

# **ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE**

Wednesday 10 November 2004

Session 2

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## ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

† 27<sup>th</sup> Meeting 2004, Session 2

### CONVENER

\*Sarah Boyack (Edinburgh Central) (Lab)

### DEPUTY CONVENER

\*Mr Mark Ruskell (Mid Scotland and Fife) (Green)

### COMMITTEE MEMBERS

\*Rob Gibson (Highlands and Islands) (SNP)

\*Karen Gillon (Clydesdale) (Lab)

\*Alex Johnstone (North East Scotland) (Con)

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

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

Mr Alasdair Morrison (Western Isles) (Lab)

\*Nora Radcliffe (Gordon) (LD)

### COMMITTEE SUBSTITUTES

Alex Fergusson (Galloway and Upper Nithsdale) (Con)

Janis Hughes (Glasgow Rutherglen) (Lab)

Jim Mather (Highlands and Islands) (SNP)

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)

Eleanor Scott (Highlands and Islands) (Green)

\*attended

### CLERK TO THE COMMITTEE

Mark Brough

### ASSISTANT CLERKS

Chris Berry

Catherine Johnstone

### LOCATION

Committee Room 5

† 25<sup>th</sup> and 26<sup>th</sup> Meetings 2004, Session 2—held in private.



## Scottish Parliament

### Environment and Rural Development Committee

*Wednesday 10 November 2004*

[THE CONVENER *opened the meeting at 11:03*]

### Subordinate Legislation

#### Genetically Modified Organisms (Traceability and Labelling) (Scotland) Regulations 2004 (SSI 2004/438)

#### Genetically Modified Organisms (Deliberate Release) (Scotland) Amendment Regulations 2004 (SSI 2004/439)

#### Plant Health (Great Britain) Amendment (Scotland) Order 2004 (SSI 2004/440)

#### Avian Influenza (Survey Powers) (Scotland) Regulations 2004 (SSI 2004/453)

**The Convener (Sarah Boyack):** I would welcome members of the public, but none is here yet. We have received apologies from Alasdair Morrison. I remind everyone to switch off their mobile phones before they are caught out.

Agenda item 1 is subordinate legislation. Members have a series of papers for four instruments that we will consider under the negative procedure. Members have an extract from the Subordinate Legislation Committee's report; that committee commented only on the Avian Influenza (Survey Powers) (Scotland) Regulations 2004 (SSI 2004/453).

Do members have comments, questions or observations? I read the Genetically Modified Organisms (Traceability and Labelling) (Scotland) Regulations 2004 (SSI 2004/438) and I was glad to see background information and detailed discussion in the regulatory impact assessment. The regulations seem to be a response to consumers who want clarity about the contents of food products. I am glad that that robust approach is being taken and I hope that it will help people to have confidence in what they buy in shops. I have no comments on any other instrument.

**Rob Gibson (Highlands and Islands) (SNP):** I echo your remarks about consumer confidence. I am concerned about how the model in the regulations has been written, because it takes an

approach that requires more money to be spent to test whether products are GM free. That is the wrong way round. If costs are to fall on anyone, they should fall on the people who wish to introduce GM products. That is my fundamental problem with the adopted paradigm.

However, given that the paradigm has been adopted, if consumer confidence is to be improved, labelling and testing must be transparent. The Food Standards Agency Scotland is not very good at providing information on the subject. I hope that the committee will keep a close watch on how the matter pans out. We are dealing with just one statutory instrument, but the implications are wider. I put it on the record that we must keep a close watch.

**Alex Johnstone (North East Scotland) (Con):** I am happy with the provisions and I would be concerned about a move away from catch-all Government action that is designed to protect against the inclusion of genetically modified material when it is unexpected. The regulations take the right approach, which is why I support them.

**The Convener:** The new requirements to label GM animal feed and to keep five years of records to allow products to be traced through the supply chain if necessary are important for confidence that a robust system is in place. I note Rob Gibson's comment that we will keep an eye on the matter.

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** Testing is important if we are considering the establishment of a liability and co-existence regime, especially to trace potential harmful effects to the holder of the consent to release GMOs. The regulations are necessary.

