



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

Wednesday 5 November 2014

Wednesday 5 November 2014

CONTENTS

	Col.
SUBORDINATE LEGISLATION.....	1
Sulphur Content of Liquid Fuels (Scotland) Regulations 2014 (SSI 2014/258)	1
“WILDLIFE CRIME IN SCOTLAND - 2013 ANNUAL REPORT”	2
DRAFT BUDGET SCRUTINY 2015-16	37

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE
27th Meeting 2014, Session 4

CONVENER

*Rob Gibson (Caithness, Sutherland and Ross) (SNP)

DEPUTY CONVENER

*Graeme Dey (Angus South) (SNP)

COMMITTEE MEMBERS

*Claudia Beamish (South Scotland) (Lab)
*Nigel Don (Angus North and Mearns) (SNP)
*Alex Fergusson (Galloway and West Dumfries) (Con)
*Cara Hilton (Dunfermline) (Lab)
*Jim Hume (South Scotland) (LD)
*Angus MacDonald (Falkirk East) (SNP)
*Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jim Colchester (Buccleuch Estates)
Hugh Dignon (Scottish Government)
Jamie Farquhar (Confor)
Karen Hunter (Scottish Government)
Willie McGhee (Forest Policy Group)
Nigel Miller (National Farmers Union Scotland)
Jo O'Hara (Scottish Government)
Paul Wheelhouse (Minister for Environment and Climate Change)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Rural Affairs, Climate Change and Environment Committee

Wednesday 5 November 2014

[The Convener opened the meeting at 10:00]

Subordinate Legislation

Sulphur Content of Liquid Fuels (Scotland) Regulations 2014 (SSI 2014/258)

The Convener (Rob Gibson): Good morning, everybody, and welcome to the 27th meeting this year of the Rural Affairs, Climate Change and Environment Committee. I remind members and those in the public gallery that mobile phones should be switched off. However, members will be using tablets to access papers for the meeting.

Agenda item 1 is subordinate legislation. The committee is asked to consider the Sulphur Content of Liquid Fuels (Scotland) Regulations 2014. No motion to annul has been received. I refer members to the clerk's paper. Do members have any comments?

Angus MacDonald (Falkirk East) (SNP): It may interest the committee to know that Ineos, the owner of the petrochemical and refinery plant in my constituency, has invested heavily in the sulphur recovery unit, so the issue has been dealt with at source as well.

The Convener: That is helpful. As there are no further comments, are we agreed that we do not wish to make any recommendation in relation to the instrument?

Members indicated agreement.

“Wildlife Crime in Scotland - 2013 Annual Report”

10:01

The Convener: Agenda item 2 is evidence on the Scottish Government's publication “Wildlife Crime in Scotland - 2013 Annual Report” from the Minister for Environment and Climate Change, Paul Wheelhouse. He is assisted by Hugh Dignon, wildlife management branch team leader, and Karen Hunter, wildlife crime policy officer, from the Scottish Government.

Welcome to you all. Do you wish to say anything before we begin our questions, minister?

The Minister for Environment and Climate Change (Paul Wheelhouse): I do, if that is okay, convener. I appreciate the opportunity and hope that it will be of value to the committee.

I am pleased to give an update on Scotland's second annual report on wildlife crime. We are all here because the Wildlife and Natural Environment (Scotland) Act 2011 introduced a requirement for the Scottish Government to lay before Parliament an annual report into the extent of wildlife crime. As you will be aware, this is our second report, and I am pleased that we have been able to implement some improvements on the basis of feedback that my officials and I have received.

Last year, I said that this publication should serve as a reminder of the importance of doing everything that we can to challenge these abhorrent crimes. The reasons for doing so remain the same. Until they are eradicated, the impacts of wildlife crime will continue to stain Scotland's reputation, and I know that I am not alone in holding the view that that is simply unacceptable.

Although we cannot possibly see trends in data in only two years, the report has again shown that poaching and coursing are a high-volume area of crime. While poaching may not harm the conservation status of deer, the loss of a golden eagle such as Fearnan at the end of 2013 and the mass killing of red kites in Ross-shire in March this year will certainly have consequences for those local populations of rare raptors. I share the revulsion of many people that such cruel and selfish crimes against raptors still occur in the 21st century.

The 2013 report includes information on court proceedings for wildlife crime offences over the past five years, police recorded crimes for the past five years, recent legislative changes and the future direction of wildlife crime policy. We have endeavoured to simplify the look of the data in the report by recording offence type by species rather

than by legislation. We have also added sub-totals to the tables so that the reader can better see the changes in numbers across the five-year period. I hope that you will agree that those minor changes have improved the reader's experience and understanding of a complex and difficult area.

Before I move on, I will take a moment to thank some of the key contributors to the report. The Scottish Government's justice analytical services team, the Crown Office and Procurator Fiscal Service, Police Scotland and the national wildlife crime unit have, once again, supplied figures and explanation for this year's report. Partnership against wildlife crime Scotland stakeholders have also provided advice and feedback that have been valued by my officials.

Last year, I said that it would be ideal if we could track each criminal case from discovery through to detection, prosecution and, ultimately, court disposal. We are still at a point when the justice system's data simply does not allow that follow through, but it is clear that data on recorded crime is almost impossible to reconcile with court statistics because of the often lengthy time periods between the crime taking place and the court hearing. Also, some information is available on a financial year basis while other information is available on a calendar year basis. Last year, I talked about those difficulties and the need for change in that respect and, as Assistant Chief Constable Malcolm Graham said last week, key officials from the various agencies are starting work to get the data more consistent for next year's report.

In 2013, the first ever case went to court to consider prosecution under the vicarious liability provisions that were brought into force by the Wildlife and Natural Environment (Scotland) Act 2011. It remains to be seen what the outcome of that will be, but I am in no doubt that close attention will be paid to its outcome—not least by me. I am also aware of the second potential case, which is due to commence this month.

In February last year, I announced a further two years of funding for the national wildlife crime unit in Livingston. The unit provides a valuable service to the police nationwide by providing intelligence packages and investigative support. It has also announced three new measures to assist in the fight against wildlife crime. Professor Mark Poustie from the University of Strathclyde is midway through the review of wildlife crime penalties that I initiated and he will report back to me probably early in the new year. Both Police Scotland, which appeared before the committee on 29 October, and the Lord Advocate have confirmed the use of all appropriate technology for investigations, including surveillance cameras. ACC Malcolm Graham outlined the restrictions that the police

face in the use of surveillance, but I am confident that such technology can be used where that is appropriate, and the Lord Advocate has made it clear that the option is available to Police Scotland.

The new measure that has perhaps attracted most attention is the introduction of new restrictions on the use of the general licence by Scottish Natural Heritage when there is evidence of wildlife crime taking place. The measure was formally announced on 6 October. Although it may not, on its own, eliminate such selfish and cruel practices overnight, I firmly believe that it will be a deterrent to those who are contemplating criminal acts both because of its practical impact on those landholdings to which it is applied and because of its reputational impact. We should bear in mind that the general licence is a privilege, not a right. It reflects the fact that we trust that its provisions will be used responsibly and constitutes a very light-touch form of regulation. It seems absolutely right to me that, on the basis of evidence that is provided by Police Scotland, where there is a strong reason to suspect that wildlife crime is taking place and trust has been lost, that privilege should be withdrawn and greater scrutiny applied.

Crucially, SNH will be able to consider imposing such a restriction in cases from 1 January this year. It remains to be seen when the first restriction will be imposed by SNH, the circumstances that it is deployed in and the effect that it will have. Implementing the restriction has not been a straightforward measure, and that was reflected in the length of time that it took to finalise the scheme. I thank all those who have been involved in its implementation.

I confirm that there have been informal discussions with both stakeholders and the Crown on the pesticides disposal scheme, which I will formally announce shortly. The scheme will focus on the removal of the illegal substances that are most commonly used in wildlife crime and that it is already an offence to possess. They are listed in the Possession of Pesticides (Scotland) Order 2005 and include strychnine, carbofuran and cyanide.

The report is designed to inform our response to wildlife crime and ensure that there is appropriate scrutiny of trends as they emerge. Wildlife crime is an issue that I am determined to eliminate, and the report is a useful tool in monitoring progress. I look forward to answering the committee's questions on the annual report.

The Convener: Thank you, minister. I am sure that members will take your initial remarks into account when they ask their questions.

There are many different sources of information for the 2013 annual report. Have you got them all

to agree to provide the information on a calendar basis? What can we expect?

Paul Wheelhouse: There have been discussions on the matter, which ACC Graham mentioned last week. Since the previous report, it has been a cause of frustration that there is difficulty in reading across the different tables and tying up trends in that way. There has been some difficulty in determining a solution, but I believe that there is a willingness to get reporting on a consistent basis. Hugh Dignon may be able to comment on the discussions that have taken place—I have not been present at those discussions.

Hugh Dignon (Scottish Government): As the minister says, it is certainly our ambition to do that and we have been working towards it. It is not as easy as one might hope, because the data systems stretch from as far back as the officer on the ground or the court official inputting data at the beginning of the data collection system right through to the way that the statisticians collect, store, analyse and reproduce that data at the end of the process.

We cannot change the format overnight. I hope that we will be able to make progress on it with the next report. I do not guarantee that everything will be in a standard format by next year, but we are certainly working towards that.

The Convener: Are there any particular sources that find it more difficult than others to bring the data into a calendar-year format?

Hugh Dignon: I am not aware that any particular organisation finds it more difficult. People now recognise that it is a regular, substantial and important piece of work and they are giving it the attention and providing the input that it deserves, so we are making progress across the board.

Paul Wheelhouse: Besides the calendar year, there is the complication of the nature of the charge that is laid—please stop me if you are going to ask about that.

In some cases, the wildlife offence is a secondary offence to the main one that the Crown Office is prosecuting. Unpicking that and identifying cases in which wildlife crime is not the main charge for which the person is pursued is another cause of difficulty and complexity. That sometimes causes concern to some stakeholders who have identified that offences do not appear in the tables. That is because it has been difficult to isolate them from the main charges that the accused have faced.

The Convener: Thank you. Talking about offences appearing in the table, given that tackling poaching is one of the main priorities in the wildlife

crime strategy, why does the report not present data on all types of poaching offences?

Paul Wheelhouse: Could you draw our attention to anything that you are particularly concerned does not appear in the report?

The Convener: We are talking about deer poaching and poaching on rivers. Sometimes it is easier to capture river information than information on deer.

Paul Wheelhouse: I certainly acknowledge that poaching is a serious matter. There are some stakeholders in PAW Scotland for whom it is the principal issue of concern. It is raised regularly with us by Scottish Land & Estates, the Scottish Gamekeepers Association and the British Association for Shooting and Conservation. The British Deer Society is conscious of the level of crime, some of it unreported, that occurs throughout Scotland. We hope to improve data quality on that as we go on.

The Convener: We are particularly interested in noting poaching of game birds.

