

TRANSPORT AND THE ENVIRONMENT COMMITTEE

Wednesday 19 January 2000
(Morning)

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TRANSPORT AND THE ENVIRONMENT COMMITTEE 1st Meeting 2000 (Committee Room 2)

CONVENER :

*Mr Andy Kerr (East Kilbride) (Lab)

COMMITTEE MEMBERS :

*Helen Eadie (Dunfermline East) (Lab)
*Linda Fabiani (Central Scotland) (SNP)
*Robin Harper (Lothians) (Green)
*Janis Hughes (Glasgow Rutherglen) (Lab)
*Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab)
*Mr Kenny MacAskill (Lothians) (SNP)
*Des McNulty (Clydebank and Milngavie) (Lab)
*Nora Radcliffe (Gordon) LD
*Tavish Scott (Shetland) (LD)
*Mr Murray Tosh (South of Scotland) (Con)

*attended

WITNESS:

The Minister for Transport and the Environment (Sarah Boyack)

COMMITTEE CLERK:

Lynn Tullis

SENIOR ASSISTANT CLERK:

Richard Walsh

ASSISTANT CLERK:

David McGill

Scottish Parliament

Transport and the Environment Committee

Wednesday 19 January 2000

(Morning)

[THE CONVENER *opened the meeting at 9:32*]

The Convener (Mr Andy Kerr): Welcome to the Transport and the Environment Committee's first meeting of 2000. I wish everyone around the table a happy new year. I am sure that the year ahead will be very productive.

As you know, we have a fairly full agenda this morning. At the end of the meeting we will discuss our work programme, to ensure that we cover all the areas that we would wish to, and the progress of our telecommunications report. Are members agreed that we will deal with those items in private?

Members indicated agreement.

Deputy Convener

The Convener: Agenda item 1 is the election of the deputy convener. Parliament agreed on 16 December that the deputy convener should come from the Liberal Democrat party.

I invite nominations for the post.

Janis Hughes (Glasgow Rutherglen) (Lab): I nominate Nora Radcliffe.

The Convener: Nora Radcliffe has been nominated. Are there any other nominations?

Mr Murray Tosh (South of Scotland) (Con): Is she willing to serve?

The Convener: As there are no other nominations, do we agree that Nora is elected?

Nora Radcliffe was elected deputy convener by acclamation.

The Convener: The minister is outside, we will now ask her to join us.

National Waste Strategy

The Convener: I welcome the minister and her officials to the committee. The officials are Kenneth MacKenzie, Bridget Campbell, Richard Arnott, Sandy Cameron and Neil MacLennan.

The minister is here to discuss the national waste strategy, other matters of interest to the committee and future Executive priorities.

This is the minister's second visit to the committee; we found her first visit extremely useful. The minister will again make an opening speech and we will discuss matters of interest.

The Minister for Transport and the Environment (Sarah Boyack): Thank you very much, convener. I am pleased to be here. It seems a long time since I last attended the committee, but I see from my diary that it was not long ago at all.

I will discuss some of the key issues that we have been addressing through the programme for government and then move on to the national waste strategy, which I know is the main issue today.

We are making good progress on the bills that will soon come to this committee. I will make separate announcements on the bills that I am in charge of. I will outline where we are on them and give members a sense of how soon the committee will be dealing with them.

I mention in passing that, this afternoon, I will launch our air quality strategy in a statement to Parliament. Members will be able to ask detailed questions about it at that point. It builds on our previous strategy, which the Government adopted in 1997. There has been a lot of close work by London, Cardiff, Belfast and Edinburgh to sort out where we are going with our air quality strategy. Given that I shall make a statement on that in Parliament this afternoon, I shall leave that point there.

On Friday, after a lengthy consultation process, I shall launch a draft bill on national parks. There will be a memorandum on key points in the bill, as well as the draft bill itself. I am sure that members will want to raise many issues. We are on schedule for moving towards establishing our first national park in Loch Lomond and the Trossachs by next summer. The process is at a critical stage.

I understand that the Rural Affairs Committee will take the lead on national parks, but it seems to me that the Transport and the Environment Committee will undoubtedly want to make an input, given the matters that you have been covering over the past few months. I would be happy to be invited along to a committee meeting

when you begin to consider the bill, either for a general discussion or for a more detailed debate once you have had time to absorb our proposals.

There has been a huge amount of interest in national parks. The bill will go to more than 500 consultees, including the Scottish Civic Forum, community groups, local authorities, all those who responded to Scottish Natural Heritage's consultation paper and any members of the public who have written to the Executive requesting copies. The list is extensive. We will also make the bill available on our website so that people have access to it even if they have not previously expressed an interest.

I welcome views from the committee. It is difficult to say how much the bill will be amended in the light of consultation. That is partly up to people outwith this room, but it is also up to MSPs as the bill goes through its committee stages. We will work hard to introduce the bill before Easter, but there will be a formal six-week consultation period. We have had a lot of discussion on the background to the bill and on some of the detailed issues, but we need that formal consultation period so that people can consider the full set of proposals that we plan to offer.

I am told that the land reform bill is due to be published shortly. It will include proposals for countryside access.

Yesterday, I chaired my first meeting of the ministerial team on sustainable development, which will provide a focus for action across different departments in the Executive. I hope that we will find time in Parliament to discuss environmental issues. I have put in a bid for a debate, as I am keen to broaden the discussion to include all members of Parliament. All MSPs should be able to discuss our commitment to sustainable development.

I will come to Parliament shortly with the Executive's draft proposals on the transport legislation. I will not introduce a draft bill at this stage, but I will publish a memorandum that sets out the detail of our policies. Again, that will be circulated widely. It will provide a basis for discussion and allow us to refine our proposals over the next couple of months. I look forward to discussing our transport proposals, in general and in detail, with the committee. The transport bill will be published shortly after the national parks bill.

It may be useful to run through some of the key issues that we have dealt with over the past few months, many of which have generated parliamentary questions from members of Parliament.

The Convener: That would be useful.

Sarah Boyack: We have had an extensive

debate on the strategic roads review, both formally and in the corridors. I announced the results of our strategic review on 4 November 1999. Our five major trunk road schemes are going ahead at a total capital cost of £140 million over the next three years.

I will give the committee an update on how we are proceeding with those key routes. We have done preparatory work on all the schemes. We have the orders for the M77 scheme and tenders will be invited for the A830 Mallaig road in the spring. As was announced in October, I got an extra £35 million from the Cabinet; the schemes will draw on those extra resources.

I have had useful meetings with the councils involved in the M74 northern extension and the improvements to the A8000 from the Forth road bridge to the M9. I am impressed by the work that has been done and I am looking forward to working with councils on those schemes. They are progressing those schemes and are now in the driving seat. We have also advertised for consultants who can take forward the multi-modal corridor study on the A8 and the A80. Work is proceeding on those matters.

09:45

On the trunk roads maintenance and management programme, I announced in December 1999 new arrangements for ensuring that maintenance will be done from April 2001, when the current contracts expire. That might sound like a long run-in period, but if we are to meet our objective of having in place four new contracts that cover Scotland, we need a lengthy lead in. The schemes must be advertised in the *Official Journal of the European Communities*.

Previous ministers have consulted public and private sector interests and comments that were received have been taken on board. We are keen to improve efficiency and economy and to ensure that our roads are maintained to the highest standards with proper concern being shown for the environment.

The tendering procedure has been started. I have received a letter from Andy Kerr on that matter. I have reassured him that the Executive will be able to make more room for the tendering process and that the concerns of local authorities that have made representations will be taken on board. We will look to local authorities and the private sector to identify schemes and to tender bids.

Members of the committee have been very interested in the Scottish airports and air services study, which is nearing completion. It is part of a series of linked studies throughout the UK that will, I hope, lead to the development of a sustainable

air transport policy. The emerging findings from the Scottish study and from the other studies throughout the UK will be the basis of a consultation process, which it is planned will start in the late spring. There will be an opportunity to provide formal input to that and I hope that the committee will be keen to respond to that consultation. I will examine the consultation closely.

