

# **RURAL DEVELOPMENT COMMITTEE**

Tuesday 10 December 2002  
(*Afternoon*)

Session 1

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## RURAL DEVELOPMENT COMMITTEE

**† 33<sup>rd</sup> Meeting 2002, 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)  
\*Richard Lochhead (North-East Scotland) (SNP)  
\*Mr Jamie McGrigor (Highlands and Islands) (Con)  
\*Mr Alasdair Morrison (Western Isles) (Lab)  
\*John Farquhar Munro (Ross, Skye and Inverness West) (LD)  
Irene Oldfather (Cunninghame South) (Lab)  
\*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)  
\*Elaine Smith (Coatbridge and Chryston) (Lab)  
\*Stewart Stevenson (Banff and Buchan) (SNP)

### COMMITTEE SUBSTITUTES

George Lyon (Argyll and Bute) (LD)  
\*Mr John McAllion (Dundee East) (Lab)  
Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)  
John Scott (Ayr) (Con)

\*attended

### THE FOLLOWING ALSO ATTENDED :

Mrs Margaret Ewing (Moray) (SNP)  
Mr Keith Raffan (Mid Scotland and Fife) (SNP)  
Mr John Swinney (North Tayside) (SNP)

### WITNESSES

Hugh Anderson (Perth and Kinross Council)  
Roland Bean (Perth and Kinross Council)  
Andrew Dickson (Scottish Executive Environment and Rural Affairs Department)  
David Finlay (Cream O'Galloway Dairy Company Ltd)  
Professor Hugh Pennington (University of Aberdeen)  
William Rose (Tio Ltd)  
Alasdair Sim (Scottish Executive Environment and Rural Affairs Department)  
Allan Wilson (Deputy Minister for Environment and Rural Development)

**CLERK TO THE COMMITTEE**

Tracey Haw e

**SENIOR ASSISTANT CLERK**

Mark Brough

**ASSISTANT CLERK**

Catherine Johnstone

**LOCATION**

Committee Room 2

† 32<sup>nd</sup> Meeting 2002, Session 1—held in private.

## Scottish Parliament

### Rural Development Committee

*Tuesday 10 December 2002*

*(Afternoon)*

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

**The Convener (Alex Fergusson):** Good afternoon. I welcome everyone to the Rural Development Committee. We are one or two members short. I am sure that they are coming, but we have an enormous agenda today so I am keen to make progress in as timely a fashion as possible.

We have received apologies from Irene Oldfather and we have notification that Rhoda Grant and Alasdair Morrison will be late; they are in flight as we speak. I welcome John McAllion, who is the Labour party substitute on the committee, for the first time. It is nice to have him here.

I remind all members and the public to ensure that their mobile phones are switched off.

## Organic Farming Targets (Scotland) Bill: Stage 1

**The Convener:** Item 1 is continued consideration of the Organic Farming Targets (Scotland) Bill. This is the second meeting at which we are taking evidence at stage 1. We will hear today from a panel of witnesses and then from the Deputy Minister for Environment and Rural Development. Ross Finnie would have been here, but he is in Brussels on more pressing business, if that is possible.

This is John McAllion's first visit to the committee, so I should ask him whether he has any interests to declare. I think that the answer is probably that he has not.

**Mr John McAllion (Dundee East) (Lab):** I do not think so. I presume that shares in Celtic do not qualify.

**The Convener:** That is the case. You are safe enough.

I invite other members to declare any interests that are relevant to the bill. I declare my own interest as a landholder. Jamie McGrigor is not here, but has previously declared an interest as a landowner and farmer.

I thank the panel of witnesses for giving up their time to come to the meeting. They are Professor Hugh Pennington from the molecular biology department of the University of Aberdeen, David Finlay from Cream O'Galloway Dairy Company Ltd in Dumfries and Galloway—I am sorry to inform him that, since I went on a diet, his sales will have plummeted, because I was almost addicted to his product—and William Rose from This Is Organic, or Tio Ltd, in Inverness-shire.

The format is that we will ask you each to make a brief opening statement, after which we will ask questions. The briefer the statements, the more questions we can get in.

**Professor Hugh Pennington (University of Aberdeen):** Thank you for asking me to give evidence to the committee.

I approach organic farming as a scientist and doctor who practises using allopathic medicines and as someone who was baptised Thomas, so I am a sceptic. The aims of organic farming are very laudable, but my concern is that organic farming is basically a process and we should be concerned about its outcomes.

My perception is that people buy organic foods largely because of those foods' perceived health benefits. As someone who has observed organic farming, I find it difficult to get really good concrete evidence that there are health benefits to be derived from organic food. The situation is

probably quite different in relation to environmental benefits—evidence is accumulating that there are real environmental benefits. That is how I approach the bill. If one is going to argue for political and financial support for organic farming, one must take those factors into account.

My views are also coloured by my perception that generally speaking, although many people in the population buy organic food from time to time, the bulk of the purchases are still made by the wealthier middle classes. That also ought to be considered if public funds are to be used to support organic farming more than is the case at present. My view is that our most pressing health problem is the diet of people who live in housing schemes. If public money were to be used to support food by way of subsidies, I would rather that it tackled that problem.

**The Convener:** Thank you. I commend you for the brevity of that statement.

**David Finlay (Cream O'Galloway Dairy Company Ltd):** I have a degree in agriculture, I worked for the Scottish Agricultural College for 10 years as an agricultural adviser and have been farming in Galloway for the past 15 years. We diversified in 1994 into food processing and tourism and now have one of the fastest-growing tourist attractions in the south of Scotland. Our business employs 16 full-time and 20 part-time and seasonal staff. The transition to organic farming was completed in 2001.

Our practical experience of organic farming has been a revelation. We have weaned ourselves off most agrochemical inputs, which we had been convinced were essential for good management, yet our stock has never been as healthy or content and we employ more people now and carry out environmental work on the farm. We still have many things to do.

The financial figures for the farm indicate that once the organic aid scheme is finished we will, because of our lower stocking rates, need market price premia of about 25 per cent in order to be viable. So, why are we advocating a bill that, if it is not carefully planned and implemented, might threaten that premium? It is because, if we can compete on a level playing field, I am not afraid for the future of organics. Studies have shown that organic farmers are being heavily penalised in relation to public expenditure compared to non-organic colleagues. Indeed, Scottish organic farmers are being penalised compared to other European organic farmers. If Scottish organic farmers were allowed to compete on a level playing field with our non-organic counterparts, we could produce organic food at the same price as non-organic producers. The consumer could then make a real choice.

In relation to the Scottish Executive environment and rural affairs department's strategy for agriculture, organic farming is the best-fit solution that I have come across to date; it can deliver all the requirements of the Scottish Executive vision. EU production subsidies are coming under review and a real risk exists that there will be redistribution of much of those moneys to deprived urban or to Eastern European rural areas. Therefore the public-benefit argument for organics could be vital for keeping EU funds in Scottish rural areas.

The only way in which Scottish organic farmers will ever have anything approaching a level playing field is through the Organic Farming Targets (Scotland) Bill. The only way in which public education and awareness of the benefits of organics will come about is through the bill. The only way in which industry will receive the research, advice and retraining that is needed is through the bill. Our track record demonstrates that we are not dreamers, but that we are ready to grasp opportunities and to make innovative changes to our businesses and mindsets in order to adapt to a changing world. We believe firmly that organics and the principles that underlie animal welfare, environmental protection, social issues, local food issues and accountability surrounding organics offer the Scottish rural economy the best chance of sustaining its vitality in a global future. We do not need more talk; we need action. That is why we support the bill.

**William Rose (Tio Ltd):** I will not say much, because much of what I might have said has just been said. I will say briefly who I am and I will make a few points.

I am an organic and conventional farmer based in Inverness and I grow arable crops on a large scale. I also run a company that processes the crops that I grow and which supplies them to supermarkets throughout the UK. Every day, our entirely organic products go from Inverness to every single Tesco store in the country. We have created up to 50 jobs over the past three years as a result of that enterprise. Our business is still growing fairly quickly.

I am quite commercial in my outlook. To me, there is a clear commercial opportunity for Scotland in doing more organic farming. There has not been any real co-ordinated support for organic farming methods and I believe that it would benefit the Scottish farming community if we were able to come up with a plan that allowed marketing to take place coherently throughout the UK.

I think that there are health benefits to growing organic crops and, although the science does not say clearly that organic food is either more or less healthy than other food, common sense tells us that it probably is more healthy.

**The Convener:** Thank you all. We have plenty of time for questions.

**Elaine Smith (Coatbridge and Chryston) (Lab):** My first question is to Professor Pennington. I was trying to find what I was looking for in last week's oral evidence. Patrick Holden—I have forgotten which organisation he represented—

**The Convener:** He represented the Soil Association.

**Elaine Smith:** Thank you. Patrick Holden discussed some health issues, on which I seek your comments. I agree with what Professor Pennington said about spreading limited budgets around and about where those budgets should go. It is a matter of public record that I supported the School Meals (Scotland) Bill, which was a case in point in respect of spending money differently. Last week, Patrick Holden said that some costs to the health service might come down if the Organic Farming Targets (Scotland) Bill were implemented, and if we were to consume more organic food. He said:

"If it could be shown that the long-term results of an inferior-quality diet are health problems—which cost the health service money—or other social problems, matters might be seen differently."

He went on to discuss processed food and drinks in schools, and I think he also mentioned public procurement, which might be one way of stimulating the organic food market. He said:

"I will cite one example of what I think is a hidden cost of intensive farming that affects society as a whole. Antibiotics have been used more or less routinely in livestock feeds—particularly for pigs and poultry—for the past few decades. It is now acknowledged that the use of those antibiotics, which form at least 50 per cent of all the antibiotics that are in use for humans and animals, has contributed substantially to antibiotic resistance, which has led to untreatable superbugs in hospitals."—[*Official Report, Rural Development Committee*, 3 December 2002; c 3871-72.]

He was, I presume, referring to methicillin-resistant staphylococcus aureus, or MRSA, necrotising fasciitis and so on. Could you comment on that?

**Professor Pennington:** I will preface my remarks by saying that I have crossed swords with Patrick Holden at meetings similar to this one. He sees me as a being a person who makes money, or rather who enhances his reputation, by boosting food poisoning. Anyway, perhaps that should colour the view that you have of my remarks.

Antibiotics have indeed been a big problem in farming. They have been used as growth promoters and they have not necessarily been used for health gain among the animals. There is still a problem in reducing unnecessary antibiotic use but I should say, however, that substantial progress has been made among all the regulatory

bodies in banning the use for growth promotion in farming of antibiotics that have health benefits for people.

That issue is almost behind us. One or two technical issues still need to be resolved, but to say that antibiotic use in farms has contributed to antibiotic resistance among bacteria in hospitals is to go too far, particularly with regard to MRSA. I know of no connection between antibiotic use in farm animals and the development of MRSA, which has developed as a result of antibiotic use in hospitals and antibiotic use that has been prescribed by general practitioners. The bacteria that have been exposed to antibiotics on farms are different. The residual antibiotics in food have had nothing to do with the development of resistance leading to MRSA.

14:15

**Elaine Smith:** So you say categorically that residual antibiotics in food are not causing an antibiotic build-up.

**Professor Pennington:** The essential problem with antibiotic use on farms is that it has stimulated in farm animals the development and evolution of bacteria that have become resistant to antibiotics. Under certain circumstances, those bacteria can transfer their resistance to bacteria that live in people. The problem lies not in the antibiotics in the food, but in the antibiotics' exertion of evolutionary pressure on the bacteria in farm animals, which can then, by a process of gene transfer, transfer the resistance genes to other bacteria, some of which infect people. There is also a problem in that bacteria that contaminate food are sometimes also resistant to antibiotics as a result of inappropriate use of prophylactic antibiotics in farming, or of therapeutic antibiotics to treat illness in animals.

**Elaine Smith:** I think that you said that you accepted that there were possible environmental benefits from organic farming, but that you were not totally convinced about the health benefits. Does that mean that more research is required?

You also mentioned limited resources—perhaps cakes should be carved up differently. There are already farming subsidies, but what would you think about subsidies' being shifted rather than more public money being made available? Should there be no subsidies at all?

**Professor Pennington:** At the end of the day, farming subsidies have had many unintended effects. I am particularly concerned that subsidies have a bad effect on the developing world. We can produce subsidised food that interferes with the development of agriculture in developing countries—that is a global issue rather than a Scottish issue. In a sense, Europe and the United

States are against the world. We subsidise our food substantially and we hinder the development of agriculture in other parts of the world; on that account, I have a negative view of subsidies.

Farmers must earn a living, but why should they be subsidised when many other sectors of the economy are not? I understand why they are subsidised, however. The aim is not just to produce cheap food; farmers are guardians of the countryside and a way of life should be preserved, but our task should be to work out how best to preserve that way of life, while not producing great food mountains that will not be consumed.

The assumption that has been made about organic food is that the incredible increase in market share and sales will continue and that there will be a shortage of supply, which there clearly now is. Imports are at a high level. Whether and for how long that situation will continue is another matter.

**Elaine Smith:** Given what you said about—

**The Convener:** Limited time is available, so you must ask your final question.

**Elaine Smith:** Given what you have said about farmers being guardians of the countryside and the possible environmental benefits of organic farming, have not you argued for more organic production?

**Professor Pennington:** I have nothing against organic production. Organic produce attracts premium prices and if people are prepared to buy it, that is fine by me.

**Elaine Smith:** May I ask another question later, if there is enough time?

**The Convener:** You may, if we have enough time.

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I would like to direct my question to Professor Pennington in particular. I was interested in what the professor said about “perceived health benefits”—you spoke about “perceived” rather than real benefits. You made a somewhat politically charged comment about using Government or taxpayers’ money to subsidise the middle classes.

I would like to put health issues to one side and consider environmental issues. I am sure that you would agree with me that the environmental issues are not the preserve of the middle classes but affect everybody. Rather than skate over those benefits, as a scientist will you tell us what the environmental benefits would be to us all going organic?

**Professor Pennington:** Clearly, the usage of land is less intense in organic farming and it also uses fewer pesticides—although the amount that

is used is not zero. The way in which nitrates and fertilisers are used is quite different; I understand that organic farmers are encouraged to have hedgerows, ponds and the sorts of things that one associates with traditional farming.

The scientific evidence is a little short, because such evidence is difficult and expensive to gather and large sums of money have not been put into such research. However, there is quite good evidence that organic farms generally help wild bird populations to increase. Around organic farms, non-pest and non-cabbage white butterflies are more abundant—or, at least, there are more species of butterfly—than is the case on conventional agricultural land. There is a range of benefits from the point of view of diversity and from the point of view of getting back to the countryside that we knew as children. There is evidence to support that kind of argument.

I argue that going organic is not the only way to achieve those benefits, because they can also be achieved in other ways. That needs to be taken into account when we ask whether organic is the only way that we should go to achieve those benefits. There is not always an increase in biodiversity with organic farming; some species of wild insects and some wild birds become less common because of the nature of the crops that are grown and because of the nature of the field cover. The environmental benefits of going organic are not absolute; rather, they are relative.

**Mr Rumbles:** Unusually, then, I will use my supplementary and ask David Finlay whether, having heard Professor Pennington’s comments on the real environmental benefits of going organic, he is still as firm about the bill as he was in his opening statement. David Finlay said several times that the bill is the only way in which we can achieve such benefits. Does he genuinely feel that legislation is the only way? The evidence that we have heard previously is that if the Executive were to set aspirational targets and a real action plan—which I assume we will be provided with in January by the group that is considering the issue—we would not need legislation.

When we took evidence from Robin Harper, I asked him what is the point of legislation that provides no penalty in the event of people not achieving targets. Is legislation really the best way to go?

**David Finlay:** My gut feeling—I do not know much about politics, because I am just a farmer—

**Mr Rumbles:** That has never stopped our convener.

**David Finlay:** He is much more informed than I am about such things.



My feeling as an individual is that many farmers and producers in the organic sector in Scotland feel pretty isolated—we do not have a strong voice and our agenda is at the bottom of the list. We have no other political means with which to push forward the organic agenda unless there is real commitment from the Executive. I do not think that there will be any real commitment that will result in action unless there is legislation.

**Mr Rumbles:** If Ross Finnie came up next month with aspirational targets and an action plan, would you be happy with that?

**David Finlay:** That would still not give any long-term commitment.

**Mr Rumbles:** Is it commitment that you seek?

**David Finlay:** Yes.

**The Convener:** Following Mike Rumbles's question, I have a question for David Finlay and William Rose. During last week's evidence, it became quite clear that the witness from the Scottish Organic Producers Association was, to say the least, uncomfortable with the idea of legislative targets. He was fully supportive in every other respect, including on the need for a robust action plan, but he was undoubtedly uncomfortable with the idea that legislative targets would be a meaningful way in which to achieve what he saw as the ultimate aim of his organisation. Are you members of SOPA? Do you disagree with that opinion?

**David Finlay:** I am not a member of SOPA.

**William Rose:** I am a member of SOPA; in fact, I used to be a board member. There is no point in having a target unless it is understood why one wants the target. First, we must decide why we want organic farming. Perhaps we do not want it; if we do not, we can all go home. However, if we do want it, is that because we perceive it to be something that will make the people of our country more healthy or because we think that it will have environmental or social benefits? Perhaps it is thought that we should have organic farming for all three reasons. If we believe that any of those three possible benefits will result, a strong action plan to achieve the goal that we set would be a good idea.

I think that Alex Telfer—whom I know quite well—is probably scared that a target will be set, that X per cent of farming will be organic farming by Y time, that that will be that and that nobody will do anything else, which would be ridiculous. The actions that are taken to support the target are far more critical.

**The Convener:** I would like to deal further with that issue. David Finlay said that when his support mechanism runs out, he will need market price premiums of about 25 per cent. Recently, a dairy farmer in the south of Scotland contacted me and

gave me his production figures for April to October 2002. He sold only about 33 per cent to 34 per cent of the organic milk that he produced into the organic market. Had he been able to sell all of it into the organic market, he would have had a shortfall in income of some 35 per cent. There is huge over-supply of milk and in organic sheep production in respect of what the market will take up. How will a legislative target, which the bill proposes, overcome that?

**David Finlay:** It will cost money. What I said about a level playing field is critical. We are in a global market and there is no level playing field. America has just announced another \$12 billion for agricultural support and is competing with European agriculture in a trade war. I would love subsidies to disappear tomorrow if they were to disappear around the world, but they are not disappearing and they will not disappear.

Support is being given to non-organic agriculture for cleaning up pesticides and residues of fertiliser and to deal with contamination of waterways. Intensive farming-related diseases are being cleaned up through Government funding. The public purse is funding that and other things, including action against BSE. It could be argued that the flames of foot-and-mouth disease were fanned by intensive farming, in that animals were moved around the country.

Money is being paid out of the public purse that gives non-organic competitors an unfair advantage. Professor Jules Pretty considered that matter and said that £130 to £140 per hectare of additional public money is paid indirectly to allow non-organic farmers to put their products on the shelf at a cheaper price. In addition, I have been in correspondence about the matter. If there are two farmers in the same area with the same type of stock and one is an organic farmer and the other is a non-organic farmer, the organic farmer will receive between £50 and £80 per hectare less in direct public support. Organic farmers have to start from about £200 per hectare behind. If we took away all the subsidies and made the polluter pay, we would all be on an equal footing and we could compete. In order to achieve a level playing field, we need a continuing subsidy of £200 a hectare to be able to present our product to the population. People will say, "£200 a hectare? That's going to cost a lot of money." However, it is only the tip of the iceberg. There is a huge subsidy—a mountain—that we do not see.

14:30

Billions of pounds are going into agriculture to support cheap food and £200 per organic hectare would be just a small part. We are not being allowed to compete on a fair basis. It will cost money to allow us to compete fairly, but the

organic product could be on the shelves at parity and the consumer could make the choice.

Yeo Valley Organic Company Ltd is the biggest independent manufacturer of organic and non-organic yoghurt in the UK and has had both types of product on the shelves for some years at parity. The organic version accounts for one third of the company's total market.

There is a lot of potential for growth. With education, information, awareness and retraining of producers, there could be more potential.

**The Convener:** Do you want to add anything to that, Mr Rose? The original question was on how the targets in the bill will sort out over-supply.