Paul Wheelhouse: We have a number of challenges on all forms of wildlife crime. Some of them relate to the area in which the crime takes place and the difficulty of finding any evidence. Indeed, people might not stumble across a dead raptor because of the distance between the offence and where the bird dies. In other cases, crimes might go unreported because of the wall of silence to which I have referred on previous occasions. In other instances, it might just be that attention has not been drawn to the crime.

Hugh Dignon wanted to come in on a point of technical detail.

Hugh Dignon: The first column in table 1a in the report is headed “Offences relating to”. It lists “Deer” separately. It also has “Hunting with dogs”, which is essentially coursing. It has “Poaching and game laws”, which is offences under the Wildlife and Countryside Act 1981 in relation to wild birds. It also has “Possession of salmon or trout”, which is obviously salmon poaching, and further “Salmon and fisheries offences”.

The offences are broken down to that extent. We could be a bit more explicit about exactly what we are referring to in that column, but the different sorts of poaching offences are shown.

The Convener: Good. We look forward to their presentation being such that lay people can understand it.

Why do you not report the data on penalties for wildlife crime?

10:15

Paul Wheelhouse: As I said in my opening remarks, we are already aware of read-across difficulties with regard to the year in which an offence might be reported, the year in which it is successfully prosecuted and the subsequent sentencing and penalties. I take your point, convener. However, although we can look at how penalty issues are reported in the report, until we crack the problem of the read-across between the committing of the offence, the prosecution and the sentencing or penalty being applied, that information might not tie in very well with the data as currently presented. It would need to be heavily caveated to ensure that people did not conclude that in a certain year there seemed to be fewer offences than there were penalties or sentences, which would look somewhat odd, even to those who study these things closely.

We need to bear that in mind to ensure that the information is intelligible, and, similarly, we need to address the very fair point that you have raised about the headings and how the charges are recorded and work out how people can read across from one table to another and understand the follow-through to a successful prosecution.

The Convener: Thank you. That leads us perfectly to questions from Jim Hume about the detection of wildlife crime.

Jim Hume (South Scotland) (LD): Good morning, everybody. Mark Avery from the Scottish Wildlife Trust has reported that the wildlife crimes that had been discovered were just the “tip of the iceberg”, but when we pushed Police Scotland on the matter, it did not agree and said that what had been discovered was much more than the tip of the iceberg. Of course, it did not give us an exact figure. It would be interesting to find out the minister’s view on the detection of wildlife crime. Are we detecting the vast majority of such crimes or just the tip of the iceberg?

Paul Wheelhouse: Mr Hume raises an extremely important issue. There has been a lot of narrative about the issue both online and in person; I addressed it at last year’s wildlife conference, at which I said that we know of certain areas of Scotland that are perfect habitats for hen harriers, golden eagles and other raptor species—indeed, other wildlife—but the fact is that those species are just not there, and there is no reasonable explanation for their not being there. I want more work and analysis to be done to get a better understanding of why that is the case, but I am concerned that in certain areas of the country that provide the perfect habitat for species that we are not seeing there, something untoward might be happening. Obviously, we cannot take it for granted that that is the case; other factors or natural causes could be at play, so we need to do

more work on the matter. Nevertheless, the issue is worthy of investigation.

I read Assistant Chief Constable Graham’s comments on the issue, but my gut feeling is that crimes are being committed that are not being recorded. That is not a criticism of the police or the justice authorities; the fact is that these crimes are extremely difficult to detect, and some people go to great lengths to hide the evidence of their crimes and therefore never come to court. As I have said, I believe that more crimes are being committed than are being recorded—as minister, I need to acknowledge that—but this is the best available data that we have and therefore it is what we can use to tackle this challenge. We must all be mindful of the fact that we might not be capturing every offence that is happening in Scotland at the moment and that as a result we cannot afford to be complacent, even with the relatively low numbers for poisonings and other crimes.

Jim Hume: How can we detect more wildlife crimes? I appreciate that you will never be able to uncover every crime that is committed over the vast area of Scotland, but, as you said, there are certain areas that have not been repopulated and there is no explanation of why that is the case. Might Police Scotland and officials focus on such areas to increase crime detection rates, or do you have other tools in the box?

Paul Wheelhouse: There are a number of aspects to the point that Mr Hume has raised. First, we can work with SNH and other conservation bodies to find out whether this is happening for natural reasons. The police and justice authorities might be aware from previous recorded instances of the possibility, at the very least, that wildlife crime is being committed and although I would not interfere in operational matters I would encourage the police to take that evidence very seriously and to use whatever tools they feel are available to them to try to identify whether a crime is being committed.

At the same time, more science and research might need to be done by SNH and other institutions to identify whether there are any natural causes or whether, for example, changes in agricultural practice or other things that might not necessarily be offences are having an impact on the prey that the birds rely on and consequently on the number of birds in that locality. That said, we have to be aware that wildlife crimes could be happening, and we have to trust that the police and other prosecuting authorities will examine any evidence that they get and, where necessary, carry out investigations to find out whether such crimes are being committed.

Jim Hume: A scientific study by RL McMillan that was published in *Scottish Birds* in 2011

examined populations of golden eagles, red kites, peregrines, hen harriers, goshawks and the like and stated that more illegal persecution of these birds was happening than was being recorded. Even though that scientific evidence is not really about the detection of crime or crimes that have been uncovered, might the minister think about putting it into the report?

Paul Wheelhouse: I have not read the report that Mr Hume refers to, but I will look at it and see how relevant it could be to the annual wildlife crime report. If the study was conducted at a fixed point in time, it might not be as helpful to us in the on-going development of our annual report and the monitoring of trends, but I will certainly see whether it contains any messages that might help us explore what other evidence we might try to capture that might be suggestive of crime, even if it is not hard evidence. It is worthy of examination, but I cannot make any promises about future annual reports, which, after all, are put together in partnership with the police, the Crown Office and other agencies. We need to look at the matter in the round and take views from everyone involved in the report's preparation about the relevance of the information.

Hugh, do you know that particular study?

Hugh Dignon: I am not sure that I have read the study that Mr Hume mentioned, but over the years a number of reports have suggested persecution as one of the factors underlying missing populations of a number of our raptor species.

On whether we can get that particular information into the annual report, it might be worth mentioning that PAW Scotland has recently established a science group, one of the purposes of which is to examine whether such scientific reports can be used to help guide police investigations or law enforcement activities. The information that comes out of that could be used in the annual report to help explain the more general position with regard to raptor persecution.

Jim Hume: Thank you. That was useful.

Graeme Dey (Angus South) (SNP): On the prosecution of wildlife crime, the figures in the report show that although 1,554 wildlife crimes were recorded between 2008 and 2013 proceedings were taken in only around 19 per cent of the cases. Although that figure rose in 2012-13 to 23 per cent and although I appreciate the difficulties of detecting and pursuing certain types of wildlife crime, do you not agree that at face value those figures leave one with the impression that the authorities are not taking wildlife crime as seriously as they ought to be? I should say, though, that you take it seriously.

Paul Wheelhouse: There is increased awareness of public concern about wildlife crime. All the partners in PAW Scotland have taken recent incidents very seriously; indeed, since I became minister, I have been aware of the support that we have had around the table for tackling such crime. That is not to say that the response to every incident is perfect. Unhelpful comments have been made in recent times, but I believe that everybody in the law enforcement community takes wildlife crime seriously.

On whether more can be done, we have issued guidance through the Lord Advocate about using investigative tools, with a sincere hope that we can give the police some support to make use of techniques that might be challenging to some of them. We recognise the great difficulty in prosecuting certain types of wildlife crime, particularly those involving raptors, where often, although we suspect that a crime has taken place, the bird may have flown away from the poisoning site and that site can never be found. Depending on the substance that has been used, or on whether the bird has been shot or injured, finding a deceased raptor can be like searching for a needle in a haystack, given that they could have covered a wide range before dying. It might always be difficult to get sufficient forensic evidence to prosecute a case.

We are stepping up our efforts through the Scottish Agricultural Science Agency with regard to the forensic evidence. SASA is developing DNA tools that can be used to identify whether a trap may have been used to trap or injure a protected bird such as a red kite or hen harrier—iconic species that we are keen to protect—even if there is no body present. We are taking steps, and the agencies are pushing forward and saying that they think they can do this.

As Mr Dignon pointed out, the PAW Scotland science group is looking at other ways of strengthening the evidential trail and making it easier to secure prosecutions. It is not just raptors. There are other wildlife crimes that may be difficult to trace. As the convener pointed out earlier, some crimes tend to be easier to detect. For example, if we catch someone poaching—it's a fair cop, guv—it will be easier to secure a prosecution than it will be when someone has laid poisoned bait in a discreet location and has killed a bird as a consequence.

I am aware of the issue and we are trying to make the report more explicit. It has the effect that people can apply a bit of constructive pressure, shall we say, to improve performance across the sphere, not just by the agencies but in the Government. That is healthy and is what the report is there to do.

The Convener: We are looking at issues related to additional measures, such as the general licence. Do you think that the restriction on general licences to control corvids will be an effective sanction? When will it be possible for an estate or licensee affected by a general licence restriction to apply for an individual licence?

Paul Wheelhouse: Time will tell whether it has been effective. We have relatively few options available in the interventions that we can take. I have signalled to stakeholders that, if the new regime with general licence provision is not working, it is in their interests to make it work, otherwise we may have to contemplate more general options rather than the targeted approach that we are trying to take. We are trying to target the impact of the measure on those areas of land where we believe that there are issues, rather than hitting all businesses, including those that are acting fairly and delivering on their conservation obligations voluntarily.

We are trying to be proportionate by taking a targeted approach. I hope that that is being taken seriously. I know that some concern has been expressed that it might be just an administrative exercise and that it would be easy for land managers to get a licence through another route, such as an individual species licence. There is provision for SNH to issue an individual licence if someone has had their general licence withdrawn, but that is on a case-by-case basis, it will increase the hassle involved and there is no guarantee that SNH will issue the licence unless it thinks that there is good justification why the licence should be granted—perhaps to protect another species, such as curlews or wading birds that need protection from corvids destroying their eggs, or another bona fide reason.

As I said in my opening remarks, a general licence is a privilege, not a right. In the past we have trusted people on a universal basis. It is clear from the nature of wildlife crime across Scotland that there are some individual landholdings where the activities that are going on mean that we can no longer trust them to use the general licence appropriately, which is why it has been necessary to take this step.

10:30

The Convener: We know that the licences will be publicised on the SNH website. Will that be updated monthly?

Paul Wheelhouse: We have not had the first one yet, but we will get some feedback from SNH on its proposals. I imagine that cases will be added on a live basis.

The Convener: So the public can be assured that they will get fairly speedy information about that.

