

# **TRANSPORT AND THE ENVIRONMENT COMMITTEE**

Wednesday 5 September 2001  
*(Morning)*

Session 1

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## TRANSPORT AND THE ENVIRONMENT COMMITTEE

20<sup>th</sup> Meeting 2001, Session 1

### CONVENER

\*Mr Andy Kerr (East Kilbride) (Lab)

### DEPUTY CONVENER

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

### COMMITTEE MEMBERS

Bruce Crawford (Mid Scotland and Fife) (SNP)

\*Robin Harper (Lothians) (Green)

\*Maureen Macmillan (Highlands and Islands) (Lab)

\*Fiona McLeod (West of Scotland) (SNP)

\*Des McNulty (Clydebank and Milngavie) (Lab)

\*Bristow Muldoon (Livingston) (Lab)

\*John Scott (Ayr) (Con)

\*attended

### THE FOLLOWING ALSO ATTENDED:

Christine Grahame (South of Scotland) (SNP)

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)

Nora Radcliffe (Gordon) (LD)

Mr Murray Tosh (South of Scotland) (Con)

### CLERK TO THE COMMITTEE

Shelagh McKinlay

### SENIOR ASSISTANT CLERK

Tracey Hawe

### ASSISTANT CLERK

Alastair Macfie

### LOCATION

Committee Room 2



## Scottish Parliament

### Transport and the Environment Committee

Wednesday 5 September 2001

(Morning)

[THE CONVENER opened the meeting at 10:08]

**The Convener (Mr Andy Kerr):** I welcome the press and the public to the 20<sup>th</sup> meeting in 2001 of the Transport and the Environment Committee. An added attraction is that we have new television coverage. More committees of the Parliament are now covered by television cameras, which continues our commitment to openness and transparency in our work. I welcome that initiative.

We are all refreshed after the recess and ready for action. There is a busy year ahead for us all. I appreciate the co-operation that I have received in the past and that I am sure I will continue to receive in the future.

### Interests

**The Convener:** I extend a warm welcome to John Scott, who joins us today as a new member. I am pleased to see him here. It is also appropriate to recognise the work that Murray Tosh did on the committee. He was a very interesting and able member of the committee, but I am sure that John Scott will ably fill his boots.

After that warm welcome, I invite John Scott to declare any interests that he thinks may be appropriate to the work of the committee.

**John Scott (Ayr) (Con):** Thank you for the welcome and for your kind words about Murray Tosh.

I have interests to declare in that I am a farmer and on that farm it is certainly the Government's intention to put sites of scientific interest, which I am not too happy about.

**The Convener:** I thought that you were going to burst into song when you said, "on that farm". That is another matter entirely.

### Item in Private

**The Convener:** I seek colleagues' agreement to take an item in private. As you are aware, at next week's meeting we will take evidence from the Deputy Minister for Transport and Planning on the Executive's new telecommunications regulations, and consider those regulations formally. I suggest that we meet in private briefly to discuss our lines of questioning to the minister. That will fit with our previous practice and allow us to focus properly on the issues, and I would appreciate members' agreement. Do we agree to meet in private for a short time?

**Members indicated agreement.**

**The Convener:** That will also allow us to clarify any matters that the Scottish Parliament information centre raises with us about the work that we have to do.

## Subordinate Legislation

**The Convener:** Under agenda item 2 we have five negative instruments to consider, and lots of papers, which I am sure members have enjoyed reading in recent months.

First, we have the Water Supply (Water Quality) (Scotland) Regulations 2001 (SSI 2001/207) and the Water Supply (Water Quality) (Scotland) Amendment Regulations 2001 (SSI 2001/238), which amend the former instrument. As members will be aware, the Water Supply (Water Quality) (Scotland) Regulations 2001 (SSI 2001/207) were laid on 5 June and, rightly, we have been designated the lead committee to consider them. An Executive cover note and a regulatory impact assessment accompany the regulations. Under the standard negative procedure, we have the power to annul the regulations by resolution within 40 days of their being laid, excluding recess. The time limit for parliamentary action is 13 September. No motion for annulment has been lodged.

SSI 2001/238 amends SSI 2001/207 in response to points that were raised by the Subordinate Legislation Committee, and was laid on 19 June. Relevant extracts of the Subordinate Legislation Committee's report are contained in the covering note. We are required to report to Parliament on both instruments. Do members have any comments? If not, are members content with this committee's report?

*Members indicated agreement.*

**The Convener:** The next item is the Existing Facilities in Quality Partnership Schemes (Scotland) Regulations 2001 (SSI 2001/218), which were laid on 8 June and came into force on 1 July. Once again, we are the lead committee. An Executive note and a committee covering note accompany the regulations. No motion to annul the regulations has been lodged. The Subordinate Legislation Committee drew the attention of the Parliament to the regulations, and we are required to report by 10 September. Do members have any comments? If not, are members content with the conclusion that we have nothing to report?

*Members indicated agreement.*

**The Convener:** The Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 (SSI 2001/219) were laid on 8 June and came into force on 1 July. We are the lead committee for consideration of the regulations. An Executive note accompanies the regulations, as does a committee covering note. The committee is required to report on the regulations by 10 September. No motions to annul have been lodged.

Members will see from the covering note that the Executive has lodged the Public Service Vehicles (Registration of Local Services) (Scotland) Amendment Regulations 2001 (SSI 2001/251) to correct an error in SSI 2001/219. A copy of the amending regulations has been circulated for information. The amending regulations will be considered in due course, but we are not considering them formally today because they have not yet been considered by the Subordinate Legislation Committee. However, we are required to consider SSI 2001/219 in the normal manner, pending the Subordinate Legislation Committee's consideration of and report to Parliament on SSI 2001/251. Do members have any comments? If we are content, do members agree that we have nothing to report to Parliament?

*Members indicated agreement.*

**The Convener:** The next item is the Air Quality Limit Values (Scotland) Regulations 2001 (SSI 2001/224), which were laid on 11 June and came into force on 19 July. The usual documents accompany the regulations. The standard procedure for dealing with negative instruments applies. The committee is required to report on the regulations by 14 September. No motion to annul has been lodged. The Subordinate Legislation Committee drew the attention of the Parliament and the lead committee to the unsatisfactory drafting of the regulations, and to the Executive's response. Do members have a view? If not, does the committee agree that we have nothing to report?

*Members indicated agreement.*

**The Convener:** That has mystified almost everybody on the public benches, but after a long recess such things have to be dealt with. Nonetheless, if there are any questions about the process, I will be happy to answer them after the meeting.

## Petitions

10:15

**The Convener:** Agenda item 3 is consideration of public petitions. Our first petition is PE59 from Mr Frank Harvey, which calls on the Scottish Parliament to take certain steps to improve passenger safety on public transport in Scotland. A covering note is attached. I ask members to refer to the revised version that has been circulated by a member of staff. Various options are set out in the covering note, but we can take any other action that members feel is appropriate.

**Maureen Macmillan (Highlands and Islands) (Lab):** According to paragraph 10 of the covering note, the petitioner has requested

“that a limit is placed on the number of passengers travelling on public transport in Scotland”.

The Executive says in its response that performance payments penalise overcrowding. However, the petitioner contends that trains are overcrowded. There seems to be a mechanism for preventing overcrowding, but do we know how overcrowding is defined?