**William Rose:** As I said before, it is a question of the action plan and not the target. How will one achieve a target? It is arguable that if one wants to put pressure on the marketplace to buy more of what one sells—which is too expensive—one must subsidise the product to take it to a price that will sell. As we have heard, there is an argument that we should subsidise organic food to a greater degree than we do conventional food to make it cheaper. One could be controversial and say that we should put a tax on conventional food and then use the money raised to lower the cost of organic food. However, that would be nonsense. There are only one or two ways to achieve the objectives.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** It is an interesting debate—whether we have a robust action plan or set targets. With the best will in the world, we have taken evidence that suggests that some organic farmers have produced materials for which they were finding it difficult to find a market. That is quite surprising and alarming.

Whether we have a robust plan or we put in place firm targets and achieve the targeted level of production, how do you imagine organic food can be made more attractive to the customer? How do you market it? Would it find a niche market because it is organic or do you have to promote it in some other way?

**William Rose:** We have experience of selling organic food to the public. A lot of people do not buy organic, just as they do not buy other things. They do not know anything about it: they do not know that it exists, or they do not know whether it is better or worse so why should they care? To influence perceptions, we would have to educate people and make them aware that organic food exists and that it might be a good thing. I return to my earlier point that if we do not believe organic food is a good thing, we are wasting our time. We must establish whether we believe that there are benefits. If we believe there are benefits, we will go into the business of educating the public about why the Executive believes that eating organic

food is a good thing. We will back that up with the action plan and the targets that come with it to increase the amount of organic food that is available in the shops.

**David Finlay:** As Professor Pennington said, the price differential is critical. I feel that we are starting with one hand tied behind our backs. If there were equal support for all types of farming, we could compete at price parity. On that basis, and through education and awareness-raising support, I am certain that the organic market would grow from being a tiny niche market to something substantial. The benefits for our environment and rural communities would be significant.

**John Farquhar Munro:** I want just a short answer on whether the organic market would be viable if it had a robust plan. Or is a set target required, albeit that the targets that are being set are related to the landlord rather than to the food produced?

**William Rose:** Yes, I believe that it is reasonable to set an expected outcome, which will probably be a moveable one because one always tries to move on. However, a target must be attached to a strong plan if it is to be achieved. I do not believe that the organics stakeholder group—which is outside this setting working away behind the scenes—is the entire answer for where a strategy should come from. We must back any target with actions that are part of a plan to achieve the target. Is that a clear answer?

**John Farquhar Munro:** Yes, thank you.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I raise the basic issue, which Mr Rose mentioned, of whether organic food is better and has benefits. It seems to me that it does, but there is sometimes an inference that non-organic food is consequently bad. I am a non-specialist in the area, but I think that that is where the flaw lies. Would a correct characterisation of the situation be that non-organic food, provided it is produced in accordance with the rules on BSE, foot-and-mouth disease and so on, is good for us, but organic food is arguably better for us in some ways? Is that too simplistic?

**Professor Pennington:** It is difficult to get evidence that organic food is better for our health. It is clearly almost impossible to do practical long-term studies that compare, over a lifetime, people who have eaten only organic food with those who have eaten only non-organic food. Therefore, one must rely more on such methods as testing organic food for levels of nutrients and using taste panels to ascertain whether they prefer the taste of organic food. When we assess such evidence the only substantial information that we obtain is that organic food tends to have less water in it and

so tends to have higher concentrations of things such as vitamin C. That is partly a consequence of how organic food is grown. However, scurvy is not a disease that normal individuals suffer from in this country and there is controversy about whether we should eat vast amounts of vitamin C. There is sufficient vitamin C in ordinary foods.

Mr Ewing's point is an important one in that I think that people buy organic foods because they regard them as being free of pesticides and having health benefits, albeit perhaps rather ill-defined ones. When one tests for pesticides in non-organic food, one occasionally finds certain levels, but I would maintain that they are so low as to be no threat to human health. We can debate such matters as lifetime exposures, but certainly pesticide levels in food have been assessed by people over long periods and have not been found injurious to health. I would contend that if the food on the market today is grown appropriately, processed by people who know what they are doing and has the right safety standards applied, it is equally safe and good for you whether it is organic or conventional. The basic problem is not the food, but having a balanced diet and so on. Therefore, I would put the health benefits of organic and conventional foods on a level playing field.

The perception that organic food is safer is derived from little health evidence. People see the process of producing organic food as preferable. They like the idea of the way in which organic food is grown and they are prepared to believe that that leads to health benefits. If that is their perception, they may get a health benefit from organic food, but the benefit is not to do with nutrition; it is to do with people's assumption that they are eating food that is good for them.

**Fergus Ewing:** Thank you for your answer, which was very helpful. Those who would like to promote organic food agree that the best way to do that is not to demonise non-organic food, which is prepared in accordance with rules and high standards. It must be made clear that non-organic food is perfectly good, but organic food can be even better. That approach is a simple way to avoid falling into a trap of them and us.

**William Rose:** I do not disagree entirely with Professor Pennington; he made some good points. There is no scientific evidence that explicitly proves that organic food is better than non-organic food, or vice versa. There is plenty of scientific evidence, some of which I commissioned, that proves that organic vegetables contain fewer residues. As the committee heard, one can argue that, as the levels are so tiny, they are insignificant, and I cannot tell the committee anything different.

I would rather eat something that contains lower levels of poisons. However, I do not promote organic farming by saying that conventional food is terrible—I eat conventional food and, to some degree, I am still a conventional farmer. We must not be sidelined by statements such as that there is no scientific evidence to prove that organic food is better.

**Fergus Ewing:** In your opening remarks, you said that an action plan must be formulated. I agree: the meat of the argument is an action plan, rather than arbitrary targets in legislation, which seem to miss the point. Therefore, if you were the minister responsible for agriculture, what would your action plan contain? How would we move forward in a positive way and how could we replicate the success that both you and Mr Finlay mentioned and which all members support?

**William Rose:** That depends entirely on whether I believe that there are benefits. Do I believe that there are health benefits, environmental benefits or social benefits? If I believe that those benefits exist—

**Fergus Ewing:** I assume that you do.

**William Rose:** As it happens, I do. Given that you have just appointed me the minister, I guess that—

**Fergus Ewing:** What is your action plan, minister?

**William Rose:** It would be in Scotland's long-term economic interests to build a greater organic industry. As minister, I would therefore seek ways to fund organic farmers to retrain and receive marketing support, because farmers are terrible at marketing. In fact, they are worse than terrible. I would formulate a structure to co-ordinate marketing for all organic products. A measure that I would think about, but might not actually do, would be to redistribute through modulation some of the existing agricultural budget. Those are a few of my suggestions. The education of farmers and consumers would be my starting point.

**Fergus Ewing:** There is scope to increase the capacity of the organic food market. If we stimulate the organic production of food, and output is vastly increased, will that not threaten and eliminate the premium that organic food currently enjoys?

**William Rose:** Yes.

**Fergus Ewing:** As minister, how would your plan deal with that situation?

**William Rose:** There are a small number of ways of doing that. One is to encourage relatively large-scale producers like me to get better at what they to do and to introduce new technology. We have already done that and brought down the

price of our products, much to the detriment of smaller organic farmers. That can continue, but it is perhaps not where we want to end up from a social point of view. The only other way is to make the price of conventional food less competitive, either by somehow forcing the price up or by subsidising organic food. That is difficult because organic producers do not like subsidies.

14:45

**Mr Jamie McGrigor (Highlands and Islands)**

**(Con):** Yesterday, I came across an upsetting case of some bullocks that were raised in North Uist on an organically accredited farm. Because they are over the age of 30 months, they will be burned at the incinerator at Kilmarnock on Thursday. I know that there are rules relating to that, but that is the finest organically reared beef in the world, and it will be thrown on a fire. Is it not the case that using organic methods means that it takes a little longer to grow food and to bring cattle, especially rarer and older breeds, to the maturity at which they should be eaten for the meat to be at its best?

Does Professor Pennington agree that a target must also be set for raising as soon as possible the number of months under which those cattle can be sold into the food chain?

**The Convener:** That is nothing to do with organic targets.

**Mr McGrigor:** It is.

**The Convener:** I ask Professor Pennington to keep his answer quite brief.

**Mr McGrigor:** I ask Professor Pennington to comment on the over-30-months scheme, bearing in mind that it takes longer to grow organic food.

**Professor Pennington:** The OTMS is in place to protect public health as much as anything else, given what is known about the biology of BSE, although it is under active review. The Food Standards Agency would like to get rid of the scheme, as would everyone, as soon as we can be absolutely confident that public health will not be put at risk. It may draw in people who would say that the chance of an animal having BSE is minimal, but that is where the precautionary principle comes in. It is unfortunate that no exceptions can be made. The scheme is under active review, and people want to move away from it as soon as possible. My perception is that Mr McGrigor's points are being considered in other quarters. It is not being put to one side.

**The Convener:** That makes it 15-love to Mr McGrigor so far.

**Mr McAllion:** I want to return to the question of scientific evidence about the health benefits of

organic food—or lack of them. I do not usually sit on this committee. I sit on the Health and Community Care committee, which has been considering genetically modified crops. People are concerned that there is no evidence that GM crops are bad for their health, but that is because nobody is looking for the evidence, and no research has been carried out. Is it not also the case for organic food that the absence of scientific evidence that it is good for health does not mean that such evidence does not exist? It just means that no one has funded sufficient research into the connections between health and organic food.

**Professor Pennington:** Yes. However, there is a basic problem with getting that evidence, as there is with GM. Studies must be carried out over a very long period of time to find whether there are particular health benefits. For example, eating vegetables protects against large bowel cancer, which is a major Scottish health problem. Getting evidence about how many vegetables one should eat and interventions and so on is incredibly difficult. It is a very difficult area, which is why I said that one is often reduced to testing the food to examine its nutritional content, rather than directly examining its effect on the people who eat it. There is a real difficulty as regards the time that it takes to do those experiments. Finding controls—people who have not eaten organic and comparing them over a 40-year period with people who have—is clearly virtually impossible to do.

I fear that we will end up having vigorous debates that will generate more heat than light. One difficulty with discussing organic food and its health benefits is that the data are difficult to obtain. Analyses can be done, but where those have been done, it has been over long periods in different countries that have different organic production regimes. A big study has not been conducted that allows scientists from any camp to be confident that a consensus is emerging.

**Mr McAllion:** It remains an open question.

**Professor Pennington:** It remains an open question, but whether the major nutrients in organic and conventional foods are different is not an open question, because there is not much difference. The overall benefits of the package of nutrients in food are more difficult to examine. The organic philosophy—the holistic philosophy—is difficult to test by a reductionist method of studying one component in a food. That generates a fair amount of argument, because the holistic person says that a reductionist approach cannot be taken and that picking out little bits and saying, "That is the same, that is the same and that is the same," will not show that there is no difference. We will debate that for a long time.

**William Rose:** Carrots can be grown hydroponically with 16 nutrients. Scientists have

told me that someone who lived on such vegetables—I will broaden the discussion from carrots—would eventually develop God knows what deficiencies because their diet did not contain enough nutrients. If the uptake of a broader range of trace elements and various minor nutrients from soil is greater organically than conventionally—I am satisfied that evidence suggests that it is—it is strange that we cannot agree that organic food is often likely to be more nutritious.

**David Finlay:** The Soil Association published a review of the evidence called “Organic Farming, Food Quality and Human Health”. I am not sure of its date, but it is fairly recent. Hundreds of experiments throughout the world in the past 30 years were brought together in that comprehensive review, which Professor Pennington has probably read. I tend to fall on the side of believing it.

The report lists pesticides’ effects on neurotoxicity, endocrine disruption, carcinogenicity and immunotoxicity—that is a good word to say after a pint. As Professor Pennington said, many of those residues are at very low levels on food, but we do not know their long-term effects or how they interreact. On any day and in any week we can absorb several of those chemicals.

I was a Scottish Agricultural College adviser back in the 1970s, when we were still advocating the use of dichlorodiphenyltrichloroethane—DDT. We said that chemicals such as dieldrin, aldrin, organophosphates and organochlorines were safe to use but, 20 to 30 years later, they are off the market and unsafe. It takes that length of time to find out about that. I would be wary about rushing into the debate about safety.

We know nothing about new chemicals that are being manufactured and are entering the market. On antibiotic resistance, the World Health Organisation concluded in 1997 that four antibiotic-resistant strains of bacteria—salmonella, campylobacter, enterococci and E coli—had been transferred from livestock to humans, with serious consequences for human health. Evidence also exists for tetracycline resistance.

**The Convener:** I am afraid that I must rush to the next agenda item. Professor Pennington may say a brief word.

**Professor Pennington:** I underline that the Soil Association is an organic farming advocate. That must be taken into account when considering the review that it produced. It presents an optimistic view of health gains.

**The Convener:** I assure you that we have taken evidence from you and others in as open-minded a way as we can. The situation is always unsatisfactory, because we never have enough

time to take evidence. Other members had questions to ask and I am sorry that we have no more time—we are considerably over time.

I thank the witnesses for giving us their time and their answers. We will hear from Robin Harper again next week and everything that we have heard will feed into that. The witnesses are welcome to stay with us for as much or as little of the afternoon as they wish.

Agenda item 2 is also consideration of the Organic Farming Targets (Scotland) Bill. I welcome Allan Wilson, Deputy Minister for Environment and Rural Development, and his officials Alasdair Sim and Simon Cooper. Ross Finnie was scheduled to be the witness for this item, but he has had to go to Brussels at short notice, so I thank Allan Wilson for stepping in at equally short notice.

As always, I invite the minister to make a brief statement, which will be followed by questions. There is a memorandum from the Executive in members’ papers.

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** Thank you, convener. It is always good to renew my acquaintance with the Rural Development Committee, even if it is at short notice.

**The Convener:** I hope that you are still feeling that at the end of the day.

**Allan Wilson:** So do I.

I hope that all members have had the opportunity to read the memorandum that the Executive submitted last week. Members will agree that the memorandum sets out a strong message about the Executive’s support for the Scottish organic sector. We clearly want the organic sector to increase its contribution to environmentally friendly and, obviously, market-orientated agriculture in Scotland. In that sense, the Executive’s aspirations are not so far removed from the bill’s intentions.

I suspect that many of the bill’s supporters, including those who have given evidence, have chosen to support the bill because they want to raise the profile of the organic sector and the priority that is attached to it, not necessarily because they support its target-driven approach. I applaud that initiative and aspiration because I too believe in putting organic issues higher up the public and political agenda. However, I must agree with those witnesses who have indicated that setting arbitrary Scottish Executive targets for the amount of organic production is not the right way to stimulate growth in the sector. Others have made that point to the committee, including Peter Stewart of the National Farmers Union of Scotland and Professor Hugh Pennington.

The memorandum sets out the Executive's reasons, which I will briefly summarise, for opposing the bill's target-driven approach. We do not believe that the bill is workable as it would create a duty for the Scottish Executive to attain targets for organic production without giving it the power to actually make that happen. The continued growth of organic production must be in line with the growth of the market for organic produce, rather than with statutory targets. Organic farming is only part of the wider policy of building an environmentally sustainable agriculture industry. Therefore, although opposing the bill because of the target-driven approach to which I referred, I stress the Executive's active support for the further development of the organic sector.

15:00

At this juncture, it is worth while stating that the Executive has done a great deal to stimulate market growth. More than 7 per cent of Scotland's agricultural land area is in organic production or conversion, which represents 57 per cent of the UK's organically farmed area. The Executive's organic aid scheme, which provided for only 19,000 hectares of land in 1997, now provides for more than 300,000 hectares, and spending on that scheme has risen from £88,000 in 1996-97 to almost £5 million in 2001-02. The technical support that the Executive has made available, through the Scottish Agricultural College, to organic farmers and those interested in conversion has also been a big success.

Since last year, on the food chain side, the Executive has awarded approximately £1.45 million to organic processing plants and marketing projects, and it funded the development and publication of the Scottish Agricultural College's acclaimed report, "A Guide to the Marketing of Organic Food".

Clearly, there are real opportunities for the Scottish organic sector to increase the value of its contribution to the production of good food, which Scottish consumers and others want, and the Executive wants to help the Scottish organic sector to realise its full potential.

Members have said that, so far, the Executive's work has been good but it could be better. The bill requires the Scottish Executive to produce an action plan for the organic sector. The Executive accepted that challenge voluntarily, and the organics stakeholder group, which was appointed in September to undertake the task, is making good progress with the development of the action plan.

The group has highlighted several areas in which things could be done differently for the benefit of the organic sector. For example, it has

identified a strong case for reviewing the incentive rates for organic conversion. The group suggests increasing the incentive for conversion by offering better quality arable and improved grassland where there may be greater environmental gains and market opportunities. The group has identified a good case for better support for the advice that farmers need when considering conversion. The organic aid scheme does not provide a similar level of support to farmers who are considering conversion to the support that is enjoyed by applicants to the rural stewardship scheme.

In addition, the group is seriously considering options to maintain support for organic farmers after the conversion period and is examining further processing, marketing and research issues. The group, therefore, is undertaking a range of work to advise the Executive before the publication of the action plan.

The Executive is building on the strong foundations of its existing support for the organic sector, and it is hoped that the action plan, outlining the Executive's future support for the organic sector, will be published as early as possible in the new year. To that end, I look forward to the organics stakeholder group's advice. The bill proposes that the Executive should publish an annual report on the implementation of its action plan. Again, we voluntarily accepted that challenge.

I hope that the committee will have gathered from our memorandum and this short presentation that the Executive actively supports the development of the organic sector as a significant part of the development of environmentally sustainable, market-orientated agriculture in Scotland. The target-driven approach is not correct, but we are committed to working with all stakeholders to help to create a successful and, importantly, prosperous Scottish organic sector.

**Mr McGrigor:** We are told that other European Union countries support organic farming past the conversion stage. Will the Scottish Executive do that? Can an organics plan work without such support? Does the Executive plan to publish an organic action plan and targets? How will the Executive support the development of a sustainable organic market and supply chain in Scotland?

**Allan Wilson:** I referred to all those questions in my preamble. The advice from the organics stakeholder group, which will inform the production of the action plan, will consider production targets. We will also be informed by development elsewhere, as we are currently.

In researching for this meeting, I looked at levels of organic production in other European countries. We are very well placed, certainly on the basis of

the most recent available information. The percentage of organic production as a proportion of total production in Scotland places us at or near the top of the European league. Obviously, we want to maintain that position.

Part of the process will involve the stakeholder group looking at processes in other parts of Europe and advising us on whether we should extend our existing support beyond the five-year conversion period. We will take that advice and incorporate it in the action plan that will subsequently be produced.

**Mr McGrigor:** My concerns are due partly to the fact that, as you know, I represent the Highlands and Islands where a great number of the livestock are sold as stores through auction markets. I went to an auction market last Saturday and spoke to several farmers about the bill. They are more than happy to be part of it, but the feeling was that they would have to go to Carlisle to find a market where they could sell their produce. None of the auction markets in the Highlands is capable of following through the organic chain. Therefore, after the five-year conversion period, all those farmers would simply be forced into going back to conventional farming.

**Allan Wilson:** From my involvement in Ayrshire, I am familiar with the requirement to develop markets for the finished product nearer to home than Carlisle. We hope that the advice from the organics stakeholder group will address some of those market-related problems and come up with solutions that might be incorporated in the action plan to better stimulate both the demand and supply sides where store lambs require to be finished outside the Highlands.

**Mr McGrigor:** The difficulty is that every store farmer would have to find an organic finisher to buy his products. While that will not make the entire exercise pointless, it will make it extremely difficult to run in any cohesive way.

**Allan Wilson:** The issue is about seeing the supply chain through to meet market demand. With lamb and other organically produced produce, remedial action requires to be taken to address breaks in the supply chain. Whether that is market action, Executive action or market action that can be stimulated by Executive action, we would hope that it is incorporated in the action plan.

**Richard Lochhead (North-East Scotland) (SNP):** I have two questions, the first of which relates to your opposition to a target-driven approach, which is mentioned in your submission. I can see where the Executive is coming from with its opposition to targets that the Executive will have to meet being set in legislation. Will the action plan contain specific targets? If so, what will

they be? If you are to produce an action plan, I presume that you want to get somewhere with it. Where do we want to get to?

**Allan Wilson:** The Executive memorandum makes it clear that we oppose taking a target-driven approach to developing any sector in which the ability to attain targets is outwith our power. That is because, as much as anything else, we want to avoid bad legislation. In general, we would not encourage such an approach in legislation. It is obvious that an action plan should be a means of getting from where we are to where we want to be and it should include a step change in methodology for so doing. In that context, I hope that the organics stakeholder group can advise us on the best methodologies to get us from where we are to where we want to go, and on the ultimate destination.