Since I last met the committee, the Chancellor of the Exchequer has announced some ideas about air passenger duty. I know that the committee is also interested in it. He has said that he is minded to exclude from such duty flights from the Highlands and Islands and to apply reduced APD rates for low-cost fares. He is well aware of the importance of air services, particularly those to and from the Highlands and Islands. In responding, the Executive will be keen to emphasise the potential benefits of extending exemptions to those who live in communities whose economic and social well-being depends on air services. I am keen to take that forward and I know that members of the committee are interested in that.

Members will recall that I made a statement to Parliament last summer on how the Executive will take forward the implementation of the package that Henry McLeish announced before devolution. The Executive is about to acquire a range of railway responsibilities. I am keen to use the development of the railways in Scotland as part of our overall approach to integrated transport. I want to find out how we can improve the quality and range of services in Scotland.

The shadow strategic rail authority has begun the process of franchise replacement. That will have implications for Scotland, including entirely new franchise arrangements. Two key franchise replacement negotiations, which are of great interest to us in Scotland, have been announced. One is the east coast main line franchise, which is currently held by Great North Eastern Railway. The Executive is discussing its particular interest in Scotland with the rail authority, to ensure that that will be reflected in the negotiations.

We will also have a key role to play in the replacement of the ScotRail franchise. That is not happening quite so early in the programme of franchise replacements, but we are starting the work so that our directions and guidance will be right for Scotland and so that we can ensure provision of the appropriate type and level of passenger services for Scotland.

Members will have seen the announcements that I have made in the past few months on freight facilities grants. That links to the Government's commitment to moving 15 million lorry miles a year from roads to rail by March 2002. That is a

challenging objective, but a number of announcements have been made that will take us towards meeting it.

I confirm that Railtrack has commissioned a feasibility study into the Stirling to Alloa line, in which the opportunities for freight that might be opened up will be examined. I know that some members will be particularly interested to learn that Railtrack is also preparing an application for freight facilities grant assistance. I look forward to the bid that Clackmannanshire Council will submit in the next round of the public transport fund, which will further consider passenger services on that route. Some important work on rail developments is being undertaken.

My final point on transport is that, as members will be aware, the Executive has launched the national concessionary scheme for blind people. This voluntary scheme involves bus, rail and ferry services in Scotland and we will look to the lessons learned from the scheme as we consider improvements to concessionary schemes for different groups across Scotland.

I will conclude my remarks with one minute on planning. We have moved ahead from the 1999 consultation paper. I announced to the Royal Town Planning Institute's conference in November some of the key changes that I wish to implement. We have set up a working group, involving a range of interests, to revise national planning policy guideline 1, which is the key planning guidance and sets the framework for the whole planning system. I have asked the group to draft ideas on how to develop the guideline and to consult the public about those ideas. At that stage, I hope that the committee will express an interest in the matter—the committee may wish to respond to me if members wish to support particular ideas or if there are issues that they wish us to develop further.

While I have run through a lot of issues, my input has not been comprehensive. I have been involved in many other issues over the past few months, but I wanted to give members a flavour of what I have been doing on the programme for government commitments.

Members may not have seen the building standards revision document, which is a lengthy—about 2 in thick—and hugely important document. Just before Christmas, I laid the Building Standards and Procedure Amendment (Scotland) Regulations 1999—in case members need the full name. We are improving the quality of provision, integrating access and facilities for disabled people throughout the regulations and improving the quality of access to new buildings for people with physical disabilities. These are landmark regulations in terms of improving access. I draw the revision document to the committee's attention

in case members have not seen it. I look forward to considering the energy side of the regulations in the summer.

I will stop there—I could go on for hours but I know that that is not what we want today.

The Convener: I appreciate your rundown of the issues, minister, and the comprehensive nature of your report.

Before opening up the discussion to the committee, I want to make two points. First, a Scottish statutory instrument on the building standards regulations, which is subject to annulment until 9 February, is on today's agenda. We will discuss that later.

Secondly, we will discuss our work programme at the end of this meeting and may form a view on where the national parks bill should end up, although that will be subject to further discussions elsewhere in the Parliament.

Mr Tosh: I want to ask the minister about the strategic roads review and about the M74 in particular. The convener and I, and one or two other members, were at a dinner in the west of Scotland yesterday—there is extensive business interest in the detail of what is planned. There have also been many parliamentary questions about the M74, but most of our information has come from the columns of *The Herald*. There appears to be unease among local authorities about the precise hopes of the Executive.

Is the Executive committed to the existing scheme, which has planning consent, or does it feel that, in the light of the analysis done in the strategic roads review document, the scheme should be scaled down or heavily amended? What would be the planning implications for an amended scheme?

I am less concerned about the funding mechanisms, which we can debate politically on another occasion. I had a letter from the minister about the A8000, which was helpful in making it clear that the Executive wants to progress that road and is enthusiastic about it. Does the Executive view the M74 as important? Does it accept the economic case? What sort of M74 does it expect Glasgow and the other councils to develop? I know that the matter has been referred to the councils, but the Executive has clearly had meetings with them and has certain expectations. We are a wee bit in the dark about where the Executive wants to go on this issue, so it would be helpful to have some of those points clarified.

Sarah Boyack: Because of the sense of unease, I would like to provide some clarification. Our analysis in the strategic roads review identified potential economic benefits from the M74 scheme. We are clear about that. However,

we also identified a significant proportion of local traffic on the route, so in taking the matter forward, I am keen to ensure that local authorities look at the impact of the route. Where they can mitigate some of the environmental impacts that we identified they should be able to do it, and we have discussed that with them. I am keen for the councils to see how the scheme fits in with their local transport strategies.

I talked to the business community in Glasgow through the chamber of commerce, and we talked about the details of progressing the route.

We cannot ignore funding. It is a key issue for the local authorities involved and they need to be able to develop a scheme that they can fund. The issue of the scale of the project is related partly to environmental implications, but it is also related critically to what the three directly interested local authorities—and the other local authorities around the area—will be able to do to pursue the scheme. I am keen that the authorities get on and examine the project. The meeting I had before Christmas was positive and we will see progress from it.

Mr Tosh: When the minister talks about the scheme, is she talking about the scheme as a concept, or the scheme that currently has planning consent? I am still not clear that what was on the table is still on the table, or whether this further study is likely to appear as a significant amendment to the existing planning consent. If it is the latter, it will have major implications for the consultation process and, therefore, for the timing of the scheme. It will also have economic consequences. I am not necessarily criticising; I simply would like to know what kind of time scale we are talking about for the potential implementation of an M74 scheme, or the M74 scheme.

Sarah Boyack: That issue is for local authorities to address. It is critical that they identify the appropriate scheme. There are the proposals that you mentioned. The councils will come back and look at the scheme and decide how to take it forward.

You should address your detailed question to the local authorities. They are the relevant planning authorities for the areas and they are progressing the scheme. It would not be appropriate for me to be prescriptive and tell them what to do.

Mr Tosh: It might be appropriate to give them leadership, though.

Sarah Boyack: We have given leadership. We had a meeting, but it is clear that the detail of the scheme is up to the local authorities.

Janis Hughes: I agree that finance is one of the major issues for local authorities and that putting

them in this situation is a new experience for them. I am sure that you know from your discussions that some of them were taken aback by the decision, but that decision has been made and it is for them to decide how to take it forward in conjunction with you.

One of the issues that is of most concern is that although local authorities can consider funding issues and look at ways in which they can fund this proposal, there are knock-on costs. I am thinking particularly about the blight that affects South Lanarkshire Council, which runs to the tune of approximately £10 million, as far as estimates can tell. If councils are being asked to take decisions such as this and look at forms of funding, that is one thing, but will the Executive provide assistance? Money for the M74 proposal as it stood was not available to councils, but will there be any assistance for councils to help with the knock-on costs of whichever method they choose?

Sarah Boyack: The leader of South Lanarkshire Council made that point to me before Christmas. I gave a commitment that I would examine, with development department officials, the issues surrounding that because, as you suggest, there are financial implications. However, I cannot say what the conclusion will be.

Janis Hughes: So you are sympathetic and are seriously considering giving assistance?

Sarah Boyack: The local impact was made clear to me.