**The Convener:** We should seek the Executive's view on that matter, for which it is responsible. If the member would like me to take up that point with the Executive, I would be happy to do so. Do other members have views on the petition?

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** I would like clarification of the petitioner's suggestion that no dogs should be allowed on public transport.

**The Convener:** We can do that as well.

**John Farquhar Munro:** The petition suggests that it should be permissible for blind persons to take dogs on public transport. However, there are other activities that might require dogs to be transported. The important thing is that the dogs should be properly under control. We could suggest that dogs might be taken on public transport as long as they are muzzled. I do not see a problem with that.

**The Convener:** I understand that if dogs are muzzled or safely under control, it is okay to take them on public transport. That also applies to sheepdogs, which are of particular interest to many of us. Once we have received further clarification from the Executive, we can progress the petition.

I welcome Murray Tosh to the meeting. He has missed the fulsome praise that I gave him earlier.

**Mr Murray Tosh (South of Scotland) (Con):** I am sorry that I missed out on that. Such things come very rarely.

**The Convener:** You can now see it on television as well as read about it in the *Official Report*.

Do members agree to continue consideration of PE59 once we have received further clarification from the Executive of the issues that members have raised?

**Members indicated agreement.**

**The Convener:** The next petition is PE113, from the Campaign for Borders Rail, on the reinstatement of the Borders railway. I refer members to the covering note on the petition, which sets out a number of possible options for action. This is a cross-party, cross-committee matter that has generated a great deal of interest. I welcome along Murray Tosh, Christine Grahame and Ian Jenkins to our discussion of the petition. I will seek the views and comments of committee members before asking to hear from our other colleagues.

**Fiona McLeod (West of Scotland) (SNP):** The petition requests that public finance be provided to fund a Scottish Borders rail link. We know that the Government has made available some money for a feasibility study, but we should bear in mind how much money it proposes to invest in projects such as the M74 link—if memory serves me correctly, that figure is a couple of hundred million pounds. It is important that the committee examines the Minister for Transport and Planning's investment priorities. The committee is concerned to provide sustainable transport, rather than just more space for cars.

**Robin Harper (Lothians) (Green):** I declare an interest, in that I am a member of the Campaign for Borders Rail.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** I, too, am a life member of the Campaign for Borders Rail—for the wild price of 25 quid.

I hope that the committee will reiterate its support for the Campaign for Borders Rail. I also hope that the committee will recognise the decision that was taken when the Parliament met in Glasgow. At that time, the debate that was requested in the petition took place and there was unanimous backing for the establishment of the rail line to Carlisle. We recognise that feasibility studies suggest that the project might have to be taken in stages.

I hope that the committee will support and endorse the start that has been made—the councils that are involved have come together and the Executive has given money for work on the preliminaries before a parliamentary order is sought. I also hope that the committee will say positively and without reservation that it believes that progress must be made and that the railway

must be established in the longer term.

Fiona McLeod was correct to say that we must consider the priorities and that railways must be one of the priorities in a strategic transport policy.

**Christine Grahame (South of Scotland) (SNP):** I fully endorse what Ian Jenkins said. We should remember that the vote in the Scottish Parliament in June last year was unanimously in favour of reinstating the line from Edinburgh to Carlisle. We must not lose sight of that.

I want to pick up on something that the convener said about this being a cross-committee issue. I accept that the Transport and the Environment Committee is the lead committee, but I do not think that the issue is wholly a transport issue—it is also an enterprise issue. That point is important when one looks at the reports, in particular the City of Edinburgh Council's report, which is interesting. Paragraph 1.2 states:

"The City of Edinburgh Council welcomes the opportunity to add its wholehearted support to this initiative which would improve sustainable accessibility to the labour markets of the Scottish Borders and Midlothian."

That is at the heart of the issue. We must make the Scottish Executive realise that the matter is cross-cutting. From a social inclusion perspective, one can see that with the levels of poverty and the aging population in the Borders, the railway would not simply make it faster and safer to get to Edinburgh.

With that in mind, I ask the committee to reject option A in the covering note, which proposes that the committee write to the petitioners to say that it has considered the petition and that that is an end to the matter. I hope that the committee will take a proactive role and that Cabinet ministers will realise that public funding is needed. The funding does not have to come out of one pocket, because the matter cuts across transport, rural development, the environment, enterprise and social inclusion. Funds are available from the Strategic Rail Authority and we should be pushing for those funds and for funding from the enterprise budget to make the railway a reality.

I am concerned that the council's report mentions 2008 as the earliest date for track to be laid. In the meantime, the Borders economy continues to decline. As a postscript, I should say that I am a member of the Campaign for Borders Rail and the convener of the cross-party group on Borders rail.

**Mr Tosh:** I, too, should declare my interest as a member of the Campaign for Borders Rail and as the vice-convener of the cross-party group.

I disagree with what Christine Grahame said about what action the committee should take. The petitioning process of the Scottish Parliament is

different from the Executive or local authority procuring capital contracts. The petitioners are due a response to the petition and, by and large, they have achieved from the petitioning system what it can yield. That is to say that the issue has been thoroughly ventilated—it has been discussed by committees and debated and supported in Parliament.

As far as the Parliament is concerned, the petition has probably just about reached the end of the line for the moment. The matter is now in the hands of the people who are working on the full business case for the railway. That business case will provide detailed calculations about whether investment can come from the Strategic Rail Authority, whether Executive funding is required and how the various sums of money will be put together. The business will inevitably be protracted because it will involve the creation of some kind of public-private partnership. It will also involve the use—possibly for the first time—of the Parliament's new procedures on private legislation, because a private bill will be necessary to give full consent, including planning consent.

The procurement and construction phases will inevitably be protracted and, while I can understand people being impatient about the projected dates, they have to accept that the council has made realistic projections in good faith. The council is strongly behind the project and is unlikely to be dithering unnecessarily. The project will take a long time.

At some stage in the process, a question will arise about funding from the Scottish Executive's budget. Christine Grahame is right to say that the committee will have a role at that stage. Fiona McLeod made the same point. The committee will have a role in considering the Executive's priorities and getting involved in the budgetary wrangle. No matter what the position is in 2007, 2008 or 2009 when the matter is raised, there will be a clash of priorities. There will be the usual politicking about the allocation of money and the project will need powerful support at that stage. The committee should consider that in the broad, strategic sense of evaluating budget proposals. It is also correct that other committees should be invited to participate in that debate.

For now, however, the petitioners should get an answer. They know that the council has appointed consultants, that a business case is being developed and that everything will follow in the fullness of time depending on the effectiveness of the work that all those people are doing.

**The Convener:** The petitioners have done well by raising the issue. It is also good to have senior members of the Campaign for Borders Rail at the committee, in the shape of the MSPs who have spoken.

A number of issues have been raised. The committee continually monitors the budget process and the Executive's priorities. We will have the opportunity to take a strategic view of the project, which will be required to ensure that it becomes a reality. We are all aware of the fragility of the area's economy and the fact that the project will deliver a sustainable transport development. We are all, therefore, keen that the project should happen.

I share Murray Tosh's view about the committee's job being to deal with the petition. Progress has been made and the Scottish Borders Council and the Executive are working together on the proposals. That should be the conclusion of the committee in terms of the petitioning process, although the conclusion of the project will be when a train runs along the line. Our conclusion will allow the committee to maintain a watching brief over the strategic funding issues.