**Richard Lochhead:** Do you envisage there being targets in the action plan? Will there be percentages?

**Allan Wilson:** I envisage advice from the organics stakeholder group. The group is considering many things, such as the percentage of land that might be devoted to organic production as a proportion of total land and the means and methodology by which we might reach that objective. I will have to wait and see what the organics stakeholder group says.

**Richard Lochhead:** My second question relates to paragraph 12 of your submission, which states:

"The Executive works closely with DEFRA on the UK's overall research effort on organic farming, and contributes around £500,000 a year to this effort."

Previous witnesses—Professor Hugh Pennington in particular—referred to the lack of research on the health qualities of organic food. How much does DEFRA spend as a whole on research? The submission states that the Executive contributes around £500,000. What research is that money earmarked for?

**Allan Wilson:** Off the top of my head, I could not say what the statistics are. However, I refer you to paragraph 15 of the submission, which deals with research in general. The organics stakeholder group is considering what the Executive can do to support research to help the development of the organic food chain. I will let Alasdair Sim respond to your query about health, if that is okay.

**Alasdair Sim (Scottish Executive Environment and Rural Affairs Department):** The Food Standards Agency has been particularly interested in the health qualities of organic food and is planning a programme of research to evaluate assertions of health benefits or otherwise from organic food. Last month, the FSA held a conference on the subject. The programme of

research is the main instrument through which work will be progressed.

On how we stack up in relation to the rest of the UK, I cannot give an exact figure for DEFRA's research budget off the top of my head, but we at least slightly more than proportionately pull our weight in contributing to research effort. I cannot tell the committee the exact research catalogue, but we are looking at technical and evaluative matters and can give you information later, if the committee would like it.

**Richard Lochhead:** That would be helpful. When I last looked at the statistics, Scotland was not necessarily the healthiest country on the planet. We are a food-producing nation and it might be sensible to link the two issues together and find out whether there are major health benefits and where we should direct our research funding.

15:15

**Allan Wilson:** Generally speaking, we would support any research that contributes in any way to making us a healthier nation, whether indirectly, in relation to organic food or in other areas.

**Elaine Smith:** I want to question the minister further about targets, which seem to be the Executive's main objection to the bill.

In your preamble, as you called it, and in response to Richard Lochhead, you mentioned the Executive memorandum, in which you talk about not supporting the bill because it is target driven. Paragraph 18 of the memorandum says that the bill

"creates a duty for the Scottish Executive to attain targets for organic production even though the attainment of these targets is outwith the Executive's power."

In the light of some the evidence that we have heard, will you comment on whether attaining the targets would be entirely outwith your power? For example, there are subsidies that you can move around. Will you also comment on why setting targets for renewable energy is different? What are the differences between targets for organic farming and targets for renewable energy?

**Allan Wilson:** That is a good question. Part of the answer is that we have a mechanism in the Scottish renewables obligation to stimulate market demand, which compels consumers to source a percentage of their supply from a particular form of renewable production. The same mechanism does not exist to change the method of production to compel producers to produce organically as opposed to non-organically.

Many of the levers and mechanisms that might be used to stimulate growth in demand for an organically produced agricultural product would

not be readily available to us, if we wished to exercise them. As the memorandum makes clear, we could therefore have a mismatch between supply and demand. Supply could outstrip demand, with adverse consequences for the producer.

Adopting a target-driven approach could bring about an excess of supply of organic produce in relation to what the consumer demands. That would have an adverse effect on the premium and on the producer's prospective profit. We must tie up supply and demand. There would, therefore, be little sense in us adopting a target-driven approach that addressed supply without adequately addressing demand.

**Elaine Smith:** Some of the suppliers think that the playing fields could be more level. There are, as we mentioned last week, different ways of influencing demand. One of the main issues on organic food is probably price and there could be ways to influence that.

Further down the Executive memorandum, in paragraph 19, you say:

"Whatever incentives the Executive may offer, high targets for organic conversion will not be achieved unless farmers believe that their best economic choice is to convert their land to organic status, and the targets will therefore be unattainable if market conditions do not support increased organic production."

That is what you have just said to me. Will you comment further on the words:

"unless farmers believe that their best economic choice is to convert their land to organic status"?

Does it all come down to economic choice? Are there no social—if that is the right word—reasons for turning to organic farming? Are there no ethical or environmental reasons? Is it purely a matter of economics?

**Allan Wilson:** If one believes in the market economy and the market-orientated approach to agricultural or any other form of industrial production, consumer choice is an important feature. A Soviet-style planned system—with five-year plans that set out the proportion of production that had to be organic—could be adopted, but that is not an option that is readily supported by many.

If we take the market-orientated approach and eschew compelling people to produce organically, the demand factor becomes critical to having a financially viable product. If the supply side were over-stimulated, that would force down prices and the premium will not be available. Organic farmers would find it difficult to make a living solely from organically sourced products.

**Elaine Smith:** We debated this subject in part last week, when I referred to different economic systems, although we did not quite manage to get



into the debate. It is not just about the market and whether subsidy is involved.

**The Convener:** Let me draw the minister a little further on the supply and demand argument.

You mention your pride in the fact that more than 7 per cent of Scotland's land is now organic. The fact is that an awful lot of that land has not been targeted and is producing an end product for which there is no market. I refer specifically to the hill land that has come under the organic aid scheme, which was driven principally by the economic low in those areas and by the fact that attempts were being made to source any available income stream.

The same applies to the dairy sector: there is now a large amount of organic milk that cannot find a market. Surely if the original organic aid scheme had been targeted in the way that some producers suggest it should have been, that would have overcome the problem.

**Allan Wilson:** I am making the argument for a market-orientated approach. Any form of subsidy that distorts that market runs the risk of creating an excess of supply over demand. That point is well made in the Executive memorandum.

Subsidies can be moved around, and we would expect the organics stakeholder group to advise us on that in relation to the action plan. That could be done to fill gaps in the supply chain, and it is a legitimate exercise where market opportunity can be created or exploited by more judicious use of subsidy. However, it is not a risk-free exercise, as it would be difficult—some might argue impossible—to second-guess the market.

**The Convener:** I might have to come back to you on that, once I have worked out your answer.

**Rhoda Grant (Highlands and Islands) (Lab):** When we received evidence from the National Farmers Union of Scotland last week, we were told that there was no committee that dealt with organics. It strikes me that there is nowhere in Scotland where people who farm organically or who have an interest in becoming involved in organic farming can meet to set up networks. There is no way for farmers in the Highlands, who might want contacts with lowland farmers for finishing animals, to set up such networks.

**Allan Wilson:** That point follows from the difficulty with the supply chain, to which Jamie McGrigor and others have referred. As I understand it, the Scottish Organic Producers Association is trying to achieve precisely what Rhoda Grant has described, and I suspect that the stakeholder group might wish to advise us so that the action plan can address those problems.

**Rhoda Grant:** One of the problems that is faced by the same group of potential organic farmers

from the Highlands and Islands is finishing off animals. We heard last week that, if stocking levels were cut dramatically, it might be possible to consider finishing off animals in the Highlands and Islands.

Unfortunately, most of the subsidies that are available to farmers and crofters tend either to be on a headage basis or to contain a stocking density element. That cuts the income for several years while the transfer to organic farming is made and is a disincentive. Considering the support that is available in other countries, even England, how can we address those issues?

**Allan Wilson:** The incentive side of the equation is one aspect that the stakeholder group and, subsequently, the action plan will address.

**Fergus Ewing:** I want to ask about the imports of organic food. I think that I am right in saying that we import about two thirds of all the organic food that we consume. I see nodding heads from the minister and his team. He said earlier that we have a good record in the proportion of organic food that we import. Which EU states have a worse record?

**Allan Wilson:** I said that we have a good record in organic production and the percentage of land used for organic production. Scotland is up there among its EU competitors in that regard.

**Fergus Ewing:** In that case, do you agree that we have the worst record in Europe on the proportion of imported organic food?

**Allan Wilson:** We have made it clear that there is a demand for products that cannot always be satisfied domestically, for climatic as well as other reasons. However, I am not saying that there are no market opportunities that could be exploited domestically or that an action plan prepared by us could not help in that regard.

**Fergus Ewing:** The organic food and farming targets bill campaign told us that France imports 10 per cent of its organic food, Denmark 25 per cent, Sweden 30 per cent, Austria 30 per cent and Italy 40 per cent. Germany, Spain, Belgium and the Netherlands—not noted for tropical fruit production—all have better records than we do. Why are we falling behind?

**Allan Wilson:** Would your solution be import controls? I have already said that we have a market-oriented approach to supplying the organically produced products that the consumer demands. In certain sectors, we can compete equitably with other countries in the EU, but in others—including fruit production, for example—it would be difficult for us so to do. There will inevitably be an exchange of goods, whether they are organically produced or not, between EU countries. Short of having some sort of control

economy, we have to adopt a market-driven approach to any trade imbalances that may arise as a consequence.

**Fergus Ewing:** You mention the market-driven approach, but is not one reason why the imports of organic foods are higher in the UK than the other states that I mentioned that other EU states give a far better deal to producers of organic food? For example, horticulture payments for organic producers in the UK are about £70 per hectare per year for five years. In Sweden, the comparable figure is £534, according to the authority that I just mentioned. The deal for Swedish producers is seven or eight times better than the deal for producers in the UK. How do you explain the poor deal that organic farmers get? Do you accept that it is not entirely a matter of the market, but one of different subsidies and the lack of a level playing field across the EU?

**Allan Wilson:** There were a few questions in that, but I do not accept your basic premise that organic farmers in Scotland or the UK get a poor deal. Different approaches will be adopted in different member states. Part of what we expect the organics stakeholder group to do in advising us on the action plan is to consider how subsidies affect production, supply and demand and whether they might be better targeted to exploit market opportunities.

We are talking about a market-oriented approach. Around 7 per cent of our farming land is used for organic production, which is in excess of the proportion for most of our European competitors. That has been achieved voluntarily by the organic producers. Those facts do not suggest to me that the general incentives for organic production are any less favourable here than they are in the rest of the European Union. If they were, we would not have such a high percentage of land used for organic production.

15:30

**Fergus Ewing:** It is a little extravagant for the Government to claim credit for that. Given what we heard from Mr Rose and Mr Finlay, the credit for producing organic food should go to the producers, despite the unlevel playing field.

**Allan Wilson:** It was you who suggested that the percentage of organic production in any member state is a direct consequence of the subsidy that might be available.

**Fergus Ewing:** Plainly, organic production in other EU states receives differential and higher rates of subsidy. With other support, such as that for beef suckler cow and direct support for production, the figure per unit is the same throughout Europe. That is not the case for organic, so there is an unlevel playing field. You

said that Scottish farmers are not at a disadvantage. However, the fact that other EU states make post-conversion payments but we do not is a simple and clear example of Scottish organic producers being at a patent disadvantage to their competitors in Europe, who receive post-conversion payments.

**Allan Wilson:** I understand that not every member state makes those payments, although that is the case generally. As I said in response to Mr McGrigor and others, we expect the stakeholder group to advise us on that issue and, potentially, we will include it in the action plan that we will produce next year.

**Fergus Ewing:** We await that.

**Mr Alasdair Morrison (Western Isles) (Lab):** I will endeavour to put the discussion back on a positive footing. I welcome what the minister outlined, particularly the action plan, as I welcome anything that is proposed to support the organic sector. I urge the minister to appreciate, in what he is doing, that there are different types and sizes of producer. I represent crofters, not the great farming communities that exist in other parts of Scotland. For many crofters in places such as South Uist, North Uist and Benbecula, the conversion to organic production would be simple and straightforward. They would merely have to revert to the practices of 20 or 25 years ago, when few—if not none—of the crofters used artificial fertilisers or sprayed crops with weird and wonderful chemicals.

As other members have mentioned, the important point is that the health of the nation and the food that we produce are linked inextricably. Incentive rates for conversion are important for big-time farmers, but it is also important that the incentive rate is applicable to and can easily be accessed by small-time crofters and communities or villages that work collectively.

I want the minister and the Executive to appreciate that organic farming presents us with a wonderful opportunity to revitalise an industry. I know that there have been links between my constituency and the minister's as a result of seaweed. Traditionally, until a few years ago, seaweed was cut in the islands and transported undried—wet seaweed was taken across the sea—to Irvine. We have a wonderful opportunity to increase the amount of organic produce and to allow those outwith the Hebrides to access a ready-made, renewable source of fertiliser.

**Allan Wilson:** I accept and welcome that statement. You have identified opportunities that a judicious approach to organic production offers farmers and other producers, not only in your constituency, but throughout Scotland. Direct use of the subsidies that are available is one method

by which some of the breaks in the supply chain that have been referred to can be addressed. The other side of the issue is demand management, which we can discuss. That would also influence the ultimate supply side.

Given the other payments and subsidies in the sector, it is important to bear in mind the fact that, when demands are made to extend the period of assistance for organics, to increase payments or to make other concessions to the supply side, that money must come from elsewhere in the agri-environment budget. We must make the best and most judicious use of the available resource. We will be seeking advice from the stakeholder group on that. In that context, we will bear in mind what you have said.

**Elaine Smith:** I have a brief question on the Executive's memorandum. Paragraph 3 mentions EC regulations, which define minimum standards for organic production. Those include

"prohibition on the use of genetically modified organisms in any way."

Does promoting organic farming have any impact on genetically modified crop trials? Is there a link?

**Allan Wilson:** As the paper makes clear, there is only a link in so far as there are minimum standards of what constitutes organic production, one of which is the prohibition of the use of genetically modified organisms.

**The Convener:** I thank the minister and his officials for coming. I am aware that he stood in at very short notice, for which I am grateful. We will have a short break before moving on to the next item on the agenda.

**Elaine Smith:** Just before we suspend, I want to clarify whom Professor Pennington was representing.

**The Convener:** He was here as an individual.

15:37

*Meeting suspended.*

15:48

*On resuming—*

## Subordinate Legislation

### Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003

#### Cairngorms National Park Elections (Scotland) 2003

**The Convener:** I thank everyone for returning so quickly. I welcome to this part of the meeting John Swinney and Keith Raffan. I also welcome Margaret Ewing—I knew that you were coming, but I did not see you. I apologise. The fact that I did not include you in the first welcome merely strengthens my second welcome to you.

**Mr McGrigor:** Flatterer.

**The Convener:** I hope so.

We are considering the draft designation and election orders for the proposed Cairngorms national park. Before moving to formal consideration of the orders, the committee will take evidence from Perth and Kinross Council.

I welcome Roland Bean, head of forward planning, and Hugh Anderson, the convener of the planning committee. We are on a tight schedule. We have received your written submission. I ask you to make a brief statement, after which I will invite questions from members.

#### Roland Bean (Perth and Kinross Council):

Perth and Kinross Council is grateful to have the opportunity to speak to the committee today, even at this late stage in the process. I have been reading the *Official Reports* of the committee's recent meetings and commend the convener for the way in which the committee has gone about gathering evidence. I commend the committee for its questioning of witnesses and for focusing on the key questions of boundaries and powers.

Perth and Kinross Council completely supports the committee's position to date, as expressed in the convener's letter to the Deputy Minister for Environment and Rural Development of 14 October. The council supports the committee's suggestion that the park boundaries should follow those proposed by Scottish Natural Heritage and that planning powers should rest with the local authorities. Our basic plea is for the committee to keep the faith and continue to pursue that line in respect of the park orders.

The Deputy Minister for Environment and Rural Development's reply to the committee, which is included in the papers for today's meeting, seems

to give no justification for the decisions that he has taken, and neither does section 6(6) of the National Parks (Scotland) Act 2000. It could be argued that the lack of justification is understandable, because there is no reasonable justification for the exclusion of Perth and Kinross. No doubt the minister will argue that the issue is one of time scale; he will say that we get this order or no order. He might also say that if the order is rejected, there is no guarantee that a new order will be introduced and when.

Our view, which we think many of the non-governmental organisations share, is that it is more important to get the order and the boundaries right than it is to have the order passed today or tomorrow. Indeed, it is particularly important to get the boundary right. Powers may be adjusted over time, but the boundary is bound up with board representation—if the boundaries were to be changed the composition of the board would also have to be changed.

Rejection of the order would give the committee two other benefits. First, as previous witnesses have explained, if the park's establishment date is put back until after 1 May 2003, it will be easier for local government nominees to take their seats on the board. If they are appointed in late March and things go wrong for them in the May elections, serious problems will result for the board in the early days of its establishment.

Secondly, a review of the order will give an opportunity for some of the planning problems to be sorted out. The committee has a paper from the Transport and the Environment Committee, which explains its concerns and asks whether the powers under the order are clear. I do not think that the powers are clear. I add that, if the order is to be withdrawn, it could easily be redrafted to include Perth and Kinross. Obviously, if the Parliament re-examined the planning powers, the process would take longer, but that might be worth doing.

I understand the Executive's commitment to the establishment of two national parks in Scotland. The first has got off to a good start. I was involved in the working group that set it up. As the process progressed, increasingly consensus was reached on the boundaries and on what the park was about. If we are to be honest, the Cairngorms national park has produced more difficulties—right from the start, the viewpoints were polarised. As we have moved through the process, we do not seem to have reached consensus on the park's boundaries or the powers that the park should have.

It does not seem a good idea to proceed with the present proposals. To do so would set the park off on the wrong basis and would be bad news for the Executive, Perth and Kinross, the Cairngorms

and Scotland. We urge the committee to stick to its view that the draft order is not acceptable and does not reflect the views of SNH as reporter.

**The Convener:** Thank you. Given that we have 22 minutes until the end of the session, I will move straight to members' questions.

**Stewart Stevenson (Banff and Buchan) (SNP):** What weight should the minister give to the balance of opinion in the 463 responses? My analysis shows that a mere 33 considered the boundaries to be fine and a further 11 suggested that the boundaries should be restricted, which leaves the overwhelming majority. It is interesting to note that the seven NGOs, of which Perth and Kinross is one, were strongly in favour.

Response 351, which is from the Loch Lomond and the Trossachs National Park Authority, expresses considerable concern about the Government's draft order. Even the likes of the Scottish Landowners Federation, which submitted response 391, has expressed concern about the restricted size of the park and the failure to observe SNH's recommendations. What weight should the minister place on the result of the consultation and on the numbers that I have just quoted?

**Roland Bean:** He should place considerable weight on them. Section 6 of the National Parks (Scotland) Act 2000 states that, in coming to a decision, the minister must have due regard to the conditions and aims of the park and to the report that is produced by the reporter. One of the fundamental things that the minister must address is the advice that the reporter gave him, which obviously included the results of a large and impressive public consultation.

**Stewart Stevenson:** I am anxious that my colleagues should also be able to ask questions, so I will ask only one other simple question. Do you understand the basis upon which the minister has drafted an order that so restricts the area of the national park and deviates from SNH's recommendations?

**Roland Bean:** No. As I said in my opening statement, the minister gives no explanation. His November letter explains in detail the reasons for putting in all the bits that have been included, but he does not mention why he excludes Perth and Kinross. Equally, the section 6 statement, which is supposed to summarise the minister's views, does not mention why Perth and Kinross has been excluded. The minister mentions that certain peripheral areas have been excluded, but I do not consider Perth and Kinross to be an area that is peripheral to the park, so I doubt that he can be talking about that.

**Mr John Swinney (North Tayside) (SNP):** I thank the committee for allowing me the

opportunity to pursue some points of constituency interest.

First, I would like the representatives of Perth and Kinross Council to confirm a significant point that is made in their written submission and which has been mentioned briefly in commentary. At this stage, are the park boundaries of greater significance than the definition of planning powers? We would do well to hear more about that point.

Secondly, paragraph 8 of the council's written submission makes an important point about the way in which the draft order's proposed boundary would have the effect of cutting in half areas of identical geography and topography. Will the council representatives explain how that will affect their statutory responsibilities for the management of the areas that would be arbitrarily split in half?

Finally, what assessment has the council undertaken of the negative impact that the exclusion of highland Perthshire from the national park would have on that locality within Perth and Kinross?