Paul Wheelhouse: That is my hope. My intent is that the information would be provided as a reputational driver, as with vicarious liability. One of the most serious aspects of the vicarious liability provision is its impact on the reputation of the landholding and its owner. That reputational driver should be used.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): Touching a wee bit on the previous question, I want to follow up the general principle of using proof on the balance of probabilities instead of proof beyond all reasonable doubt—in other words, the civil rather than the criminal law burden of proof. It is very difficult to get the evidence for some of these crimes, especially poisoning; it is much easier for water bailiffs at the edge of a river to catch somebody poaching. One of the questions that was raised with the Procurator Fiscal Service and the police last week was whether, given the difficulties, we can be assured that those prosecuting will always go the extra mile to push those cases. Might such difficulties discourage the police from bringing forward a report to the fiscal, or discourage the fiscal from saying that there is a case?

The agencies should always be pushing the bounds to ensure that we get these cases into court. Even if the fiscal service loses a case in court, minister, there might be sufficient evidence from a criminal case to allow you to take action under the licence provisions, given that the burden of proof would be the balance of probabilities rather than the burden of beyond all reasonable doubt required by a criminal case. Should taking such cases forward be a matter of course for the police, even if, with other kinds of crime, they might have thought that they did not have sufficient evidence? Indeed, the fiscal should also take the case to court, even if they do not think that they have enough to prove a criminal case, because that will give you ammunition in relation to licences.

Paul Wheelhouse: I recognise the points that have been made about the challenge that we face. It is worth our stepping back and saying that, with regard to the criminal burden of proof, we are talking about the prosecution of an individual who we could prove had committed a crime. That might be possible in cases in which, say, a trap was tagged by the individual who had laid it, the trap contained DNA evidence of a protected wild bird or, indeed, a corpse and it was possible to connect the offence of using a trap to kill them. In most cases in which we find a dead poisoned bird on a landholding, we can be reasonably confident that

the poisoning took place on that landholding and that the bird died on the landholding as a result of that poisoning and it is therefore possible to use the civil burden of proof to say that, in all likelihood, a crime had taken place on that landholding. However, we will not be able to pin that on an individual in order to secure a criminal conviction.

This approach gives more flexibility to SNH in circumstances in which it has been impossible to prove that a particular individual was responsible for poisoning or shooting a bird, but in which, in the eyes of the authorities, the likelihood is that a wildlife crime has been committed on that land and therefore that those responsible for managing that land are involved. There might be several different general licences on one landholding, but if we know for certain—or as best we can, to the civil standard of proof—that a crime has been committed on the landholding, the general licence provisions will kick in.

As for whether the police should take forward a prosecution against an individual if they are unsure of their ability to secure a criminal conviction in the hope that that strengthens the case for SNH, a decision on prosecution is, of course, a matter for the Crown Office and Procurator Fiscal Service in liaison with the police. An information-sharing protocol between the police and SNH will be put in place, and the police and SNH will have regular meetings. If the police are fairly confident that a crime has been committed on a particular landholding, they will share their evidence with SNH, which can then take a decision to restrict the general licence.

We must be careful to make it clear to people that the general licence applies to the landholding and not to the individual. If we are looking for a criminal conviction, we must satisfy the criminal standard of proof, which is, as you have rightly said, proof beyond reasonable doubt that the individual has committed the crime. However, the standard of proof in civil cases is still fairly rigorous and gives us options when we cannot prove which individual was involved but we are certain—at least to the civil standard of proof—that a crime has taken place.

Dave Thompson: Thank you for that helpful explanation. I agree that we have to be careful, because we do not want landholders to be unjustly penalised for something that they have not done. If something happens right in the centre of a massive landholding, it might be easier to pin down who is responsible, but if something happens in an area with lots of relatively small landholdings, that situation is more difficult. As a result, I am glad to hear what you have said.

If the police receive a complaint and investigate the matter but feel that they do not have sufficient

evidence to put it to the fiscal, will they be duty bound to pass the information to SNH? Is there a protocol to ensure that cases that do not progress to the fiscal because there is not enough evidence for a criminal prosecution automatically go to SNH?

Paul Wheelhouse: There will be an information-sharing protocol, so we hope that if the Crown Office thinks for whatever reason that a criminal conviction cannot be secured, the police will share information with SNH if they are reasonably confident, to the civil standard of proof, that a wildlife crime has been committed. SNH can then decide whether the case is strong enough to merit the removal of the general licence.

It is worth pointing out that people will have a right of appeal; indeed, that is an important part of the process, because we are talking about natural justice. It is important that people have a right of appeal to allow them to make their case and explain why they think that the removal of the general licence is unjustified. I hope that the information-sharing protocol will operate in such a way that SNH will have a fairly solid case before it contemplates removing the general licence. If SNH feels it necessary to apply a general licence restriction, I hope that it will be reasonably confident that it can withstand any appeal and secure the move.

We cannot force the police to provide information, but I am confident that they will collaborate. The police have an interest in seeing wildlife crime stamped out and have always indicated their desire for that to happen. I hope that this tool will be useful to all the justice authorities, and that it will send a signal that, when we are confident that a wildlife crime has taken place, sanctions can be applied even when a criminal conviction cannot be secured. I hope that ultimately that will help the police and make police officers' lives easier in the long run by deterring people from committing wildlife crimes in the first place.

The Convener: You will not be surprised to hear that there are several supplementary questions about this interesting area.

Jim Hume: I was wondering about the rationale behind making it more difficult to control corvids in certain areas and whether as an unintended consequence such a move could be detrimental to other bird species. I have personal experience of trying to get black grouse numbers up, and I know that one of the main problems with that is that hooded or carrion crows take the black grouse eggs. Given that there is plenty of evidence out there that controlling corvids to a reasonable level helps all wildlife, I am interested in finding out the rationale behind restricting the control of corvids,

which, as I have suggested, could have quite a detrimental effect on a few bird species.

I am also interested in whether it is the land or the individual that will be restricted and have to apply for a licence. Obviously, if a person owns a piece of land in a town and somebody else commits a crime on it, the person who owns that land will not be held liable for the crime. How will this work? Will a licence have to be sought for the land or by the individual themselves where it is deemed on the balance of probabilities that a wildlife crime has been committed?

Paul Wheelhouse: On your first question, we are aware that corvids can have an impact on a number of bird species and, in some cases, livestock. However, I must stress that we are not saying that restrictions on a general licence will mean that a land manager will have no route for controlling species such as corvids if there is good justification for doing so. What will be removed from them is, if you like, the privilege of being trusted to control a number of species without coming under any serious scrutiny, as was the case in the past. They will have to apply for a species licence, species by species; if they want to control corvids, for example, they will have to apply and make a case for a licence to control that species. If a good case can be made on the grounds of conservation or protecting livestock, SNH will clearly take that into consideration.

Where reasonable cases and bona fide applications have been made to control a number of different species, SNH has always been supportive of those applicants. However, we are not just going to take it on trust any more that people can control a number of different species; they will have to undergo a bit more scrutiny and, to be honest, life will be made a bit more difficult for them to reflect the fact that, on a landholding, there is sufficient evidence under the civil burden of proof to believe that a wildlife crime has taken place.

To reassure Mr Hume and anyone else who is concerned about the control of corvids, I emphasise that land managers can still apply for a licence if they have a bona fide reason and if the application can be justified on the grounds of conservation or the protection of livestock. We are not going to give them a general licence as if by magic so that they can control as many species as they like under its terms; we will have to scrutinise their methods and the objectives that they are trying to achieve in controlling corvids.

As for the issue of the landholding itself and the fairness of the approach that will be taken, we face, as I have said to Mr Thompson, a challenge in using the criminal burden of proof, because we are required to identify the individual who has committed the wildlife crime. Obviously, vicarious

liability will kick in for the employer of the person who commits the criminal offence. In such a situation, we need a tool that will help us to be confident enough to say that a wildlife crime has taken place but we cannot pin it on any individual, and we need to be able to reflect the fact that in a general area of land we cannot prove which individual might have committed an offence under their own general licence. Unfortunately for those who are innocent, that means having to place a restriction on the landholding. However, as I have said, licences for controlling individual species can be applied for, so this measure does not constitute an absolute stop on controlling corvids or other bird species if there are genuine grounds for that. Additional scrutiny is needed where we can no longer trust those operating on the landholding to control species legitimately.

Jim Hume: Good grief. I am sure that what you have just said will concern a lot of people out there. Just for clarification, am I correct in thinking that you are talking only about licensing to control corvids where it is believed that, on the balance of probabilities, a wildlife crime has been committed?

10:45

Paul Wheelhouse: We are talking about the privilege of having a general licence, which effectively allows a landholding to control a number of different species without any real scrutiny of the purpose of such control or the techniques that are used.

In truth, I suppose that the approach is similar to other forms of regulation in which we have tried to take a proportionate approach. In this case, we think that, where we have reason to believe that a wildlife crime has been committed on a landholding, it is entirely fair that we remove the privilege that people had in the past of being trusted with very light-touch regulation and that we put in place slightly more rigorous regulation to be confident that the techniques that are deployed are used properly and in accordance with the law and that non-target species are not being captured in traps and with other techniques. Such an approach is entirely proportionate and reasonable.

For those who, as Mr Hume suggests, might be concerned, we have an appeals process. If people can come forward with good evidence that they were not responsible for what happened, I am sure that SNH will look at it. The appeals process is there for a reason. We will not automatically assume that, because evidence comes forward and it is proposed that the general licence be withdrawn, the landholding should be deemed guilty of an offence. It will be given a chance to contradict that evidence if it can do so. A different decision might be taken, and the proposal to remove the general licence might be withdrawn.

Checks and balances will be in place. We are conscious of the need to be proportionate and fair to people in these situations, but if after all that the conclusion is still that, in all likelihood, a wildlife crime has taken place, I do not think it unreasonable to make life a little bit more challenging for people and to apply a bit more scrutiny to what they do.

Jim Hume: I appreciate what you have said, but, just for absolute clarity, are you saying that you are not talking about the removal of a general licence to control corvids in areas where there is no evidence at all of any wildlife crime and that you are talking only about areas where there is a balance of probability issue?

Paul Wheelhouse: Indeed.

Jim Hume: I just wanted to get that absolutely clear.

Paul Wheelhouse: We are talking about landholdings on which it is believed that a crime has been committed rather than every single landholding of a particular individual, if that is the point that you are trying to make.

Jim Hume: I just wanted that to be clear on the record, just in case there were any concerns otherwise.

Alex Fergusson (Galloway and West Dumfries) (Con): In a way, I am sorry to prolong this discussion, but this is quite an important issue. I must admit that I have concerns about the ability to introduce fairly punitive measures without an incontrovertible burden of proof having been established, but I hear what the minister has said and I am willing to go with it as far as it goes for the time being.

However, I am slightly concerned by one aspect. I do not think that anyone will argue with the point that every wildlife crime incident brings with it an almost increasing atmosphere of accusation and speculation on both sides. For example, there is evidence in the Ross-shire incident of all sorts of speculative accusations having been made, and I am sure that the minister will agree that such an atmosphere does nothing to lessen the tensions between non-governmental organisations, charitable organisations and land management organisations and representatives.

