

# **ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE**

Wednesday 16 March 2005

Session 2

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## ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

### 9<sup>th</sup> Meeting 2005, 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

#### SENIOR ASSISTANT CLERK

Katherine Wright

#### ASSISTANT CLERK

Christine Lambourne

#### LOCATION

Committee Room 2



# Scottish Parliament

## Environment and Rural Development Committee

Wednesday 16 March 2005

[THE CONVENER opened the meeting at 10:08]

### Subordinate Legislation

#### Water Environment (Drinking Water Protected Areas) (Scotland) Order 2005 (SSI 2005/88)

#### Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2005 (SSI 2005/90)

**The Convener (Sarah Boyack):** Good morning, colleagues, and welcome to the meeting. I do not think that we have any members of the public to welcome—or maybe we do. I remind everyone in the room to switch off their mobile phones. We have received no apologies.

Agenda item 1 is subordinate legislation. We have five Scottish statutory instruments to consider under the negative procedure. For the record, they are: the Water Environment (Drinking Water Protected Areas) (Scotland) Order 2005 (SSI 2005/88); the Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2005 (SSI 2005/90); the Dairy Produce Quotas (Scotland) Regulations 2005 (SSI 2005/91); the Pollution Prevention and Control (Scotland) Amendment Regulations 2005 (SSI 2005/101); and the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2005 (SSI 2005/109).

Members will notice from their papers that we have received some comments from the Subordinate Legislation Committee. In particular, that committee sought clarification from the Executive on a number of points in relation to SSI 2005/90. The relevant extract from the Subordinate Legislation Committee's draft report, which is on pink paper, has been circulated to members. We also have the committee's previous comments on that instrument. We have no comments from the committee on the other four instruments.

I asked our clerk, Mark Brough, to ask the Executive some questions about SSI 2005/88 and SSI 2005/90, because I wanted to find out about their significance. In particular, I looked through the maps that are attached to the drinking water order and could not get a sense of what kind of

impact the order would have. As I asked Mark Brough to chase up the issue, I invite him to make a brief comment.

**Mark Brough (Clerk):** I gather that the Water Environment (Drinking Water Protected Areas) (Scotland) Order 2005 is simply a mapping of existing abstractions; it does not have any implications for new consents or anything like that. It simply presents information from Scottish Water on what is already happening. In due course, there will be a further order on control activities, which will deal with matters such as abstraction for the whisky industry. That will be an affirmative instrument, so the minister will come to a committee meeting to answer questions on it.

**The Convener:** I raised the issue because I remembered that there had been concerns in past years among industrial organisations, especially those in the whisky industry, about abstraction. I wanted to clarify whether SSI 2005/88 would be relevant to them but, as Mark Brough said, the order sets out the present position rather than indicating what will happen in the future. It is a very lengthy SSI. I could not make sense of the maps without knowing the background.

I also asked for clarification on SSI 2005/90, which is about the restriction on the number of days that can be spent at sea. That is a big issue, which the committee has dealt with on numerous occasions. Again, I wanted to get a sense of the instrument's significance, so Mark Brough spoke to officials.

**Mark Brough:** Officials were of the view that the instrument was a rolling forward from last year of the management and enforcement regime on the days-at-sea regulations, which were agreed in the European Union in December. It is completely separate from the on-going negotiations about extra days at sea, about which there was some controversy earlier in the year. Those discussions are still being pursued.

**The Convener:** Those are some points on matters that I chased up, but members may have comments on each of the instruments. We will deal with them in order. Does anyone have concerns about or questions on the Water Environment (Drinking Water Protected Areas) (Scotland) Order 2005?

**Mr Alasdair Morrison (Western Isles) (Lab):** There are no comments or questions on that instrument.

**The Convener:** Are there any comments on the Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2005?

**Richard Lochhead (North East Scotland) (SNP):** I have a few points on which we could perhaps write to the minister. Attached to the SSI

is a list of designated ports. I suggest that we ask for a little more explanation of how those ports are chosen. It would be interesting to know whether the minister has received any representations about other ports that wish to be on the list, but are not included. That is obviously an important local issue for some areas of Scotland.

Given the clerk's comments, I appreciate that my second point relates to a slightly different matter. An option to get three extra days at sea was recently allocated—inadvertently—to the Scottish fleet. I understand that that arrangement will stay in place until the EU has the chance to remove it through legislation, because it was an accident. Can we get an update on that? The minister talked about giving compensation to those skippers and net companies that have gone to the expense of gearing up for that change, which, as has now been disclosed, was an accident. I suggest that we find out what the situation is with that.

Thirdly, given that the United Kingdom is about to take on the presidency of the European Union, if we are writing to the minister on the sea fishing order can we ask him what input he is having to the operation of days at sea and other aspects of the common fisheries policy? Presumably the UK will have the opportunity to put stuff on the agenda.

**The Convener:** I make that four points, but I have captured them.

**Mr Morrison:** First, Richard Lochhead's final point about putting stuff on the agenda betrays a staggering ignorance of the way in which the presidency and the European Union work. There is a huge lead-in time and what will be on the agenda has been highlighted. Secondly, I remember that there was some debate about designated ports. Some ports, which felt that they should have been involved, were able to appeal to the then minister, Allan Wilson, following which they were designated. Maureen Macmillan and I have raised the issue. There was a mechanism, which I am sure is detailed in the order, although I have not read it in that level of detail.

**The Convener:** There would be no harm in getting an update on that issue, given that it has been raised previously by Alasdair Morrison and Maureen Macmillan. We can also ask for an update on the issue of the extra three days. On EU input, we can ensure that the issue is addressed when we get our next EU update after the recess.

### **Dairy Produce Quotas (Scotland) Regulations 2005 (SSI 2005/91)**

**The Convener:** Are there any comments on the Dairy Produce Quotas (Scotland) Regulations

2005?—[*Interruption.*] Would Alex Johnstone like to add some specific knowledge on the issue?

10:15

**Alex Johnstone (North East Scotland) (Con):** Not at all, convener. The fact that I do not intend to comment on, or to move against, the regulations implies that I approve them. I therefore draw the committee's attention to my entry in the register of members' interests, from which it can be seen that I am a dairy farmer. I also notify members that I am a holder of wholesale dairy produce quota.

**Mr Morrison:** Hear, hear.

**The Convener:** Thank you. I am sure that that can be recorded in detail for future reference.

### **Pollution Prevention and Control (Scotland) Amendment Regulations 2005 (SSI 2005/101)**

**The Convener:** Are there any comments on the Pollution Prevention and Control (Scotland) Amendment Regulations 2005?

**Members:** No.

### **Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2005 (SSI 2005/109)**

**The Convener:** The final instrument is the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2005.

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** I do not understand why the maximum residue limits of bifenthrin for tea and hops are, respectively, 100 times and 200 times greater than for many of the other products listed. As a consumer of both of those products, I would like to know why that is the case. Perhaps we could follow that up with the Executive.

**The Convener:** Okay.

Notwithstanding Alex Johnstone's comments, are members content with the instruments and happy that we make no recommendation to the Parliament?

**Members indicated agreement.**

**Item in Private**

10:18

*Meeting continued in private until 12:11.*

10:17

**The Convener:** I invite the committee to consider whether to discuss options for proceeding with our inquiry into rural development in private at a future meeting. Members will be aware that we have carried out two visits so far; there are still a couple more to do. We need to pull together all the information that we have got from those visits. We will publish what we have got out of each of those visits so that those who have spoken to us get some feedback, but we need a bit of space to discuss potential witnesses and the scope of the inquiry. Are members happy with that?

**Members** *indicated agreement.*





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