10:00

Helen Eadie (Dunfermline East) (Lab): I welcomed your reference to the Building Standards and Procedure Amendment (Scotland) Regulations 1999. How do those regulations affect companies such as Railtrack? Other members share my concern about how Railtrack upgrades stations—it is talking about a wind and watertight programme throughout Scotland. Without speaking to local authorities or anyone else, the company spends £250,000 on painting or making improvements, but does nothing to improve access for disabled people.

When I was on Fife Council, the policy agreement was that the moment that the go-ahead was given for a refurbishment or new build programme, facilities should automatically be built in for access for disabled people.

It does not matter if Great North Eastern Railway, ScotRail or Virgin Railways provide wonderful facilities for people on trains, if people who are disabled cannot get on the trains.

We should build into policy regulations an automatic requirement for Railtrack to begin the

programme of providing access for people who are disabled, because 2004, when the Disability Discrimination Act 1995 comes into full effect, is not far away. I know that Railtrack cannot do the work overnight.

Sarah Boyack: Your point about the Disability Discrimination Act 1995 is well made. Railtrack knows that it has to meet the requirements of that act and it has a refurbishment programme to improve the quality of access.

We have to improve the information that is available, so that when people start journeys they know what will happen at the other end, and whether they can return by the same route. At some stations, one side is accessible but the other is not. A raft of things needs to be done. The standards of our infrastructure must be improved, but information must also be provided so that people know where buildings and facilities have been improved and where access for people from the disabled community is not up to scratch.

I agree that there is more to be done. Railtrack has a programme, but there is a question over how quickly it is progressing. Another issue concerns how that programme links into our overall commitment to improving access to transport for people with disabilities.

The Convener: Many members have expressed an interest in asking questions. I ask members to make their questions sharp and to the point to allow the minister as much time as possible to respond.

Tavish Scott (Shetland) (LD): You always say that just before I am allowed to speak, convener.

Will the airport study on air passenger duty be published in full, so that when you issue a consultation document, we will learn what that study concluded? The study has been going on for a considerable time, so its conclusions will, presumably, be informative.

Will the study consider the role and operation of Highlands and Islands Airports? You will be aware of the concerns about that and will have received representations from bodies such as the Inverness chamber of commerce.

I did not pick up from your introductory remarks whether the Executive has made or will make a submission on air passenger duty to the Government. I hope that the submission has argued—or will argue—for full exemption, rather than the partial exemption that has been proposed by Customs and Excise. I encourage the minister to argue vigorously for full exemption.

Sarah Boyack: At both ministerial and official level, we have been making our views known very strongly on air passenger duty. I can reassure Tavish on that.

Some of our input to the airport study is commercially confidential, but the consultation exercise will give us feedback from a whole range of interests. That information will enable us to consider further developments. I understand that the consultation exercise will come out in the spring; we can examine the detail of the recommendations at that point. There has been a huge amount of interest from the Highlands and Islands in general, from businesses and from passengers; I look forward to considering how we can make progress.

Robin Harper (Lothians) (Green): My question—if I am allowed to ask it in two parts—relates to the national waste strategy and voluntary organisations.

The Convener: We will cover the waste strategy separately, once we have asked our more general questions.

Robin Harper: In that case, I will ask a general question on the sustainable development group that the minister has established. How will the group receive advice, now that the sustainable development advisory group no longer exists?

Sarah Boyack: We have set up a team of ministers, of which—as Minister for Transport and the Environment—I am the lead minister. I am keen to examine how we discuss civic participation and for Parliament to discuss the issue. There is some debate on how civic forums might be strengthened in future and it seems to me that sustainable development needs to fit in with civic ownership and participation.

I have had a series of meetings over the past few months with various groups that have come up with many practical suggestions on policy and process issues. I am keen to develop those suggestions and have a debate in Parliament on how we can improve on that information. Mr Harper may rest assured that I have been receiving enough advice—the question is how to generate the time, resources and policy space to implement that advice.

Mr Kenny MacAskill (Lothians) (SNP): I have a couple of brief questions. Will the minister seek to make it a condition of the east coast rail franchise that the line is electrified between Aberdeen and Edinburgh?

Will there be a specific Scottish target on climate change and will that target be detailed by sector?

When and how were matters relating to the review of trunk road maintenance intimated to local authorities? In other words, when was the announcement that was made on 24 December issued to local authorities and in what manner? Has consideration been given to possible job losses—

The Convener: Can you try to narrow it down a bit, Kenny? That is your third or fourth question.

Mr MacAskill: Have any job losses been intimated? Is not compulsory competitive tendering being suggested, as opposed to best value? Does the Executive's position comply with European procurement legislation?

Sarah Boyack: I will kick off with your final questions. The Executive's position complies with European Union requirements; that is why we are going through the process. The whole point is that we are trying to get full maintenance contracts to cover the whole of Scotland. I understand that the Transfer of Undertakings (Protection of Employment) Regulations would apply to any future contracts.

Our press release in December was followed up swiftly by a more detailed notification to the local authorities. I do not have the exact date, but I can provide it in writing to Mr MacAskill.

On climate change, we are about to produce a consultation document that will cover all the details raised by Mr MacAskill. We can have a fuller discussion on that at a later stage.

There has been a long discussion on how we can improve the quality and speed of the east coast main line. I understand that the discussions have moved forward from considering just electrification to examining a range of other ways in which we can increase speeds on that line. I see that Helen Eadie is nodding.

There has been a long discussion with local authorities in Scotland on improving the line. The critical issues to focus on—in Railtrack's current proposals to amend the track speeds and in discussions with the potential operators—are the quality of the service and how we increase the speeds and reduce the journey times on that route. A number of suggestions have been made as to how we should do that. Those do not just involve electrification; the debate has moved on.

Mr MacAskill: Can I take that as a no?

Sarah Boyack: Pardon?

Mr MacAskill: Can I take that as a no—electrification will not be a condition?

The Convener: We will move on.

Mr MacAskill: It was a specific question, convener.

The Convener: And you got a specific answer about the consultation discussions that the minister has had. You can take up those matters elsewhere.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I will keep my question short

and pointed. It concerns rail freight, which might not surprise the minister as we have discussed the issue already.

The minister mentioned the difficulties that exist, despite the fact that the freight facilities grant scheme—which I welcome—is in operation. She is aware that there have been a number of difficulties, especially with the transportation of coal and timber through rural communities. Are we on target to meet the requirement to get a considerable amount of freight—especially freight that goes through small rural villages—off the roads and on to rail? Will any interim measures be taken to provide help to communities that are suffering in the meantime?

Sarah Boyack: Cathy Jamieson's last point is key—how can we improve the quality of life for people in rural villages? That relies partly on locally implemented traffic management schemes, but the issue is difficult to address, especially in cases where freight is already passing through the villages. For new freight, as is the case in Cumnock and New Cumnock, we have an opportunity to avoid the problem in the first place.

There is no quick-fix solution to the problem. It comes down to using local traffic management in villages and setting up freight facilities grant schemes, so that we transfer the freight that is going through those villages on to rail as swiftly as we can. The freight facilities grant is critical, because it gives us a practical way to do that.

Nora Radcliffe (Gordon) (LD): I must say how sensible it is to use the building regulations to get barrier-free housing. That always seemed to be the sensible way forward and it is great to see it happening.

On trunk roads maintenance management, I will highlight a key issue for local authorities in rural areas, such as Aberdeenshire Council and Moray Council in my constituency. If you look at a map, you will see how trunk roads cut across the road system; that causes difficulties for local authorities if the trunk roads are taken out of the general roads maintenance system. If local authorities cannot deal with trunk roads and secondary roads in an integrated way, that creates great inefficiencies and results in higher costs.

Sarah Boyack: I have received representations from local authorities on that issue and have discussed the matter at meetings with authorities such as Highland Council and Argyll and Bute Council. We discussed how the new maintenance contracts might be an opportunity for those local authorities to work together, both to deliver their local routes maintenance and to investigate the possibility of submitting joint bids in the tendering process for the new contracts. Local authorities have a great interest in that.

Nora Radcliffe: A nice long trunk road is fine for a contract on its own, but if you take that trunk road out of what local authorities are doing, it gives them dead miles, if I can put it that way.

Sarah Boyack: We must learn from our current experience of the eight contracts in Scotland. The idea behind having four contracts is to give local authorities the opportunity to submit bids as consortia, either with other local authorities or with the private sector. I look forward to receiving the bids over the next few months.