I am beginning to think that the proposed measure will do very little to reduce that tension and speculation, and that does not do the argument any favours at all. Indeed, I think that the measure is likely to exacerbate such activity, particularly in social media, which, of course, now play a large part in such matters. What are the minister's thoughts on that?

Paul Wheelhouse: I certainly share Mr Fergusson's concern about the need for cool

heads when such things happen. I completely understand the concerns that are expressed when any such incident occurs, but, as we have seen, random theories about what has happened are not helpful to police investigations. As the minister, I have to be very careful not to comment on what I know and what I have received from the police about a case, as that could prejudice the investigation. Everybody has a responsibility to behave sensibly. I do not deny that people will be angry—indeed, I have been very angry when I have seen incidents in which we have been very confident that a crime has been committed—but they need to hold back and wait for the investigation to come up with the evidence.

I acknowledge the member's question whether the measures on general licences might exacerbate an already tense situation, but I hope that they might do the opposite. Much of the frustration with wildlife crime arises because of the difficulty of proving definitively that an individual has committed a crime and the feeling that there is no sanction or that people are beyond the reach of the law in some cases. Having a new tool in the armoury for tackling wildlife crime might give people some confidence that, even if a criminal conviction of an individual is not possible, there is at least some sanction in place to make it less likely that such a crime will occur again, given the increased scrutiny that will come with the removal of a general licence and the requirement to demonstrate clearly that there is a conservation purpose or a need to protect livestock behind the use of a species-specific licence.

I hope that that will generate a slightly more constructive atmosphere, and that people will think that there is a route for remedying the situation if a crime is suspected in a particular locality. They will then trust the police to conduct an investigation if they are confident that a crime has taken place, even though they might be unable to secure a criminal conviction. Through the information protocol, details of the case will be supplied to SNH, and if that organisation is similarly convinced, it can remove the general licence. Something will at least be in place that might help to address the challenge. As I said in my opening remarks, Professor Poustie is considering environmental penalties, but one of the key considerations is whether they are a sufficient deterrent.

I hope that these measures will be applied very rarely. If people realise that having to go through additional hoops to get a species-specific licence will be a serious bugbear, that might work as a deterrent and encourage them not to commit the crime in the first place. I certainly hope so—and I hope that we will not have to wade through reams of general licence restrictions posted on the

website. However, if that is what is needed, so be it.

Alex Fergusson: I absolutely understand what the minister has said, and I share his hopes for the outcome, but I think that there is potential for the measure to increase the amount of unfounded speculative accusations, particularly in social media, which could be prompted by a desire for action to be taken against a particular organisation or individual even when the burden of proof does not, in fact, exist. However, I hope that I am wrong about that and that the minister is proved right.

Paul Wheelhouse: I want to reassure Mr Fergusson on one point: I take very seriously the need for a proper evidential trail. I do not think that there will be trial by social media of any individual, and I entirely trust the police and SNH to consider the evidence very sincerely. If they do not feel that the case is strong enough to pursue, they will not pursue it. If, however, they feel that the case is strong, I very much hope that they pursue it as a means of trying to stamp out such activity. Believe me, I am no advocate of trial by social media. Politicians need to tread very carefully in that regard.

Graeme Dey: Will the statistics in future reports offer a read-across? When a recorded crime or multiple recorded crimes result in the revocation of a general licence, will we be able to get a more accurate picture of clear-up rates, for want of a better expression?

Paul Wheelhouse: That is an entirely reasonable question. We will think about how we can work that into our report, and we will come back to the committee on how we can reflect evidence from cases that are pursued for a general licence restriction. It will be the first time that such an issue will have been reported in the annual report, and it is a matter of working it into the statistics to provide the kind of read-across that the member has requested.

The Convener: Drawing this part of the discussion to a close, I think that we must ensure that we do not have speculation about particular crimes. Nevertheless, the statistics that led to the creation by the authorities and the Government of what became the Wildlife and Natural Environment (Scotland) Act 2011 indicated that there had been—to put it mildly—several dozen convictions for such crimes over the previous 15 to 20 years. It is not that there is speculation about the fact that these things have happened—they have. We do not map them every year but, when we look at trends, those facts should not be forgotten.

Paul Wheelhouse: I will make one brief point, which is that I do not go into these measures lightly. When I first became Minister for Environment and Climate Change, I listened to

those voices that said that such crimes were on a downward trend and that we did not have to worry. Unfortunately, since the middle of last year—or slightly longer ago than that—there has been evidence that these offences are increasing again. I take some heart from those progressive voices in the land management sector that are trying very hard to win over people in the wider population, but, unfortunately, there are those who will not listen to those voices and will continue to commit wildlife crime. We have to be realistic about that.

As I have said, instead of having measures that affect both the innocent and the guilty equally, we have tried to target measures that will have an impact on those who are committing crimes and practices that are unacceptable in the 21st century. Although I hope that we do not have to go beyond that, we might have to contemplate that possibility in future.

Angus MacDonald: Good morning, minister. You mentioned a review of wildlife crime penalties to establish whether the act is a sufficient deterrent, and you mentioned previously that Professor Mark Poustie was to lead that review of wildlife crime and that the review is due to report in December. The annual report states:

“A group has been set up to conduct the review of wildlife crime penalties, and expects to report back in late 2014 and Police Scotland will use the appropriate investigative tools at their disposal to investigate crime scenes.”

Last week, Detective Chief Superintendent Robbie Allan told the committee that the group reviewing wildlife crime penalties would hold its first meeting in November 2014. Is there a reason why it has taken so long for the review group to begin work? Will the review still be completed by December, as you told Parliament it would in May this year?

Paul Wheelhouse: I believe that Mr MacDonald may have uncovered an error. There have been four or five meetings of the group, so we will have to look closely at that point. I apologise for any misleading information.

It is true to say that the report time has slipped somewhat—we believe that the group will report early in the new year rather than in December—but Professor Poustie is working well on delivering that report. I am confident that we will get a report relatively soon, although publication may slip slightly, into the new year.

It is also worth stating—in relation to the commitment that I gave in the chamber to Claire Baker in the recent wildlife crime debate—that we have asked Professor Poustie to undertake a desk review of regimes in the management of shooting and sporting activity, to which he has agreed. However, that will be done after he completes the

report on the penalties review because it is obviously the immediate priority.

Angus MacDonald: So, just for clarification, the review has been under way for some time and the first meeting was not in November.

Paul Wheelhouse: Indeed. Mr Dignon or Karen Hunter will clarify when the first meeting took place, because I am not conscious of the specific dates.

Hugh Dignon: I am slightly embarrassed. I sit on the review committee but I cannot remember when the first meeting was. It was certainly several months ago—probably in the summer.

Karen Hunter (Scottish Government): I think that it was in June.

Hugh Dignon: It was possibly in June. We can confirm that in writing.

Paul Wheelhouse: We can send the committee details of when the meetings were held to give you a more complete picture. I apologise for that error.

Angus MacDonald: That is certainly more encouraging than the information that we received last week. Thank you.

Graeme Dey: You commented at the outset about an imminent announcement on a pesticides disposal scheme, so I accept that you may not wish to give too much detail on that to the committee today. However, for how long might such an amnesty run? More important, would the penalties for possession of things such as carbofuran be part of Professor Poustie's review? It strikes me that if you offer an amnesty, the penalties that are in place thereafter should be severe.

11:00

Paul Wheelhouse: I note Mr Dey's comments and have some sympathy with his point, which is that when people are given an opportunity to remove such pesticides from circulation, the justice authorities should note it when they do not take the opportunity to remove them.

Just to be clear, we expect to be announcing details of the scheme very shortly. The scheme will not be an amnesty as such—it is important to make that distinction—but it will allow the control and safe disposal of defined substances that are listed in the schedule to the Possession of Pesticides (Scotland) Order 2005. For the record, they are aldicarb, alphachloralose, aluminium phosphide, bendiocarb, carbofuran—the main vehicle by which birds are poisoned, unfortunately—mevinphos, sodium cyanide and strychnine. It is an offence to possess those substances, which are the most commonly used substances in poisoning offences.

It is worth saying that the proposed package has two principal aims. We will give more detail in due course. The first is to get highly dangerous toxic substances out of the environment. Everyone, including the justice authorities, recognises that that is a very important objective. The second objective is to remove any possibility of someone claiming in the future that they have such poisons because they had not had an opportunity to get rid of them. As I said, I sympathise with Mr Dey's point. Work is being done in partnership with people in the land-management sector and those who have sporting interests in order to ensure that that opportunity is communicated as widely as possible. If that opportunity is not taken up, we will read into that that there might be a desire to avoid giving up those substances, although that might not definitively be the case. I hope that the authorities will investigate that aspect, if it comes to it.

Graeme Dey: Will significant penalties be put in place for people who are found guilty?

Paul Wheelhouse: I cannot say at this moment in time; that is clearly a matter for me and for the Crown Office and the Lord Advocate. We will have to wait to see whether Professor Poustie believes that existing penalties are sufficiently rigorous. I will be happy to come back to the committee, after the forthcoming announcement, with more detail, if we feel that we can tie in with the views of the Lord Advocate and the Crown Office on that issue.

Claudia Beamish (South Scotland) (Lab): I just want to say briefly that I believe that the work that is being done by the minister and by a range of partners has really focused minds on what you have described as a stain on Scotland's reputation. I am positive that the work is moving forward.

I turn to the specific question of the use of video evidence. As we know, detection of crime in remote and rural areas is extremely difficult. Last week, we received evidence about the range of investigative tools; Assistant Chief Constable Malcolm Graham explained the position on video evidence. I do not want to go into a great deal of detail about it because it was explained last week and I am sure that you know it well.

However, there is a concern that use of video evidence requires authorisation from senior police officers and must be done in accordance with human rights legislation, as is absolutely right. On other organisations or members of the public taking video evidence, the COPFS explained that Scots law can admit evidence that has been obtained irregularly, and that there is no problem if a farmer takes a film on his or her own land on a mobile phone, but it becomes more complicated if the person taking the video is not on their own land. In view of the remoteness and inaccessibility

of some places where wildlife crimes take place, could you comment on that? I have a brief supplementary to ask, which will depend on your answer. I do not want to pre-empt you. It will be on a slightly different tack.

Paul Wheelhouse: I thank Claudia Beamish for her remarks about the work that is being done. I am sure that they will be appreciated by everyone who is working on the issues.

I agree that one of the biggest challenges that we face is the remoteness and rurality of the places where the larger part of wildlife offences are being committed. We must recognise that police resources are stretched—as they always have been, in policing rural areas—because of geography, so it is difficult to have in place an officer to provide eye-witness evidence of a crime being committed.

It was significant that the Lord Advocate gave guidance to the police—I think that this may be a direct quotation—to use “all investigate tools”, which includes use of video surveillance evidence. I am aware of the concerns that Assistant Chief Constable Malcolm Graham raised last week about ensuring that such evidence complies with the Regulation of Investigatory Powers (Scotland) Act 2000, and in particular with the human rights aspects of the legislation. Claudia Beamish’s example of a farmer willingly having cameras on his land would clearly not foul of that.