**The Convener:** Members have no comments on any other instruments. Are members happy with the instruments and do they agree to make no recommendation to the Parliament on them?

**Members indicated agreement.**

## Work Programme

11:07

**The Convener:** Members have an update on the work programme from me. I was keen to set out our likely work programme for November to June so that the public and interest groups could have a sense of what we are doing and when, which will allow them to make comments to the committee in good time.

The key points to note are the timeframes for undertaking work on existing and forthcoming Executive bills. We must undertake stage 2 of the Water Services etc (Scotland) Bill, after which we will move on to the proposed environmental assessment bill. Other bills are coming soon.

I would like members' agreement to a few matters. Do members wish to receive an informal briefing from Executive officials on implementing instruments that are associated with common agricultural policy reform? I ask members to note the time commitments that are likely to arise from other business such as subordinate legislation, petitions and budget scrutiny, which we will have to programme in.

I suggest that early in the new year we should examine European Union issues—we do that quarterly—and that we combine that with oral evidence from the Minister for Environment and Rural Development on the priorities for the Luxembourg presidency of the EU. It is important to try to hear about that near the start of the presidency.

Members will remember that we published a research report on sustainable development and that an Executive response is due by 22 November. If members agree to explore those points further, we could take oral evidence from the minister before Christmas.

Those are the key items on my agenda. Do members agree to defer decisions on a committee away day? I discuss that in depth in my paper. Richard Lochhead has intimated that he wants to add an item to our agenda, but before we hear from him, is the committee broadly happy to agree those points?

**Karen Gillon (Clydesdale) (Lab):** I am relaxed about the away day. However, there is a need for the committee to meet outside Edinburgh, given its rural development responsibilities. We should pursue that early in the new year.

**The Convener:** Mark Brough is whispering to me that we could build a meeting outwith Edinburgh into an inquiry—we will discuss proposals for inquiries under this agenda item. The committee has made one or two visits, but it

has not met formally outwith Edinburgh for some time. A meeting outside Edinburgh would have to have a specific purpose, but I agree with Karen Gillon's general point.

If there are no comments about the matters that I raised, I will take it that the committee is happy with the work programme.

**Richard Lochhead (North East Scotland) (SNP):** I will comment later about the work programme. I echo Karen Gillon's point, which I was going to raise. The Executive indicated in a parliamentary answer that the Environment and Rural Development Committee has not yet met formally outwith Edinburgh, which is quite surprising, given the committee's remit.

I think that the convener said that Ross Finnie will give oral evidence to the committee on sustainable development. Given that the negotiations that will take place in the fisheries council in December promise to be even more crucial than the disastrous negotiations of the past two years, it might be useful to take that opportunity to set aside 45 minutes for pre-fisheries council scrutiny. It is important that we do that, because the talks will be crucial.

**Rob Gibson:** I support that point. We should be able to discuss the fisheries council with the minister, if the agenda for the fisheries council is available in time.

**The Convener:** We normally receive the agenda for European council meetings about three weeks in advance. We could ask the Scottish Parliament information centre to produce a background briefing on the fisheries council that identifies the key issues following last year's negotiations. We could certainly hear from the minister, although I am not sure whether we should do that at the meeting at which we will take evidence on sustainable development, given that we are about to start stage 2 of the Water Services etc (Scotland) Bill. However, we could attempt to find a slot in our programme. I see that members are nodding, so we will add that point to the list of topics for ministerial scrutiny.

The clerks and I have considered future inquiry work and my paper identifies two slots: one in January and February and one in May and June. We will have dealt with stage 2 of the Water Services etc (Scotland) Bill, if not by Christmas then certainly soon after, so we should have a five to seven-week slot after that. After stage 1 of the proposed environmental assessment bill, there should be another slot before the summer recess. Those are two reasonable slots in which we could carry out inquiry work.

SPICE has produced a paper that sets out a range of issues that we might want to consider, so the matter is open for discussion.