Linda Fabiani (Central Scotland) (SNP): I am especially interested in the continuing revision of the building regulations in Scotland. Will there be a serious revision of insulation standards for residential properties? It is well known that our standards are well behind those in European countries with comparable climates. An improvement would be of benefit in relation to both fuel poverty and environmental emissions. I would like an assurance that the approach to sustainable development is serious and that it will underpin future house building.

Sarah Boyack: Absolutely. I can give you a categorical assurance that that is the entire purpose of the next review of the building regulations. One of the key commitments in our programme for government was that, the next time we reviewed the building regulations, we would examine insulation and energy efficiency standards. After consultation, we will develop building regulations that will meet the climate requirements in Scotland; they will tackle fuel poverty problems and save the energy that is wasted through roofs, windows and walls. This is an important opportunity. We will produce a draft set of changes in the summer.

10:15

Helen Eadie: Which summer?

Sarah Boyack: This summer. The programme for government made a commitment and under the current timetable, a consultation programme on changes to the regulations will go ahead this summer. The past year or so has been taken up by the disabled access issues that I mentioned earlier. The next process will examine energy efficiency.

Des McNulty (Clydebank and Milngavie) (Lab): My first question relates to your comments on the Scottish input into the shadow strategic rail authority. Does the Executive intend to produce a protocol or explanatory note to explain how its input will reach the authority? How will that mechanism work?

Secondly, when you made the announcement on the M74 northern extension in the strategic

roads programme, you related the decisions to particular criteria against which programmes can be judged. Is there any intention to revisit those criteria in the context of guidance to local authorities, perhaps in relation to planning consent and funding support or any issues that might be germane to the implementation of the programme?

Sarah Boyack: I would be happy to send the committee a memorandum on our guidance on the shadow strategic rail authority.

On the strategic roads review, the key mechanisms are the national planning policy guidance on transport and planning, which sets out the Government's main objectives, and the guidance that I will issue to local authorities on local transport strategies. We will take on board the lessons that we learned in the strategic roads review and from the range of other transport issues that we have been considering. That will give local authorities detailed—although not prescriptive—guidance on the Executive's thinking on transport and planning.

The Convener: I have a question about the transport network maintenance contracts that are currently being discussed. The hallmark of compulsory competitive tendering is that the lowest price wins, but I understand that we have moved on from that to include quality output base criteria in the evaluation of tenders. Will you confirm that the tender evaluation process will consider quality as well as price?

Sarah Boyack: Yes. The consultation process discussed how we would judge the way in which those contracts would be implemented and what we would expect to get from the resources that we put in. Value for money is critical to the whole process.

The Convener: I invite the minister to move on to a more detailed examination of the national waste strategy.

Sarah Boyack: I am delighted to talk to the committee about the national waste strategy. Waste is one of those subjects that have been low on our list of priorities. We all think that it is important, but we need to focus on taking action. I appreciate that it is a commitment for the committee to set aside time to consider the strategy.

Paradoxically, we all think of waste as important but have problems with tackling it. There is much concern about how we should dispose of our waste. My postbag—and committee members' too, I suspect—is testament to that. Whether we tackle waste through landfill or incineration, people are unhappy about what we do with it. How do we tackle the problem of creating waste in the first place? Most people are unhappy about living

beside any form of waste disposal. However, we need to appreciate that the more we minimise, re-use or recycle the waste that we produce, the less of a problem disposal is and the fewer facilities we will need for that disposal. Making those connections is part of the challenge.

The subject is not at all straightforward, because of the other issues involved, such as health and hygiene. There is the problem of packaging—we have a more throwaway lifestyle than the generations before us did. There are too few recycling facilities. We do not have a stable market for the products of recycling, so we know that there are problems there. Everything that we throw away is a waste of resources—we have to focus on that. Most people are unaware of the waste of resources, in terms of the cost of dealing with household waste—that cost is often buried in the detail of the council tax bill. Unless people have explored the issue, they cannot say how much of our annual council tax bill is spent on dealing with waste. If we knew that figure, however, it would probably focus our minds more.

Many industries are unaware of how much they spend on getting rid of waste, although the landfill tax has begun to put a premium on that. We need to tackle the attitude of industry towards energy management and energy efficiency. Most of the big industries are much more aware of how much they spend on energy—they have programmes in place to deal with that—but they need to have the same approach to waste.

We all know that landfilling waste is an environmental risk. We can manage and monitor that risk but, fundamentally, it remains a risk. If waste is not controlled, it can, as it disintegrates, pollute watercourses. Waste can produce gases, in particular methane, which contributes to air pollution and climate change. There are problems for us there. Every time we collect waste and dispose of it in a big site, it has to be transported. That uses a significant amount of energy and creates CO₂, another contributor to climate change. There are many environmental imperatives, which is why we have to tackle the subject of waste.

It is not enough just to identify the problem; what we really need is a strategy that brings in all the key parties and allows us to consider how we can systematically tackle the problem. We know that current practices are unsustainable, but we need a major shift in culture, not just to push the issue up the political agenda, as we are doing today, but to push it up the agenda of every individual. The strategy gives us the framework that will begin to enable people to see what part they need to play in tackling the problem of waste.

A formidable array of European legal obligations has to be addressed, which, if it pushes the issue

up the agenda, will give it the focus that is needed. The European obligations include the formation of a national plan; Scotland's waste strategy is part of our commitment to addressing that. We are the first country in the UK to adopt a national strategy, but we have much further to go. The focus of our discussion today should be on how we implement the strategy.

The strategy document sets out a number of other challenging European obligations. They include, by 2006, cutting by 25 per cent the amount we landfilled in 1995. That figure rises to 65 per cent by 2016. There will be several elections before then, but we need to begin to tackle those objectives now. Our current practices are completely unsustainable: 3 million tonnes of municipal waste, 2 million tonnes of office and shop waste and 7 million tonnes of industrial waste are produced each year in Scotland. We landfill about 95 per cent of municipal waste—the highest percentage in Europe.

There are some issues on which, over the next few years, I will be able to come to the committee and say, "We are in the middle range of European countries," or, "We are near the top end of environmental practice." However, on waste, we are not doing as well as our European partners. Scotland's recycling performance is very poor. The latest Accounts Commission data show that the figures for recycling household waste fell to 5.3 per cent in 1998-99 and that only a handful of local authorities are recycling more than 10 per cent.

The instability in the market for recycled products is a major problem for local authorities. We should examine that issue. The REMADE in Scotland project that we launched in the summer has been considering research from seminars on this subject, which has given us the opportunity to examine the matter practically. However, we still have a long way to go.

I have given the background to the problem of waste, but how do we actually tackle it? The Scottish Environment Protection Agency will invite the local authorities to meet the enterprise agencies and other interested parties. At those meetings, they will consider 11 area waste plans to establish the principles behind drawing up local waste plans. Local authorities will then be able to investigate the structure of the local planning process for the facilities that might be required, and SEPA can address some of the most difficult recycling issues such as the disposal of tyres and batteries and offer advice about those issues to local authorities.

We need to examine the statutory targets required by European directives in each area. For example, at least 50 per cent of packaging waste needs to be recovered or recycled by 2001, which is only a year away, and we have to comply with

the landfill restrictions that I have mentioned. We are also considering voluntary targets to reduce the amount of industrial and municipal waste that is produced. SEPA will consult local authorities to develop targets for recycling household, construction and demolition waste; the organisation will provide me with those targets this year. In the next few months, I will also have to focus on legislative changes that have been suggested by SEPA, which include new duties for waste producers and local authorities and new, more interventionist powers for SEPA itself.

When we launched the strategy, cost was one of the main concerns. We are at the bottom of Europe's league table in terms of waste and we have to find out the full funding implications of getting up that table. The Convention of Scottish Local Authorities, SEPA and other interested parties are carrying out work on how we can give local authorities different delivery targets for meeting the landfill directive. That will inform the Executive's spending review this year.

In the meantime, we will make £2.5 million available to local authorities from April to allow them to get on with preparations for implementing the strategy. We need to consider all the options for future funding. Two pathfinder public-private partnership schemes for waste management are being developed and I want to find out what we can learn from those.

