient to get amendments lodged. I am reluctant to appear to delay the process, and I

think that we should get on with it.

**The Convener:** Do not forget that in two weeks' time we will take evidence only on section 1. There is more time for members to lodge amendments to other sections. The "Guidance on Public Bills" includes a section on admissibility of amendments. I accept that that might be an issue, come the time, and that I will have to make the best ruling that I can. I hope that most amendments will not be referred to me for a decision and that the member lodging the amendment and the clerks will agree on whether it is admissible. Only if there is disagreement are amendments referred to the convener of the lead committee. I have no doubt that, if the committee so wished, we could receive a private briefing from an appropriate person. If that is to be done before 19 October, it will have to happen during the recess. However, I am quite sure that it could be arranged, if members were interested. I should have no difficulty with that—it might be a very valuable exercise.

**Rhoda Grant:** We should not forget that we also have an opportunity to lodge amendments at stage 3. If someone felt that they had missed the boat at stage 2, they could rectify matters at stage 3. Like Mike Rumbles, I think that it is important that we are not seen to be delaying the process.

**Mr McGrigor:** Because I think section 1 is so important, I agree with what Fergus Ewing said. Two weeks is not enough time for members to draft amendments and to decide how they want to frame them. Because such amendments are so important if we are to make the bill workable, I support Fergus Ewing's suggestion that a further two weeks be taken.

**Dr Murray:** I do not agree that we need to take a further two weeks. Although the bill has only just passed stage 1, it has been in the public domain for a long time and has been the object of intense scrutiny by people in favour of it and people against it. I imagine that many organisations have already thought about the amendments that they would propose in the event of the bill proceeding beyond stage 1. Therefore, I do not think that there will be much of a problem with people suggesting amendments. In fact, I believe that quite a number of amendments are circulating already.

**Mr Rumbles:** I will continue from what you said earlier, convener, about "Guidance on Public Bills". You said that most amendments—normal amendments—that are lodged with the clerks would go through normally. You will be asked to rule only in the case of whether an amendment is admissible. And in rule—

**The Convener:** No—I am sorry to butt in. As I understand it, I will be asked to rule when

agreement cannot be reached between a member and the clerks.

**Mr Rumbles:** That is my point exactly. Paragraph 4.24 of the guidance states:

"In any case of dispute about the admissibility of an amendment, the decision rests with the convener".

The discussions that I have had with the clerks about my amendments have been fruitful and productive. However, I am talking about amendments generally—not my amendments. After an MSP has lodged an amendment or a series of amendments with the clerks, I am sure that some will come to you, convener, if agreement between the member and the clerks cannot be reached about admissibility. There is a concern that any advice that you act on will be that given by the clerks. The MSP will already have been in discussion with the clerks—the disagreement is between the MSP and the clerks.

I seek clarification on the source of any advice that you might receive about whether amendments are admissible. You can appreciate my argument. The obvious problem is that if you rely on the advice given to you by the clerks—as a practising convener, I know that that is often extremely useful—there is a conflict of interest.

**The Convener:** I have tried hard not to think about that for the past week, because what you point out is absolutely correct. Difficult decisions will have to be made. The clerks will provide advice. I presume that other sources—the MSP who lodged the amendment, for example—will be spoken to. At the end of the day, my understanding is that whether an amendment is admissible comes down to a reasoned judgment by the convener. I cannot really answer your question until I know about the amendment in question.

**Mr Rumbles:** In that case, I ask for an assurance on one point. If you take advice from the clerks who have already been involved in such a discussion, will you also make yourself available to any MSP involved in the problem, so that you take a balanced view?

**The Convener:** I am happy to give such an undertaking, as long as that would be procedurally correct. I have no problem with that.

Although I am happy to give that undertaking, I will not be bound by the view of the MSP or by that of the clerks.

**Mr Rumbles:** I raise the matter because it is a problem of procedure.

**The Convener:** In the interests of agreement and co-operation, which have been strikingly apparent in the discussion on the subject so far, I suggest that we delay day one until 30 October—

that is, for one week. I do not believe that it could ever be argued that we are trying to delay the bill. If that will allow people a little more comfort in lodging the first batch of amendments, I am happy to do so. I believe that we could still try to finish proceedings by the end of November, as agreed in the work programme. Given the time that it has taken to get to this stage, I would not regard it as a national disaster if that part of the process happened to be delayed until the first week in December.