**Roland Bean:** Although Perth and Kinross Council has strong views on the planning powers, we take the view that the boundary question is more important. Planning powers change over time: the new review of strategic planning that ministers have just undertaken will change structure planning and the new planning bill may change other forms of planning. The boundary is crucial because it is tied up with representation. In other words, if Perth and Kinross is included in the park, Perth and Kinross gets a seat on the park board, which means that someone else loses a seat. As the maximum size of the park board has been set at 25, it is clear that the park board would be affected by any subsequent boundary changes. Presumably, boundary changes would also affect things such as direct elections. That is why we—and, I think, the non-governmental organisations—believe that the boundary is crucial. Planning powers will change, but we need to get the boundary right now.

16:00

On Mr Swinney's second question, map 2 in our written evidence indicates where the southern boundary of the proposed park runs. It runs along the administrative boundary of Perth and Kinross Council, which follows the watershed, but it cuts right through the Drumochter hills, a site of special scientific interest and a Natura site. The question is, will the dotterels and the snow buntings recognise the boundary? Equally, the boundary cuts through another Natura site at Caenlochan on the A93, which is important for eagles and snow buntings and for its vegetation. The sites are of European importance and need to be managed carefully.

It seems bizarre that the boundary has been drawn to follow the administrative boundary rather than a more coherent one. The area between the A9 at Blair Atholl and Dalnacardoch and over into the Forest of Mar and Gaick is one that I know well. I have cycled and walked the Minigaig pass, the Gaick pass and Glen Tilt and can say that there is no change in the character of the landscape, its wildness or the nature of the area's conservation interests. The land is coherent and features some of the wildest areas in Scotland. You are less likely to meet someone there than you are on the top of Ben Macdui. It seems to me that the area should be dealt with as a whole and that the land should be managed by one authority.

On the impact assessment, the SNH report makes references to the highland Perthshire community partnership, which is concerned about the highland Perthshire region because it lies between the two national parks. A small amount of Perth and Kinross is in the national park at St Fillans, but Loch Tay, Loch Tummel and Loch Rannoch will be between two national parks. SNH commissioned a study on the impact of the parks on the areas around them, which was recently produced by a firm called Land Use Consultants. However, we do not know what the impact will be on the area and we will have to consider the report further. We are concerned that development will be pushed out of the park and into our area. I have a theory that it would be possible to draw a line around the Loch Lomond and the Trossachs national park by plotting the position of proposed wind farm sites, as all the farms have been carefully placed to just avoid the park.

Furthermore, what are called economic wind shadow effects might be caused by people driving up the A9 and not stopping. The council and the area tourist board are examining ways of marketing highland Perthshire and promoting its unique attractions and we are conscious that we will be badly affected by being on the borders of two national parks.

**Rhoda Grant:** You will no doubt be aware that the committee carried out an inquiry on the proposed designation order. Why did not your council make a submission to the committee on the draft designation order?

**Roland Bean:** We went through the normal channels and wrote to the Executive. Because SNH had stated that there was a strong case for the inclusion of Perth and Kinross, it never occurred to us that we would not be in the park, so we relied on the more conventional consultation procedures.

**Rhoda Grant:** But the DDO that we considered did not include Perth and Kinross.

**Roland Bean:** Oh, sorry; you are talking about the draft designation order. We certainly wrote to ministers at that point and had meetings with the Executive about it.

**Rhoda Grant:** But you did not make a submission to the committee.

**Roland Bean:** No, we did not.

**Rhoda Grant:** Why?

**Roland Bean:** It is perhaps for my convener to answer that, but the intention was that contact would be made with MSPs and ministers. In a sense, it was slightly out of my hands at that point.

**Rhoda Grant:** So you did not use the parliamentary process.

**Roland Bean:** No, we did not, but perhaps we should have.

**The Convener:** I point out that we did not go out looking for submissions; perhaps we should have done.

**Rhoda Grant:** Yes, but all the other councils that were involved gave us submissions and were aware that we were taking evidence.

Comparisons have been drawn with Loch Lomond regarding the evidence that SNH took and how the park was eventually formed. The park in Loch Lomond and the Trossachs is not identical to the one in the SNH findings that resulted from the consultation.

**Roland Bean:** Yes. If I recall correctly, it is bigger in some places. For example, the Killin area was added after the draft designation order stage.

**Rhoda Grant:** So your argument is not that what SNH comes up with should be carried out.

**Roland Bean:** To be honest, I cannot remember how SNH viewed the Killin area. In other words, I cannot remember whether it felt that the case for including the area in the park was strong or weak. I do not think that we can necessarily make comparisons between Killin and the Blair Atholl area, because I cannot remember what the scoring was for the Killin area. From recollection, I think that the case for whether it should be included or excluded was more marginal than is perhaps the case with the Blair Atholl area. Equally, there were others parts around the Lake of Monteith that people were quite keen should be in the park, which, if my memory serves me correctly, ended up not being in the park.

**Rhoda Grant:** But the designation order and SNH's plan were not identical.

**Roland Bean:** Absolutely.

**Fergus Ewing:** I will raise two issues. First, as we know, SNH was asked by the Executive to

produce its report and recommendations for the park and, in particular, for its boundaries. We heard from Murray Ferguson of SNH at our Kingussie meeting that the cost of that exercise was £0.25 million, and that more than 30 SNH staff were involved. We would all agree that the result was a substantial piece of work. In that piece of work, a key aspect was the assessment of each of the areas and proposed units by reference to the criteria that were laid down.

I have the National Trust for Scotland to thank for comparing some of the sub-units in the park with parts of highland Perthshire that have been excluded. We see that some areas that are now to be excluded, such as Upper Glenshee, Kirkmichael and Atholl, have 11, nine and 11 points, but some areas that are either included in the park or are included in part, such as the Glen Truim triangle, Strathmashie and part of Dava Moor, have eight, seven and eight points. How can the Executive justify that? Can you shed any light on its reasoning?

**Roland Bean:** No, I cannot. I am further concerned that when Allan Wilson gave evidence to the committee on 1 October, he said at column 3496 of the *Official Report* that he had omitted some areas that SNH scored highly on natural heritage grounds but less highly on other grounds. Atholl, which is sub-unit 17, scores "Significant" under condition 1, which relates to the area's importance for natural and cultural heritage. Under condition 2, its score is "Partial" and under condition 3 it scores "Significant". In contrast, Glen Truim, which Fergus Ewing mentioned, scores "Minor" under condition 1, "Partial" under condition 2, and "Partial" under condition 3. Allan Wilson's evidence was not entirely correct, if I read the results correctly.

**Fergus Ewing:** So the conclusion that he has reached on the boundaries drawn in the DDO conflict with the rationale that he described when he gave evidence.

**Roland Bean:** Yes; that is my understanding. I come to no conclusion on how he could have made the judgments that he has made based on the SNH evidence. There might be other evidence.

**Fergus Ewing:** The minister will come before us shortly, so no doubt you will have an opportunity to describe the rationale. I hope that he is listening to your evidence. He is not here, but perhaps he will indicate later whether he listened to your evidence.

The second point that I want to raise is about the issue of a buffer zone. As drawn, the boundary is in a vast expanse of wilderness, lying slightly to the north of An Sgarsoch, a mountain on which I got lost some years ago—it is fortunate that I found my way home.

**The Convener:** I think that some might disagree.

**Fergus Ewing:** I thought that members would rise to the debate.

The issue that the National Trust for Scotland and many other organisations have raised is that the world heritage status will be imperilled unless there is a buffer zone around the massif. That is very serious. We all want our national parks to achieve the top status, and there might be many benefits, not least from tourism, in our being able to say that we have world-class national parks. Is it Perth and Kinross Council's view that the lack of a buffer zone caused by the aberration of a boundary that excludes Perthshire might well imperil the attainment of world heritage status for Cairngorms national park?

**Roland Bean:** The exclusion of the lower ground buffer zone is a fundamental mistake in protecting the integrity of the Cairngorms. I do not know enough about world heritage status criteria to be able to say that I think that what you suggest is true. The National Trust for Scotland might have a point, but I do not know enough to be able to say that it is right.

**Fergus Ewing:** You are an honest man indeed. The National Trust for Scotland informed us that the WHS guidelines state:

"The boundaries should include sufficient areas immediately adjacent to the area of outstanding universal value in order to protect the site's heritage values".

It is plain that that is the National Trust for Scotland's view, which would be another reason for including such magnificent parts of Scotland as Beinn a' Ghlo, Glen Tilt and the forest of Atholl.

**Roland Bean:** If the guidelines to which you refer are the test, it is my professional judgment that the proposed park would fail the test.

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** I thank the committee for allowing me to ask a couple of brief questions. I support the points that both John Swinney and Fergus Ewing have made. I want to follow up the point that Fergus Ewing made about SNH, the 29 sub-units and their evaluation according to the three criteria.

I welcome, and indeed campaigned for, the inclusion of the heads of the Angus glens, but it is quite clear that they score the same as or lower than do parts of highland Perthshire that have been omitted. By including the heads of the Angus glens, the minister undermines completely his case for excluding highland Perthshire.

**Roland Bean:** I think that that is true. It is also true of the Laggan area, because units there also score lower than do parts of highland Perthshire.

**Mr Raffan:** Perhaps the order will be defeated or perhaps the minister, in showing the humility that we are used to from ministers, will admit that he is wrong and withdraw it, so that he is not forced into defeat, which I would like to see. Is it your legal advice that, if that happened, the order could be relaid very quickly and we would not have to go through the consultation process right from the beginning again? We are talking about a delay of a few months. Perth and Kinross Council and all the NGOs believe that a delay of a few months is better than having the wrong park.

**Roland Bean:** I would not have thought that a delay would have to be as long as that, although I am not a lawyer. From my reading of the act, I am not clear how far back we would need to go. I am not clear whether we would need to go back to a new draft order stage.

**The Convener:** Last week, I asked the clerks to get legal advice on the issue, which is something that we will bring up with the minister. If the order were withdrawn and reconsidered, the advice is that there is no need to go back through a full consultation process if an area has already been consulted. We will address that issue again.

**Roland Bean:** That is helpful to know.

**The Convener:** Jamie McGrigor has a final question.

**Mr McGrigor:** My questions have all been asked, convener.

**The Convener:** Oh, heavens above. That is a wonderful situation to have arrived at.

I thank both witnesses for attending and for answering our questions. We will hear shortly from the minister, and I am sure that you will want to hear what he has to say.

**Hugh Anderson (Perth and Kinross Council):** Thank you very much for allowing us to have our say. We have formed a rainbow alliance of Liberal Democrat, Labour, SNP, independent and Conservative members to put forward Perth and Kinross Council's unanimous view that the park boundary should be reconsidered to include Perth and Kinross.

**The Convener:** Thank you. Sometimes the committee achieves such a ray of political agreement itself.

16:15

*Meeting suspended.*

16:17

*On resuming—*

**The Convener:** I welcome for the second time today Allan Wilson, who is still the Deputy Minister

for Environment and Rural Development and who is here to discuss with the committee two statutory instruments that have been laid under the affirmative procedure. Copies of the orders have been circulated to members. I also welcome Andrew Dickson and Ian Duncan, who are accompanying the minister.

As both orders are under the affirmative procedure, the Parliament must approve them before their provisions come into force. I remind members that the Executive has provided a statement on the consultation on the draft designation order, as required under the National Parks (Scotland) Act 2000. That statement was sent out with the agenda.

The Subordinate Legislation Committee reported on the draft designation order in its 42<sup>nd</sup> report and brought no comments to our attention. However, it made a number of comments on the draft Cairngorms National Park Elections (Scotland) Order 2003 in its 43<sup>rd</sup> report, an extract of which has been sent to members.

Finally, we received a submission from the Transport and the Environment Committee, which, as the secondary committee, took evidence on the orders last week. Members might have received that only at a late stage, because of the e-mail problems that were caused over the weekend by the fire.

Two motions in the name of Ross Finnie invite the committee to recommend to the Parliament that the two statutory instruments be approved. Fergus Ewing lodged an amendment to motion S1M-3621 on the draft designation order and I have selected it for debate. John Farquhar Munro also lodged an amendment—yesterday—to that motion; his amendment appears in the revised agenda that was issued today.

Before we debate the motion and the amendments, we will follow our usual practice of having a session with officials—who cannot participate in the debate—so that they can clarify any purely technical matters or provide explanations of detail. I assume that the minister would like to make an opening statement at this point, although he might wish to save it for the debate. I am keen that members ask as many questions as they wish before we enter the debate. Once they have obtained all the clarification and explanation that they require, we will move to the debate on the motion.

**Allan Wilson:** As ever, it is a pleasure to appear before the committee. I am pleased to present the two draft orders that are necessary to establish Scotland's second national park—the national park for the Cairngorm area. Earlier in the year, I had the privilege of presenting to the committee the draft orders to establish Scotland's first

national park. I welcomed the committee's positive consideration of those orders, which led to the establishment of the Loch Lomond and the Trossachs national park. I hope that the committee will feel able to reach a similar conclusion on our proposals for the Cairngorms.

It is some time since we produced proposals to establish a national park in the Cairngorms. In September 2000, we asked Scottish Natural Heritage to report on the proposals that we had drawn up. SNH consulted over a period of 20 weeks and received some 850 written responses. It estimates that a further 3,000 people participated in the consultation process in one way or another. I am pleased to put on record our appreciation of the thoroughness of that process.

SNH submitted its report to the Scottish ministers in August last year. The report's recommendations raised a number of important issues that required our detailed consideration. That resulted in the publication, in May this year, of the Executive's consultation document on our proposals for the national park's designation. That consultation process, which lasted for 14 weeks, was accompanied by a number of meetings—in which some committee members were involved—and discussions with interested groups. Almost 500 responses were received as part of the consultation.

I will outline briefly the outcome of the consultation. The responses that we received have been summarised in the schedule that the convener referred to. Some respondents commented on more than one issue. It is not surprising that the major areas that attracted comment were our boundary proposals and the intended allocation of planning powers.

On the boundary proposals, concerns were expressed about the number of minor adjustments in our original proposals. As we discussed on a previous occasion, it was argued that they had resulted in the splitting of communities or particular geographic features or, at a more strategic level, in areas of major natural heritage value being left out. We considered all the arguments and, as the committee knows, we have acted. Our revised proposals, which are contained in the draft designation order, show several significant changes to the area that we proposed originally. In particular, Laggan and Dalwhinnie, most of Glenlivet, Strathdon and the heads of the Angus glens have all been added to the park area. Our proposals mean that the area that we proposed originally will be extended by more than half as much again. The park area will now extend to some 3,800 sq km, which is roughly twice the size of the Loch Lomond and the Trossachs national park. That will make the Cairngorms park easily the biggest national park in the UK.



I am aware that we have, unfortunately, not been able to accommodate everyone who wishes to be in the park. Determining the exact boundary is a matter of judgment. I have sought to ensure that we establish a park that will make a difference and that will, crucially, meet the criteria set down in the National Parks (Scotland) Act 2000—criteria set for me by the Parliament. The area must have a distinctive character and a coherent identity and I believe that the area we have now included within the park can achieve those aims. That is certainly our objective.

In recent days, there has been a deal of criticism of the order because we have not included highland Perthshire in the park. It has been pointed out that some of that area was assessed by SNH as being of greater natural heritage quality than areas elsewhere that we have included. As I said, I am grateful to SNH for the painstaking way in which it carried out the analysis of the area as a potential building block for the park. That process is not an exact science: a large element of judgment must enter into the final decision. We are looking for a coherent and workable boundary. In order to achieve that, we have included small areas that were assessed by SNH as weak, such as areas in the Glen Truim triangle.

In that context, it is entirely legitimate to take into account the structure of the governance of the park, which is set out in the act. That requires the national park authority to include members appointed on the nomination of all the local authorities, any part of whose area lies within the park. The inclusion of highland Perthshire would have involved five local authorities. In my view that would have complicated the co-ordination of the work of the park authority, particularly the smooth discharge of its functions in relation to local plans.

As I indicated, our proposals for the allocation of planning powers attracted a considerable volume of comment during our consultation exercise. Most of the 300 responses that were submitted on planning issues favoured the park authority having the same planning powers as those enjoyed by Loch Lomond and the Trossachs national park. We considered that suggestion carefully, as I said we would the last time that I met the convener. We were conscious of the fact that there had been a history of joint working on planning issues in the Loch Lomond and the Trossachs area and that there was a clear agreement that the arrangement should continue. That was not the case in the Cairngorms where, as the committee knows, views on responsibility for planning powers were much more polarised.

There was no easy solution to that problem—I believe that the Rural Development Committee was not able to come to a unanimous opinion on the matter. SNH proposed a compromise

arrangement and we have tried to identify a solution that recognises the legitimate interests of local authorities and the national park authority. Our proposals will give responsibility for producing a local plan to the park authority, so there will be a pan-park plan. The local authorities will retain development control and—as with Loch Lomond and the Trossachs—structure planning powers. We believe that the national park authority should be given significant powers in those important areas and propose that the national park authority should be a statutory consultee on the preparation of structure plans—again, as with Loch Lomond and the Trossachs. We also propose to give the national park powers to call in cases when a planning application is deemed to be of general significance to its aims. We discussed that matter when I last met the committee.

We have made some minor adjustments to the time scales within which the call-in powers will operate. We have also made some relatively minor amendments to the earlier draft designation order. In that context, I point out that we no longer intend that the park authority should be required to assume the local authority function of providing a ranger service under section 65 of the Countryside (Scotland) Act 1967. I emphasise that that will not prevent the park authority from providing ranger services should it decide to do so. There are general statutory provisions that allow the park authority to appoint such employees as it considers necessary. The omission of the requirement simply ensures that a range of such services can be provided in the park, which allows for flexibility and diversity.

16:30

Our changes to the area to be covered by the park have resulted in the inclusion of a fourth local authority: Angus Council. That has made it necessary to adjust our proposals for membership of the park authority. We now propose that five of the 10 local authority nominees be drawn from Highland Council, three from Aberdeenshire Council and one each from Moray Council and Angus Council.

On elections to the park authority, the draft designation order provides for five members of the authority to be elected in a poll of local voters. The detail of those elections is set out in a separate elections order, the provisions of which seek to replicate generally the straightforward provisions that ensured a successful election process in Loch Lomond and the Trossachs. We have made one or two minor changes suggested by our experience of that election process. Once again, we have sought to avoid the introduction of complicated controls and sanctions to achieve a system that is proportionate to the purpose of

electing five members to the authority. The draft order therefore proposes that the returning officer for Highland Council will be responsible for the conduct of the elections, which will be run under a first-past-the-post, five-ward system.

The draft orders are the basis for establishing the Cairngorms national park. They have attracted considerable attention, which is an encouraging indication—I am certainly encouraged by it—of the depth of interest in the concept of a national park in the area. I believe that the draft orders will justify and fulfil that interest. I hope that the committee will join me in welcoming the draft orders and, ultimately, the establishment of the Cairngorms national park as Scotland's second national park.

**The Convener:** Thank you. You are right to point out that, when we wrote to you following our meeting in Kingussie, the committee had failed to agree a unanimous recommendation on planning. However, we were absolutely unanimous on the subject of boundaries. You point to the difficulty of five local authorities being able to draw up a local plan. If four can do it, why cannot five?

**Allan Wilson:** The point that I was making is that we have to look at the range of criteria established by the Parliament for the creation of a national park. That includes having a cohesive identity and producing a system that provides good governance. By incorporating the Angus Council area within the proposed boundary and giving that council the seat to which I referred, we have demonstrated that there was no discrimination over the question whether three or five local authorities could participate in the process. However, the overall balance of our consideration of the representations that we received from the committee and from the general public led us to conclude that the park would have a more cohesive identity if it did not incorporate the Perth and Kinross Council area.

**The Convener:** So it has really come down to a question of mathematics: you could not divide the sums up fairly enough to continue to give one specific council the fairly dominant position that it will have in the NPA.

**Allan Wilson:** No. There is no single simple factor—the situation is not black and white. As I have tried to explain, the process is complex. We received representations from a range of individuals, committees—including your own—and organisations, and came to the conclusion, in the best interests of the park, that the boundaries that we propose were the optimum boundaries to provide for a successful national park. I understand the frustration of those who have not been incorporated within the park. That is, in part, a reflection of the success of the national parks process.

As you know, it is not that long ago that a number of areas in Loch Lomond and the Trossachs were against inclusion in the national park. I am pleased that we have reached a situation in which people are struggling to be included within a national park. However, when we reached our conclusion, we had to take on board all the considerations—not just one simple mathematical equation—imposed on us by the Parliament in the National Parks (Scotland) Act 2000.