I will finish on the issue of waste awareness, which is not the No 1 political issue and needs to move further up both the political agenda and the agenda of interested parties and individuals. The cultural shift will take some time. We need to make the link between what local authorities and companies do and we need to find out how we can enable individuals to change their approach.

In the long term, education will be vital. How do we change young people's attitudes to waste? Every time I visit a school, I always make sure that waste is on the agenda. It is not exciting, but it is fundamental. Each time someone buys a burger, what happens to the waste? Do they put it in a bin? Why do we have that waste? We must make that connection, so that people can relate to it, and we must bring about a shift in culture.

There is a strong challenge for businesses and a strong opportunity for them in terms of marketing and in terms of how they can reduce the amount of money that they spend on packaging. We must get the message across to the public and to retailers and businesses.

10:30

Officials are currently in discussion with a range of organisations. We want to promote a stakeholder interest and we must consider

promotion of waste minimisation and recycling. The key parties are COSLA, SEPA, Keep Scotland Beautiful, the Recycling Advisory Group for Scotland and Waste Watch. The voluntary sector has a key role; the strategy is not just about local authorities and business groups.

If we are to make progress on waste, we must all accept that the challenge is massive. I would like the committee to consider how it can work not just with me but with local authorities and SEPA to play a role in that strategy. I am sure that members have ideas. Over the next five years, I would like Scotland to move up the league table of addressing waste. We have the environmental imperative, we have European obligations, and all committee members think that the issue is important. We must make a step change from 5 per cent to the 25 per cent that is the historic target for recycling in Scotland. That is a visionary challenge. Over the next year, we must work out genuine targets to which local authorities can work to get to that level.

I could go into more detail, but I would rather that the committee set the agenda. If we are to address the challenge posed by waste, we must work in partnership.

The Convener: Thank you. I appreciate what you have said about developing a partnership across civic society in Scotland.

Robin Harper: Page 36 of the waste strategy document states:

"The core organisations represented on the groups will be SEPA, Local Authorities, the Local Enterprise Companies and, normally through representative organisations, the waste management industry, major waste producing companies and businesses."

However, an important group has been missed out: voluntary and community organisations. Is there a problem with including those? Many voluntary organisations are working towards waste strategies, waste minimisation and recycling.

Will the Executive also consider the administration of the landfill tax? Some small firms that are already engaged in recycling have found difficulties in accessing any benefit. Many of those firms could make an enormous contribution if they were encouraged to develop.

Sarah Boyack: Robin is absolutely right to say that the voluntary sector has an important role to play. Page 36 also states that

"national initiatives . . . have to be met through local actions".

The voluntary sector is critical at a local level. Voluntary organisations can reach people more directly than authorities or businesses can. They have a direct opportunity to link in with what local people feel. Under local agenda 21, some good

local projects have been set up. When I was in Stirling and Falkirk in the summer, I saw the projects that had been set up by the Scottish Conservation Projects Trust. Those projects are on the ground, and it is waste collection on the ground that goes towards recycling.

If people can see practical benefits, with training and job opportunities for young people, that will create a virtuous cycle to change the culture at a local level. I see local action and the work of the voluntary sector as critical. If the landfill tax has had a strength, it has been to give resources directly to local environmental groups and trusts. Local businesses can link into the landfill tax and there is a raft of other areas in which we can improve that tax. We are considering those things in our discussions with the Department of the Environment, Transport and the Regions, which is in turn holding discussions with Customs and Excise. There is some way to go to improve the landfill tax. We must focus on where it has worked and where it could be improved, and I have had a number of useful and detailed representations from committee members.

Janis Hughes: It is only when we hear statistics such as the ones that we have just heard that the size of the issue comes home to us. A huge cultural change is needed. Most of us are aware of the things that we need to do, but we do not do as much as we should to help with waste and recycling.

As you said, minister, education is at the root of what can be done. If we do not educate our children about waste and recycling from an early age, we will never solve the problem. Is it enough for us simply to mention what to do with burger cartons when we visit schools? Perhaps we should consider introducing the subject into the curriculum.

Sarah Boyack: You are right, Janis. Anecdotes can help to bring the issue closer to people but we also need a more sustained programme. We need to think about how to fit the issue of sustainable development into the school curriculum. There has to be a coherent approach to creating a positive ethos of waste responsibility.

We must also consider the tricky issue of changing the habits of our generation. It is hard to change attitudes once they are established. The statistics bring an awareness of the problem and the problem is also pushed up the agenda for someone who lives beside a landfill site or a waste facility. Most people, however, tend to forget about their waste once they have put it in the bag.

People are enthusiastic about recycling and we need to reassure them that the waste that they take to the recycling bins will be recycled. If people know that there has been a problem with the local

recycling market and that waste has not been recycled, they will be less inclined to take waste to be recycled.

Linda Fabiani: I asked this question in the chamber when you made your statement and I have since written to you asking the same question. I have not yet received an answer, so I will ask it again. Are you willing to give compensation and incentives to local authorities that pull back from landfill and move to recycling initiatives?

Sarah Boyack: I will no doubt be writing to you in detail to answer that question and the others in your letter.

The landfill tax gives those who produce waste an incentive to produce less waste. It is an incentive to local authorities and to private companies. The landfill tax makes local authorities put the issue higher up their agendas.

I referred to the discussions that are taking place with Customs and Excise. I think that we could make better connections between local organisations such as those that Robin Harper mentioned to ensure that there is a link between recycling that is carried out by local authorities and the markets that are available. There are good examples of those links being made.

Some local authorities are finding ways in which to recycle. The committee might want to examine those examples of best practice. Landfill tax provides an incentive but we might need to improve the ways in which landfill tax is used in practice. We are considering how we might improve the way in which landfill tax is focused. However, I would not want to take the pressure off local authorities—that would be a retrograde step. The landfill tax is a way of getting them to look at the way in which they recycle or dispose of the waste that is collected. I accept that there is a difficult judgment to make on the way in which the tax is used, but I would not want to move away from that incentive and focus.

Linda Fabiani: As some landfill sites are not yet being used, will you compensate a local authority that says, “Okay, we want to make the targets. We will not use that landfill site. We will move to recycling initiatives”?

Sarah Boyack: As the restrictions on landfill get tighter throughout the country, through the European designations, all the local authorities will have to be much more careful about managing that waste. At the moment, waste goes to landfill. In future, we will have to separate our waste, so that biodegradable waste and batteries are dealt with in separate ways. The real challenge is not just to reduce the amount of waste that goes to landfill, but to split that waste up. I accept that that is a challenge for local authorities, but it is not one

that we can get away from.

Cathy Jamieson: I am one of those people who has a compost bin, who recycles their glass and who takes their newspapers to the recycling centre. In our culture, I am generally regarded as a sad person for doing that. Children and young people are perhaps more aware of the issue than our generation is. However, this is not simply a case of education; the pressure of advertising on people conspicuously to consume things that are over-packaged is part of the problem. Do you believe that action needs to be taken to reduce the amount of unnecessary packaging, through the introduction either of incentives or of penalties?

Sarah Boyack: People now think that it is practical and sensible to manage energy more effectively in their houses—people can reduce their bills by doing so and there are all sorts of incentives. We must encourage the same attitude towards waste. Advertising is one way in which that can be achieved. All private companies now have to consider packaging regulations, and that is beginning to focus their approach just as the approach of local authorities towards landfill is being focused. There is a direct economic incentive for private companies: they must reduce the amount of packaging that is produced. By turning the issue around, they are given the incentive to use less packaging.

I mentioned at the start our higher hygiene requirements, which lead to the use of packaging that, historically, might not have been used. Companies should be made to think about what packaging is required and about the marketing benefits of not using the kind of packaging that they use at the moment. Some companies make a virtue of the fact that the packaging is recyclable, or that the product has been recycled. I am sure that there will be more of that in future; the packaging directive and the landfill tax will push it along. Companies should be made to see this as an opportunity, rather than an obligation; there is evidence that the best companies are beginning to see it in that way.

Individuals should make those connections as well. There is such a thing as consumer power. In my constituency, students handed out bags at different supermarkets. There are all sorts of ways in which citizens can play a role. The shift in attitude will not happen overnight—we accept that—but we must discover mechanisms to effect that change in attitude.