If other matters arise during the process—committee members or local members who are involved in the issue might be lobbied, or the Executive or the council might come back to the committee—we can deal with them when they arise. I am keen to progress petitions when they come before the committee, because they can be left for too long. On this occasion, the requests that were set out in the petition have been met and we now want to see the project being undertaken. The committee has the powers to monitor that process through the normal channels.

I suggest that we choose option A while maintaining our interest in the matter through our watching brief on the Executive's spending commitments and its strategic priorities and plans. We must also ensure that those organisations that have been involved with the project to date understand and are happy that they can come back to the committee should they deem that necessary. That offer is open to all the organisations involved and to anyone who submits a petition to the committee. I would rather that we deal with the petition and, if any matters arise in future, the committee can again devote time and effort to dealing with those issues.

**Robin Harper:** Option B seems to offer more encouragement to the petitioners. I am not arguing strongly for option B as opposed to option A, but if the committee wishes to send a message to the petitioners and the Campaign for Borders Rail, option B will help to keep the issue alive.

Anent what Murray Tosh said, it is worth reminding ourselves that the Victorians managed to build the railway from scratch within two years.

**The Convener:** The issue is the same with option A and option B and I am happy with either option. As I said in my opening remarks, we will

keep an eye on the issue. The petitioners and those who are interested will read the *Official Report* and will know what the committee has said. That is important.

I am happy to go with option B. I have no problem with entering into correspondence to ensure that a statement is made. It is, however, important that the petition is concluded and dealt with. Under option B, rather than just saying that the petition has been dealt with, we would maintain our interest in the matter until fruition.

Is the committee agreed that option B is the more appropriate route?

**Members indicated agreement.**

10:30

**The Convener:** I am sure that, of a dark night, all the interested parties will read the *Official Report* of our meeting and find fairly positive supporting comments from all members. I thank those members who came to the committee to speak on the petition.

Petition PE178, from the British Aggregates Association, calls for the Scottish Parliament to investigate the implications for the Scottish economy of the aggregates tax and to make representations to the Westminster Parliament as appropriate.

A covering note has been circulated with the petition along with an additional submission that has been received from the British Aggregates Association. If members have not received those, please indicate. The covering note recommends:

"Since the Committee to which the petition was referred under Standing Orders has concluded its consideration of the petition and the petitioner's request is not within the remit of this committee, it is suggested that members conclude their consideration of the petition."

I am happy to discuss the matter and receive contributions from around the table, but it is clear that we need to remain within our remit and responsibilities and that the lead committee has spoken fairly loudly on that issue.

**John Scott:** The British Aggregates Association has given me a copy of counsel's opinion that it is within the remit of the committee and the Parliament to discuss the issues and make recommendations to Westminster. Given the strength of feeling that exists among the Scottish quarry owners that the aggregates tax is likely to do damage to their industry, to employment in fragile areas and to the environment, it is vital that we discuss this further.

Let me give an example of how the issue concerns the environment. There is no doubt that, due to the increase in the tax, many small quarries

will close down because their product will become uncompetitive. That will mean that quarries will be larger and fewer, which will mean that aggregates will need to be carried more miles to meet the existing demand. The tax will therefore adversely affect the environment.

The petition covers a variety of things, which we have a duty to take seriously.

**Robin Harper:** John Scott has raised an important environmental issue. I would like to see a proper environmental audit of the likely effects of a lot of small Scottish quarries closing down. We might be surprised to find that roads will carry a significant extra load, with consequences for the environment, if that is allowed to happen.

**Maureen Macmillan:** Small rural quarries, which give employment in rural areas, are now under threat because of the tax. The tax is meant to go into the sustainability fund to help communities that are affected by pollution from quarries. However, in the Highlands, the quarries are often not near a community. Look at Glensanda quarry, which is probably the biggest in the country. Not only does it not use roads—everything goes out by sea—but there is no community near it. Where does the tax that is raised from Glensanda quarry go? I know that Highland Council is concerned that the revenue should return to its area, but there seems to be no mechanism for doing that. I would like us to keep an eye on how the sustainability fund is being used.

**Fiona McLeod:** The committee cannot ignore a tax that impacts on environmental commitments—which are within the committee's remit—just because tax is a reserved matter. We must take seriously the issues that members have raised about this aggregates tax under the green tax/environmental tax heading. However, as well as the aggregates tax, the wider aspect that the committee should examine is the way in which all these environmental taxes that are being decided by another Parliament impact on the environment of Scotland.

**John Farquhar Munro:** I agree with most of what has been said. The quarry industry is heavily regulated and any imposition of further costs, in the form of the aggregates tax, should be guarded against. The tax not only will be a burden on the industry as a whole, but will have far wider implications, as the cost of the aggregate to be used in the construction of roads and buildings will increase dramatically because of it.

In other European countries, the quarry industry faces nothing like the charges that are being proposed here. To suggest that a levy of £1.60 per tonne should be imposed in one fell swoop is absurd. The committee should make strong

representations to our Westminster colleagues to ensure that they reconsider the situation and do not impose the levy, which would destroy many smaller quarries as well as some of the bigger ones and would impact seriously on the construction industry that we are vigorously trying to support.

**The Convener:** The Enterprise and Lifelong Learning Committee, which has responsibility for overseeing economic matters, has written in plain terms to say that it will not pursue the matter. Our remit is environmental. I am happy to discuss the way in which we can deal with the environmental aspect of the situation arising from the tax; however, we must be clear about what the petition is asking us to do. The petition asks us to investigate the implication of the aggregates tax for the Scottish economy and to make representation to Westminster as appropriate. I shall be blunt: that is not the role of the Transport and the Environment Committee. I therefore have some difficulty with the taxation issue.

Furthermore, we do not all agree with Fiona McLeod's assessment of the parliamentary roles regarding devolved and reserved matters. However, that is not important. The important point is that the committee has a job to do in regard to transport and the environment, and we must stick to our remit. If we were to pick up some of the issues that colleagues have raised, we would stray into another committee's remit, although that is not to suggest that members cannot attend other committees of their own volition to raise those matters.

It is up to the committee to decide what we will do with the petition. However, I make the point that committee members have a legitimate concern only about the impact of the aggregates tax on the environment. I would be more than happy to write to the Executive on that and to discuss, as part of the committee's future work programme, the ways in which we might monitor the effect of the tax on the environment, as that is our territory. However, some other issues that members have raised would be better raised elsewhere. Members have received a letter from Alex Neil, the convener of the Enterprise and Lifelong Learning Committee, and those matters would be best raised with that committee.

I suggest that the committee agrees that the wording of the petition makes its request not a matter for this committee and that we respond to the petitioners appropriately. However, as members feel that the aggregates tax would impact on the environment, on transportation and on small quarries, and bearing in mind the argument that has been put forward by the British Aggregates Association, the Civil Engineering Contractors Association and local authorities

concerning the effect that the tax will have on the environment, we can legitimately address the matter in that context.

I am happy to receive comments on what I am proposing. We must be careful not to stray into the remit of another committee.

**Robin Harper:** I agree with the convener, but I propose that we strengthen the suggestion that he has made by asking the Executive to model the environmental effects of the closure of a large number of Scottish small quarries. That would mean that aggregates would come only from the larger quarries.

**The Convener:** I am happy to do that. Apart from environmental matters, do committee members want me to include other issues in our correspondence?