**Karen Gillon:** Members will be aware that I am concerned that we have not considered rural development issues, with the exception of the common agricultural policy. I would like to put in a bid for an inquiry on rural development that allows us not only to talk about the issue but to examine the detail with ministers other than the Minister for Environment and Rural Development. We could talk to the ministers with responsibility for housing, enterprise and transport to identify how rural development is taking place, how the Executive is moving forward with its rural development strategy and whether the targets in the budget are being addressed meaningfully. We should ask the Executive what it means when it says that it wants to increase rural prosperity and what it is doing to make that happen.

**Mr Ruskell:** The paper identifies many topics that we could consider, all of which are deserving of attention. The topic that screams out to me is climate change. I do not think that the Parliament has ever meaningfully considered climate change. Given the political context next year, we will have no option other than to consider the matter. The G8 summit will be held at Gleneagles and the Prime Minister will make climate change the main issue, so we must have a response.

People, including the world's media, academics, interest groups and politicians from developing countries, will come to Scotland looking for answers on how we tackle climate change. The Parliament needs to examine how the climate change programme is being delivered and how it meshes into the United Kingdom climate change programme. Next year will provide an opportune moment for us to do that work; such an opportunity will not come round again. Hosting the G8 is extremely important and we must do a piece of work to mesh in with it to show that the Parliament is responding to the global agenda.

11:15

**Richard Lochhead:** I will kick off by supporting Mark Ruskell.

I would like the committee to investigate two subjects. It is important that whatever we do connects with the people of Scotland and not only with the non-governmental organisations and the usual suspects, as tends to be the case with many committees. I am thankful that that has changed slightly in the past few years, but we must ensure that we reflect the priorities that exist outwith the chamber and outwith the committees and that we connect with the people of Scotland.

I support the suggestion that we should investigate climate change. The people of Scotland are concerned about climate change and, for some of the reasons that Mark Ruskell

has outlined, the time is right to consider it. Given the increased incidence of flooding in Scotland and the extreme weather conditions, people will connect with an inquiry that is undertaken by a parliamentary committee into climate change. Scotland also has international obligations to make a contribution to tackling the problem. An investigation into the impact of climate change in Scotland and a suggested response to the problem would be worth while. I would not necessarily suggest that we should scrutinise the record of the Government here and tie the inquiry into what it is doing; committees have a remit to conduct straightforward inquiries, so they do not always have to scrutinise the Government. We should do what we think should be done, rather than respond to what the Government is doing.

The second issue is rural development. I will pick up on some of the issues that Karen Gillon mentioned. A rural development inquiry should certainly be one of our two inquiries. We should have an inquiry into rural housing, because that is one of the biggest, if not the biggest, social issues in rural Scotland. The matter has been neglected by the Scottish Parliament since it was set up in 1999. The Rural Development Committee held two major inquiries, one of which was into obstacles to integrated rural development while the second was into changing employment patterns in rural communities. Both those inquiries flagged up two major issues that have not been addressed in detail. One was the lack of transport infrastructure in rural Scotland and the second was the lack of rural housing. We should focus on an issue that will chime with the people of Scotland, and that issue should be rural housing. The Water Services etc (Scotland) Bill has again flagged that up as a major issue. No parliamentary committee has conducted an investigation into rural housing since 1999. Such an inquiry would be warmly welcomed throughout Scotland if we were to choose to conduct one. We should build in some of the cross-cutting themes that Karen Gillon mentioned and examine how sustainable development links into one particular policy area.

We should use reporters as often as possible, given that we do not seem to have much time on the agenda for inquiries. Perhaps we could make a special effort to appoint reporters. I note that there is an NFU Scotland briefing after the meeting into the impact of milk prices on the dairy sector. Such issues would be perfect for a member of the committee to produce a report on. Perhaps we could talk about that briefly.

**The Convener:** You are right that the committee has not used reporters in the past year and a half; we have tended to do full committee reports. If we were to use reporters, that would certainly expand our capacity to pick up different bits of work.

**Maureen Macmillan (Highlands and Islands)**

**(Lab):** I endorse Karen Gillon's comments. We should conduct an inquiry into rural development. All members of the committee have been frustrated by not being able to access information about housing, transport, health services or whatever. I would like ministers from the various departments to come to the committee and tell us what progress they are making in developing services in rural areas. We must be alive to the fact that not all rural areas have the same problems. We should undertake a broad-brush inquiry and perhaps not focus on a particular area at first. After the initial part of the inquiry we might decide to focus on a specific issue.