Mr Tosh: I used to be as sad as Cathy. I used to store my paper and glass in a green box, and handed them in to the council separately, until I discovered that it all went to landfill anyway. That is a measure of the problem that we all face and I am sure that the committee is supportive of the minister's endeavours.

The minister outlined the partnership between the enterprise companies, SEPA and the local authorities. Our water companies, which are emerging as a public sector success, have substantial and rapidly developing expertise in various aspects of waste management. Obviously, as public sector bodies, they are limited by their remits and by external financial limits, but there may be scope to increase their commercial freedom so that they can develop partnerships and access capital that will allow them both to build up their core business and to diversify into wider areas of waste management. In other words, can we break out of the compartmentalisation of the past, with councils doing one thing, the water boards doing another thing and the private sector doing something else? We need to investigate whether we have something in our public sector that could develop expertise across a wide area and contribute something meaningful. Has the minister received any representations on this issue, and would she be willing to consider them?

10:45

Sarah Boyack: I have not received any direct representations on that issue, but it may be something to consider. We have been in discussion with the water authorities about how they meet enhanced European requirements and improve the management of waste. I am keen for them to focus on their core activities—providing clean water, ensuring that our beaches are clean and supplying sewage treatment effectively—but there may be scope for transferring some of their expertise.

We are probably missing out on a business opportunity in waste management. I am keen to ensure that local enterprise companies are involved because the potential benefits are local. If the 11 waste strategy areas consider not just how we get rid of waste, but how it may be recycled, that could have economic benefits in terms of local job creation. The point of the REMADE project was to show that we were missing an opportunity. We have problems with waste and with landfill, but if we focus on those we may not notice some of the opportunities that exist.

I was hugely impressed by the Seattle approach, which links local businesses and the local authorities. Seattle now has a healthy local recycling industry. Before Christmas, I went to Polmadie in Glasgow and spoke about that to Alistair Watson, who is responsible for how the council deals with waste. The public sector must be more innovative, but there must be a link with the private sector and local enterprise companies. The area plans will enable us to get that dialogue going.

This is about both managing a problem and

exploiting the opportunities that we are failing to take at the moment. If we can use the statistics to show how badly we are doing and use the environmental imperatives to make it clear that we cannot ignore this issue, we may be able to push it up the agenda and get people to focus on the possible economic opportunities locally. There are huge potential benefits.

Mr MacAskill: I understand that, like the directive on climate change, this directive targets the UK. What share of the target do you expect to take for Scotland and how do you propose to divide that up among local authorities? In particular, how do you propose to protect the poorer and rural authorities, which may suffer more?

Secondly, you described landfill tax as an incentive. The City of Edinburgh will receive £91,000 out of the grant of £2.5 million, but in each of the past three years it has paid £1 million in landfill tax. Where is the incentive in the City of Edinburgh paying more than £1 million a year when 80 per cent of that money is hypothecated to reduce employers' national insurance contributions?

Sarah Boyack: The incentive is for local authorities to work with voluntary sector organisations that can plough resources back into local environmental projects. That is where partnership comes into play and is critical. This is an opportunity that needs to be grasped.

We are not discussing climate change today, but there will be a draft consultation, which I expect members will have an interest in and which the committee will want to comment on.

There is a link between waste management and climate change; what do we do with the waste products we create? A waste energy project is being developed in Tavish's constituency. Waste will be used to create energy for a local hospital. There is a similar proposal in Dundee. I said in my introductory remarks that incineration is a method of disposing of waste, but the last round of incinerators in Scotland did not meet tough environmental standards and the standards that are in place now are a good deal tougher than those they failed to meet before.

I shall be very interested to see how those two projects progress. Local acceptability and tough environmental standards are critical. If we are able to create energy out of waste, there will be a waste management gain. The work must be done to the highest environmental standards and it must be regulated effectively. Local people must trust the process. We could develop different strategies, but we need to focus on environmental standards in Scotland. While there is a gain in terms of transforming waste into energy, we need to

consider carbon dioxide and other emissions. There are potential benefits, but only if we follow a constructive strategy.

I have not answered Kenny MacAskill's other questions on climate change, as that is a matter for another day.

Mr MacAskill: I understand that the landfill directive sets targets for the UK. As with the climate change directive, will the Executive accept a Scottish share of that target? If so, how will we divide that up? I am sorry if I led you down the wrong path.

Sarah Boyack: We have received a range of responses to the landfill directive consultation paper and we are considering whether it is appropriate for us to have a target in Scotland. We are involved in discussions about that, both at official level and at ministerial level in Whitehall.

Tavish Scott: Just in passing, given that the minister mentioned the subject, it would be worth going to Shetland to visit that waste energy plant, although it is not for me to suggest a jolly for the committee. The plant is already up and running—it heats homes in Lerwick—or rather it is being tested to ensure that the systems work.

Like Cathy Jamieson and others, I think that people can change. For example, even on the small island where I live, glass recycling was pushed by the kids at the local school. Now the adults are using bottle banks—particularly after new year, when there may be more bottles around. There has been change—people can be pushed by their youngsters to change.

I want to ask the minister a question, although it does not deal with her earlier point about the reaction of people who live close to waste management facilities so much as the environmental implications of having such facilities close to areas of outstanding natural beauty, sites of special scientific interest or any other designations that we may use.

Will the waste management data system, which is included in the strategy, assess the impact of waste management on water resources, wildlife and biodiversity, which is now accepted as a key component and key test of sustainable development? Such concerns have been raised by environmental organisations and individuals who feel strong strongly about such matters, as well as by those who live next to these facilities.

Sarah Boyack: I will deal with your second point about landfill. The environmental assessment that must be submitted with any major application allows us to examine the impact of a proposal on landscape and wildlife. The environmental assessment that is required for any landfill proposal enables people to see the potential

impact of a proposal, and planning authorities can consider its appropriateness. The question is whether we can take opportunities from that approach.

It might be interesting for members to look through current and past local authority recycling rates to identify which have managed to maintain a credible percentage of recycled material, despite the overall difficulties of recycling. The average rate in Scotland is 5.3 per cent. It is quite interesting to see which authorities are performing above and below the average.

We can examine best practice to find out what some authorities are managing to do well. Before reorganisation, Angus Council recycled about 10 per cent of its waste; the local council is still recycling a healthy percentage. It uses kerbside collections for paper, collects cardboard and glass from businesses in the key towns, and recycles plastic milk and fizzy drink containers.

Perth and Kinross Council has an excellent green waste recycling system—it does a lot of composting. That goes back to Cathy Jamieson's point about what motivates us to recycle. Composting can be done locally. That may be appropriate to the local culture. It would not be a No 1 issue in central Edinburgh, but it may be more relevant in the suburbs. There has been great interest in the composting bins introduced by the city council. Recycling must fit into local possibilities.

We must consider how we can improve on the current figures. It is about targets and following what local authorities can deliver and what fits in with the interests of local people. We should consider best practice, such as the way in which Dundee City Council has managed to maintain its recycling programme, and examine what its current problems are. Much of the problem comes down to the recycled markets. We must learn from the experience of individual local authorities and enable them, through the waste area plans, to get together to consider what is deliverable.

The Convener: As we are fairly pressed for time, we will have three short questions from Nora, Des and Helen. Perhaps you could wrap up all three questions in one answer.

Nora Radcliffe: I want to bring the issue to our own back yard. What are we doing to lead by example? Consider the pile of papers in front of me. How much of that is recycled paper? They arrived in a new white envelope. Why were they not sent in an internal circulation envelope? Does the glass water bottle go back for refilling? Are we buying sensibly and insisting on that approach?

There is much that the Parliament and its members can do. Last night, I left the building at midnight and I passed about a dozen computers

that were still on. There are many simple things that we can do that would make an impact and that would allow us to lead by example.

Des McNulty: I concur with some of the arguments about voluntary activity and exhortation, but I think that waste must compete with many other issues that we want to discuss in schools. We must be realistic about what we can achieve. The key issue is not cultural attitudes, but the fact that landfill is between a third and a tenth of the cost of alternative forms of waste removal. Unless we consider changing that economic basis, it will be difficult to make the required progress. The strategy states that

“the Government is actively considering the possibility of developing existing or new economic instruments”.