We should recognise that many land managers are very sympathetic to conservation issues and may be concerned to protect a bird’s nest from egg theft or from disturbance and be quite willing to collaborate, on that basis. Also, some land managers—not many, I should be careful to say—may be resistant to having any surveillance on their land, which would place the police in a difficult position. However, if the police have evidence that a crime is being committed, that strengthens their argument when seeking permission to use video surveillance evidence. I hope that they would have political support across Parliament for that. It is difficult for any minister—especially for me, because I would not want to be seen to be interfering in policing operational issues—but I have tried to make clear the concern that it is difficult to prosecute wildlife crime and that we need every available resource to be used to catch the people who are committing the crimes.

We are not asking for indiscriminate use of video surveillance; we want it to be used appropriately and in proportion to situations—for example, where there is good cause to believe, perhaps based on past performance, that a land manager or their staff are committing wildlife crimes.

In one case, the admissibility of third-party video surveillance evidence is being looked at. I do not want to prejudice the outcome of that case, but we will be looking at what comes out of the judgment in relation to admissibility. The legislative framework in England is slightly different; we must look at the case in the context of the laws that apply in Scotland. However, we are taking a lot of interest in the issue for reasons, such as have been cited by Claudia Beamish.

The difficulty in securing convictions ties in with Graeme Dey’s point about the perception of the inability to secure a prosecution. We are concerned about that; I am sure that the police and the Crown Office and Procurator Fiscal Service also share that concern and want to be seen to be getting results.

Claudia Beamish: Is there the opportunity through PAW Scotland, for example, to increase public awareness of what people can and cannot do? Perhaps that work is going on already. People do not necessarily know what the options are.

Paul Wheelhouse: Are you suggesting that we should clarify the investigative options?

Claudia Beamish: Yes. If a member of the public is aware that something is going on, what would they be able to do and how would they go about reporting it? I am not asking for detail at this point, but how is that awareness being raised in rural Scotland?

Paul Wheelhouse: Thank you for the clarification. That is an important point. We have tried to do that through PAW Scotland. We have an excellent media adviser in Louise Batchelor, who has influenced the media as chair of the PAW Scotland media sub-group. The group has looked at various approaches.

On communications through the media, we try to emphasise technological breakthroughs, such as the roll out of DNA evidence. I mentioned that SASA has the techniques to prove that a trap has been used to capture a protected species—for example, a hen harrier or a red kite. Over time, we would hope that the DNA profile expands to include other species.

PAW Scotland has a mobile phone app that gives guidance to people on what evidence to collect. That is a helpful way to inform the public—this is important—not to disturb evidence when they find it, because that can contaminate a site and make it more difficult to secure a prosecution.

I take the point that, without giving away too much detail to potential criminals, we can perhaps make more explicit the kind of tools that can be used in order that we make them aware that they could be on “Candid Camera” at some point. That in itself might have a deterrent effect.

The Convener: We move on to wildlife incidents that have occurred this year.

Dave Thompson: Alex Fergusson has helpfully already mentioned the incident on the Black Isle with the red kites and buzzards, and you mentioned it briefly, minister.

Alex Fergusson: I am pleased to assist.

Dave Thompson: You are always helpful, Alex.

You will be well aware, minister, of the press release that the police put out on 24 October, which caused a bit of a stir and more speculation than was intended. When we talked to the police last week, they made it clear that they had chosen their words carefully and had said that the birds

“were most likely not targeted deliberately but instead were the victims of pest control measures.”

You also stated earlier that you are concerned and angry about the rumours. With such a situation, lots of rumours fly around and some of them are not so helpful. Will you, as far as you can, comment in a bit more detail on where the police investigation is? In particular, will you comment on the statement that 16 of the birds—there were 22 altogether; we do not yet know what happened to the other six—were killed by an illegal poison?

Paul Wheelhouse: Unfortunately, I am in a difficult position. It always feels awkward when I am asked such questions because the natural desire is to answer them as helpfully as possible, but because there is still a live criminal investigation, I cannot comment on the method or the assumptions that the police have made about what happened in that instance, because it might add to the speculation about the cause.

We have to trust the police to release information as and when they feel able to do so. They continue to review the case and I am sure that they will give more detail when they feel able to do so. However, as Dave Thompson mentioned, the police have already indicated that a high proportion of the birds that were found had been poisoned. As far as I am aware, a criminal investigation is still under way. I ask the committee to reflect on both those facts and not to read too much into the press release that was issued on 24 October, to which Mr Thompson referred.

It was a particularly difficult and upsetting incident. I have met Andrea Goddard and the others who lodged a petition expressing their concern about the issue and their desire for more to be done to tackle wildlife crime. I have no doubt about the strength of feeling about the offence in the Black Isle and the wider Highland community. I welcome the fact that all the stakeholders in the area came together to offer an award. I commend RSPB Scotland for starting that process and others for augmenting it. I still hope that, if there is

a criminal prosecution, it will be helpful in yielding evidence of what happened.

I am afraid that I cannot really go beyond that. I hope that the committee understands why.

11:15

Dave Thompson: I understand what you say. The birds are dear to my heart. I helped to open the Tollie feeding point a couple of years ago, so I would have helped to feed some of the red kites and other birds. It is sad to see them being poisoned as they were.

Rumours can cause all sorts of difficulties for local landowners and others, so I have a lot of sympathy with them. One aspect of the investigation that strikes me as interesting is the time that it took the police to get warrants to go and look for poisons. It took a couple of weeks or more and they went to specific farms that everyone will be aware of, which can further stir the rumours. Are you planning to carry out an investigation of any kind once the case is wrapped up? Will you, at some time in the future, look in detail at how the police operated and how the investigation was carried out? I feel that we could learn a number of lessons from that case, and I dare say that you will be getting a report from the police in due course, irrespective of whether they bring a prosecution.

Finally, were you consulted about the wording of the press release from Police Scotland before it went out?

Paul Wheelhouse: On the latter question, I believe that we did not have an awful lot of notice of the press release going out, so I certainly did not have any input to it. My Scottish Government colleagues are shaking their heads, so I do not think that our team had any input to the press release in that instance. We are trying to work closely with the police on all media and communications relating to wildlife crimes. It can be difficult, because an offence might be discovered in what would have been described in the past as a local divisional area and communication might be put out to local media about the incident. Without being centralist, we are trying, in partnership with the police, to get a degree of consistency in how such incidents are reported. I know that they recognise that and want to improve the process. On that occasion, unfortunately, we did not have any input.

On the investigation itself, we obviously do not interfere in operational matters, but I am aware that the police will have made a decision as to what kind of warrant they needed or whether they needed a warrant at all. If the police had any reason to believe that evidence was being tampered with or moved, they could have gone in

without a warrant to investigate straight away. However, I am not a lawyer, and I should state that for the record. I shall leave it to the justice authorities to say whether or not it is appropriate, but clearly they felt that they needed a warrant to go in.

The question whether we can ask for a review of the case would perhaps best be addressed to the Lord Advocate and the Cabinet Secretary for Justice. It is something that they might want to contemplate. I do not have portfolio responsibility for policing, but we have on-going engagement with the police through PAW Scotland and we have a good relationship with them, so we can ask for their perspective on whether there is anything that they feel, in retrospect, they might have done differently.

Hugh Dignon: I should add for the sake of clarity that Police Scotland did discuss with us the fact that they were going to release that press release and the broad terms of what would be in it, but we did not see any of the detail or have sight of the release. I just want to be clear about the exact process.

The Convener: I have a couple of follow-up points. Concerns were raised about the case by people who had their properties searched, including members of the NFU Scotland. When I asked the police last week about who the partners in PAW Scotland are, they said that the NFUS is not a partner. However, I notice from studying the list of that Scottish Land & Estates is a partner. I have had some constituents from the NFUS's organisation in the Highlands asking whether the NFUS ought to be a member of PAW Scotland so that it can be involved in that discussion.

Paul Wheelhouse: On that point, I certainly acknowledge that we need to have as broad a partnership as we can get, and have as much concerted action as possible.

I welcome the NFUS's strong condemnation of the incident in Ross-shire at the time, which was helpful.

I understand that discussions are taking place about the NFUS's involvement in PAW Scotland. We can come back to the committee once we have more detail about what it wants to do in that regard. We cannot force the NFUS to be involved if it does not want to be, but it is obviously encouraging to hear that colleagues in the Highlands are at least keen to be involved and consulted on measures.

The Convener: Furthermore, would it not be a good idea for PAW Scotland to hold one of its meetings in Ross-shire rather than in a central place such as Livingston?

Paul Wheelhouse: To be fair to the members of PAW Scotland, usually they are trying to make it easier for me by meeting in Edinburgh, so I am probably the guilty party there. However, I take the point and there may be a case for having a meeting in rural Scotland, where most of the offences occur. That might send an important message.

The Convener: There are quite a few people who would like to claim a meeting, this being the most high-profile event of the year. That prompts me to suggest that people would be reassured if they saw meetings happening in other parts of the country. The minister is always welcome in our part of the world.

Paul Wheelhouse: I am reminded by Hugh Dignon that we have already discussed having a meeting within the boundary of the Cairngorms national park. I can see Mr Dey looking very interested in that idea. We are interested in the relationship between the national park and wildlife crimes being committed there. We can provide the committee with details of the timing of that meeting.

The Convener: Good. It is nice to tour the country.

Last week, I asked Detective Chief Superintendent Allan whether there was a map of where red kite carcasses were found, given that large numbers of deaths have occurred in that area. He said that a PAW Scotland raptor subgroup was conducting an on-going exercise to map the various carcasses but that the police do not chart or map every carcass.

In the case of a crime such as this, in which 16 red kites were poisoned, it would help the public if they knew that the police were creating that kind of map. As I said, in the past, there have been quite a few deaths in a similar area, and it would be useful to see where the carcasses were found.

Paul Wheelhouse: I recognise your point. PAW Scotland recognises the importance of mapping and, as you have indicated, it has been doing good work in the development of mapping.

The police have records of recorded crimes involving all raptors. They hold data on incidents concerning dead or missing raptors in which they suspect that foul play was involved, and the RSPB has published a paper on the effects of crime on the red kites in the Black Isle relative to the effects on the equivalent population down south.

However, it is fair to say that not in every case do we find the carcass of a raptor. As I say, we recently and very tragically lost a sea eagle. I am not aware that we have found any physical evidence of the death of that bird, so what happened to it will remain a mystery. That means

that it is difficult to map exactly what happened and where. However, in so far as we have definitive evidence of where birds are found, I believe that the police would be constructive in helping to provide information for mapping purposes.

It may well be that the explanation for not being able to map all incidents involves, for example, a member of the public handing in a carcase but being unable to say exactly where they found it, or the bird having disappeared. Again, I remind the committee and members of the public of the PAW Scotland app, which features a little tool that helps you to physically map where you are taking a picture of the carcase, which will help the police to find the carcase. We encourage people not to move any carcase that they may find. People might not be accurate about where they found the bird, or they could end up moving it from one landholding to another.