**The Convener:** As I come from Galloway, I felt that I was the only committee member who could get away with that point.

**Mr Rumbles:** As my question is technical, it is useful that the civil servants are able to participate before we debate the motion. If the committee agrees to recommend that the Parliament approve the designation order—which it could do—it will go before the full Parliament. If somebody objects to the order, there will be a debate of a maximum length of nine minutes and then the chamber will vote on the order. However, the committee could reject the order. If we were to do that, would we kill the Cairngorms national park? Could—indeed, would—the Executive produce another designation order? If so, how many weeks would that take?

**Allan Wilson:** We estimate that objection to or withdrawal of the orders could set back the national park's establishment by about 12 months and that the national park authority would be established in early March 2004, rather than the date that we propose. The committee can have a detailed breakdown of the reasons for that time scale if it wishes. However, a better question is why the committee might reject the orders.

**Mr Rumbles:** If you listened to Perth and Kinross Council's evidence—I hope that you were watching the television outside, but you could have come into the room to listen—you will have heard great disgruntlement about the boundaries, about which the committee was united.

I want the Cairngorms national park to be established, but based on the evidence that we have received and the debate that we are about to have, we must make up our minds about whether to vote for or against the designation order. The minister suggested that if the committee throws out the order, the Executive will wait until the next parliamentary session to produce another order—he referred to March 2004. I would never have thought that producing another designation order would take until March 2004. Why would you not bring to the committee another order during this session?

**Allan Wilson:** We could not do that. My colleague Andrew Dickson can give you a breakdown of the timetable, if you like. We would

have to conduct a ministerial review of the revised proposals, prepare and consult on the statement of proposals then consider our response to the statutory consultation. That would take us until mid-May 2003, and we all have a date with the electorate before then.

**The Convener:** I will press the minister on that. As committee convener, I sought legal advice on whether the Executive could withdraw the order and re-present it with the inclusion of the currently excluded part of Perth and Kinross Council's area. The advice that I received conflicts with what the minister has just said. Part of that advice says:

"providing all the consultation requirements have been fully and properly carried out"

previously,

"then there is nothing to prevent the Scottish Ministers withdrawing the draft Orders currently before the Parliament and laying fresh ones, without triggering the consultation process"

that is described in the legal advice, which continues:

"Ministers would also have to lay a fresh statement as referred to in para 3"

of the legal advice.

That suggests that the delay that the minister described would not be necessary and that the only delay would be in electing members to the national park authority. Some people have suggested that that would be a good thing because the local authority elections will, in that case, already have taken place.

**Allan Wilson:** I will ask my colleague to comment on the detail of the legal opinion. I return to the original question: what makes the committee or any committee member believe that consensus would be secured by delaying the park's establishment?

**Andrew Dickson (Scottish Executive Environment and Rural Affairs Department):** Section 6 of the National Parks (Scotland) Act 2000 sets out the process for making designation orders. That culminates in the Scottish ministers, after consideration of the results of consultation, doing what they have just done and laying before Parliament a draft designation order that must be affirmed or rejected.

Our legal advisers feel that once ministers lay before Parliament the order and statement, which show the results of consultation, they are out of the loop. In other words, they cannot propose a different order without going through the process that Allan Wilson described, which involves either publishing a statement on the order or asking Scottish Natural Heritage or a different body to report on the national park.

The consultation period would be a minimum of 12 weeks and the time allocated to consider its results and introduce a draft designation order would also be 12 weeks. As members who were involved in the passage of the National Parks (Scotland) Act 2000 will recall, those 12-week periods were purposely included in the act to ensure full consultation before a finalised designation order was laid before Parliament.

In legal terms, if ministers decided to introduce a different designation order, the correct approach would be for them to return to the beginning of the process, which would then follow the time scale that Allan Wilson outlined.

**The Convener:** The Parliament's legal services directorate would agree with that approach if a designation order were rejected, but not if it had been withdrawn. The committee received clear advice from the directorate on that issue, and, if there is a difference of opinion—

**Andrew Dickson:** There is a difference between the committee's opinion and the Executive's opinion.

**The Convener:** Of such stuff are lawyers' careers made.

**Stewart Stevenson:** I am glad to have the opportunity to tell the minister how much I admired his conduct of the Land Reform (Scotland) Bill and how impressed I was by his mastery of his brief.

The minister has stressed the need to achieve consensus before the order could be re-presented in another form. The committee received 460 responses to its consultation. Of the respondents, 33 suggested that the boundaries, as expressed in the order, are adequate and 11 said that they should be restricted to a smaller area. Does the minister think that those responses represent a consensus, or is the minister pressing ahead with the order—in the absence of consensus—purely to show for electoral purposes that he has authorised the designation of two national parks? Is he doing that irrespective of the opinions that have been voiced to his Executive and without regard for the need to establish a manageable, effective and long-term sustainable national park?

**Allan Wilson:** Stewart Stevenson seems to be agreeing with me that there is an absence of consensus and that delaying or withdrawing the proposal—

**Stewart Stevenson:** So, the minister accepts that there is no consensus for the existing proposals.

**Allan Wilson:** I am suggesting that there is no consensus and there will be no consensus. There was no consensus for Loch Lomond and the Trossachs national park, but a boundary line must be drawn. A boundary line will include the majority

of those who want to be included and will exclude some of those who would want to be included. It will also include some who may not want to be included. It is impossible to secure unanimity in that regard and delaying the process would not make such unanimity more likely. The realpolitik dictates that opposition to certain aspects of the order might grow, rather than abate.

16:45

**Stewart Stevenson:** I put it to the minister that the 33 plus 11, or 44, who are not coming forward and saying that the boundary should be expanded are fewer than the number that your summary of responses says suggest the inclusion of an additional area south of the proposed boundary. We can all use the arithmetic, which goes against what you are saying. Once again, the matter is almost certainly coming down to the Executive's trying to restrict the amount of money it spends.

There was a gasp of astonishment when you said that the ranger service could still be provided. I suspect that some of us concluded that the Executive does not want to provide money for it. Is not the whole project being driven by money rather than the needs of the national park?

**Allan Wilson:** Stewart Stevenson is right in one very important aspect. As I said, there is no single determinant factor that decides where the boundary is drawn and how we come to a conclusion about the division of planning powers. We have to take into account all the factors and all the representations that are received, some of which conflict with one another. It is not just a question of how many people responded in one way as opposed to how many responded in another way. As we discussed on the previous occasion on which I was before the committee, organisations that represent many individual people might respond, and there might also be incorporated within those figures individuals who distort them.

There might be other people who do not respond because they are happy with the proposals as written. We have to take into account all those considerations and come to a reasonable judgment that we have met the criteria that are set out in the National Parks (Scotland) Act 2000. The areas are of national importance and have a distinctive character and coherent identity and the designation of an area has to meet any special needs.

The process is cumulative and there is no single determinant factor. It is certainly not simple arithmetic that leads us to our conclusion.

**Stewart Stevenson:** I will close and pass back to the convener by saying that if we examine the 33 approvals and the 11 who want the park

reduced, fewer than 10 of the total are private individuals. The minister introduces such arguments at his peril and should exercise considerable care.

**Rhoda Grant:** On the back of that, it is only right to point out that Badenoch and Strathspey Chamber of Commerce consulted fully 500 of its members and responded to the consultation. It is only right that the minister should consider those responses.

I welcome the designation order and the inclusion of Laggan and Dalwhinnie. I thank the minister for that. Will the minister tell me what would be the benefits to areas such as Dalwhinnie, which will now be one of the gateways to the national park?

**Allan Wilson:** I thank Rhoda Grant for her comments. We hope that there will be numerous benefits. When I came before the committee previously, much scepticism was expressed that the whole thing was done and dusted and that we had firmed up our views on the contentious issues of planning powers and boundaries. I told the committee then that that was not the case. I value the input of the Rural Development Committee and its members, as I value that of all other colleagues.

We considered what the committee said to us, and the evidence that the committee took in Kingussie following my appearance before the committee. As a consequence, I was persuaded to extend significantly the boundaries and to increase by half as much again the area of the park, so that it will be—in fact, it was always going to be—the largest national park in Britain. That decision took on board the committee's consultation with representatives of local communities and others who saw value in being incorporated in the national park and who saw that that would help with economic development and tourism development. The consultation has helped to preserve and conserve all the areas of our natural heritage that the national park movement is designed to protect and conserve.

I listened carefully to what the committee had to say and I studied with great care the representations that it received in Kingussie and elsewhere. We came to our conclusions as a consequence of that.

**Mr McGrigor:** Rhoda Grant asked representatives of Perth and Kinross Council why it had not made a submission and the convener told us that submissions, as such, had not been asked for. The council's answer was that it made no submission because it was so certain that some of its area it would be included in the park. If we consider what is needed from the park, it was normal to agree with the council about that.

I am glad, however, that Dalwhinnie and Laggan have been included—those areas' representatives made strong representations at our Kingussie meeting. It is in retrospect unfortunate that Perth and Kinross Council did not make a submission for that meeting, although it was not, as far as I know, asked to do so. It would be wrong for the boundary not to be drawn as recommended by SNH and by the committee merely on the basis that Perth and Kinross Council did not make a submission for that meeting.

When I was involved in discussions at Dunoon on the Loch Lomond and the Trossachs national park, I spoke strongly against SNH, which stated at the time that it did not believe that Argyll forest park should be included. That argument was overturned, and Argyll forest park was included. One of the biggest criticisms of SNH at the time was that it had not properly consulted local people.

On the Cairngorms national park, if you ask anyone in Blair Atholl about the matter, you will find that the consultation process there was exhaustive; people overwhelmingly wanted their area to be included in the national park. I am not surprised that Perth and Kinross Council feels a little done down over the issue—it seems that steps should have been taken to get the area of the national park right before the boundaries were laid down.

**Allan Wilson:** I understand the disappointment that will be felt in the Perth and Kinross Council area at the fact that it will not be included in the national park. When I took my decision, it was not a question of simple arithmetic, nor of who responded and who did not. There were 160 who responded in favour of the inclusion of highland Perthshire but—as I think Stewart Stevenson mentioned—at least 40 people were against its inclusion and extension of the boundaries beyond those that were proposed.

I was not responsible for seeking representations to the Rural Development Committee for its meeting at Kingussie, and I do not know what the distribution of its submissions was. It was, of course, open to Perth and Kinross Council—as it was to other bodies—to respond on the boundaries and the draft designation order.

As has been said, there is a parallel between this debate and the decisions on Loch Lomond and the Trossachs national park. It seems to have entered folklore that drawing that park's boundaries was problem free but, as members know, it was not. There was a process of consultation and amendment; people were redrawing and redrafting the boundaries and some communities that had previously been designated as having a weak case for inclusion were included. The process was similar to that which has been undertaken on the Cairngorms national park. At

the end of the consultation, having taken into account all factors—coherent identity, areas of special need and so on—we came to our conclusion. There was no single determining factor; we based our decision on what would be considered to be reasonable grounds.

**Mr McGrigor:** The only obvious difference is that the Loch Lomond and the Trossachs national park expanded, whereas the Cairngorms national park is contracting.

**Allan Wilson:** No. The Cairngorms national park has been expanded by half as much again from the draft designation.

**Mr McGrigor:** I am sorry. I should have explained that, according to Scottish National Heritage's recommendations, the Cairngorms national park has contracted.

**Allan Wilson:** In the case of Laggan, the boundaries have expanded from those that were proposed by SNH because I was persuaded by the representations of the committee and others. That is not dissimilar to what happened in the Killin area in relation to the Loch Lomond and the Trossachs national park. That only proves my point that there is no single determining factor and that there is no one-size-fits-all approach that states where the boundaries of a national park must be drawn. There will always be dissent; people will be included who did not wish to be included and others will be excluded who wished to be included.

**Mr McGrigor:** Are you saying that the inclusion of Laggan and Dalwhinnie meant that the Perthshire hills and Blair Atholl had to be excluded?

**Allan Wilson:** I did not say that. Listen to what I did say: no single factor determined the inclusion or exclusion of the Perthshire hills or Laggan. Those decisions had to be taken in the round.

**Fergus Ewing:** Is the National Trust for Scotland wrong when it says that the lack of a buffer zone on the southern boundary of the park might imperil the attainment of world heritage status?

**Allan Wilson:** Yes. I do not believe that there is a lack of a buffer zone. Around what should there be a buffer zone?

**Fergus Ewing:** I presume that you are familiar with the term "buffer zone"; it is pretty important to understand what we are talking about.

**Allan Wilson:** I want to ensure that we are talking about the same thing.

**Fergus Ewing:** The NTS argues that the lack of an effective buffer zone along much of the southern boundary will make the achievement of world heritage status for the Cairngorms more difficult. World heritage status guidelines state:

"boundaries should include sufficient areas adjacent to the area of outstanding universal value in order to protect the site's heritage values."

For example, in the part of the evidence that the minister apparently did not hear, I mentioned that the new boundary, which the minister favours, goes along the northern slopes of a mountain called An Sgarsoch, which is about as remote as one can get. How on earth can there be any protection of the boundary in the wilderness of wildernesses when there is no buffer zone? Does not that directly contradict the guidelines, as the NTS argues?

**Allan Wilson:** No. What area does Fergus Ewing think would be protected under world heritage site status?

**Fergus Ewing:** All of highland Perthshire would be protected if the SNH criteria—

**Allan Wilson:** You are completely wrong.

**Fergus Ewing:** If you will let me finish, minister, I will give you SNH's argument. We should perhaps reflect on the fact that SNH had 30 people working on the project and that, according to its statement in Kingussie, it spent £250,000—on your instruction.

SNH's view was that the boundary should have a buffer zone along the southern boundary so that the whole of highland Perthshire—which SNH said had a strong case for inclusion—would be included. That would have included, for example, Blair Atholl as a settlement around the Cairngorms, just as there are settlements on the northern parts of the Cairngorms. That would be a buffer zone. My question is simple—why are you right and SNH and the NTS wrong?

17:00

**Allan Wilson:** I think that you have misunderstood the status of world heritage site that you want to secure. It would not be our intention to secure world heritage site status for the entire area of the national park, but for only the core Cairngorm area, around which there is a buffer zone by virtue of the fact that it is situated in the centre of the national park. The key point to understand is that securing national park status for the Cairngorms and the surrounding area assists in the lengthy and complex process—which I have discussed with the United Nations Educational, Scientific and Cultural Organisation—of securing world heritage site status. A distinction should be drawn between the national park and the area within it for which we might seek to obtain world heritage site status.

**Fergus Ewing:** Just as in the play "Hamlet", there was a play within a play, we now learn that there is a park within a park. Can you tell us the

boundaries of the park within the park and the southern boundary of the core park? Will we have a map of the new park, which has suddenly emerged at the stroke of midnight? Before we vote, can you show us where the new park is? Where are its boundaries? Has anyone walked along them? Has SNH opined on the matter? Given that £250,000 has been spent so far, should not we have learned earlier about the park within the park?

**Allan Wilson:** Which park within a park are we talking about? There is no park within a park.

**Fergus Ewing:** I am asking about the core park area to which you referred. Can you define the boundaries of the core park area for which world heritage status will be applied?

**Allan Wilson:** Unfortunately, it is not for me to determine the boundaries of a world heritage site. That is a complex and lengthy process that will be made easier by virtue of the national park designation that I propose. There is no prospect of world heritage site status being secured for the entire area of the national park. We would seek to secure world heritage site status, and the core area described by SNH has a strong case for inclusion.

**Fergus Ewing:** This becomes curiouser and curiouser. I want to raise one more substantive area of importance.

**Allan Wilson:** Feel free.

**Fergus Ewing:** Thank you very much.

The question was asked originally by my colleague Stewart Stevenson, but it was not answered. Some of us feel that the process is being driven by money or, rather, by the lack of it. I understand that this year's budget for Loch Lomond and the Trossachs national park is £4.8 million. The Executive's published figures show that next year the total for the national park budget line, which I presume will include the two national parks, is £6.7 million. If Loch Lomond receives the same amount of money next year as this year, that will leave only £1.9 million for the Cairngorms. The other day Jane Hope, the interim chief executive, confirmed to me that £4.8 million figure, the fact that she has about 110 employees and that the Cairngorms Partnership currently receives £1 million, so there will be only £900,000 of new money.

Is not it the case that perhaps some people feel—rightly or wrongly; it is never possible to prove which—that the argument about boundaries is driven by money and that the Executive is creating a Cairngorms national park that will be the poor relative of Loch Lomond and the Trossachs?

**Allan Wilson:** Nothing could be further from the truth. When it is established as a consequence of the designation order's having secured parliamentary approval, the Cairngorms national park will be a great asset to the area and to the people of Scotland. We have yet to determine the individual allocations for the two national parks, but we want to ensure—as we did with Loch Lomond and the Trossachs—that the park gets off to a good start and that it is funded accordingly. Our record in funding the Loch Lomond and the Trossachs national park should instil confidence that the outcome of the discussions will secure the successful launch of the Cairngorms national park.

On the other point, the criteria for establishing world heritage sites are different from the criteria for establishing national parks; Fergus Ewing has failed to appreciate that fundamental point. The criteria for designating a national park were laid out by the Parliament in the National Parks (Scotland) Act 2000. I have followed those criteria, which are different from those that would secure world heritage site status.

**Fergus Ewing:** I think that we all have similar aims and objectives. However, will you confirm for the *Official Report* that the published Scottish Executive budget for next year for national parks as a separate budget line is £6.7 million and that the current budget for Loch Lomond and the Trossachs national park is £4.8 million? Therefore, unless the budget for Loch Lomond and the Trossachs national park is cut next year, the budget for the Cairngorms national park will be a maximum of £1.9 million.

**Allan Wilson:** Budget allocations are on the record. What I have said and am pleased to repeat is that we have yet to determine individual allocations for the two national parks. We will do so—indeed, we are doing so—in consultation with Loch Lomond and the Trossachs national park and we will do so with Cairngorms national park when it is established.

**Elaine Smith:** Convener, you mentioned that, as you come from the Borders, you could get away with asking a particular question. I represent Coatbridge and Chryston and assure you that I do not have a particular constituency interest in the national park, although, given that it is a national park, I obviously have an interest in it, as it is for the benefit of the whole of Scotland.

Before I ask the minister about what witnesses have said and before we vote, I want to explore a hugely important issue. A member suggested that things are being rushed through as a result of party politicking for the election. That is a bit of a red herring and it is a bit off. I want to make it clear that it is not only the Labour party that wants the national park to be established as a national asset.

Before we vote, it is important to clarify something about the designation order that I am not clear about. We should return to what was discussed earlier—

**The Convener:** I am sorry to interrupt, but there will be a subsequent debate, after which we will vote. This part of the meeting is to clear up technical questions.

**Elaine Smith:** Yes, but I want to ask you a question, convener, while the minister and the civil servants are still here, as they may wish to have an input. You talked about the difference between a designation order being withdrawn and its being rejected. You seemed to say that, if it were rejected, the time scale that the minister outlined and that his officials confirmed would, in fact, be correct. However, you also seemed to say that the advice that you had been given was that, if the order were withdrawn, that time scale would not necessarily apply. Will you and the minister's officials clarify matters, as the issue is hugely important?

**The Convener:** Advice was given to the committee rather than to me. I think that we left the matter with the clear understanding that things are open to legal interpretation. There appears to be no definitive line on the matter and different people have different interpretations. I am unable to clarify the situation, which is how we left things earlier. Mr Dickson, do you want to comment?

**Andrew Dickson:** I do not want to add anything to what I said. Our legal advice is that, in technical terms, there is no difference between an order being rejected and its being withdrawn for whatever reason by the minister.

**The Convener:** The legal advice that we have received is that there is a difference. I cannot help Elaine Smith beyond that. I am sorry—I wish that I could help.

**Elaine Smith:** Thank you, convener.

**The Convener:** Would you ask witnesses questions now?

**Elaine Smith:** Witnesses have said that if, in the future, the boundary were to change, there would have to be a change of board. That seemed to be a problem. How often is the board likely to change? Would there be a problem if the boundary were to be extended for any reason? Could the board be changed if the boundary were reviewed in future?

**Allan Wilson:** Yes.

**The Convener:** Thank you for that.

**Allan Wilson:** I ask Andrew Dickson to elaborate.

**Andrew Dickson:** A change, whether big or small, would require a new designation order, which would have to go through the hoops that I described earlier. That would take time and consultation.