**John Scott:** Will the convener also stress the economic consequences that will result from the imposition of the tax?

**The Convener:** The organisations named in the petition have lobbied effectively on that issue and I am happy to look at the outturn of the tax. We often hear that it is the end of the world for this, that or the other industry, when they are more vigorous than we imagine them to be. I will be interested to see what the effect of the tax will be. That is reasonable territory on which we can correspond with the Executive. I will give the committee the Executive's response.

That said, are members agreed that we close down the petition at this stage, but that we inform the petitioners of our correspondence with the Executive? We will send a copy of the letter to the petitioners.

*Members indicated agreement.*

**The Convener:** We move on to discuss PE334, submitted by Mr Tony Southall on behalf of the Scottish Campaign for Nuclear Disarmament. The petition calls for the Scottish Parliament to ask the Scottish Executive to initiate a review of emergency planning measures for nuclear submarine accidents in Scotland to ensure that there is adequate protection for the local population and the environment. As yet, the petition has not been referred formally to us.

We are advised that the petitioner's request for a review of emergency planning measures is not within the remit of the Transport and the Environment Committee. That means that it is more appropriate for PE334 to be referred to one of the Parliament's justice committees. Are members agreed that we proceed on the basis of that advice?

*Members indicated agreement.*

**The Convener:** We move on to discuss PE346,

submitted by Mr Lawrence Fitzpatrick on behalf of Scotland Opposing Opencast. The petition calls for the Scottish Parliament to take various steps to protect local communities and the environment from the adverse effects of opencast mining in Scotland. Committee members have received additional submissions from the Scottish Opencast Action Group and the Deputy Minister for Transport and Planning.

I understand that the Public Petitions Committee has received a response from the Executive on PE369. That petition was submitted by the Confederation of United Kingdom Coal Producers. I am advised that PE369 and a copy of the Executive's response will be referred formally to us. Various options are open to the committee, but it is recommended that we await such time as the other petition, PE369, is referred to us.

**Bristow Muldoon (Livingston) (Lab):** I am comfortable with the convener's suggestion that we tie together petitions PE346 and PE369. If we are to consider fully opencast mining, we should look at them together. I hope, however, that we can progress the matter speedily as there is considerable controversy in the Lothians about the issue, especially in communities in my constituency in the western part of West Lothian.

I realise that PE346 raises issues that also relate to the structure plan, but they are worthy of consideration—in particular, as the petitioner suggests, the issue of whether national planning policy guideline 16 is a dilution of the original draft. We should consider whether NPPG 16 meets the Executive's aims in respect of the opencast mining industry and whether it gives local authorities the appropriate opportunity to take the community's interests into account when they decide on applications.

10:45

The petitioner also raises the key question whether there should be a power to recover the costs incurred in the monitoring of any developments. Aside from this petition, a motion that has been lodged by my colleague John Home Robertson and that is supported by other members expresses concerns about decisions concerning the structure plan. Although such decisions should not necessarily be included in our consideration of this petition, they influence both the degree to which the issue can be considered promptly and the need to address promptly the question whether NPPG 16 is satisfactory.

**Fiona McLeod:** I support Bristow Muldoon's call for a review of NPPG 16. However, he also touched on the issue of the recovery of costs. Option B in the briefing note on the petition

suggests that we find out more about that issue. We should do so now while we wait for PE369 to reach us and before we tie together the two petitions.

**The Convener:** That sounds very reasonable.

**Robin Harper:** Over the past two years, letters expressing concerns about opencast mining across the central belt have formed one of my biggest postbags. It is clear that many communities in central Scotland are concerned about the effects of opencast mining on them. I have heard the view expressed that our guidelines are looser than those south of the border, and the fact that opencast mining is more difficult to progress in England is one of the reasons for the push for its expansion in Scotland. The whole area merits urgent review.

**John Scott:** I agree with Bristow Muldoon and Fiona McLeod that we should consider PE346 and PE369 together. I remember from my previous life as a member of the Public Petitions Committee that that was the hope of the committee.

Furthermore, I agree with Robin Harper that there is huge concern—in Ayrshire as well—about opencast mining. Although it does not happen in my constituency, I know that concerns exist. Would it make sense to write to the Executive to ask whether NPPG 16 is working as it was intended to work? Apparently, there is a belief that it is easier to get planning permission for opencast mining in Scotland than it is in England, and I am interested to find out whether the Executive is happy that NPPG 16 is progressing as intended.

**The Convener:** I am sure that we can do that, although the issue has been raised in previous discussions with the Executive. I am also pleased that we are fulfilling the wishes of the Public Petitions Committee on this matter. It makes sense to join the two petitions together.

In summary, I take on board John Scott's point about raising additional matters with the Executive and Fiona McLeod's suggestion that we should undertake some work now that will not clash with or contradict the work that we might do on another petition. We will therefore agree that aspect of our work—*[Interruption.]*

**John Scott:** John, I think that your phone has gone off.

**The Convener:** Is that John Farquhar Munro's phone?

**John Scott:** Yes. It is not mine. *[Interruption.]*

**The Convener:** It sounds like the call might be about football tickets for tonight. However, that is another matter entirely.

We will pursue options B and C on the briefing note about the petition. We will raise whatever

issues we need to raise with the Executive in order to progress our work. Furthermore, we have agreed to await PE369. When it arrives, we will deal with both petitions together, which only makes good sense.

To sound a note of caution, I should point out that we do not get involved in specific structure plans or with the work of local authorities on such matters. We will conduct a generic overview of the issues. Are members agreed to proceed on that basis?

**Members indicated agreement.**

**The Convener:** We will have a short natural break for members who require it.

10:49

*Meeting adjourned.*

10:54

*On resuming—*

**The Convener:** The next petition is PE357, from Aberdeen City Council, on investment in transport infrastructure. A covering note has been circulated with the petition. Members will see that in a previous discussion of Aberdeen's transport infrastructure the committee agreed to take evidence from the north-east Scotland economic development partnership. I understand that a body called NESTRANS has succeeded that, but we will have more details later.

The covering note sets out options for taking evidence and invites the committee to agree on whether to take evidence from NESEDP or its successor body and, if so, whether to hear the evidence in Aberdeen or Edinburgh. Members will recall that the committee has twice tried to reach Aberdeen. The first time was during the snowfall in March. The second was planned when the general election was called and was considered far too close to that time. I managed to holiday in that part of Scotland and I saw some of the transport infrastructure problems. That was an interesting insight into some issues that have been raised by the petitioners. It is open to the committee to give its views.

**Robin Harper:** I kick off by saying that we have twice arranged to go up to Aberdeen to take evidence and twice been unable to do so. Therefore, option B in the covering note should recommend itself to us as the best option.

**The Convener:** Indeed. Are any members otherwise minded? Are we all content to have that organised?

**Des McNulty (Clydebank and Milngavie) (Lab):** Obtaining evidence from NESEDP sensibly

is key. I understand that its representatives would be happy to come down to Edinburgh or to have us in Aberdeen, but that they are keen that we hear from them. Incidentally, I think that NESEDP has changed its name.

**The Convener:** It has been succeeded by NESTRANS.

**Des McNulty:** We must be pragmatic. If only a proportion of the committee can get up to Aberdeen, it might be better for the witnesses to come down to Edinburgh. If all committee members can get up to Aberdeen, that is fair enough. We should leave it in the clerk's hands to make the most suitable arrangements that ensure that the evidence is heard. That is a matter for practical judgment. When we try to meet elsewhere, we end up with three or four committee members attending. To the people in Aberdeen, that is less satisfactory than having their evidence heard by the greatest number of committee members.