In practical terms, what can we do to change the economic logic that pushes people towards landfill? I represent a constituency to which, for the past 10 years, nearly all of Glasgow's waste has been sent. What are we doing for the areas that have been the recipients of everybody else's waste? How do we ensure that they are compensated for dealing with that waste?

Helen Eadie: The minister and her officials are to be congratulated on the work that they are doing. The challenge that we face is phenomenal. The problem that Fife faces is the cost of gathering in the waste and the problems that arise from that—two yards caught fire because the local authority was unable to dispose of the paper. If we solve the problem of how to dispose of that paper, we will begin to make an impact. We must think about the mountains of trees that we kill every year.

We need to educate adults as well as children about this issue. Should we advertise on television and in newspapers? We could come up with a list of suggestions—perhaps 10 small points—about what an individual can do to make a difference. I get milk delivered in bottles, which means that I rarely throw out milk cartons. Through things such as that, every one of us can make that little bit of difference.

11:00

The Convener: One of the first things that I did when I arrived in the Parliament was write to the clerk to the Parliament; I was told that the Parliament was in the process of setting up recycling facilities.

I know that this is not your responsibility, minister, but Sir David reads the *Official Report* of all committee meetings and I want the message to get back to him: it is a matter of concern that we do not have the recycling facilities that every office in the country has.

Robin Harper: The minister might not know this—there is no reason why she should—but I had a long talk with Lynn Garvie, the head of purchasing, yesterday. She has been working on the problem for several months and a contract has finally been drawn up with Lothian and Edinburgh Environmental Partnership. The programme will start on 24 January and will recycle cans, glass and recyclable plastics.

The Convener: We should address the issue of diverting waste from landfill sites. Small companies are trying to fill niche markets in relation to local businesses. In East Kilbride, a lot of the waste from the semiconductor industry can be recycled, but there is no support for those small fledgling companies.

We should also deal with compensation. We should consider the possibility of providing compensation to communities that receive waste. That does not deal with the problem, but it deals with some of the localisation of the problem.

I am pleased to hear Robin's news about parliamentary recycling.

I do not expect you to give a full response to all of those issues, minister, but I am satisfied that the committee has expressed its concerns about the operation of the landfill tax.

Sarah Boyack: I take that point but I will pick up on a few comments.

I am glad to hear that we have a recycling contract in place. I suspect that we have all written asking for something to happen.

The Executive is trying to do the right thing as regards waste minimisation. We have a recycling programme, the lights go off in Scottish Executive offices—as you will know from the gossip columns, that sometimes happens when we are in them—and we reuse paper where possible. It is important to remember that we should reuse paper as well as recycle it.

Economic instruments are critical. Des McNulty is right: it is cheaper to use landfill. The landfill tax is designed to change that. The other part of the equation is to create an economic benefit that comes from doing something different. That is the main challenge. Economic instruments make firms and authorities change their practices. We need to use those resources to meet other objectives. One of the advantages of using landfill tax to tackle national insurance issues is that an economic and social good is created. It is green taxation that has social and environmental benefits—some green taxation might have an adverse social effect.

When we discuss the landfill tax issues with our colleagues at a UK level, we will think about ways to improve its effectiveness. However, I believe that it is a direct incentive that focuses the mind.

We need to change the economics of waste. We have environmental obligations and European obligations that mean that we have to change what we are doing at the moment.

The Convener: Thanks, minister. That was another useful discussion. I am sure that we will see you again once the legislation hits the streets.

I suppose that we will all accept Tavish's invitation to stay at his house in Shetland. We will bring our sleeping bags and pillows.

11:05

Meeting adjourned.

11:16

On resuming—

Statutory Instruments

The Convener: The next item on the agenda is consideration of three Scottish statutory instruments. The first is the Building Standards and Procedure Amendment (Scotland) Regulation 1999 SSI (1999/173). The instrument was laid on 14 December 1999 and is subject to annulment until 9 February 2000. The Subordinate Legislation Committee considered the instrument on 11 January 2000 and had nothing to report. A briefing has been provided by the Scottish Executive. Are members content with the instrument and the briefing note from the Executive?

Members indicated agreement.

The Convener: I can, therefore, confirm that the committee has nothing to report on that instrument.

The second instrument is the Invergarry-Kyle of Lochalsh Trunk Road (A87) Extension (Skye Bridge Crossing) Toll Order (Variation) Order (SSI 1999/196). The instrument was laid on 24 December 1999 and is subject to annulment until 13 February 2000. The Subordinate Legislation Committee considered the instrument on 18 January and had nothing to report. The Scottish Executive has provided a briefing on the instrument. Is the committee content with the instrument?

Members indicated agreement.

The Convener: The last instrument is the Scotland Act 1998 (Agency Arrangements) (Specification) (No 2) Order (SSI 1999/3320). The instrument was laid on 22 December 1999 and is subject to annulment until 1 February 2000. The Subordinate Legislation Committee considered the instrument on 18 January 2000 and had nothing to report. The Scottish Executive has provided a

briefing on the instrument. Are members content with the instrument?

Members indicated agreement.

European Document

The Convener: The next item on the agenda is consideration of European document 422. The instrument has been referred to this committee by the European Committee. Members have a copy of the instrument with an explanatory memorandum that has been prepared by the Department of the Environment, Transport and the Regions. There is also a supplementary note by the Scottish Executive rural affairs department.

The document sets out European Commission recommendations on a common classification system for solid radioactive waste. It has been referred to the committee but we are under no obligation to report on it. The explanatory memorandum from the DETR gives no indication that the document is controversial in terms of the UK Government. It has no direct impact on UK law and only minimal implications for the UK's waste management policy. The Scottish Executive's covering note supports the proposal for a common waste classification system for the UK and says that the implications for UK waste management policy are likely to be minimal. The committee might want to consider the document and the explanatory notes or simply take note of the instrument.

Does anyone have any particular views? Can I confirm that we have considered the report and that members have nothing to report back?

Members indicated agreement.

Petitions

The Convener: We have three petitions to consider. PE28 is from the 999 Clear Roads Campaign, which calls for the introduction of a law requiring drivers to give way to the emergency services. The petition has also been referred to the Justice and Home Affairs Committee, which considered the matter at its meeting on 7 December. It concluded that the petition sought legislative change on a reserved matter and that the Parliament could therefore not provide the remedy sought. The Justice and Home Affairs Committee had further discussions on the matter, of which Lynn Tullis has made me aware: it drew the matter to the Executive's attention, asking whether there is a need for a related public awareness campaign. We may wish to note and endorse the decision of the Justice and Home Affairs Committee. Do members have anything to

add?

Mr MacAskill: Despite my 20 years as a defence solicitor, I was not aware that there was no legislation on this. I had assumed that there was, because I once had involvement with a taxi driver who held up the obligation to give way to the emergency services. When I checked the matter, it came as a surprise to me that there was no legislation.

While I have sympathy with the Justice and Home Affairs Committee's stance, we should be going a wee bit further. I think that the petition highlights something that is missing in legislation. It should be a matter of statute, and I think that we should be referring it to the Executive—not calling for a public awareness campaign, but for the Executive or the Minister for Transport and the Environment to raise it with the DETR. Had the minister still been here, we could have canvassed that with her. Alternatively, we could communicate directly with the DETR.

I do not think that we should not take a position on this just because it is a reserved matter. We should let the Executive and the DETR know that we think that this omission in legislation is a glaring error and that we wish steps to be taken at the earliest possible opportunity to include such an obligation, by way of amending the Road Traffic Act 1998, for example.

The Convener: I have great sympathy with that view. It has been made clear that the petitioners have also taken the petition to Westminster. Although that is now on the record, I think that the committee is minded to concur with Kenny's views, which I share.

I did not raise the matter with members directly because I was aware that the petition had been sent to the House of Commons, but I think that we can become involved on the back of that and express the committee's views.

Tavish Scott: I support what you have just said, convener, but the petition system at Westminster is, frankly, hopeless. Petitions go into that bag behind the Speaker's chair. That is where we are so much better.