Does that suggestion find favour with the committee?

**Dr Murray:** I do not think that a week will make a huge amount of difference to any of us. In that case, would it be worth organising a briefing on 23 October to examine the way in which we will deal with amendments? The minister is coming anyway.

**The Convener:** That is an excellent, constructive suggestion, which I heartily recommend to the committee. That briefing would be held in private at the end of the meeting with the minister.

Is that acceptable to members?

**Members indicated agreement.**

**The Convener:** We have agreed to a seven-day delay—we will begin proceedings on stage 2 of the Protection of Wild Mammals (Scotland) Bill on 30 October, and on 23 October we will have a private briefing, following our questioning of the minister, to keep us right on amendments.

**Fergus Ewing:** I would just like to clarify matters on the record for those who will read the *Official Report*.

Does that mean that the deadline for submitting amendments is now 26 October and that that deadline will apply to amendments to section 1 only?

**The Convener:** That is my reading of the situation. It is correct as far as I am concerned. Similarly, the second day of stage 2 will now be 6 November, and we will go no further than section 3 on that day. We will just shift everything back a week.

I thank members for that constructive debate.

## Conferences

**The Convener:** The final item, conferences, was put on the agenda largely because Richard Lochhead requested it, as he was keen to attend a Sea Fish Industry Authority conference, details of which I circulated to members some time ago. The conference takes place on Thursday. I understand that Jamie McGrigor has said that he will go.

**Mr McGrigor:** Which Thursday is it?

**The Convener:** It is on Thursday this week. I will speak to you about it later, because it is not committee business.

**Mr McGrigor:** You had better do so, because I have two conferences to go to—one on shellfish and one on salmon farming.

**The Convener:** Before we discuss the item at all, I must explain that there has been a change in the allowances system. Most members are probably aware of it. Forgive me if I am teaching you things that you already know. The change allows members to go to any conference to which they wish to go and to claim the money back from their allowances.

Given that, I suggest to Richard Lochhead that, if he wishes to go to the conference, he should claim the money back from his member's allowance. We discussed the matter some time ago—albeit in private—and took the view that it would not be up to the committee to send representatives to seminars or conferences.

**Richard Lochhead:** I clarify that I have no intention of going to the Sea Fish Industry Authority conference. I cannot make it that day anyway. The conference that I thought should be brought to the attention of the committee was the one entitled “Beyond Foot-and-Mouth—Ways Forward for the Scottish Economy” on 24 to 25 October. I felt that that should be brought to the committee's attention because it looks like a worthy conference.

**The Convener:** My apologies on that. Thank you for correcting me. I think that I am right in saying that Elaine Murray is already speaking at the “Beyond Foot-and-Mouth” conference, as am I. I am taking Alex Johnstone's place.

Is the committee content that, with two members at the conference, we have enough representation? Members are totally free to go should they wish to do so.

**Members indicated agreement.**

**Dr Murray:** I point out that, depending on the parliamentary timetable and the decisions of the party whips, it might not be possible to attend the entire conference. I do not have permission to do so from my whip at the moment. They will not give

permission so far in advance.

**The Convener:** We have come to a happy conclusion on that subject. I draw the meeting to a close. I thank the committee for its patience.

**Dr Murray:** May I briefly say something, convener? Although your advice on members' allowances is sensible, it is useful for information on conferences to be circulated. Is there a mechanism by which such information can be circulated to members or appear on the agenda regularly so that we are aware of what we might be able to go to?

**The Convener:** Elaine Murray has astutely pointed out something that I probably should have said. The clerks put it to me—and I welcome the suggestion—that we could ask the Scottish Parliament information centre to draw up a regular list of conferences in which we might have an interest and circulate it to us as members. We do not have to bring up the matter at meetings. The list can be circulated for our information. Does the committee approve of that?

**Members indicated agreement.**

**The Convener:** That is a consensual note on which to end.

*Meeting closed at 16:28.*

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