The Convener: Furthermore, we should emphasise that it could be poisonous to people if they handle the bird.

Paul Wheelhouse: Absolutely. That is a very important point.

The Convener: Dave Thompson has a further question regarding the collection of evidence.

Dave Thompson: I am keen to ask the minister about the powers of the Scottish Society for the Prevention of Cruelty to Animals in particular. When we were discussing the matter with the police and the Procurator Fiscal Service last week, a number of interesting things arose. I was drawing a comparison with the powers of water bailiffs, who are essentially appointed by the private sector through the salmon fishery boards and so on. They have extremely wide powers, although the police said that they hardly ever use water bailiffs these days, because the police tend to become involved at an early stage. Nevertheless, water bailiffs have powers of arrest, seizure and all sorts of other things.

Local authorities also have powers under the Animal Health and Welfare (Scotland) Act 2006 in relation to animal disease, movements of animals and all sorts of other things. A number of local authorities appoint specialist animal health officers.

The wild fisheries review briefly touches on the water bailiff issue. It mentions

“The potential to integrate the bailiffing system more effectively with Police Scotland and other wildlife crime functions”.

The Procurator Fiscal Service said that it deals with animal welfare issues as well as with broader wildlife crime and so on. It strikes me that there are a number of different enforcement bodies and

others involved, so I wonder whether it might be useful for the Government to consider consolidating some of that work. Is it necessary for local authorities to enforce animal health and welfare legislation, or should that go to the specialist police unit that is already dealing with wildlife crime and so on? Is it still necessary for 32 local authorities all to be doing their own thing at different levels? I suspect that that point ties in fairly neatly with the whole animal welfare issue.

I am sorry that I am giving you an awful lot of questions here, but that brings us to the possibility of the SSPCA being authorised to carry out greater functions than it currently has powers for.

Paul Wheelhouse: The wild fisheries review made a recommendation which, as with other recommendations, we will take under advisement before returning with a proposal in due course. The review recommended that a central national unit be deployed to co-ordinate the issuing of warrants for water bailiffs, and indeed noted

“The potential to integrate the bailiffing system more effectively with Police Scotland and other wildlife crime functions”.

We will consider that and come back to the committee and other stakeholders in due course with our views on the matter. I take note of Mr Thompson's point about consolidation and the potential opportunity to develop a greater degree of standardisation and possibly consistency in how such things are done.

In relation to the SSPCA, there are certainly some interesting parallels. I know that parallels have been drawn between water bailiffs and the SSPCA in this respect. I emphasise a point that was picked up earlier, in discussion with Mr Dey and with the convener, which is that, generally speaking, we have a better record for prosecuting offences against salmon and other poaching offences than we do for other aspects of wildlife crime. That might be connected to the fact that we have more eyes and ears on the ground—or on the water, in the case of salmon—looking for people committing offences.

Aside from the fact that a commitment was given when the WANE bill was going through Parliament to undertake a consultation on extra powers for the SSPCA, one of the purposes behind that consultation relates to the reasons that Claudia Beamish was referring to earlier regarding the need to use all the investigative tools that we have. There are very few eyes and ears on the ground and, despite the best efforts of the police, it will always be difficult to catch criminals in the act. It is therefore of interest of us to take soundings from people on the potential, at least, for the SSPCA's powers to be extended.

11:30

Already, on the completion of appropriate training, SSPCA inspectors can, without a warrant,

“enter non-domestic premises, for the purpose of taking possession of a suffering animal or destroying an animal, if the inspector believes immediate entry is appropriate in the interests of the animal”.

They can also

“enter non-domestic premises, to search for and seize any evidence (including animals) as evidence in relation to a ‘relevant offence’, if they believe that any delay caused by seeking a warrant would frustrate the purpose of that search”,

which perhaps goes back to the earlier point about other incidents that we are aware of. In addition, SSPCA inspectors can, without a warrant,

“enter and inspect any non-domestic premises, for the purpose of ascertaining whether or not an offence under Part 2 of the 2006 Act has been committed.”

With a warrant, they can

“enter any premises, for the purpose of taking possession of a suffering animal or destroying an animal (where appropriate)”

and

“enter any premises, to search for and seize any animal or other thing as evidence in relation to a ‘relevant offence’ under Part 2 of the 2006 Act.”

SSPCA inspectors already have substantial powers in relation to animal welfare issues. The consultation is looking at whether those powers should be extended to incidents such as a trap being found illegally laid although no animal has yet been caught in it and, therefore, no suffering has been experienced, or other circumstances in which there reason to believe that a wildlife crime is being committed. The potential powers that SSPCA officers might receive have been quite well defined in the consultation, but we will look through the analysis of the evidence that has been submitted. We have already published the responses to the consultation, and I hope that I will have an analysis of those responses early next year at the latest. We will then come back to the Parliament with our views on the proposals.

I am not sure that I have answered every question that Dave Thompson asked me.

Dave Thompson: That is a pretty good effort, minister.

I have one wee follow-up question. The wild fisheries review has highlighted the need for water bailiffs to be accountable, but we should maybe, as you say, take a broader look at the legislation in the area. One of the big issues about giving further powers to the SSPCA officers is the issue of accountability. How would you hold them to account?

Paul Wheelhouse: That is a good point. We would have to take that issue into consideration in considering any extension of powers. The point that I was making is that SSPCA officers already have quite extensive powers in relation to animal welfare and are, I presume, felt to be accountable for what they do in relation to animal welfare issues. I hope that, if we decide to proceed with additional powers for the SSPCA, accountability can be demonstrated. Appropriate training would be given to the SSPCA officers in advance of their having an extended role of this kind.

The water bailiffs work closely with local police—wildlife crime officers, in particular—and the local procurator fiscal as part of their duties, so there is already a good example in the water bailiffs working closely with the justice authorities. I will have to consider in depth the concerns that have been expressed by the police and other consultees as well as the submissions from those who are in favour of the proposal before I come back with a considered view about what to do.

The Convener: We must move on. Angus MacDonald has a supplementary question.

Angus MacDonald: It follows on from Dave Thompson’s question about the SSPCA. As you have mentioned, minister, Police Scotland is not convinced that the SSPCA should have extra powers—that was mentioned in evidence last week. Dave Thompson rightly raises the issue of the need for checks should extra powers be given, to ensure that those powers are not abused. I urge you, should you decide to go down that route, to take into account the concerns that SSPCA officers could overstep the mark.

Paul Wheelhouse: I whole-heartedly agree that we have to give people confidence in any change. For the record, I have not yet made up my mind about whether we go ahead with additional powers for the SSPCA. I am waiting for the analysis report to give me the basis on which to make a decision. I absolutely agree with Mr MacDonald that, if we do give the SSPCA additional powers, we have to give confidence to the widest possible population that the measure is proportionate and that the SSPCA is accountable for its actions and staff. I am sure that it will be keen to make sure that everything is above board and that it does not suffer any reputational damage from taking on such additional powers. I hope that we can make positive proposals on that if needed.

Cara Hilton (Dunfermline) (Lab): In the Government debate on wildlife crime back in May, you said that the Government is committed to taking further action if you judge it to be necessary, and in your opening remarks today, you said that the Government is determined to eliminate wildlife crime. At what point will you consider taking further measures to tackle wildlife

crime? Are you actively considering any measures?

Paul Wheelhouse: That is an important point. We have had the announcement of a number of measures such as the general licence provision, which we have debated today. That is probably the key measure. Professor Poustie's review of penalties will, in due course, be equally important. If Professor Poustie determines that a case can be made for extending penalties and making them more of a deterrent, we will give that serious consideration.

Viewing that package in the round, we will need to give some time to seeing whether those measures would have an impact. The formal announcement of the general licence provision was made on 6 October, although it is backdated to 1 January to cover any offence that has been committed since then. SNH can consider a case for removing a general licence in such a case. I will take advice from the committee, but I hope that we will have some time to see whether those measures are effective, along with any additional measures that Professor Poustie recommends.

I have today reiterated my commitment to Claire Baker that we will undertake a desk review of regimes elsewhere, so we are at least doing the preparatory work in the background to ensure that we know what other options are available to us. I have tried to be fair and honest with all stakeholders by telling them that they need to help us to make this work or we might have to contemplate doing things that would be unfortunate for those good land managers and estates that are doing the right sort of things and would catch them in the extra bureaucracy that is associated with an additional licensing scheme. However, if that is necessary for us to crack down on those who continue to ignore the law, we might need to take that route. We do not, however, have a definitive timescale for that.

Cara Hilton: You have anticipated my supplementary question on an update of the review on the game bird licensing.

Paul Wheelhouse: I just reiterate that Professor Poustie has agreed to do that and we hope that that will start as soon as possible after the review of penalties is concluded early in the new year. We will keep the committee advised about the timing of that, if it would be helpful.

Nigel Don (Angus North and Mearns) (SNP): I want to pick up on the specific issue of gun licences. Many folk make the point that those who depend on having a gun to do their job—and they are many—would be seriously disadvantaged if their gun licence was taken away because of inappropriate activity. The question has been asked before and the answer has been given that

the subject is reserved and that gun licensing is largely related to safety in the context of assaults on humans—in other words, the preservation of life—and the gun licensing criteria do not really have anything to do with wildlife crime. Do you have anything to say on that subject? Is it something that we ought to change?

Paul Wheelhouse: It is an interesting point but not one that I have considered in any depth. I appreciate the point about the legal responsibilities and powers in relation to firearms offences. Some of the provisions that we have talked about today have come about because it is difficult to prove that an individual is responsible for a wildlife crime, and if an individual was convicted of a wildlife crime, that would be tied to that individual and it might be a matter that the authorities were able to take into account.

With your permission, convener, I invite Hugh Dignon to comment on the legal position, because I know that he has a lot of experience in this area and might be able to comment on what would be possible under current legislation.

Hugh Dignon: As members of the committee probably know, decisions on firearms licensing are ultimately for the chief constable of Police Scotland. We are aware that firearms licences are removed in certain cases and that they have been removed where wildlife crimes have been committed, so that approach is already in play to some extent.

In PAW Scotland, we are interested in examining further in exactly what circumstances wildlife crime offences are taken into account and what procedure is in place for that when looking at a firearms application or a renewal application or deciding whether to remove a firearms licence. As part of that work, the PAW Scotland legislation and regulation group has written to the chief constable and asked him whether he would explain to us how that system currently operates. We are not under any illusion that we can interfere in that process, which is strictly and rightly a matter for the chief constable, but we are keen to know how it operates and to be reassured that it is working to the best possible effect in helping to deter wildlife crime.

Nigel Don: For the moment, I am encouraged that that is being looked at, but it is clear that we might want to come back to the issue.

I want to pick up on a completely different issue, which relates to the reporting of crime in the wildlife crime report. Would it be possible to bring together the statistics for inchoate crimes—that is, the ones in which an illegal trap has been found but no bird has been damaged as a result of it, for example, or in which an inappropriate poisoned bait has been found and it feels as though there

has been a crime, but the bait did not work and no damage has yet been done? I have not seen any evidence that such crimes are reported. Are they reportable? Does the data even exist? Should they be reported?