I endorse what Richard Lochhead said about using reporters—I was going to make the same suggestion. Although we might not want to undertake a full inquiry, we might want to get information on certain topics and it would be good to use reporters for that work.

**The Convener:** You did the Caledonian MacBrayne report.

**Maureen Macmillan:** I did. I also did reports on infectious salmon anaemia, aquaculture and goodness knows what else—not that I am volunteering now.

**The Convener:** And I was just about to write you down as a volunteer.

**Nora Radcliffe (Gordon) (LD):** Again, I endorse the call for an inquiry into rural development, as it is important. Housing and transport are important elements of rural development. Successful companies in my own area that want to expand are constrained by the labour shortage in the area; people either do not live near enough to the businesses or cannot travel to work. If companies cannot increase their labour force, they cannot increase their business. It would be useful to include Scottish Enterprise and Highlands and Islands Enterprise.

The other strand that we should not lose sight of is sustainable development. The fact that we have some commissioned research should not mean that we simply leave the issue. We should build on it, carry it forward and encompass the issue of climate change.

I think that we receive the annual report under the Water Environment and Water Services (Scotland) Act 2003 in the spring. That could give us an opportunity to look into issues such as flooding.

**The Convener:** We got our first report on the Water Environment and Water Services (Scotland) Act 2003 this year and we will get our second update next year. Given that we did not go into the issue in as much depth this year as we had

intended, because of the busy agenda on the day, we did not make the most of the opportunity. A committee member might therefore like to take on the issue and report back to the committee. In parallel with our consideration of inquiry topics, we should think about issues that can be taken on by reporters.

**Nora Radcliffe:** Given that it was only a year since the act had come into force, much of the first annual report concerned things that were only just beginning to happen. There should be more to comment on next year as more should have happened.

**The Convener:** The question is whether we have a brief inquiry with a reporter involved or a better evidence-taking session. I will not force members to take a decision today; we can add the subject to our list of topics and return to it.

**Rob Gibson:** If we are going to conduct a rural development inquiry with out-of-Edinburgh sessions, the weather probably dictates that we should wait until slightly later in the year to do so. It would be a good idea to hold that inquiry as the latter of the two. Perhaps the way in which to focus on the specific elements of the inquiry is by having reporters to work in advance on particular aspects of rural development. The information could then be fed into the cross-questioning of the public and ministers.

I think that it would be a good idea to deal with the climate change issue in, say, January. We should recognise that we are talking about the application of sustainable development measures against each topic. That would allow urban and rural issues to be dealt with. It would also allow us to meet the widest range of our remit and be seen to be doing so.

**The Convener:** Okay. The last contribution has made my comments much easier, as it was broadly the suggestion that I was going to make. We have talked ourselves into undertaking two broad areas of work. There are crossovers between them, but the key thing is to get the most benefit out of them.

I also want us to keep going on the sustainable development front. Having agreed that Ross Finnie should come before the committee in December to talk to us about the Executive response, it would be good to follow on from that with a session on a practical topic that we can all get our heads round. Climate change is probably the obvious topic, not just because of the G8 summit, which Mark Ruskell talked about, but because we are expecting the Executive's climate change strategy. If we were to select that topic, we would provide a bit of scrutiny at a time when it would be quite useful.



If members are happy with the suggestion, we will make climate change our first piece of work and deal with it as a practical follow-on from our work on sustainable development. I do not want to lose that work, either on the parliamentary side—which we have not yet considered—or the Executive side, but given that our report on sustainable development examined the policy process, it would be good to consider a particular challenge in the light of that work. We should do that work at the start of the year.

Members have a range of views on the rural development work, but there is a reasonable consensus that if we did it in May or June, that would give us more time to think about the issues that we would like to consider. Rural development would be a good topic on which to have one or two reporters. We can do background work before we get to the committee inquiry, think of potential places to hold community discussions and think through which Executive ministers we would like to involve and the topics that we would like to consider. The work is potentially big, but if we take a little time and use reporters, it should be meaningful. That does not mean that we will cover absolutely everything that members have suggested, but we will cover broadly what members have come up with. Are members happy with that suggestion? I see that Karen Gillon disagrees.