The Convener: I think that the DETR is picking the matter up directly.

Mr Tosh: This highlights the role of the Scottish Executive in relation to Westminster. This committee's requesting Westminster to examine a matter is one thing; the public going through a petition or through MPs is another thing. Something endorsed and promoted by our Executive ought to carry considerable clout in Westminster, and it should be reasonable for us to ask the Executive to take an active stance on this matter, as on a range of other issues that this and

other committees may encounter.

The Convener: I suggest that we request that the Executive take that position and express its views to the proper departments in Westminster, and that we do likewise, to express the view of the committee.

Mr MacAskill: I know that the DETR exists in Scotland, but I do not know who or where it is. Seeing name tags for the civil servants who come with the minister is welcome. At some stage, should we not ask representatives of the DETR to present themselves and at least make themselves known to us? We will have to work hand in hand with them. Would there not be merit in meeting the officials at some stage to try to establish some form of conduit so that if we want to make representations on reserved matters, we do not have to go to the Executive to direct the communication, but can put forward our view directly? The point does not arise only in relation to this matter; it would form a structure for communicating with the DETR. Many reserved or overlapping areas arise to be dealt with.

The Convener: That is ultimately sensible. The Procedures Committee is examining our relationships with Westminster and Lynn Tullis advises me that the clerks are also working on those systems. We will try to take up the option that Kenny has suggested.

Are we minded to proceed on that basis?

Members: Yes.

The Convener: We will respond to the petitioners.

PE 33 from Stuart Crawford calls for the clearance of rubbish and litter from roadsides and other public areas. The petitioner advocates the use of community schemes such as the adopt-a-highway scheme, of which he has experience from living in America. We have no hard evidence on the extent of the problem in Scotland. Because there are agency arrangements in some authorities, whereas others use direct labour, we do not have a clear picture of the situation in Scotland. We may want to ask the Executive and the Convention of Scottish Local Authorities for information on what currently occurs and on whether any special schemes exist. However, I am open to suggestions as to how we should proceed with this petition.

Nora Radcliffe: Is there any requirement for local authorities and the Scottish Executive to keep road verges clear of litter?

The Convener: The Environmental Protection Act 1990 and the litter code of practice would cover that.

Helen Eadie: Local authorities have some

discretion about the extent to which they undertake that duty. I was not at the meeting of the Public Petitions Committee when this petition was discussed, but I did read it. I have every sympathy with the petitioner's concerns because I, too, am concerned about litter. I welcome the action that you have suggested, convener—that we write to the Executive, gather information and begin to consider this issue. It has an impact on tourism as well as on the way we live. A moment ago we were talking about waste, so let us deal with it.

The Convener: It would be useful to get an assessment of the problem.

Mr Tosh: Many of the provisions of the Environmental Protection Act 1990 are still suspended; if we had had time, I would have asked the minister when the contaminated land issue was going to be dealt with. It may be useful to get a briefing from the Executive on where we stand with the EPA and when the suspended parts of it are likely to be implemented. I do not know whether the sections relevant to this petition are suspended or enacted. When I was a councillor, my council took responsibility for keeping road verges clear of litter, but I was under the impression that we were doing it as good practice under the EPA, rather than as a statutory requirement. That was a number of years ago and things may have changed.

The Convener: I am sure that we will incorporate that into our response.

Robin Harper: I have observed signs in California that indicate that a particular stretch of motorway is covered by a community scheme. It is difficult to tell how effective that is—the motorways are clean, but they might have been clean anyway. I should have thought that community service orders would be a better route for us to go down.

Nora Radcliffe: Those are a different issue.

Robin Harper: They provide another opportunity for people to do something useful and would obviate the need to set up new voluntary groups.

Nora Radcliffe: We discussed the trunk roads maintenance scheme with the minister. Would it be sensible to write to her and ask that a standard of litter removal be included in the contract?

The Convener: Let us find out what local authorities do. I know that there are agency arrangements between roads departments, or contractors who are responsible for roads maintenance, and cleansing departments, governing who does what. It is about the good use of resources.

Other issues are involved. Health and safety

springs to mind. Collecting litter from the side of some of roads could be very dangerous. Let us put the idea out for consultation with the relevant bodies and see what comes out of that. Perhaps we can expand the discussion to include litter along railway lines that is dumped by irresponsible citizens. I know that there are agency arrangements for maintaining the sides of railway lines. Through consultation, we will get a sense of the importance of the issue, the current arrangements for dealing with it, and what might be done. We will then reconsider it.

PE 39 from George Anderson also concerns litter. The petition is concerned with different approaches by local authorities to dealing with street litter. In particular, it calls for provisions that deal with penalties for littering—sections 87 and 88 of the Environmental Protection Act 1990—to be made mandatory. The act currently gives discretion on the promotion of anti-litter schemes and the petitioner contends that that produces confusion among local authorities.

As when discussing previous petitions, we may want to seek information from COSLA on the schemes that are currently in place in Scottish local authorities. We may want to consider the implications for the Scottish Executive and for COSLA of amending the legislation to make the relevant provisions mandatory.

Litter is a difficult problem for local authorities. Dealing with litter is also a difficult job. I worked in the cleansing department in Glasgow, so I know that it is not easy to approach someone in the street who has dropped a piece of litter, ask them for their name and address and issue a fine.

Linda Fabiani: I agree with you about finding out what the options are. Could we expand our inquiry a wee bit to find out what the costs are? In Angus, where such a scheme exists, is it cost effective, or is the council subsidising it?

11:30

The Convener: That could be part of our inquiry; it is a worthwhile aspect to consider. Do members agree?

Members indicated agreement.

The Convener: That is agreed. We shall report back to the Public Petitions Committee with a view on that matter.

Mr Tosh: Do we have to tell the Public Petitions Committee what we are doing about the petition?

The Convener: We shall respond to the Public Petitions Committee and to the petitioner. In discussing this committee's work programme, we shall also discuss how we are dealing with petitions that we have already considered. We

must not lose track of those important documents.

Invitations

The Convener: We have received an invitation from Freightliner Scotland to visit its facility at Coatbridge. A copy of the letter is included in members' committee documents. Does the committee want to take up the invitation collectively or as individuals?

Tavish Scott: I think that it is worthwhile to accept the invitation, although I do not know whether we could organise a visit for the whole committee. I went there just out of interest in an attempt to research and understand the freight process better. I was fascinated by it and learned a lot by spending a couple of hours there. The people who run the facility are informative and understand all the linkages across the UK.

It may also be worth tying in a visit to consider the issue that Cathy Jamieson raised about coal and other freight movements. It may be possible to take a quick look at that issue, and a visit to Freightliner might offer that opportunity.

The Convener: I share your interest in visiting that facility. It may not be something that the whole committee wants to do. A delegation could go, and members who are interested could contact Lynn Tullis so that a date can be arranged. If a suitable date can be found, we can go along.

Mr Tosh: I would like to visit the Freightliner facility. As I meet people from such organisations, they often say that they would be pleased to meet other members of the committee. Freightliner has written to the committee, inviting us directly. Could we establish a protocol for how to go about initiating a committee visit? I could pass on half a dozen verbal invitations, but should I ask people to write to us?

Lynn Tullis (Committee Clerk): At the moment, there is no such protocol. One would hope that committees are fairly flexible in responding to invitations. We always recommend that people write to the clerks and we will bring the letter to the attention of members. I must remind members that any visit may take place only with the endorsement of the bureau.

Cathy Jamieson: I was going to ask about that. If we decide to accept the invitation as a committee rather than as individual MSPs, do we need to seek further permission and are we then required to report on our findings?

Lynn Tullis: One would expect that as a matter of course.

The Convener: Any correspondence that I receive is given to Lynn; that is how it finds its way

on to the agenda. If members get letters that they think will interest the committee, they should put them into the system. Visits may be appropriate or not, depending on the legislation that is in the pipeline. For instance, we have had invitations from British Energy to visit nuclear plants. That is not particularly appropriate to our current work programme, but all those invitations are sitting on the shelf ready for the time when we come to discuss relevant matters. We keep all the invitations that we receive.

We intend to take our final agenda item in private, so I must request that the public galleries be cleared.

11:34

Meeting continued in private until 12:16.

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