**Robin Harper:** Other committees have met in other parts of Scotland. There is a mild irony in the fact that the Transport and the Environment Committee has found it difficult to travel to meet in another part of the country. We should give option B serious attention.

**Des McNulty:** Option B would combine evidence from NESTRANS with evidence on the proposed water services bill, so the time scale involved in setting up that meeting might be long and will be determined by the bill's timetable, whereas we could fit in NESTRANS witnesses in the next month if they come to Edinburgh. Combining the evidence might put the meeting in Aberdeen two or three months down the track. I would ask NESTRANS which option it prefers.

**Fiona McLeod:** We should be a bit more positive than Des McNulty is. We should intend to be third time lucky and transport ourselves to Aberdeen to do the work.

**Maureen Macmillan:** Going to Aberdeen is important. Aberdeen is perceived as handier for me than Edinburgh is, but it is not. When we last agreed to meet there, I was the only person who turned up, in a snowstorm. I then had to continue to Edinburgh by train. If that happened to me and I am prepared to make the effort, we should all make the effort.

**The Convener:** To be fair to Des McNulty, he is not suggesting that we should not go to Aberdeen. He is saying that the evidence is important. However, I share the desire of most members to reach Aberdeen. The clerks will be tasked with organising that on our behalf. If a problem arises, I will communicate that to members and we will make our view known. The desire is to get to Aberdeen, do the work that we said that we would

do and meet NESTRANS. If anything gets in the way of that target, members will know immediately. I am sure that we will manage to meet our target this time.

**John Scott:** I agree with what you say, convener. The people who came to support their petition at the Public Petitions Committee made an effective presentation—the case has been well made already. It is a question of how we proceed. Most people would agree that there is a huge need to do what the petitioners are suggesting, but the gathering of evidence is perhaps less important.

**The Convener:** We have therefore agreed that our course of action will be to go to Aberdeen to hear evidence, as under option B in the covering note.

## Sea Cage Fish Farming

11:00

**The Convener:** Item 4 is the protracted issue of sea cage fish farming and consideration of petition PE96. A great deal of material on the matter has been circulated for this meeting, including the paper on the work that has been undertaken by the reporters over the summer. Members should refer to the paper setting out options for our further consideration of the issues and of the Executive's work on the matter.

I take this opportunity to thank Robin Harper and Bristow Muldoon for their hard work over the summer recess on the committee's behalf. As they were the reporters, I invite them to comment first, after which I will be happy to invite other members to express their views.

**Bristow Muldoon:** Thank you, convener, for the opportunity to report back. The work in which we were involved over the summer was both informative—it broadened my understanding of the situation that fish farming is in and of the wider issues surrounding aquaculture—and enjoyable, in that it took me round some very scenic parts of Scotland.

As members will have seen from the papers, Robin Harper and I met representatives of a wide range of interests. I have met the petitioner, as has Robin, I believe. We visited a number of fish farms and heard views directly from the people involved in the industry. We visited the institute of aquaculture at Stirling University and the Fisheries Research Services in Aberdeen. We met Executive officials and attended meetings of the Highlands and Islands aquaculture forum. Robin also attended a meeting of the tripartite working group. We have therefore been fairly busy in gathering information and views.

Having been through that process, I think that my understanding of the issues facing the industry has increased, although I am not entirely sure whether there is a definitive answer to some of the concerns raised by the petitioner and others who are concerned about the industry's impact.

During our visit to the Fisheries Research Services, we discussed issues surrounding the decline in wild fish stocks. The scientists there, while not discounting the possibility that fish farming is a contributory factor in that decline, believe that a range of other factors contribute to the problem and are worthy of further research. Areas that they identified included climatic changes—which may be affecting the salmon feeding grounds—including increased rainfall at the times when the salmon return upstream. The

impact of coastal predation by seals and other predators of salmon was mentioned, as was the impact of trawlers catching salmon with mackerel or other catches. The scientists at the marine laboratory identified several of those potential impacts as worthy of further research, although some of that research may be expensive and require international co-operation if we are to come to conclusions.

We have to do further work in some areas; one of the gaps in the work that we have carried out so far is that we have not had a face-to-face meeting with representatives of the Scottish Environment Protection Agency. It would be useful for Robin Harper and me to have that meeting if the committee believes that further work by the reporters is necessary. A number of the concerns expressed by the industry and by people who are concerned about the environmental impacts of the industry relate to whether SEPA has adequate resources to perform its role in the aquaculture industry.

I do not want to talk for too long because, given all the work that we have done, I could turn my contribution into a Fidel Castro performance.

The committee should consider further a number of issues relating to the subject. The forthcoming water environment bill will be an opportunity for the Executive and the Parliament to upgrade the way in which the industry is regulated and dealt with. The Executive's intention is that that opportunity will be taken. The committee should play a part in influencing the content of the bill. Many interested parties in the industry will already have responded to the consultation, which ended officially at the end of last month, on the regulations governing aquaculture in Scotland. The committee might consider responding to that. I suspect that the Executive would accept a response from the committee even if it is made after the date on which the consultation formally finished. The committee clerks could liaise with the Executive on that.

There is on-going work for the reporters to do both in the areas that I have mentioned—such as SEPA—and in ensuring that progress is made on various aspects of the Executive's work and that that work is transparent.

The other issue that is worth raising with the Executive is whether there is a need for the scientific research that is taking place to be drawn together under some form of research co-ordinator. A lot of the scientific evidence is conflicting; it is difficult for people who are not qualified in the field to come to a conclusion about the balance of the evidence. The Executive might find it worth while considering the appointment of a research co-ordinator to draw all the evidence together. If such a move were made, the

committee would have a role to play in ensuring transparency so that people in the broader Scotland could be confident that the work was being carried out in a thorough, open and accountable manner.

Those are my initial comments, although I would like to reserve the right to come in later in the debate.

**The Convener:** Thank you for that full report, which raises a number of big issues.

**Robin Harper:** I will pick up on a few of the points that Bristow Muldoon made.

The summary of on-going scientific investigations shows that the majority of them are about fish health and fish diseases—they are industry-based. One major scientific investigation, which has been running for three years and will continue for a further two years, is on the general environmental effects of sea cage fish farming. We need to focus on that and, rather than wait for another two years before getting definitive information, at least ask for the beginnings of where the scientists think that the research is going.

As Bristow Muldoon mentioned, there are areas that we were not able to cover during the recess. SEPA is the principal group that we have not met, but there are individuals whom we have not managed to listen to yet. I am not suggesting that we need to visit Norway, but we could invite a Norwegian scientist here or converse by e-mail with the Norwegian Government, which faces the same problems that we do and is addressing them. We need to draw on both the Norwegian and Canadian experiences and that evidence should come before the committee.

During the investigation in the recess, I raised the issue of a parliamentary inquiry. I did not presume that the committee would favour such an inquiry, but I asked the best way forward should it do so. There was a view that a parliamentary inquiry linked to the progress of the tripartite working group, the aquaculture forum, research and what SEPA is doing, for example, could be useful. I—like many in the room, I hope—believe that the discussion must be conducted in the open. Many people have been concerned about the lack of public debate. The great advantage of a parliamentary inquiry would be that the progress of what the Executive has put in motion will be monitored publicly over at least the next year. I am aware of the constraints that are imposed on us by the number of bills that we might have to consider over the next two years, but a progressive inquiry in which we would return to the issue regularly might be the best way of dealing with the matter. We should be able to fit that in with our work load.