**Elaine Smith:** So the board could be revisited and might be changed to reflect a new designation order and future changes to the park boundary. Would that be a huge problem?

**Andrew Dickson:** It would be no more of a problem than any other fairly significant change. No doubt there would be administrative and transitional issues if the constitution and make-up of a board that was in place were to be changed, but achieving that would not be beyond the wit of man.

**Allan Wilson:** All Scots have an interest in the establishment of the national park, whether they are from Coatbridge or Kilbirnie. That is an important point. I do not accept the criticism that we are somehow rushing the issue or that we are politically motivated. As I said in my preamble, we proposed the establishment of a national park in the Cairngorms area more than two years ago; the establishment of two national parks in Scotland by early 2003 has been a long-standing commitment in our programme for government. The two coalition parties entered freely into that programme for government, but the aim and ambition for the parks is shared across the political spectrum. We are not rushing the matter, nor is one political party imposing its will on the rest of Scotland. All Scots have an interest in the outcome of the deliberations and want Scotland's second national park to be established in the Cairngorms. There is a broad consensus in favour of that.

**The Convener:** I agree entirely that there is a broad consensus across all political parties that the national parks should be established on the right footing.

**Mr Swinney:** Will the minister explain the topographical differences between the area that has been excluded from the park and the area that is immediately to its north?

**Allan Wilson:** As you know, the building blocks from which the national park was constructed were areas that SNH designated as having a strong case for inclusion. As we have already discussed, some areas were designated as having a strong case for inclusion, other areas had a weak case for inclusion and some areas were to be excluded. As I said to the committee when I attended previously, the original draft designation order concentrated on the core Cairngorm massif, which, from SNH's perspective, had a strong case for inclusion, although that area represented a significant reduction from the area that SNH proposed originally.

We took advice and consulted the committee and others, including a broad range of organisations, on expanding the park beyond the core Cairngorm massif to include areas such as the Angus glens and Strathdon. The proposal was to incorporate areas that had a strong case for inclusion and, in one instance, a weak case. In so doing, I believe that we came up with a better national park, which has been expanded by half as much again, although I admit that it has not been expanded as far as John Swinney would like. That is how the process worked.

**Mr Swinney:** With the greatest respect, I did not hear anything about the topographical differences between the areas to the north and south of the designated boundary. What are the topographical differences between the area that has been excluded in highland Perthshire and the area immediately to the east that has been included?

**Allan Wilson:** Are you talking about the scoring system that was adopted?

17:15

**Mr Swinney:** I am just trying to get a feel for the matter. For example, I am intrigued to know the topographical differences one would find if one were to walk over the national park boundary into the Perth and Kinross Council area. I think that the number of differences would be zero. Moreover, I do not understand the topographical differences that one would notice if one were to leave the A93 in my constituency and walk east across the county boundary into Angus and therefore into the national park. However much I welcome the inclusion of the top of the Angus glens into the park, I cannot understand why ministers have not gone the whole hog and included parts of Perth and Kinross. After all, the landscape is identical. It is not as though I am arguing for the inclusion of agricultural areas around Strathmore, where I have the privilege to reside.

**Allan Wilson:** I agree. The area to which you refer has high natural heritage value and has unquestionably much to offer in the many recreational opportunities that it affords and the wildlife that it supports.

**Mr Swinney:** But—

**Allan Wilson:** Wait a minute, John. Let me answer the question.

However, extending the boundaries beyond the national park's already extensive area would have reduced its coherent identity and clear focus, which is one of the other two criteria that we had to satisfy. I accept your case about the topography. After all, the boundary is invisible and will not in all instances follow a watercourse, road or some other natural or man-made feature.



However, we have to produce a park that satisfies all the criteria.

**Mr Swinney:** Sadly, minister, the boundary is not invisible; it is a significant border around a national park area. I accept without question the point that the park needs a cohesive identity. However, although I see the cohesive identity between the area to the north of the national park boundary and the Angus glens that have been included, I cannot see the cohesive identity between the area north of the national park boundary in the Highland Council area, the area immediately to the south of the boundary in Perth and Kinross and the area immediately to its east in Angus. The ministers have missed an opportunity to take account of the cohesive identity of areas that share a similar topography, which I would have thought would be a focal point of the construction of the national park.

**Allan Wilson:** In our consideration, the focal point was the central Cairngorm massif, which would form the focus of any application for world heritage site status. Beyond the strong designation afforded to the central Cairngorm massif, we also incorporated areas that had a strong natural heritage value. I accept that that approach excluded other areas with a similarly strong designation—parts of highland Perthshire fell into that category.

**Mr Swinney:** Why was that? I cannot understand the logic behind your decisions in relation to where Highland Council, Perth and Kinross Council and Angus Council areas coincide with the national park boundary, unless you have simply taken a decision on a map.

**Allan Wilson:** If I had not listened to you and had excluded the Angus glens, the case for excluding Perthshire would have been stronger.

I see Stewart Stevenson nodding in agreement.

**Stewart Stevenson:** That is true.

**Allan Wilson:** However, I had to address the central question of giving the national park a strong and cohesive identity around the central Cairngorm massif. I had to take all considerations into account, not simply John Swinney's strong case for including parts of highland Perthshire in the national park on natural heritage grounds. For example, we had to consider the good governance of the park in the short, medium and longer terms.

**Mr Swinney:** I have one final question. My point relates to the logic of your decisions. I accept what you say about including the area around the central massif. That is absolutely fine. You have done that in Angus. However, I cannot understand why you have not done that in Perth and Kinross. Perth and Kinross Council has been unable to tell us in its evidence why highland Perthshire has

been excluded. After listening to you for the past 40-odd minutes, I am still totally unclear why highland Perthshire could not be included other than because another local authority would have been added to the pot. I am not casting any political aspersions. I simply want to understand why you have come to the conclusion to exclude parts of Perth and Kinross.

**Allan Wilson:** You cannot dismiss the equation that including another local authority in the pot should not interfere with the park's future governance.

**Mr Swinney:** Does that not take the matter back to mathematics, then?

**Allan Wilson:** No.

**Mr Swinney:** With respect, the only issue that you have brought up is the number of local authorities, which is a mathematical issue.

**Allan Wilson:** With respect, you cannot dismiss the fact that I must take into account the criteria of good governance, as well as the natural heritage value of the buffer area that surrounds the central Cairngorm massif. Other factors that I have to consider are the area's special needs and the fact that the park should have a distinctive and coherent identity. I have to take account of all those considerations, not simply the one that you want to be paramount in my consideration. I have to take account of the whole and come to a reasonable judgment on what areas should be incorporated and what areas should not be incorporated. That is what I have done and I am satisfied that the park boundary passes the test of reasonableness.

**The Convener:** I remind the minister that he received a letter from the committee expressing its unanimous view that the boundary should be as SNH proposed.

**Allan Wilson:** Well, if we had accepted that view, the area beyond Laggan would not have been incorporated.

**The Convener:** Indeed. I acknowledge that entirely.

**Mr Raffan:** I will follow on from what Mr Swinney said—he made his case effectively. Minister, you talked about good governance in the short and medium terms. Was the principal factor in your considerations the addition of another local authority to the board? Yes or no?

**Allan Wilson:** No.

**Mr Raffan:** Well, you are the one who mentioned it.

**Allan Wilson:** Listen to what I am saying, not to what you would like me to say.

**Mr Raffan:** But that is what you have been—

**Allan Wilson:** I have said, and I am happy to repeat myself for the record, that no mathematical equation and no one factor is paramount. In coming to my conclusion, I must take into account the criteria that Parliament set for me—that the area concerned should be of outstanding national importance, that it should have a distinctive character and a coherent identity and that designating the area as a national park should meet the special needs of that area. That is what I did. I took account of all those factors, plus the representations that I received from communities, committees and members such as you, and I came to the conclusion to which I came.

**Mr Raffan:** One thing on which we agree is that we all want to get the park off to a good start. The last thing that we want is for it to start in an atmosphere of controversy. As you rightly said, we all have a date with destiny—a somewhat grandiose expression—on 1 May. We do not want the park to be an election issue, but equally we do not want an application for judicial review. Will you tell us what legal advice you have had from your lawyers in relation to an application for judicial review? How has that affected the Scottish Executive's decisions about the setting up of the park and the early stages of the process?

**Allan Wilson:** I have had no such legal advice. I cannot believe that the courts would wish to involve themselves in the business of designating the boundaries of the national park. I believe that, given all the factors that I had to take into account—those that I have described and those that members have mentioned, such as getting the park off to a good start, ensuring that it is properly funded and guaranteeing its good governance—the Scottish Executive's decision would meet and pass the test of reasonableness, which would be applied in judicial review.

**Mr Raffan:** I am sure that, as a minister, you knew about the possibility of judicial review. You will recall Lord Denning's remark:

"Be you ever so high, the law is above you".

The law is above even the Scottish Executive. A minister must presumably prepare himself for the possibility that a decision will go to judicial review. You must have discussed that with officials. What was the impact of that on the setting up of the park?

**Allan Wilson:** I have discussed the matter with officials. I have given you the answer, although Andrew Dickson might want to supplement that.

**Andrew Dickson:** As far as we are concerned—I do not know what has been said to members of the committee—the possibility of judicial review has been mentioned, but not

directly to us. If a case was put forward, we would be a party to it.

**Mr Raffan:** Judicial review would delay the establishment of the park. It is bound to. It would certainly mean that the park was set up in an atmosphere of controversy.

**Allan Wilson:** Are you aware of counsel's opinion on the matter, which might contradict our view?

**Mr Raffan:** Have you taken counsel's opinion?

**Allan Wilson:** No. There is no requirement to do so.

**Mr Raffan:** So you are not prepared.

**Allan Wilson:** I am perfectly prepared.

**Mr McAllion:** The minister asked why anyone on the committee would want to reject the order. The reply to that question was given by a witness from Perth and Kinross Council, who said that it is far more important to get the boundaries and the planning powers of the national park right than it is to get the order through in time for the Scottish election. Given that national parks are for ever and not just for one election, would it matter in the great march of time whether the national park came into being in March 2004 rather than in March 2003? It is surely more important to get things right first time than to meet a deadline.

**Allan Wilson:** I believe that it is important to get the issue right. I think that we have got it right in the designation order that we are laying before Parliament, which we have produced after considerable deliberation and consideration of all the factors that have been mentioned today and in the two-year consultation period to which I referred. I do not believe that delaying the order would help to secure a greater consensus. The order has not been rushed. This is not a question of the political process superseding the public interest. I believe that we have got the issue right. I am prepared to stand up in Parliament and argue that case.

**Mr McAllion:** The consensus of the committee is that highland Perthshire should be included. Although I am a substitute member, I have been informed that that is the case. Why can the Executive not take the committee's advice?

**Allan Wilson:** I have not heard any such consensus.

**The Convener:** We wrote to you about it, minister.

**Allan Wilson:** No doubt the committee will make its views known. I have to take into account the wider parliamentary consensus. The test of that will be in Parliament.

**Fergus Ewing:** On a point of order, convener. Can I check that the minister received the letter that you mentioned? The letter said that the committee

“unanimously recommends that the Scottish Executive adopt the boundary proposed by SNH, with one exception, which relates to the Parish of Laggan.”

Did the minister receive that letter? It clearly expresses a consensus of all the members at that time.

**The Convener:** I can confirm that the minister received that letter, because he sent a reply to it.

**Allan Wilson:** With respect, that is not the question that I was asked.

**Rhoda Grant:** On a point of order, convener. I should point out that that was the consensus of the committee at the time. I stress that I would not go against the designation order as it currently stands, because that would take away from Dalwhinnie, which is in my constituency, the benefits of being the gateway to the national park. There is no consensus now that we should go for the SNH boundary.

**The Convener:** But there was when we wrote that letter.

**Rhoda Grant:** Yes. There was at that time.

**The Convener:** Members have finished asking technical questions, so we will now move to the debate. I am agreeable to the suggestion that has been put to me that first we should have a five-minute break for comfort and for colleagues to consult.

17.28

*Meeting suspended.*

17:35

*On resuming—*

**The Convener:** We will now debate the motions. I suggest that we take the motion on the draft designation order first. A maximum of 90 minutes is allowed for the debate.

*Motion moved,*

That the Rural Development Committee, in consideration of the draft Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003, recommends that the Order be approved.—[*Allan Wilson.*]

**The Convener:** The minister may introduce the debate and speak to both orders, but he might feel that he has said enough already.

**Allan Wilson:** I think so. I am satisfied that I have had ample opportunity to explain the reasoning behind the orders. Will I have an opportunity to touch on the Gaelic issue?

**The Convener:** Yes. I hope that you will feel free to participate in the debate, which will not be a formal debate as in the chamber. If members have further questions for you, I hope that you will be happy to respond to them. You will wind up the debate and I will ensure that you can speak when you want to.

**Fergus Ewing:** Even at this late stage, I hope that the minister will not proceed with motion S1M-3621 and that he will withdraw the designation order as requested. However, it appears that he will not do that. I will therefore deal with the arguments behind my amendment.

Amendment S1M-3621.1 adds that the committee

“regrets the exclusion from the boundaries of the Cairngorms National Park of those areas of Highland Perthshire and Drumochter, including the Forest of Atholl, Beinn a’ Ghlo and Blair Atholl, all of which were recommended for inclusion within the park’s boundary by Scottish Natural Heritage in its report”.

Today, I waited in vain to hear from the minister a logical explanation of why SNH’s advice was not followed. That advice was sought on the Executive’s order and cost £250,000. That must be one of the most expensive consultation exercises that the Parliament has undertaken. The Executive’s initial response was to propose a draft designation order that created a shrunken, shrivelled national park and did not justify the departure from the advice that SNH produced at massive expense.

The minister did not explain why highland Perthshire was excluded. He said that one reason was that including highland Perthshire would involve another local authority. SNH considered that. Page 6 of its report provides an allocation of the 10 national park authority board places that are to be filled by local authority nomination and says that Perth and Kinross Council could obtain one of those places. The situation seems perfectly straightforward. I say with respect that the minister did not give a valid reason.

John Swinney invited the minister to explain how highland Perthshire, which is excluded, is different from the areas to the north and the east that have been included. The minister was repeatedly asked to say what was different topographically and I am afraid that we repeatedly heard no answer.

The minister also made the strange admission that, in excluding highland Perthshire, he was excluding areas that scored more highly than areas that were included. The minister shakes his head, but if he does not accept that as a fact, I suggest that he reads the assessment in SNH’s report. Areas such as Gaick, Dava and Strathmashie, which are either included or partly included, had a lower scoring and were

considered weak, whereas two of the three excluded areas had a strong scoring.

What is the point of asking SNH to carry out a consultation to produce a set of criteria, which are then applied rigorously and with great care, if the Executive then rejects that advice? That seems a perverse approach, which has meant that £250,000 has been to some extent wasted.

One committee member has said that she will not object to the exclusion of highland Perthshire on the basis that its inclusion would mean that the gateway was not within my constituency. With respect, I think that committee members—including the Labour members—were unanimous in recommending to the minister that the park boundaries be those that were recommended by SNH. If effect had been given to that unanimous recommendation, all members would have accepted that one of the gateways—the southern gateway—would have been in highland Perthshire. That was the committee's view in Kingussie and that should be our view today. I will be interested to hear whether other members have changed their view and on what basis they have done so.

There are wider concerns about the national park. I need only mention the proposed children's hospice to indicate that there are serious concerns about how the national park may operate in practice. At stages 2 and 3 of the passage of the primary legislation, I sought to amend the bill to remove the Sandford principle, which I know Richard Hickman, who advised the Loch Lomond and the Trossachs national park, gave as a strong reason for rejecting the children's hospice. That was perhaps unfortunate, but I hope that the members of Loch Lomond and the Trossachs national park committee will today make the correct decision by approving that hospice.

However, the events around the proposal for a children's hospice show that there is a long way to go in persuading the public that the national parks will be a good idea. I am supportive of the idea, but I am also sceptical. The public do not want a quango that puts impediments in the way of developments such as the children's hospice, which we would all agree will be excellent.

In conclusion, it would be a great mistake if the national park started off its life with the exclusion of highland Perthshire. We might be able to do something about that in future, but I hope that committee members will support my amendment today, just as they supported it unanimously when the committee discussed the exact same issues in Kingussie.

I move amendment S1M-3621.1, to insert at end:

"but, in doing so, regrets the exclusion from the

boundaries of the Cairngorms National Park of those areas of Highland Perthshire and Drumochter, including the Forest of Atholl, Beinn a' Ghlo and Blair Atholl, all of which were recommended for inclusion within the park's boundary by Scottish Natural Heritage in its report, prepared for the Scottish Executive, on the proposal for a National Park in the Cairngorms, and is concerned that, if these areas remain excluded, the attainment by the park of World Heritage Status may be put in jeopardy."

**The Convener:** I invite John Farquhar Munro to speak to and move motion S1M-3621.2.

**John Farquhar Munro:** My amendment to the motion simply asks that the committee agree to a direct Gaelic translation of the English version of the name for the Cairngorms national park. It has been suggested that the Gaelic name of the park should be "pàirc nàiseanta a' Mhonaidh Ruaidh". However, "am Monadh Ruadh" relates to the Grampians; it is not a direct translation of the word "Cairngorm".

My amendment would simply insert wording at the end of the motion to say that the committee approves the order but regrets that it does not include the Gaelic translation of the park's name, which should be "pàirc nàiseanta a' Chàirn Ghuirm." I see no reason why we should not have a direct translation. To do otherwise would be to cause confusion for all concerned, as the English title would include the word "Cairngorms" whereas the Gaelic title would have something else.

I move amendment S1M-3621.2, to insert at end:

"but, in doing so, regrets that the Order does not include the Gaelic translation of Cairngorms National Park which is Pàirc Nàiseanta a' Chàirn Ghuirm."

**The Convener:** I suggest that we structure our debate so that the early part of it is confined to the topic of the second amendment.

**John Farquhar Munro:** Before we move on—I have mentioned this once before—I have to say that I see no reason why there should be an "s" in Cairngorms.

17:45

**The Convener:** I did not want to move on; I simply wanted to address the second issue first, and then go on to the boundaries issue, which is rather—

**Mr Rumbles:** Could we not just make our points? It is a debate.

**The Convener:** It is a debate. I merely put the idea forward to try to simplify the debate, rather than to complicate it, but if members do not agree, so be it.

**Rhoda Grant:** On a point of order. We have two amendments to the motion. Will you clarify whether they are dependent on each other?

**The Convener:** I am sorry, I should have done that. They are not dependent on each other and both can be agreed to. One is not pre-empted if the other is agreed to. Fergus Ewing's amendment will be voted on first, then John Farquhar Munro's. It is competent to agree to both amendments.

**Mr McGrigor:** Are we speaking to John Farquhar Munro's amendment?

**The Convener:** We are now in open debate.

**Mr McGrigor:** I want to speak to John Farquhar Munro's amendment, which I consider important. It is important that we have a literal translation, which is similar, rather than changing the name, which would be confusing. I take the points that John Farquhar Munro made. It is quite obvious that the Gaelic phrase means Cairngorm national park. In a way, it would be a first Gaelic lesson for a lot of people entering the park. I remember the great relief that I felt when I discovered what *toiledau* meant when I was driving through Wales. A great success in America was Yellowstone park, and the name of the Cairngorm national park will contain the word for blue, which will get the park off to a good start.

**The Convener:** So you are speaking in favour of John Farquhar Munro's amendment.

**Mr McGrigor:** Yes.

**The Convener:** Thank you for that. The people of Wales will be very grateful.

**Stewart Stevenson:** I am certainly minded to support John Farquhar Munro's amendment. However, I observe—and I defer to the Gaelic speakers, of which I am not one—that the Black Isle where my father was brought up, was originally Eilean nam Muc—the island of pigs—which got translated back from the English and is now Eilean Dubh. It is not necessarily the case that names are literally the same in English and Gaelic throughout Scotland. In a sense, the fact that gorm means blue, which I knew, inclines me more to the idea that the other name, which includes the word for red, might be preferable. I have to defer to John Farquhar Munro in that.