Paul Wheelhouse: I believe that such offences should be captured, but we can come back with clarity on exactly how they are recorded. Perhaps that ties in with the earlier point about clarity that the convener made. Obviously, the report is an evolving document. Perhaps we can try to improve the clarity of the footnoting, for example, where that is appropriate, to make it clear where such numbers are relevant.

I entirely take the point, which ties in with the point about the SSPCA's powers, that where there is sight of an illegal trap but no obvious victim of it, that eliminates its ability to intervene. I hope that, if such a trap were seen, it would be reported to the police, but obviously that evidence might be removed in the intervening period, and the chance for a prosecution might be missed.

I take the point, and we can obviously come back to the committee on how we can best reflect that in the report. If that is not obvious and clearly explicit to members of the committee, we need to work harder on making it explicit.

Nigel Don: Thank you.

I would like to pick up on the issue of vicarious liability. Last week, Patrick Hughes of the Crown Office and Procurator Fiscal Service commented:

"My impression is that the provision is effective, certainly at present."—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 29 October 2014; c 36.]

I was encouraged by that. Do you have any other view on how vicarious liability is going?

Paul Wheelhouse: Obviously, we will know—relatively soon, I hope—how the justice system has received the first case and whether the vicarious liability provision is robust and able to withstand the scrutiny of someone who is a very good defence lawyer, from what I can gather. We will know in due course whether it is robust.

I take Mr Hughes's point. It is certainly reported to me that the threat of a reputational impact has resulted in many landowners ensuring that their staff are appropriately trained to know what their legal responsibilities are, but it is clear that wildlife crime is still being committed. Therefore, the approach has not been entirely successful in deterring serious offences.

Perhaps we have to wait and see whether a conviction can be secured and then perhaps those who are sitting on the fence on the issue will finally judge that it is worthy of note that they are at risk of being prosecuted under that provision. I have to

hope that landowners are not encouraging their staff to carry out such activity or are even being permissive of it, and that they are genuinely taking all possible steps to encourage their staff to behave and obey the law. However, it is clear that we need to see a successful prosecution before the threat is real for people.

The Convener: Thank you, minister. There is great public interest in what is happening, and the 2013 report is very helpful for us to focus that. We have given the report a good deal of time. We think that that has been necessary, and we look forward to learning in the next annual report exactly how much progress is being made to solve these crimes and report them in a fashion that the public can easily understand. We thank you very much for the detailed answers that you and your officials have given us.

Paul Wheelhouse: Thank you, convener. I thank the committee for its clear interest in the issue. Having your thoughts on how we should proceed is very helpful to me.

The Convener: There will be a letter in the post.

We will have a five-minute break. We must be quick, because we have a large session to follow.

11:45

Meeting suspended.

11:52

On resuming—

Draft Budget Scrutiny 2015-16

The Convener: Agenda item 3 is the Scottish Government's draft budget for 2015-16. Today we will take evidence on the theme of forestry. The committee will hold further evidence sessions on the draft budget with stakeholders on the theme of the Scotland rural development programme and then with the Minister for Environment and Climate Change and the Cabinet Secretary for Rural Affairs and the Environment.

We welcome our witnesses: Jamie Farquhar is Scotland national manager for Confor; Willie McGhee is founder member and management committee member of the forest policy group; Jo O'Hara is deputy director of the Forestry Commission Scotland, the Scottish Government; Nigel Miller is president of the National Farmers Union Scotland; and Jim Colchester is the head of forestry at Buccleuch Estates.

We have had a long session on wildlife crime, which is somewhat related to what the Forestry Commission Scotland has to deal with, but we now want to deal with the budget. You do not all have to answer every question; if you did so, we might have to suspend the rules of the Parliament.

I will kick off with a general question. What do the witnesses think about the overall level of Forestry Commission funding in the draft budget? I presume that we should ask people other than the Forestry Commission representative first.

Willie McGhee (Forest Policy Group): While we feel that the budget level will do the job for 2015-16, the forest policy group believes that it should be set higher. In my written submission, I put a figure of £45 million for the grants alone, and I would like to see it higher than that, possibly at £60 million. Because of its weighting in rural development and contribution to the rural sector, forestry deserves more money. For the record, I would like it to be more fully integrated with agriculture in the way that it is handled.

Nigel Miller (National Farmers Union Scotland): Having read the other submissions, I can see exactly where Willie McGhee is coming from. All sectors would like to see more money and there are certainly strands of expenditure that look as if they are quite difficult. Given the overall package that we are looking at and the fact that there are some significant cuts in other areas, at this stage big increases can only come at the expense of other sectors and are therefore very difficult. In many ways, we are in that ghastly world

where it is a matter of prioritising and having to compromise.

Jamie Farquhar (Confor): The Scottish Government is supporting our sector extremely well overall with a budget of £60 million to £65 million. The sector is very successful and it delivers to virtually every agenda that the Government sets us. However, there is some fairly radical disparity in the way in which that £65 million is disbursed.

We have said and continue to argue for the authority of the Forestry Commission to be maintained and for it to retain its autonomy as the forest authority. We have always supported the money that the Forestry Commission requires to retain its expertise and deal with a very complicated tactical industry.

Where the budget fails is in the expectation on the private sector to deliver virtually all the new planting targets. I echo Willie McGhee's comments that straightforward maths shows that £30 million or £36 million will not be sufficient for that. At the end of the day, of the £36 million going into the private sector, the Scottish Government is putting up only £16 million because the rest comes from European Union co-funding. Chairman, you have heard me say in this company before that that is a pretty pathetic sum of money to commit to such a successful sector.

The Convener: I am the convener, not the chairman.

We are happy to accept the terms that you state at the moment. I should ask Jo O'Hara to respond to a supplementary. We are thinking about the money for this year, but has the Forestry Commission spent all the money from last year?

Jo O'Hara (Scottish Government): When you say "last year", do you mean the year that we are in or do you mean 2012-13?

The Convener: I mean the year that we are in or the year before that. Was the total budget allocation spent?

Jo O'Hara: Yes, it was. We have our allocations for the grants, for our work as a department and for the national forest estate. Therefore, we have three very different headers within our budget and sometimes we move between them depending on what happens during the year. However, we did spend the money.

To come back to the question of grants, I take Jamie Farquhar's point and we have been discussing that actively with the sector through our customer reps group. Bearing in mind that this is a one-year budget, so far we have not rejected new planting proposals because there has not been enough money. We have been able to meet demand with the money that has been available,

but those proposals have not met the target of 10,000 hectares.

We are particularly concerned about increasing the amount of productive woodland, which is a challenge for us. However, we feel that, on balance, given what we have put in for the year ahead and given what we know, from discussions with the sector and through some of the initial conversations that we have had, is coming through the pipeline, the figure that we have in the budget for next year should meet the demand for new planting. There is no question but that, if that demand suddenly increased, the amount of money in the budget could hit the buffers at some point. However, knowing where we are at, we think that the allocation for next year is fair.

12:00

The Convener: I call Jamie Farquhar. The microphones are operated centrally. We know when to cut you off—but not yet.

Jamie Farquhar: We have spent all our money in 2014, and we have been lucky enough to get some extra euros out of the 2007-2013 programme that were unallocated at the end of the programme. We spent about £41 million—is that correct?

Jo O'Hara: Yes, it was £41 million.

Jamie Farquhar: The unfortunate side of our business is the time and money that has to be invested in bringing forward new planting schemes. On average, it takes 18 to 24 months to bring those schemes through scoping and consultation. That is just a fact of life nowadays. Every now and then, we complain about the amount of time that it takes but we understand that that is the reality in practice.

Going back 18 months to two years, the message was quite clear: 2014 will be a transition year and we do not know when the grant will be available again, so we will not be able to award contracts. The sensible agent, on behalf of his client, simply sat back and got on with other business. It is an unfortunate cycle that we have to follow because of the seven-year rural development programme, which produces peaks and troughs, and the number of schemes that are likely to come through in 2016 has fallen short of the target as a result.

Jim Colchester (Buccleuch Estates): I echo Jamie Farquhar's point. We have been active in this role, and we have schemes in relation to which we took a risk. We looked at the risk of not getting a contract at the right time—we have to purchase the trees well in advance of when we need them because they have to be grown.

The complications of the SRDP1 meant that the scheme was not really fit for what it was trying to deliver. The new scheme will be better because the Forestry Commission has taken on board a lot of what we recommended, and the scheme will be designed to be fit for purpose. However, there was a considerable risk for those who were trying to undertake new planting, and in many cases it was decided to delay planting schemes.

There is quite a lot of latent demand to undertake new planting and, with the changes in the subsidies that you are talking about, the land that is probably ideally suited to productive forestry will start to become more economically viable for forestry as we move towards 2016 to 2019. There is, therefore, a chance that the productive element will not be front loaded in the next SRDP but will come towards the end of it. That is probably better for all parties, because we will be able to go in and design it properly.

The Convener: As Nigel Miller has said, tight budgets have been imposed on us, and we hope that the minister is providing you with the best opportunity possible. Several members want to ask questions about that. Perhaps Willie McGhee can incorporate his answers to some of those questions into his response to Nigel Miller.

Graeme Dey: Both Jamie Farquhar and Willie McGhee have suggested that there is a need for an enhanced budget. From where else in the overall rural pot could or should that money be derived? I am sure that Nigel Miller would say that his organisation could justify asking for more.

Willie McGhee: That ties in with my response to Nigel Miller. When I talk about forestry, woodlands and trees, perhaps I need to be a bit more explicit. What Jim Colchester, Jamie Farquhar and, to a lesser extent, Jo O'Hara are talking about is blanket afforestation—taking a piece of land and covering it with trees. However, we have worked with farmers in the south of Scotland—one of them is sitting two seats down from Graeme Dey—on a pioneering scheme to put parkland trees into the Scottish landscape at a low density. The farmers benefit directly from such a scheme by receiving the funding.

That brings me to Nigel Miller's point about reallocation. I make a plea not to take money away from farmers necessarily but to move it around and to target it at farmers. Rather than ask them to sell huge chunks of land, the Government should ask them to create upland parkland that puts trees in the landscape but is not the commercial forestry that Jim Colchester and Jamie Farquhar are talking about. It is a different way of looking at how forestry and woodlands integrate with agriculture in Scotland.

The Convener: Jim Hume may want to follow that up, having declared an interest.

Jim Hume: Yes. I was a trustee of Borders Forest Trust, along with Willie McGhee, many moons ago, and I was involved in some of the innovation that has been continued.

Willie's response touched on the question that I was about to ask, on integration. Rather than have the old farming versus forestry argument, it would be interesting to hear about innovative ideas that could see forestry as a crop rather than a competitor to farming. Given that a vast area of Scottish farmland is tenanted, that crop could be seen as a tenant's improvement rather than as something that only landlords plant and which takes away good sheep-grazing land. What are the panel's views on that?