**Karen Gillon:** I do not necessarily disagree, but I am not content with putting the rural development work back too far, not getting on with it and not having a clear idea of what we are going to do. If we are to use reporters, we will have to give them time to do their reports and we might start putting back the inquiry further and further.

**The Convener:** Today, I am trying to get broad agreement on the topics that we will consider and when. Obviously, we will produce a much clearer set of agreements on exactly what we will consider. At present, I seek the committee's views on the two broad topic areas, but we will need to return to them and discuss them in depth. After today's meeting, I was going to ask the clerks and SPICe to produce a paper on the two broad topics on which we have agreed, which are climate change in the context of sustainable development and cross-cutting rural development issues, with one or two policy areas. When we have that detailed paper, we can batter through it and reach agreement. We may disagree about the breadth of our work on rural development and the topics, but when we have a paper with a first set of suggestions, we can see how we like them.

I am keen to pick up the comments that Richard Lochhead and Karen Gillon made about getting out of Edinburgh—the rural development work lends itself nicely to that. However, to do that

properly, we need to have a detailed work programme. I am not suggesting that we leave that until next summer but proposing that we agree it before Christmas, which will allow outside organisations to get a feel for what we are going to do. We can also discuss the topics on which we might want reporters. Rather than leaving the matter until the summer, we would be using the time between now and then constructively. If members volunteered to do pieces of work, I would expect them to be done before we carry out the formal inquiry.

**Richard Lochhead:** My view is that the job of reporters is not to do work on behalf of a committee in the run-up to big inquiries, but to carry out mini-inquiries into issues that would not otherwise be covered. I am slightly uncomfortable with the talk of reporters feeding into big inquiries, because those are separate matters. There are many pressing political issues that the people of Scotland would like committees to take up, but due to time constraints, they cannot do so. In those circumstances, committees should appoint reporters to carry out short, sharp inquiries and report back. There should be no relationship between reporters and wider inquiries.

I am pleased that we are going to consider climate change, but the idea of an inquiry on cross-cutting rural development issues suggests that we may end up simply having conversations with ministers. That would be worthy and good, but a rural development inquiry will be successful only if we take focused evidence, mainly from communities around Scotland. The committees perform best when they are out having public meetings, taking evidence and stirring things up in rural Scotland. I cannot see how that will happen between now and summer with a relatively short inquiry into cross-cutting rural development issues.

**Karen Gillon:** I disagree fundamentally that reporters cannot feed into a major inquiry—it depends what we want to come out of the process. I would like reporters to consider various issues and to feed into the committee's work in producing its report. I will not take lectures from anybody about getting round rural Scotland and stirring things up. That is what the Parliament does, not just in rural Scotland—

**Richard Lochhead:** The committee has not been outside Edinburgh once.

**The Convener:** Could one member speak at a time, please? I do not want interventions in a committee meeting.

**Karen Gillon:** The committee has not been outside Edinburgh because of a decision on which committee members of all parties agreed. I will not take lectures from a member who has been on the committee for only a week. I have always said that

we should go outside Edinburgh. I do not have a problem with that and we should do it as often as we can because we should meet the public and speak to them about issues that concern them. However, we can do that in a number of ways. I see no reason why reporters cannot consider rural transport, the rural economy and rural housing to provide the basis of the end-point, when we cross-examine agencies, ministers and the public on the issues that arise out of those small inquiries.

**The Convener:** I do not think that we will get complete consensus on the issue, but we have broad agreement on the topics that we will consider and the order in which we will consider them. I suggest that, within a couple of weeks, we bring back a paper on the issues and get into the nitty-gritty. If there are disagreements about the use of reporters, we will thrash that out then. It is up to the committee to decide how to use reporters, but we can have the debate on that later.

I thank the representatives of SPICe for attending and I thank members for that discussion, which will be recorded in the *Official Report*. When we agree on the content of our work, our discussions will also be available to members of the public and interest groups so that they can see where they slot in.

As agreed at our previous meeting, we now move into private session to conclude our draft report on the budget process for 2005-06.

11:31

*Meeting continued in private until 11:34.*

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