I turn more seriously to Fergus Ewing's amendment. Annexe 1 to the Transport and the Environment Committee's report, which is headed as annexe b in the copy that I have, which might be slightly confusing, evaluates Scottish Natural Heritage's sub-units against the three qualifying criteria. I want to quote one paragraph from the report:

"High scoring areas in Perth & Kinross that were proposed for inclusion by SNH and also recommended for inclusion by the Rural Development Committee have been excluded. Evidently criteria other than those set out in the Act have been adopted in designating the boundary, despite the Section 6(6) statement that Ministers considered only those criteria present in the Act as the basis for their decision."

The minister may wish to consider those words in the Transport and the Environment Committee report and think about whether they might form the basis for any party to request a judicial review.

I will draw on personal experience. Because of the relatively poor transport links to the part of the country that I live in—people will have heard me say that I represent one of only two mainland parliamentary constituencies with no railways—I drive home each week from Parliament and drive down for Parliament the next week. That means that I drive along the A90, with the line of hills to the north of me. To be blunt, it is absolutely impossible to decide geographically, geologically or with regard to habitation, where the boundary is between the part from Angus that is included in the national park and the part from Perthshire that is excluded.

On that basis alone—and by simply looking at the terrain—I find it difficult to understand what rationale the minister has applied, apart from with regard to one single point, which is that he has sought to reduce the number of people who are represented at the table making decisions. Having said that, that will not make much difference, because the councils only have five seats out of 25 anyway. That is correct, is it not, minister?

**Allan Wilson:** It is 10—it is twice as many.

**Stewart Stevenson:** I beg your pardon. I must put my glasses on when I read. Even so, they are a minority in the group, and the dissent within that group is unlikely to materially adversely affect the decision-making capabilities of the board.

I am directed towards response 351, to which I referred earlier, from our first national park's board. The summary expresses considerable concerns about what the minister is doing. Of course, that board has started to engage with the issues associated with the national park, so I am sure that it is well informed. I am happy to support John Farquhar Munro's amendment and Fergus Ewing's amendment. Whether I will be in a position to support the motion remains to be seen, following the debate over the next four and a half hours, as permitted by standing orders.

**Elaine Smith:** Before we move on, I would like some information on what Stewart Stevenson just said. He quoted from pages 10 and 11 of the Transport and the Environment Committee paper. It may just be me, but I am not clear about that. The paper starts on page 7 with a submission from the National Trust for Scotland, which goes on until page 10. It then states

"ANNEX 1: *Boundary of Proposed Cairngorms National Park*"

which goes on to page 11, and then turns to a submission from the Royal Town Planning

Institute. When Stewart Stevenson quoted from that report, it seemed to me as if he was quoting what the Transport and the Environment Committee said. I would like clarification on whose words Stewart Stevenson was quoting.

**The Convener:** I think it would be those of the National Trust for Scotland, but I will ask Stewart Stevenson to confirm that himself.

**Stewart Stevenson:** That is correct.

**The Convener:** It was the National Trust for Scotland's submission that he quoted.

**Elaine Smith:** That had to be clarified, because it was not clear.

**Stewart Stevenson:** It was the evaluation of SNH's sub-units.

**Mr Rumbles:** I have been a long-time campaigner in favour of national parks. My colleague Keith Raffan and I took part in the public consultation at Ballater a few years ago. However, as we have progressed the debate and the investigation, I have become increasingly unhappy with what I have been hearing. There are three things in particular that I do not like about the designation order. The first is the exclusion of the Perthshire hills. I was impressed by John Swinney's questioning on the topographical differences between the Perthshire hills, the Angus glens and the area to the north. The answers were unsatisfactory, and I think that that would form the clear basis of a judicial review for those interested parties who wished to pursue it.

My second point concerns the removal of the provision of the ranger service. I was particularly struck by Aberdeenshire Council's submission, which said that the co-ordination and training of a national park ranger service represent the front line in welcoming and educating visitors, and that the park's role should not be relegated to enabling functions. It is clearly a function of a national park to have a ranger service, but that has been removed from the designation order.

I know that I am in a minority on my third point—I think that I was in a minority of one at Kingussie—but I am absolutely convinced about it. Experience will show us over the years—as every other national park that has been set up in the United Kingdom has shown over the years—that to reduce the conflict between local authorities and the national park authority there must be a single planning authority. I am assured by the minister's previous comments that there will be a review of the planning process for the national park, so I have to accept that.

I am in a bit of a dilemma because, as a long-term campaigner, I very much want a Cairngorms national park. I was disappointed with the answers that I got from the Executive. I am not going to

predict whether we will have the same Executive after the next election; we will have to wait and see what the people of Scotland say on 1 May. I am in a dilemma because I want the park and it is quite clear that the Executive will ditch the park if the committee votes it down. I am genuinely in a dilemma.

I am unhappy with the lack of answers to the questions that have been asked. In his evidence at Kingussie, Dr Adam Watson said that there was a suspicion that there had been a political stitch-up. I want to pursue that point within the bounds of decorous debate, if I can put it that way. When the minister has been pressed at numerous committee meetings, and again today, neither he nor his officials have been able to come up with any logical reason for the exclusion of the Perth and Kinross Council area.

We were told that it is not to do with money. I accept that, if that is the explanation. It is not a case of cost cutting. The minister is shaking his head, but that is what he said earlier on and I would like another response to that point. If it is not a lack of resources that is keeping the Perth and Kinross Council area out, and if it is not a difference in topography, what is the reason? We have examined all the possible reasons that could be keeping Perth and Kinross Council out. There was a sigh of interest at this end of the table when the minister eventually announced that it was, in fact, administratively inconvenient to have another authority involved.

My impression is that it is more than administrative inconvenience. I know that Fergus Ewing is unwilling to raise the point, because he represents a Highland area, but I can certainly raise it. It is quite clear from SNH's submission that the council that has dominance in the area is Highland Council, as it has five of the local authority members nominated for the park authority. Highland Council is dominant and, as Fergus Ewing is reminding me, it will have 50 per cent of the council slots on the park authority. If any area of Perth and Kinross had been included, one of those members from Highland Council would have been thrown out and one member from Perth and Kinross would have been appointed. It is a straightforward issue of political convenience. That has been quite clear from the evidence that has been given to us. I am extremely unhappy that, when we set up a national park, we find that political shenanigans are going on.

I am also unhappy with the fact that, if we approve the designation order, it will go to the full Parliament. It goes to the full Parliament, and if somebody objects to it—I am sure that somebody would—we get a maximum of three speakers. There would be one from the Executive, one in

favour and one against—a whole nine-minute debate.

There has been a great deal of questioning and we have had a lack of answers. I want to propose a solution, to which I will return after the vote. Although I will outline fully my proposal at the end of the debate, I want to put it in members' minds now. I am not happy about the decision that the committee is faced with, given all the evidence that we have received. I have a possible solution to the dilemma that we face. I suggest that members should ask the convener to stand up when the relevant Parliamentary Bureau motion is moved in the Parliament to ask, on our behalf, that standing orders be suspended, so that we can have a full and proper debate in the Parliament. That would enable all MSPs to be involved in discussion of this important issue. I feel that that is the way forward and I would like to address that suggestion at the end of the debate. That is all that I want to say at the moment.

**The Convener:** I am happy for that suggestion to be addressed later. Members will have to take a decision on it.

18:00

**Rhoda Grant:** It was right and proper for Fergus Ewing to point out that I supported the committee's unanimous decision about the original boundary proposals. However, the situation has changed—the boundaries now enclose an area that is 50 per cent bigger than the one under the original draft designation order. Dalwhinnie and Laggan are now included; that is why I have changed my mind. Under the present designation order, Dalwhinnie will be the proposed national park's gateway.

If members of the committee had gone to meet the farmers in Laggan, they would have gone to Dalwhinnie and seen the benefit that being the national park's gateway will bring to the area. It will make Dalwhinnie a focus for visitors to the national park, it will bring in population and it will give a boost to the economy. That being so, it would be difficult for me to say that I did not want the national park's gateway to be in Dalwhinnie. I appreciate the fact that the gateway will be there.

I must respond to some of the comments that Mike Rumbles made about the bias towards Highland Council. That has been mentioned repeatedly in evidence and members have made similar comments. I cannot understand why the Executive would have a political bias towards Highland Council, as it is hardly a Labour stronghold. In fact, Highland Council has few Labour members. I hope that their number will increase in May next year. There is no political bias. It is vital that we vote for the designation

order as it stands. That will give Dalwhinnie the opportunity to be the national park's gateway.

**Mr Swinney:** As I am not a member of the committee, I feel like an impostor in the debate. Nonetheless, I want to say my piece. I am here to make a constituency plea; I am not here to create a story about who will be represented or what the political balance of the national park will be. That is a secondary interest.

The Parliament has a duty to ensure that issues are properly considered and scrutinised. I will recount to the committee the feelings of some of my constituents in the Blair Atholl area, who have been consulted to death on the issue. They entered into the process in genuinely good spirits by organising many meetings in the locality and taking many soundings. They played an active part in the process that SNH took them through and came to the conclusion that the national park was a good initiative and one that was welcome in the Perthshire area. They had great confidence in the consultation process.

My constituents have committed a great deal of time, energy and community spirit to pleading their case, which is based not on any political drama, but on the topographical similarities between their area and the bits of the park that are in Angus and in the Highland Council area. People are utterly dispirited by the fact that, in the face of all logic, the Government has said, "No, you're not getting in." I cannot explain the decision to them.

I came along to today's meeting with the objective of listening carefully and asking questions of the minister. With the greatest respect to the minister, who served on the same parliamentary committee that I served on, I found his answers about the reason for highland Perthshire's exclusion totally unconvincing. If one produced a checklist of all the factors that an area must satisfy to merit inclusion in the national park and ticked them all off, one would conclude that highland Perthshire is not in the park because that would mean adding another council area into the process. Somehow, the minister takes the view that that would diminish the cohesion of the national park board, but I cannot see why that would be the case.

We are talking about one of the 25 national park board members coming from Perth and Kinross Council. The members of Perth and Kinross Council are able individuals, although the council is run by a coalition of which the SNP is not a part, but notwithstanding their formidable nature, I do not imagine that they could exert enough influence to change the direction of the national park.

I appeal to the minister to listen once again to the strong views that have been expressed. I ask him to think about the action that he has taken in

commissioning Scottish Natural Heritage to undertake the consultation process, accepting the good will of many people in my constituency in the process and building their confidence in the concept of the national park, only to say to them, at the end of the process, "You are not getting in." The matter raises fundamental questions about the way in which, as legislators in Scotland, we go about the parliamentary process. We must ensure that Parliament captures adequately the opinion of people in Scotland and does something with it.

My constituents have been very involved in the consultation process. They saw it as a great opportunity and received tremendous encouragement in winning their case with Scottish Natural Heritage. However, they now face a totally illogical position from the Executive. Why is one side of a hill, which has exactly the same topography as the other side, in the national park and the other side is not? I find such an anomaly terribly difficult to explain to my constituents.

**Mr Morrison:** In addressing his amendment S1M-3621.2, John Farquhar Munro outlined exactly why the name *pàirc nàiseanta a' Chàirn Ghuirm* should be adopted: it is the correct translation. In the letter that committee members received on 1 December, Peter MacAulay makes the case—ably and in an informed way—for the words that appear in John Farquhar Munro's amendment. I am sure that, as a pragmatic individual, the minister will accept the amendment graciously.

**Richard Lochhead:** I have listened to the debate carefully. The credibility of the committee is on the line to some extent, and we must think about the committee's position in the legislative process in which it plays such an important role. We have expressed unanimity on the case of highland Perthshire before, and we have heard nothing today to change our minds. Therefore, we should maintain our position of unanimity.

The Executive's submission states that, in determining the extent of the boundary, it considered each of the sub-units that are referred to in SNH's report, concentrating particularly on those sub-units that were identified as having

"a very strong case for inclusion".

In his response to John Swinney, the minister said that John had made a strong case for the inclusion of Perth and Kinross. However, the minister did not give a blow-by-blow account of the reasons why highland Perthshire should not be included in the designation order. The committee must consider the arguments that it has heard.

As we are discussing a national park, it is incumbent on us to approach the matter from a national perspective, bearing in mind the national interests. Therefore, I was astounded by Rhoda

Grant's point of order during another member's speech, in which she stated that she will not now support the inclusion of highland Perthshire because—if I recall her words correctly—the gateway to the park would not be in her constituency. That shows an extremely parochial attitude. If Rhoda Grant sets such things as her priority, she should stand for the Highland Council, not for the Scottish Parliament. We are here to represent the national interests and, as I have said before, we are discussing a national park. We must put the national interests first. I appeal to Rhoda Grant to take that into account when she considers her position.

For those reasons, I urge the committee to support Fergus Ewing's amendment. I am relaxed about John Farquhar Munro's amendment; I think that we should support it as well.

**The Convener:** As she has been named, I am happy to give Rhoda Grant the opportunity to respond.

**Rhoda Grant:** As I explained before, the situation has changed dramatically. The designation order outlines a park that is 50 per cent bigger than the one that we considered at the time of our earlier decision. For that reason, we are not comparing like with like. As the situation has changed, I am entitled to change my mind. Had members gone to Dalwhinnie on the day that the community invited us, they would have seen the opportunity for it to be one of the gateways to the national park. I think that members will agree that the new border would make a big difference to the Dalwhinnie area. I urge the committee to support the motion and not Fergus Ewing's amendment.

**Elaine Smith:** I agreed with the convener at the beginning that we should perhaps have split up the discussion. I will start with John Farquhar Munro's amendment and then move on, if I may.

**The Convener:** The floor is yours.

**Elaine Smith:** Will John Farquhar Munro clarify for me why he thinks it necessary for the committee to decide to support his amendment today, rather than leaving it to the park authority to take the decision, once it is established?

**John Farquhar Munro:** The amendment is simple and I see no reason why the committee should not be encouraged to accept what is a direct translation. The title of the park in English might be wanting, but it is quite absurd if the name means quite something else when it is translated into Gaelic. I lodged the amendment to simplify the matter and to ensure that, when the Gaelic title is used, it reflects completely and correctly the English title.



**Elaine Smith:** I once took up Gaelic, although, sadly, I did not continue with it. Why is it so important to have the Gaelic name in the designation order? Is John Farquhar simply saying that it must be included?

**The Convener:** I think that that is the purpose of his amendment, yes. Will you confirm that, John?

**John Farquhar Munro:** Yes.

**Elaine Smith:** I do not have a problem with that; I simply wanted to have that clarified.

**Mr Rumbles:** But the Gaelic name cannot be in the designation order.

**The Convener:** Mike Rumbles is correct, in that it cannot be in the designation order; what the amendment does is to regret that it is not in the designation order.

**Elaine Smith:** That is clear now, convener.

I turn to Fergus Ewing's amendment. I have some sympathy with what Rhoda Grant is saying. If I am correct, she was the only committee member who had a discussion with the petitioners.

**The Convener:** All members were invited, but she was the only one who could attend.

**Elaine Smith:** I have sympathy with what she is saying on that basis. May I clarify that, if I were to support Fergus Ewing's amendment, that would make no difference to the designation order going ahead?

**The Convener:** That is correct. The amendment, if carried, would be an expression of the committee's regret.

**Elaine Smith:** I have a lot of sympathy with the amendment, apart from the end, which states that the committee

"is concerned that, if these areas remain excluded, the attainment by the park of World Heritage Status may be put in jeopardy."

The minister gave a reasonable response on that point. On the other hand, the wording is "may be", so the issue is not particularly huge.

I am minded to support Fergus Ewing's amendment, because of what the committee decided when it met in Kingussie. I would like Fergus Ewing to clarify whether, if his amendment is passed, that would prompt him to support the designation order. I am worried that, if the committee does not support the order today, the whole Cairngorms national park project will be put off, perhaps indefinitely. I do not think that I would wish that to happen.

**The Convener:** Fergus Ewing will wind up later and will be free to comment on that.

The suggestion that the Executive would "ditch the park"—to use what I think was Mike Rumbles's phrase—if the committee decided to oppose the order has now been mentioned a couple of times. Will the minister clarify his position? What would the Executive do were the committee to oppose the order?

**Allan Wilson:** Obviously, we would have to take into account whatever decision the committee came to. I will not be drawn into answering hypothetical questions. I am happy to await the outcome of the committee's deliberations. I have made no statement to the effect that we would ditch the order.

18:15

**Mr Raffan:** I am grateful for the committee's indulgence in allowing me to speak although I am not a member.

As John Swinney is here as a constituency member, so I am here as a regional member for mid-Scotland and Fife. I am well aware of the value of national parks, having, at the western end of the region that I represent, the Loch Lomond and the Trossachs national park.

I congratulate the minister on his singular achievement—I hope that he will take this the right way—in managing to unite every party in Perth and Kinross Council, although their unity is against him.

**Mr Swinney:** It is truly a remarkable feat.

**Mr Raffan:** Mr Swinney agrees with me and I see that the councillor too is nodding. Whatever else the minister is known for in future years, his achievement will ensure that he is mentioned in a footnote as having united everyone in the area against him. However, that is all that I can congratulate him on. I came here today hoping that the minister would clarify his position, but I think that it is even more cloudy than it was the last time that I met him.

A few days ago, the minister said that SNH's system of evaluation and scoring for the sub-units was not an exact science. Of course that is true, but SNH's results have a logic and consistency that I was at a loss to find in any of the minister's answers.

I spent a good part of my childhood in the Cairngorm national park area, in my grandparents' country home in Braemar and, four years ago, I was at one of the early consultations on the national park, in Ballater.

Mr Swinney pressed with great effect his line of questioning on the so-called topographical differences between highland Perthshire and parts of the park. Clearly, those differences do not exist

and the minister could come up with no convincing or logical answer to Mr Swinney's questions. The minister failed to explain why the park would cease to have a cohesive and clear identity if highland Perthshire were included. I welcome the minister's decision to add the heads of the Angus glens, but the trouble with that is that it undermines his case against the inclusion of highland Perthshire because he has now included areas that, according to SNH's system, score significantly less than the three areas of highland Perthshire that he has excluded. Further, the minister did not respond adequately to Mr Ewing's point about the buffer zone and how it could endanger the eligibility of the Cairngorms for world heritage site status.

If the minister does not withdraw the designation order, the park will be set up in an atmosphere of controversy. There is likely to be a judicial review and the boundary will become an election issue and—who knows?—perhaps even a coalition negotiation issue.

The minister has said that this is a matter for his judgment, but I think that his judgment is wrong. Perhaps he would like to reflect on the words of Donald Dewar, who, in 1999, when comparing Westminster and the Scottish Parliament, said that the Scottish Parliament's strength lay in the collective judgments of its committees. He expressed a hope that the Executive would always respond positively to the views of committees. There is clear consensus, if not unanimity, in this committee—and on that point, I say to Rhoda Grant that a gateway is where someone happens to enter the park and that I think that her argument is rather spurious.

The minister will go up hugely in my estimation—I know that that is at the forefront of his concerns—and will be applauded by the press if he shows a degree of humility and simply says that he was wrong, withdraws the designation and comes back to the committee early in 2003 with a designation order on which we can all agree. That would ensure that the new park would be set up not in an atmosphere of bitter controversy but in an atmosphere that we would all want.

**Mr McGrigor:** I, too, am a Highlands and Islands MSP and I think that it is entirely wrong for Rhoda Grant to say that she would not vote for anything that did not make Dalwhinnie the gateway. The rest of the constituencies in the Highlands and Islands would surely want a park that is right from the beginning and which has all the best things in it. Missing out the jewel of the hills of Perthshire to make the boundary at Dalwhinnie is a short-sighted move and will work against the benefit of having a good park, not only for the people of the north of Scotland but for all of Scotland.

**Mr McAllion:** I was reflecting on Keith Raffan's remark about a gateway being where we enter. In Dundee, a gateway is also a place where people get thrown out. [*Laughter.*] That is another way of looking at it.

I have a brief remark about the part that I have played during the meeting and the system of committee substitutes that operates in the Parliament. For the first time, I was asked to come along here this afternoon as a substitute for another member, having played no part whatever in the committee's lengthy consideration of the designation order. Therefore, I must arrive at my conclusions on how I will vote on the basis of one brief afternoon of listening to the arguments going backward and forward in the committee. I do not think that that is a good system for the Parliament to operate, particularly if we put so much faith and trust in the committees. Members should not be asked to come along to be voting fodder, but should be able to participate as fully as any other member and base their conclusions on all the evidence, which I have unfortunately been unable to do. However, I do not have any problem with either of the amendments and will probably vote for them.