I would like to say much more, but I will leave

time for other members to chip in.

**The Convener:** I would like some clarification. I am comfortable with the idea of on-going scrutiny of the process, but a number of big issues have arisen. One is the speed of the Executive's response to the work programme for research, which to many people does not seem quick enough. Another issue relates to transparency. Both issues, together with the science and evidence, could be dealt with by giving committee reporters an on-going role. They could report back regularly and, drawing down from the Executive, give the committee an opportunity to discuss matters openly. I think that that would be a good way forward, but it would not be an inquiry; there would be an on-going committee remit to monitor what the Executive is doing and the relevant science.

Do I understand you properly, Robin? Are you suggesting on-going committee work as opposed to a formal committee inquiry? An inquiry would be a different route and it would involve different mechanisms.

**Robin Harper:** I am talking about a staged inquiry in which we would call in the right people at the right time rather than allocate four or five weeks, for example, to an intensive sea cage fish farming inquiry. I raise the issue for debate so that the committee can decide the most productive way of proceeding and whether that would be a staged inquiry in which we would consider the most urgent matters first and perhaps other matters that are further down the line later.

11:15

**Maureen Macmillan:** The aquaculture industry is important. It provides many jobs in the Highlands and Islands and on the whole provides a good-quality product. We want the industry to be sustainable. We also want the shellfish industry and the wild fisheries to be sustainable. Obviously, environmental implications must be considered.

We do not need to be told what the problems are. We could hold an inquiry, but we would not learn anything more about the problems. As Bristow Muldoon has said, the scientists do not yet have solutions to those problems. The Executive and other bodies are doing research into various areas. Bristow's idea of having some sort of co-ordinator to draw the research together is a good one.

The Executive is carrying out a review of regulations and we need to feed into that and link it to our deliberations on the forthcoming water environment bill. We need to monitor the Executive's research, especially in areas of environmental concern. Obviously, reporters from this committee, after deliberations with the

researchers and with the research co-ordinator, will make that monitoring public. Everything will be in the public domain and therefore transparent. However, everything will have to be drawn together before we deal with the water environment bill, so that what we learn can be fed into that bill.

**John Scott:** I largely agree with Maureen Macmillan. With the water environment bill, we have a window of opportunity that we must not miss. Others are much more knowledgeable about these matters than I am, but we must do whatever it takes to ensure that we make an intelligent input to deliberations on that bill. We owe it to the industry to do so. The industry is very important to remote and fragile areas—I have no doubt that John Farquhar Munro will talk about that.

We must help the Executive to formulate a clear strategy on how to nurture the industry and how to help it in future. The industry faces enormous obstacles. If it is not, as it were, adequately cherished, it could very well disappear. However we do it, we have to do what we can to support the industry.

**Fiona McLeod:** The committee has to tell the Executive that we think that it is failing by not answering the petitioners and instituting a public inquiry. The Executive has the necessary staff, resources and funding, but it has made it quite clear that it will not do those things. Responsibility therefore falls to us.

We have heard from our two reporters—Bristow Muldoon and Robin Harper—and I thank them for the masses of evidence. It is obvious that all the multifarious investigations sponsored by the Scottish Executive are industry based. The results of many of them are not transparent.

For more than 20 years, the environment has been degraded. This committee needs to say that, although we want the industry, we want it to be a sustainable industry in a sustainable environment. I would therefore like two committees—the Transport and the Environment Committee and the Rural Development Committee—to hold inquiries. There would be two distinct remits: the Rural Development Committee would consider the sustainability of sea cage fish farming, or aquaculture in general; this committee would consider whether it is a sustainable industry in a sustainable environment. The two committees should hold inquiries with tight remits. John Scott suggested that we could help the Scottish Executive and give it a steer, but I think that it is time we held those inquiries, made recommendations and insisted that the Executive take them forward.

By happy coincidence, the water environment bill is coming up. We will have to consider the

effect of the industry on the local water environment.

**Des McNulty:** I disagree with Fiona McLeod's proposal to hold not one but two committee inquiries. We must be conscious not only of the time constraints on this committee's work but of the limits of the committee's ability to consider highly technical areas. I do not see what the added value would be of going through a conventional inquiry process with evidence taking. We asked the Executive to conduct an inquiry because it is better equipped than a parliamentary committee to undertake that work.

I agree with some of the comments made by Maureen Macmillan, Robin Harper and others. This is an important issue that must be dealt with. In the interests of transparency, we have to set a time scale for dealing with the issue, particularly because of the water environment bill that we plan to introduce next year. With that in mind, the best route forward is to suggest to the Executive that we want it to appoint a research co-ordinator who can draw together the various strands of research, with a focus on identifying the areas that are under-researched at the moment. Robin Harper was right to say that a lot of research is industry focused and that if we are to see the whole picture more environmental research must be done. The committee should work positively with the research co-ordinator, who should have meetings with our two reporters.

The date that we set for the research co-ordinator to present a report to the committee should coincide with stage 1 of the water environment bill. That report should be supported by further work by our two reporters. We must be seen to be dealing with this important agenda and we must ensure that information is gathered for us in the best possible way so that we are well informed when scrutinising legislation on the matter. We must do everything in our power to ensure that all the information can be brought into the public domain.

**John Farquhar Munro:** Like others, I want there to be a sustainable and viable salmon farming industry on our coast. We should dispel the perception that the committee is anti-salmon farming, as we never have been. Salmon farming and related activities employ about 6,500 people up and down the coast. That is a significant number of employees in remote and rural parts of the country.

I am disappointed that the Executive did not accept the suggestion, offered by this committee and the Rural Development Committee, of an independent inquiry into fish farming, but that is the situation we find ourselves in and I accept that even if we resubmitted our suggestion we would return to the same situation. While we toss such

issues back and forth, time is passing—almost a whole year has passed without much happening. We hear that much research is being done into the activities that take place in our salmon farming industry.

I want to sustain the salmon farming industry, but not at a cost to the environment. We must be protective of our environment. There is a lot of evidence that suggests that the environment is being harmed to one degree or another. When we suggested an inquiry into the activities of the fish farming industry, it was quite happy that it would be able to demonstrate once and for all that its activities are appropriate for the sustainability of the operation. I am surprised that the Executive did not consider that when it refused our request to hold an inquiry.

Our reporters have been working diligently throughout the summer recess and will continue that exercise. I am glad that there is a level of agreement that a research co-ordinator should be appointed to advise the committee and the reporters on how progress should be made. That is a significant step forward. I would like some clarification of how the research co-ordinator is to be appointed. Will the Executive appoint the co-ordinator from its current staff or will the appointment be external and of someone with the appropriate skills and expertise?

I welcome the suggestion and hope that, having gleaned the information that we are seeking, we will be able to support the industry and other marine activities in the months and years ahead. I receive much information and many reports from the shellfish industry, the scallop industry and the prawn fishermen, particularly on their concerns about what is happening around our coast. I do not need to tell the committee of the tremendous decline in the number of wild salmon and sea trout. My area is closely associated with the salmon farming industry and there are four sporting rivers within five miles of where I live that have produced almost no salmon or sea trout this year.

**Des McNulty:** I want to clarify my proposal, which was that we go to the Executive and suggest strongly that a research co-ordinator be appointed. The Executive should appoint the co-ordinator—it should not be the committee's research co-ordinator. I would expect the Executive to appoint someone who is a scientific expert in the relevant areas. We should have access to the research findings and the product of that co-ordination work and they should fit in with our work on the water environment bill. Perhaps the reporters could have a continuing liaison role with the co-ordinator. We do not necessarily want to appoint our own researcher, but we must ensure that an independent professional expert is

appointed to take the matter forward.

**The Convener:** I want to try to draw the discussion together.

**Robin Harper:** I kept my initial remarks brief so that I could come back into the discussion. I would be very unhappy if the committee relied on me and Bristow Muldoon to find further information and with the idea that that would be a sufficient public airing of the issues. We must press for an official parliamentary inquiry. The timing of that is up for debate, but however we go about it we must go about it. My principal concern is that if we go for a parliamentary inquiry we might be told that we cannot have a full-scale inquiry until the middle of next year, which would be far too late. That is why I introduced the concept of a staged inquiry that would start as soon as possible.

I considered Fiona McLeod's suggestion that, given the work load of this committee and the Rural Development Committee, both should take a view on the issue. Mature consideration suggests that we could be making the same mistake as some people think the Executive is making by considering regulation and strategy separately. They should be considered together; we cannot do one without the other. We should keep them together by having one committee to conduct the inquiry.

11:30

**The Convener:** I want to draw some conclusions from the various views that members have expressed. If members are not happy with those conclusions, I am sure that they will not be slow to speak up.

I would like to reach a consensus on the issue. We all agree that this is a vital industrial matter as well as an environmental one and that that is something we need to bear in mind. Although the Executive is doing a lot of work on some of the issues, there are still questions about what has been missed out, about the speed of the process the Executive is engaged in and about the scrutiny and transparency that is being brought to bear on the Executive's activities. Another thing that I have to bear in mind is—for want of a better phrase—committee capacity, by which I mean our ability to do everything members want to do.

Bearing all those factors in mind, I see the situation as follows, although I am happy to hear members' views. It has been proposed that a research co-ordinator be appointed. Des McNulty expanded on that. General consensus seems to be forming on that matter. As regards reporters, the committee must have a continuing role in the consultation that has now closed and in the work that needs to be done with SEPA and other organisations. We are also building up towards the

water environment bill, so we will need to keep our skills and awareness to the fore.

I am trying to establish where the consensus on an inquiry lies. I do not think that Robin Harper and I are far apart on this. We do not have the resources or the time to carry out what I would call a full-blown inquiry, but we could use the research co-ordinator to examine what is happening in the Executive with regard to legislation and the industry. It would be a rolling inquiry and we would have a monitoring role. The big question is how we achieve that. The difficulty lies in establishing the need for evidence taking and the role of reporters.

I could happily support the principle of taking a rolling monitoring role and inquiring into the development of the matter, whether the Executive is quick enough and is conducting the right research, and what the industry, the environmental organisations and lobbyists and the scientists are saying. That could be part of our work, but if we try to go down the normal inquiry route, we will encounter intractable problems with timetabling, resources and members' time and availability. That is just my view, but it is derived from listening to what members have been saying.

I would like the clerks to write a paper that draws in some of the aspects of an inquiry that Robin Harper mentioned. I would like the paper to recognise that such an inquiry would be an on-going process for the committee, although we would need to set some parameters. We should ask the Executive to appoint a research co-ordinator to whom we have access for information and scrutiny. We should also build that work into the arrangements for the water environment bill, which will be coming our way. We will co-ordinate all that work through the committee, but we need members of the committee to volunteer now to take on the task of examining and scrutinising what is going on in the Executive and elsewhere with regard to the scientific aspects of the matter.

That is how I see the situation. I am trying to draw together the points on which there is consensus. I will put it bluntly: I appreciate that that proposal does not meet the needs of a full-blown inquiry, but it identifies the key issues and gives us a reasonable expectation of what we can achieve. It would also ensure that the activities of the Executive and others are well scrutinised.

**Fiona McLeod:** It has been said repeatedly that we cannot hold an inquiry because of difficulties with timetabling. Is the committee's forward timetable for the period from now through to next Easter being drawn up on the basis of weekly or fortnightly meetings?

**The Convener:** We are currently on a cycle of weekly meetings.

**Fiona McLeod:** All the recommendations that you have made relate to things that have to be done anyway. In my view, the big issue is the water environment bill. A great deal of work has already been done in this area—the scientific evidence has been gathered and the views of the different sides have been sought. We could have a short, sharp, focused inquiry. We could invite folk here to give us evidence, which would form part of the evidence that we will need when considering the water environment bill. I do not think that the committee should abdicate responsibility for this issue, even though the Executive has. That is my bottom line.

**Robin Harper:** I agree with Fiona McLeod. I would be very unhappy if the science co-ordinator were to come from within the Executive. We should appoint someone from outside with scientific credentials—a person with the status of Andrew Cubie. When I was thinking about who might co-ordinate a public inquiry, his name occurred to me.

As Fiona McLeod said, the water environment bill is extremely important. We should at least ask the marine laboratory to provide us with an interim scientific report, detailing its investigations so far. That is the only science on which we can depend as far as the lochs of the north-west of Scotland are concerned. I am also keen to carry on with the work that I have been doing over the recess.

**The Convener:** That is good to hear.

**John Scott:** We have talked about co-ordinating research, but the industry urgently needs the Executive to take a strategic view. The Executive may want first to take a preliminary view, or the research co-ordinator may want to start by drawing up a wish list of how he would like the industry to develop, before building on that. Whatever approach the Executive takes, developing a strategic view is the key to dealing with this issue.

**The Convener:** The development of a strategic view would be part of the research co-ordinator's role. The committee would also require access to that facility.

**Bristow Muldoon:** In my view, the person who is appointed research co-ordinator should not be a civil servant, but someone with a scientific background in this area. Such a person would be able to draw together the various strands of scientific information. As several members have said, there are gaps in the research. The co-ordinator should be responsible for identifying them. They should not limit themselves to research that is carried out in this country—there are several other countries with significant fish farming industries and we should make use of the best research that has been done there. Robin

Harper made that point earlier. The co-ordinator would share their work with the committee, thereby ensuring transparency.

We expect to begin consideration of the water environment bill in the spring of next year. If we embark on a formal inquiry into sea cage fish farming, I doubt that we will be able to conclude it early enough for it to influence the content of the bill. The bill is likely to include provisions relevant to the issue that we are discussing. Earlier, I mentioned that the Executive has been conducting a consultation exercise on the regulations governing aquaculture. Some of that exercise's conclusions will form part of the bill.

The question is whether the committee wants to spend time making its own submissions to that consultation to try to shape it at this stage. The alternative is to take on board the range of views that have been expressed and include them in our consideration of the bill in due course. I would be relatively comfortable with either course, but we ought to consider whether it would be useful for us to give our views on the consultation at this stage.