**The Convener:** Thank you, John. I will lay my convener's hat to one side to make a brief remark, if I may. I know that it is unusual for me to do that.

The entire matter, as many members have said, is flawed and a cause of great concern. I do not say that lightly, because the last thing in the world that I want to do is to oppose the designation order. I accept that the minister has never said that he would ditch the park or used any similar phrase. Fergus Ewing referred to the proposal that we are discussing as an aberration, particularly on the issue of the boundaries. Almost everything that I have heard leads me to agree with that view. I was in full agreement with Keith Raffan's eloquent speech. Such was his logic that it reminded me of his former glorious days as a member of the Conservative party.

**Mr Rumbles:** We are a broad church, Alex. Do you want to join us?

**The Convener:** There is cross-party consensus on the matter. Indeed, on a previous occasion committee members were unanimous, as has been mentioned many times, about how the boundaries should be made up. The one phrase that keeps coming back to me, from everything we have been saying, is that we have an opportunity to get the park right. However, many people have told us that we are wasting that opportunity. I am concerned about the lack of robust evidence for leaving out the area of highland Perth and Kinross. The minister was kind enough to open his doors to some of us last week to discuss the problems; I told him then that I could not support the

designation order unless I got a robust answer to the question why highland Perth and Kinross was left out of the park. John Swinney also said that that was all he was looking for.

I am afraid that I have not had such an answer. I am a man of my word, I hope, so unless I hear something in the minister's winding up speech to ease my concerns in that direction, I will have to say that I am unable to support the designation order. I will take no pleasure whatever from such a position, but I intimated that that would be my position if I did not get a good answer from the minister. However, I hope that the minister will be able to give me such an answer. Do any other members want to make a statement before I ask the minister to wind up?

**Stewart Stevenson:** With your indulgence, convener, I have a few questions to ask of Rhoda Grant. I will have to dig deep into my understanding of geography.

Glasgow is the largest city in Scotland and there are two routes that people might take from Glasgow into the national park. They might take the M80/A80 up to Stirling and from there the A9 up to Killiecrankie, which would be the entry point to the park if we were to return to SNH's proposals. I do not propose a new battle of Killiecrankie. I know that Rhoda Grant has an interest in the A82, and that is another route in—from the A82 by Loch Laggan and over the back road into Dalwhinnie. Is it not the case that Dalwhinnie could still be an entrance point into the national park, particularly for foreign visitors who will invariably choose a westerly route from the south and Glasgow? The extension of the national park to include parts of Perthshire would not preclude Dalwhinnie from playing a more important gateway role than that which the designation order lays before us today.

**Rhoda Grant:** As was said, there are many gateways into the national park. From my point of view, the main gateway will be the A9, which will provide the main route north into the national park.

I make it clear that there are many reasons for my change of heart. The main reason is that we are not comparing like with like. We now have a designation order for a national park that is 50 per cent bigger than the park with which we made the comparison previously. I welcome that increase and the inclusion of Dalwhinnie and Laggan.

**Mr Rumbles:** I have a brief comment about what Rhoda Grant has said. Dalwhinnie will be on the western edge of the national park. It will not be on the main route north as an entry to the national park. That will be Braemar, which is at the centre of the park, in my constituency. If someone is travelling from the east, it will be Ballater.

**The Convener:** We accept that there are many entrances and several exits as well.

We move to winding-up speeches. I ask Fergus Ewing to wind up and to indicate whether he wishes to press his amendment.

**Fergus Ewing:** Perhaps I may begin by expressing my thanks to you as convener and leader of the committee. No one could doubt your credentials as a leader, no matter what they might say about leaders of your party.

**The Convener:** That cheap remark is beneath you, Fergus.

**Fergus Ewing:** We have enjoyed the way in which you have led the committee. It has done us a lot of good throughout the deliberations that we have undertaken, particularly during the public session at Kingussie.

I have no hesitation in supporting John Farquhar Munro's amendment and am pleased he has lodged it. Alasdair Morrison referred to the work of Peter MacAulay; we are grateful and indebted to him for that.

I reassure Elaine Smith that she is absolutely correct to say that the amendment in my name was drafted with care to indicate that the attainment of world heritage status might be put in jeopardy. We are not certain whether it will be although we hope that it will not. It is fair to say that conflicting arguments have been put forward by the NTS and by many other organisations. We have to take those arguments very seriously. It is premature for the minister to say that there is no justification. Time will tell. We hope that the minister is right. By supporting my amendment, I hope that Elaine Smith recognises that it is not an absolute conviction but, as she correctly indicated, a warning bell.

The new gateway is located near Tarf water, which is not far from the hill An Sgarsoch, where, as I said earlier, I got lost one day. Beside Tarf water there is Tarf bothy, which is the only establishment in the world that I have visited that has a visitor book but no floorboards. I doubt whether those criteria render it suitable to be a gateway to the national park, but be that as it may, as the minister's boundary is drawn in the middle of nowhere, Tarf bothy will be one of the gateways.

18:30

Members have to strike a balance between constituency and national interests. I hope that by supporting the wider boundaries during the meeting in Kingussie and supporting wider boundaries today, I display a sense of the national interest. I see no reason why anyone who argued for the wider boundaries in Kingussie, knowing that that would entail a gateway at Blair Atholl, can now depart from that view.

We are asked to vote on a designation order that will bring Scotland's second national park into existence. I look forward to that with hope. I hope that the park will work, although it will require a lot of good will and co-operation and we will have to put behind us some of the past difficulties. Perhaps, after today, we will be able to improve the situation, but I am extremely disappointed that, as the convener said, we have heard no clear reason, logic or sustained justification for the exclusion of highland Perthshire. That exclusion is wrong and I hope that we will put it right in the future. In the meantime, I urge members to support my amendment.

**John Farquhar Munro:** As I have said, I lodged my amendment in the hope that we could determine once and for all a direct Gaelic translation of the park's English title. Everyone knows that the English title will be the Cairngorms national park; I suggest that the direct Gaelic translation for that is *pàirc nàiseanta a' Chàirn Ghuirm*.

**The Convener:** As a non-Gaelic speaker, I must take your word for that, but I do so happily. I assume that both the members wish to press their amendments. I ask the deputy minister to wind up.

**Allan Wilson:** I will try to be as brief as possible, but given the range of views that have been expressed in the past half hour or so, I would like to give a satisfactory response to them all.

**The Convener:** I am tempted not to point out that there is still half an hour available.

**Allan Wilson:** That should be enough.

Fergus Ewing's first point was related to the wider discussion on the planning proposals in the designation order, to which only one other member referred in today's lengthy deliberations. That is illustrative, given that the last time we met, planning issues predominated in our discussion. We listened, consulted and produced proposals, which, I believe—and I think the committee agrees—take into account the importance of securing consensus and getting the park off to a good start.

I believe fundamentally in the national park ethos, which does not mean imposing preservation and conservation on local people, but bringing people along with us to assist in the conservation and preservation process. In that context, our amended proposals are absolutely correct for the Cairngorms. I will deal separately with the comments of the other member who spoke about planning, Mike Rumbles, who was in a minority of one on the issue.

I give Stewart Stevenson a categorical assurance that the only considerations that we took into account in deciding on the boundary

were those that are laid down in the National Parks (Scotland) Act 2000. There was no secret conspiracy in the corridors of Parliament or elsewhere, nor was I locked in secret discussions with Highland Council or any other council or body.

The criteria that we took into account were: that the area should be of outstanding national importance because of its natural heritage or because of a combination of its natural and cultural heritage; that the area should have a distinctive character and coherent identity; and that designating the area as a national park would meet the special needs of the area.

Within that process, we also had to take into account issues such as good governance and resourcing. It is a pity that John Swinney's constituency interests did not extend to his waiting for the response. I could not take account only of topography, which he and other members referred to. I had to take into account the full range of considerations that are laid down in the National Parks (Scotland) Act 2000 and, ultimately, by the members of the Scottish Parliament. That is what I did.

Stewart Stevenson referred to John Swinney's legitimate constituency viewpoint that parts of Perthshire should be included in the park boundaries. The viewpoint of Keith Raffan in respect of his larger constituency is also legitimate. There is no consensus on the proposed park boundaries. I was grateful to Elaine Smith, Stewart Stevenson and other members who remarked on the fact that the process is not a precise science.

Reference has been made to the National Trust for Scotland's evidence to the Transport and the Environment Committee, which purported to demonstrate that the decisions on the inclusions and exclusions of areas—especially with regard to highland Perthshire—were inconsistent. NTS and supported its argument by using an aggregated score of the three scores that SNH gave to each area. The three scores relate to the natural and cultural heritage; the importance of the area; and distinctive character and coherent identity. As I said, those are the factors that we took into account. I also spoke about the extent to which the designation of the national park area as a whole meets the special needs of the area.

The three criteria are quite different and sometimes there was a marked difference in how an area scored on one criterion as against another. That is why SNH did not produce total scores but made an overall assessment of the case for the inclusion of each area under the headings "Very strong", "Strong" or "Weak". SNH made its assessment by taking account of the overall picture rather than by following some

mechanistic, arithmetical procedure, which is what I am being accused of. No one criterion or mechanistic procedure can be used in such determinations; the decision is based on a combination of all the factors.

SNH assessed three of the five areas that had a total score of nine as having a strong case for inclusion and two as having a weak case. Of the four areas with a total score of 10, three were assessed as strong and one as weak and, of the three with a score of 12, two were assessed as very strong and one as strong. I cite those figures not to cast doubt on the approach that was taken by SNH, as the process was entirely valid, but to emphasise that the question of inclusion or exclusion is a matter of judgment—in this case, the judgment was ultimately mine. That point can become obscured by comments about over-mechanistic responses.

Exactly the same decision-making process was undertaken in the establishment of the Loch Lomond and the Trossachs national park. Areas were included that not everyone wanted to be included and areas were excluded that people wanted to be included. I repeat that the decisions that were taken were a matter of judgment.

It is right and proper that the Loch Lomond and the Trossachs national park board got over the controversy about the delineation of boundaries and went on to establish itself very successfully. It did so on the basis that, no matter how decisions are taken, some people will always be disappointed. However, a reflection of the success that we have achieved is the fact that the national park ethos to which I referred has been secured.

With respect to Mike Rumbles, it is not true to say that one size fits all, nor is it true to say that that is the case in the rest of the UK, as he would have learned if he had listened to the evidence that the committee took in Kingussie from SNH. As for the allegation that we would be alone in the UK in taking the approach that we have chosen, I think that this is an opportune point to quote from the evidence given by Peter Rawcliffe in answer to a question from Rhoda Grant. He said:

“The issue of whether one size fits all has been discussed today. I question whether England has taken on the one-size-fits-all model. The English national parks differ in the way in which planning is operated. The Peak District national park has the only single structure planning authority; the other English parks prepare joint structure plans. The Broads Authority has a different system of delivering the planning function, which involves district council planning officials reporting to the park authority on planning matters.

We understand that the process for the two new proposed national parks is not yet complete. In the New Forest”,

an approach has been recommended

“in which the park planners and the New Forest District Council will prepare a local plan for the area. In the South Downs, a different arrangement is proposed. Both parks are examining ways of returning development control decisions to the local authorities”,

as indeed we propose to do in the Cairngorms.

“A range of experience exists in the English and Welsh parks structure, which shows that it is recognised throughout the UK that one size does not fit all.”—[*Official Report, Rural Development Committee*, 11 October 2001; c 3616-17.]

That is indeed the case: one size does not fit all. We have taken on board the representations that have been made and the consultations that have been carried out by the committee and others; indeed, we have taken on board the national park ethos that ensures that we bring people with us in preserving and conserving our natural heritage and do not impose that approach on them. We saw only recently how such an approach can go askew. I am obviously not in a position to comment on decisions about the Loch Lomond and the Trossachs national park, but people can see how easily the national park ethos can be lost if people are not taken along.

Very few responses to the consultation exercise raised any issues in relation to Gaelic. A small number—fewer than 10—sought to make the case that the park should have a bilingual name. The fact that there was such a low number of respondents might partly be due to the indication in the consultation document that ministers were considering how to reflect a bilingual name in the designation order. Although we considered the issue carefully, we felt that it would be inappropriate to deal with the matter in the designation order itself. Elaine Smith's point on the matter was well made. It would be more practical to leave it to an administrative decision of the new park authority. That is what happened in Loch Lomond and the Trossachs, where letterheads contain a Gaelic name for the national park.

I am familiar with the arguments over what might be the most appropriate Gaelic name. Indeed, I know that my personal Gaelic adviser, Alasdair Morrison, supports the contention that has been expressed. If and when the park is established, I will be happy to consider guidance to the new authority on what might be the most appropriate Gaelic name. The guidance will take into account all the expert advice that is available from Gaelic speakers in the Parliament and beyond. However, in the circumstances, it would be best to do what we did with Loch Lomond and the Trossachs and leave the Cairngorms national park authority to resolve the matter in light of the specialist advice.

In conclusion, I should tell Stewart Stevenson and others that the only considerations that I took into account were those that were laid down in the National Parks (Scotland) Act 2002. I absolutely

reject Mike Rumbles's suggestion that decisions were based on administrative convenience. Had that been the case, the Angus Council areas would not have been added. Regardless of what John Swinney said, it is not simply the case that, if one member is added to the board, another must be taken away. As members know, the boundaries for electing board members must be drawn up. John Swinney was wrong in that regard. I reject entirely the argument that the decision was arrived at for reasons of administrative convenience. We took our decisions to secure a second national park in the best interests of Scotland.

18:45

**The Convener:** The question is, that amendment S1M-3621.1, in the name of Fergus Ewing, be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 McAllion, Mr John (Dundee East) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stevenson, Stewart (Banff and Buchan) (SNP)

**AGAINST**

Grant, Rhoda (Highlands and Islands) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)

**The Convener:** The result of the division is: For 9, Against 2, Abstentions 0.

*Amendment agreed to.*

**The Convener:** The next question is, that amendment S1M-3621.2, in the name of John Farquhar Munro, be agreed to.

*Amendment agreed to.*

**The Convener:** The next question is, that motion S1M-3621, as amended, be agreed to. Are we agreed?

**Members:** No

**The Convener:** There will be a division.

**FOR**

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 McAllion, Mr John (Dundee East) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)

Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stevenson, Stewart (Banff and Buchan) (SNP)

**AGAINST**

Fergusson, Alex (South of Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)

**The Convener:** The result of the division is: For 9, Against 2, Abstentions 0.

*Motion, as amended, agreed to.*

That the Rural Development Committee, in consideration of the draft Cairngorms National Park Designation, Transitional and Consequential Provisions Order 2003, recommends that the Order be approved but, in doing so, regrets the exclusion from the boundaries of the Cairngorms National Park of those areas of Highland Perthshire and Drumochter, including the Forest of Atholl, Beinn a' Ghlo and Blair Atholl, all of which were recommended for inclusion within the park's boundary by Scottish Natural Heritage in its report, prepared for the Scottish Executive, on the proposal for a National Park in the Cairngorms, and is concerned that, if these areas remain excluded, the attainment by the park of World Heritage Status may be put in jeopardy, and further regrets that the Order does not include the Gaelic translation of Cairngorms National Park which is Pàirc Nàiseanta a' Chàirn Ghuirm.

**Mr Rumbles:** Due to the controversy, there is to be a nine-minute debate in Parliament. Such a debate would not be helpful and the committee would be brought into disrepute if the debate to pass the order lasted for only nine minutes. If the committee is agreed, will you, convener, stand up at the appropriate point in proceedings and ask for a suspension of standing orders to allow for a full and proper debate?

**The Convener:** I will come back to Mr Rumbles's question. The committee has another motion to deal with, on which we could have another 90-minute debate if members wished. I ask the minister to move motion S1M-3622, in the name of Ross Finnie, which deals with elections.

*Motion moved,*

That the Rural Development Committee, in consideration of the draft Cairngorms National Park Elections (Scotland) Order 2003, recommends that the Order be approved.—  
 [Allan Wilson.]

*Motion agreed to.*

**The Convener:** Mike Rumbles requested that, on behalf of the committee, I ask for standing orders to be suspended.

**Mr Rumbles:** At the appropriate point in business in the chamber.

**The Convener:** Presumably, that would be when the business motion is discussed.

**Mr Rumbles:** Correct.

**The Convener:** I will stand up and ask for standing orders to be suspended.

**Mr Rumbles:** I am asking that you do so on behalf of the committee so that members can have a full and proper debate.

**The Convener:** I am willing to do so, but whether I do is for the committee to decide.

**Stewart Stevenson:** I do not disagree with the proposal. However, I take it that that would not preclude your consulting the Presiding Officer's office beforehand.

**The Convener:** That would be taken as read.

**Elaine Smith:** Is there a precedent for such action?

**The Convener:** I do not believe that it has been done before, but I understand that it is in order to do so.

**Rhoda Grant:** The committee has debated the matter for a long time. To ask for a debate during a meeting of the whole Parliament would indicate that the committee felt that it had not debated the matter properly and needed further debate. Therefore, I will not support Mike Rumbles's suggestion.

**Mr Morrison:** I am similarly minded. Several members have dwelt on the fact that the strength of the Parliament lies in its committee system. By agreeing with Mike Rumbles, we would be conceding that we have been unable to have a sufficiently robust debate. There has been extensive discussion and I will not support Mike Rumbles's proposal.

**Fergus Ewing:** There should be a proper debate in Parliament. First, many members have a great interest in the topic. Secondly—this is the main reason—the committee has just voted by nine votes to two that there is a very serious defect in the order. That is an overwhelming majority.

I invite the clerks to clarify whether there is a precedent for a motion on a statutory instrument being amended on the reasoned basis that there is a fundamental flaw in the instrument. The committee has raised serious issues of principle and has agreed to the amendment by nine votes to two. That must surely justify a debate in the Scottish Parliament. If there is no debate, that will be seen as a massive vote of no confidence by the Executive in the committee system. It will be a slap in the face for the committee system and an extremely bad step.

**The Convener:** The clerks have confirmed to me that no such precedent has been set.

**Fergus Ewing:** This is a first.

**Mr McAllion:** The clerks may be able to clarify this. My understanding is that it is not within the power of the Presiding Officer to suspend standing

orders just because a member asks him to do so. The likelihood is that the Parliamentary Bureau will make a decision in advance if it is given forewarning.

Mike Rumbles is concerned that the Parliament will look bad if only three members speak. If a point of order is made and the proposal is overwhelmingly defeated in a vote, the Parliament will look even worse. I do not see what could be gained from that procedure other than allowing Opposition parties to knock the Executive. A change in procedures might be the way forward, but Mike Rumbles's suggestion would just highlight the flaws in the procedures. It is fine for Fergus Ewing to agree with what has been suggested, but if he were to be in power in the future, he would be much vexed by such a scenario.

**The Convener:** Does Mike Rumbles wish to press his suggestion?

**Mr Rumbles:** I do. I am a great supporter of the committee system. I have heard the arguments against my suggestion, but it is quite obvious to everyone sitting round the table and everyone listening to the debate that there are serious problems with the order. The majority of the committee has voted it through because we want a national park. However, we want to get it right.

There are so many members in Parliament that the general public would not understand why only three MSPs would speak in a debate. The entire procedure has been designed as a formality. We are in a unique position and it is up to us to lead the way. It is up to us to state that we are not attacking the Executive, but addressing what is important to the people of Scotland in relation to the national park. It is still not too late to get the park right and I want us to proceed on that basis.

**The Convener:** I want to make one thing absolutely clear: voting against the order does not mean that one is voting against the establishment of the national park.

Mike Rumbles has proposed that, as convener, I seek the Parliament's approval to suspend standing orders to allow a full debate in the Parliament on the designation order. The question is, that the proposal be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
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**AGAINST**

Grant, Rhoda (Highlands and Islands) (Lab)  
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Morrison, Mr Alasdair (Western Isles) (Lab)  
Munro, John Farquhar (Ross, Skye and Inverness West)  
(LD)  
Smith, Elaine (Coatbridge and Chryston) (Lab)

**The Convener:** The result of the division is: For 6, Against 5, Abstentions 0. The proposal is agreed to.

I will find out what the appropriate time would be to raise the issue in Parliament. I will also seek a meeting with the Presiding Officer.

Ladies and gentlemen, this has been a long and hard day. I thank you all for your attendance and forbearance. I especially thank the minister for appearing before the committee on two different subjects on the same day. I thank all members for their patience.

*Meeting closed at 18:55.*



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