**Des McNulty:** I agree with what Bristow Muldoon and others have said about ensuring that the research co-ordinator is reputable in a scientific sense and can do the job that must be done to gather together the relevant information, point to gaps and assist us in delivering transparency in the process. One of the advantages of getting the Executive on board will be, I hope, that the work of that co-ordinator will inform the Executive's consideration of what it proposes in the bill as well as informing the committee's consideration of what the Executive produces.

There is a crying need among the people who lodged the petition—and others who are interested in this matter—for a fuller picture to emerge. Our immediate task is to ensure that that fuller picture emerges and that greater transparency is delivered so that we can make sensible and rational decisions. A general perception is that we are not currently as well equipped to do that as we would like to be. It is important that we persuade the Executive to work in that direction, that we maintain our involvement in the process and that we ensure that the outcomes of that process inform our consideration when we consider the legislation.

The timetable issue is important, but if we go down this route we will seize the initiative, set the agenda and push the Executive to respond on the issues of co-ordinating scientific information, generating greater transparency and producing better decision-making. We would be pushing harder by doing that than we would by getting into debates that we have not been successful in up until now. This option offers a way forward that

has benefits for ourselves, for the industry and for those who are concerned about the environmental implications of the industry.

**Maureen Macmillan:** We must be focused in relation to the areas of inquiry that we want the co-ordinator to deal with; we must give a clear specification. If our brush strokes are too broad it will take forever, so we must be focused in what we want to do and what the co-ordinator should focus on.

**The Convener:** Whatever happens as a result of this meeting, we will have to come back to the committee with a paper that sets out how we see the matter developing. The committee will have the opportunity to put the meat on the bones at that point. We cannot go into too many details at the moment. I am trying to draw out the areas of general consensus on which we can progress, which I will give to the clerks to report back to the committee. We can then decide whether we should make any changes or alterations to that proposed method.

What I said previously about how we should deal with the matter is still on the table. Bristow Muldoon has mentioned consultation, which I think can become part of that rolling inquiry process, as can the water environment bill.

**Robin Harper:** I would be happiest if the one decision that we took now was that the paper should be prepared for us by the clerks as soon as possible with as many options on it as possible, including options that we might like individually to submit for consideration. We should debate that paper no later than two weeks from now.

**The Convener:** I do not want the paper to come back to first principles. There is not consensus in the committee in favour of a full-blown inquiry in the traditional manner. There is consensus on an on-going review and inquiry process. That might disappoint Robin Harper and other members, but I do not see consensus in favour of a full-blown inquiry. From what members have said, that is a minority view. I may be wrong and members need to correct me if that is so, but I do not think that the paper should start again at first principles. It should flesh out in detail the discussions that we have had on the report that we have considered today.

11:45

**Fiona McLeod:** Let me make an observation. We have spent a lot of time talking about a research co-ordinator, but it sounds to me as if we are talking about the appointment of an adviser to an inquiry. Why do we not go the full way?

**The Convener:** That is your view. I am not sure that I or Des McNulty, who proposed the idea, see

it that way.

**John Scott:** The route that we are mapping out is a pragmatic view. That the Executive has said that it will not hold a full-blown inquiry is a matter of regret to us all. Although Robin Harper would prefer that we pursued that line—I would not in any way disagree with that—we need to live with life as it is, not as we would like it to be. That is why we are pursuing this route.

**The Convener:** On many occasions, I have said that we remain disappointed that the Executive will not have a full inquiry, in which it could use the resources and scientific skills that it has available. However, the Executive has said that it will not. That is the world that we live in.

Colleagues, I am looking for some consensus. Instead of a full-blown timed inquiry, we see the way forward as having an inquiry on a rolling basis, which would deal with the issues as they develop, and would monitor the work of the Executive. Through building the role of a research co-ordinator, we would scrutinise the Executive.

**Des McNulty:** If necessary, I can make a formal proposal that we can vote on. We need to be pragmatic and take the agenda forward so that we get all the information that we need at the time that we most need it, which will be when we consider the water environment bill. We need to plan for that.

We can put pressure on the Executive by making it clear that we require a good degree of transparency. We need the Executive to commission work that is overseen by a scientific expert and we will make it clear that we expect to get a report on it. That option is the route forward. It would have a number of advantages because it would mean that the job gets done—to call it an inquiry would be to confuse the issue. It is not really an inquiry, but a planned and staged process that would deliver the information that we are looking for at the time that we require it, which is probably the quickest time within which it could be generated for us anyway.

**John Farquhar Munro:** Do we have a particular budget to meet the costs of a research co-ordinator? What funding is available?

**The Convener:** The normal committee process would be to appoint an adviser but, as I understand it, committee members do not see that as our post. The Executive should deliver that for us.

**Robin Harper:** The Executive has said that it will help.

**The Convener:** If the Executive says no to that—I very much hope that it will not—we can discuss that then. However, it is not necessary to discuss how we would fund such a post. We want

the Executive to do that.

We are going round the houses quite a lot here. Are members uncomfortable with the form of words? I did not think that there was much between Robin Harper's suggestion and mine. The difference is that, whereas we normally have focused inquiries with a specific timetable and a specific number of witnesses, we will instead have a rolling inquiry in which we will monitor what is going on and observe what the available science has to say. We will draw down from what the Executive is doing and give it greater scrutiny in the committee. The conclusion of all that work would be that, further down the line, we would make a meaningful intervention both on legislative matters and on matters that arise from the Executive's research programme.

I remain of the opinion that that is the consensus view of the committee. In response to Robin Harper's earlier question, I see no consensus for the full-blown traditional inquiry. Perhaps this is a hang-up about words, but Des McNulty's proposal is a route by which we can deliver all our objectives. Before Des McNulty puts the proposal formally to the committee, I would prefer the clerks to come back with a report. By reading through the *Official Report*, we can distil our discussions from today and, reading into what everybody has said, come up with a satisfactory response that will keep everybody confident that the work that we are doing will be beneficial to the industry, the environment and the Executive.

Robin, you said you had a small point—just a tiddler, I hope.

**Robin Harper:** I am not happy with Des McNulty's playing with words. Whatever this is, it must be an inquiry of some kind.

**The Convener:** I have tried to suggest that it is a rolling inquiry based on a number of targeted outcomes. Des McNulty said something similar, without using the word inquiry. The issue is that we need to begin to get the work done. The best way to do that is to bring back to the committee a paper that sets out how we might achieve that work. That will be for members to discuss and—if necessary—to amend.

We will proceed on the basis that we will review the *Official Report* of the meeting and take account of the statements made by committee members. I have summarised the situation a couple of times already and I think members have a handle on what we want to achieve. As we normally do on such occasions, we will put our trust in the clerks—they have always delivered for us—and come back with a constructive report that will perhaps get us 95 per cent of the way; we can then discuss the other 5 per cent.

**Des McNulty:** Can I—

**The Convener:** How many last words can we get in?

**Des McNulty:** It would be useful to indicate our planned way ahead to the Executive as early as possible so that we get the thing going. I am anxious that we should not lose any time.

**The Convener:** I expect Rhona Brankin to be reading the *Official Report* very soon.

**Fiona McLeod:** I want to record my disappointment that the committee is not going for an inquiry. However, I look forward to the clerks' paper on how we conduct our investigation.

**The Convener:** Thank you.

That was our final item this morning. I appreciate members' on-going co-operation. It has been a useful meeting, having cleared up much of the business that we had hanging over us and set us up in good stead for future discussions. I thank members, the press and public for attending.

*Meeting closed at 11:52.*



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