Willie McGhee: I think that you know my views on that.

Alex Fergusson: The rest of us do not.

The Convener: Maybe you can tell us.

Jim Hume: Exactly. It would be handy to have your views on the record.

Willie McGhee: I think that not enough effort is made to get foresters and upland hill farmers working together, as Jim Hume says, to put trees into the landscape. We had a subsidised scheme whereby farmers received the money, the materials and the assistance to put the trees into the landscape so that they improved upland pastures.

I agree with Jim Hume's point about the need to work with tenants where there are new or existing areas of woodland. We are talking about benefiting farmers. If they worked in shelter belts or new areas of woodland, they would be able to add diversity to their income in a way that would make them more resilient to changes in livestock prices and agricultural subsidies. That is my tuppence-worth.

Nigel Miller: I can only be supportive of that view. There has been a conflict between agriculture and forestry over the past few years, and I have been guilty of being involved in that. We just do not have enough land, and the 10,000 hectares target seems to threaten the critical mass of Scottish agriculture. That tension exists, but we must be smart and look at ways of meeting the target that allow us to work together. Willie McGhee has given us a good example.

At the moment, there are some outstanding priorities. I understand the real driver for forestry to be not only our climate change targets but the need to maintain the critical mass of commercial forestry in order to maintain the jobs in the industry.

We need to look more imaginatively at restocking and commercial forestry so that we get greater biodiversity benefits, because, unless we increase the planting rate, there will be more and more pressure on our limited land mass. We need to get multifunctional solutions. Willie McGhee mentioned upland farming where there can be grazing on open woodland, but we must look at commercial forestry so that we are also in the fringes or the glades and producing the biodiversity benefits that everyone wants. In that way, we might have a solution to juggle a tight land mass into the benefits that we all need, within the budgets.

Confor made the point that there was a limited budget for restocking, and it called for a more imaginative restructuring of our plantings. To me that is one of the priorities: can we do that better to get multiple benefits?

Another basic issue is plant health and research, for which there is a flat budget. We seem to be facing a minor crisis as far as tree diseases go. That is perhaps climate change driven, but the reality is that, unless we crack that, the whole sector is under threat. Therefore, at this point, it would make sense to prioritise spending in order to push back those threats.

The Convener: We will be taking up those issues with the minister; we will also be following up issues about the Forestry Commission's acquisition and disposal policy later in the parliamentary session.

Do you have any follow-up questions, Jim?

Jim Hume: The question that I just asked was going to be my supplementary, so I will do things backwards and now ask my core question.

There is a planting target of 10,000 hectares a year, which we have not reached for about 12 years. If we go back 40 years, we are only planting about a fifth of what we used to plant in those days. We have climate change mitigation targets, which are being missed, too. What effect is missing the planting targets having on our climate change mitigation targets?

The Convener: Who wants to answer? No one.

Jim Hume: That is fine.

The Convener: Good; we can move on then. I see that Jamie Farquhar has something to say.

Jamie Farquhar: I think that I am going to offer Nigel Miller a job in Confor—

Jim Hume: He will be looking for one soon. [Laughter.]

Jamie Farquhar: —because I applaud a lot of the statements that he made.

The Convener: This is becoming far too incestuous.

Jamie Farquhar: However, Nigel is guilty of having a short memory in relation to the delightful woodland expansion advisory group—WEAG—process that has gone on over the past several years.

First, the Forestry Commission is doing an exceptionally good job in raising awareness in the farming fraternity by virtue of a series of workshops and seminars on wood fuel. Making farmers and other landowners aware of the asset on which they sit is a given. That integration is going on and we fully support it.

I say this with no disrespect to Willie McGhee's wishes for parkland-type landscape—Scotland is lucky and has a lot of that, particularly in some of the finest managed lands in south-west Scotland in places such as Drumlanrig, where there has been integrated land use for a long time—but if we want to meet our climate change carbon targets, we need to plant productive conifers in this part of the world. That would be the quickest way to meet the targets.

That is why the headline planting target figures is so wrong. As Jo O'Hara said, we have a problem in failing to meet the productive conifer element of the target—in the past two years, we are some 9,000 hectares behind.

Graeme Dey: To return to my original point, Mr Farquhar, have you identified where the additional sums of money that you are looking for might come from, or do you simply feel justified in asking for more?

12:15

Jamie Farquhar: I am afraid that I do not have the information with me—I am happy to send it to you—but I did cover this point in the spring. From memory, when we were talking about the common agricultural policy and SRDP, Confor highlighted somewhere in the region of £40 million that is going to several different programme funding streams within SRDP. In our submission, those programmes could have been given either lower priorities or lower allocations—or, indeed, they could have been funded from other streams outwith SRDP.

Jim Hume: I will finish my question about climate change mitigation and the planting targets. Some witnesses want more trees to be planted, but there is another conflict, which relates not just to our history of farming versus forestry but to peat-based soils versus mineral-based soils. There are views that planting in peat-based soils, of which there are many in Scotland, releases a lot of carbon into the air, so it may take more than the

life of the tree to sequester that carbon. Does anyone have anything to add on that?

Willie McGhee: Having had the great fortune to be involved in the trees and carbon business for the past 15 years, I have two thoughts. First, on not meeting the targets, I have just done a back-of-the-envelope calculation. Please do not take this as gospel but, if we miss the targets by 5,000 hectares per annum and we take a very conservative average of about 50 tonnes of CO₂ per hectare, we will be about 250,000 tonnes per annum down on the target. That is a guess, because that is taking an average over a forest's life.

Secondly, on peaty soils, Jo O'Hara will say her own thing about Forestry Commission guidance on planting on peats and planting on deep peats, which should not happen. If we plant on shallow peats such as peaty gleys, which are the borders, we will get an initial release of carbon dioxide from the soils. That will take us through to 10 years, when we get canopy closure in the forest. Thereafter, work by the centre for ecology and hydrology, by the University of Edinburgh and by others has shown convincingly that the forest becomes a positive contributor. The question would also apply to deep peats and I am not going to go there.

The Convener: To clarify this for all of us, what is the equation if trees are in the ground for longer? As you said, after 10 years on shallow peat, they will become a sink. If parkland trees or shelter belts are planted, farms are involved, and they are looking for a crop. However, broad-leaves and native woodlands are in the ground for a lot longer, so do they sequester more than is sequestered over the 40-year cycle or whatever it is for commercial forests?

Willie McGhee: Jamie Farquhar is shaking his head. The answer is yes and no. I will explain quickly.

A native woodland in poor upland soils will take a lot longer to sequester the CO₂ from the atmosphere than a fast-growing Sitka spruce block will. However, you are correct—when we remove the Sitka spruce block after 40 years, we have emissions, not only because we have removed the timber but because we have disturbed the soils. A long-established, slow-growing native woodland is a steadier sink of uptake in greenhouse gas whereas, with a conifer crop, there may be a failure to restock or patchy restocking, or something else might happen that means that it is less efficient over the long term.

The Convener: We will look forward to some references to that, perhaps for our benefit as well.

Jim Colchester: Willie McGhee is correct that the picture is extremely complicated, but the reality

with construction timber from productive forestry is that material is taken off site for something that has a long life as stored carbon—that is the whole purpose of timber-frame building. If we add up subsequent rotations, we get more carbon sequestration than with native woodland, because native woodland is not generally harvested. We should probably look at that over the long term anyway, but a native woodland comes to a point of equilibrium at which the trees start to die and regenerate, and the level of stored carbon in the wood on the site does not increase much more. There is some benefit through improvement of the carbon in the soil, but there is very little gain after a certain point—the graph goes flat. With productive conifer, the graph goes up and down, but it climbs gradually over time.

The Convener: We could talk quite a bit about the science. You mention timber for construction, but how much of the output of commercial forestry is for construction and how much is for making paper and fence posts and the like, which do not have a long life?

Jim Colchester: About 50 per cent of an average Sitka spruce crop that grows to 40-odd years goes into logs, of which 40 to 50 per cent go into a stored volume, so probably about 30 per cent of the carbon on the crop will end up in long-term storage.

Willie McGhee: I have a quick point on the science. We know from looking at temperate forests in other parts of the world that have been around for longer than our temperate forests—we have very few—that the graph is not flat. Jim Colchester referred to the time when a forest starts putting more carbon into the soil. There are high quantities of stored carbon in the north-west and north-east of the States and in European forests. We have not had such forests around for long enough to have the data on that.

Jo O'Hara: That was a helpful discussion of the issue, which is complicated. I wish that we had a magic formula for the committee that said that X plus Y equals Z, but that depends on where the forest is and what is done with it. As was said, we now have guidance under which we do not plant on deep peat, because the science on the carbon does not stack up. I want the committee to be clear on that.

I will go back to an earlier discussion, when I did not get a chance to come in, and I will refer back to the budget. A lot of the discussions seem to be about just the SRDP part of the budget. I remind the committee of the work that is going on in the national forest estate on integrated land use. A third of the national forest estate is not actually forest—it is open. We are introducing starter farms exactly to begin to tackle the issue. The question

is not about farming versus forestry because, at the end of the day, it is all land use.

As Nigel Miller said, we have a constrained area of land and it is the Forestry Commission's responsibility to get the best public benefit from that land, whether that involves carbon benefits, feedstock for industry or benefits for urban populations. Much of the discussion has been on the grants that we pay to the private sector, but the rest of the budget funds our work on the public forest estate and things such as research and advice.

Nigel Miller: It has been fascinating and good to see the conflicts in the forestry sector. Carbon sequestration is an extraordinarily complex subject, and the targets were developed when we did not really understand it. We maybe still do not totally understand it but, since the targets were developed, there has been a lot of evidence to show that permanent pasture systems—even on mineral soils rather than just peat ones—are pretty good, too.

In what we might call the next period of development, we should revisit the scientific evidence and look at our landmass in a fresh light to see how we should manage it for the best outcomes. There might be prescriptions for grazing management that would improve its performance. We need to up our game on carbon management, not just in forestry but in farming, and I think that we can do that.

The Convener: We know that we are in a climate crisis and that it is difficult to take things over too long a term. We will have to stick with the targets at the moment. Yesterday, the minister answered questions on the greenhouse gas emissions targets. We recognise that the targets are becoming tougher every year and we are all of the view that we have to have information that is as good as possible.

The discussion was worth having and Nigel Miller's points were correct. We will have more chance to cover some of the detail as we go on.

Graeme Dey: We have strayed into this area already but, to take on board Willie McGhee's point, will the panel give us its views on whether the Government has got the balance right between funding for forestry and funding for agriculture?

The Convener: Can we have a short answer on the balance, or is there a thesis?

Nigel Miller: We are perfectly happy with the balance. The reality is that there have been pretty significant cuts. There is no real business development programme in agriculture, except for new entrants and priority catchments—there is big change there. There have been cuts to other spending. Every sector has felt pain and maybe

that is right, given the spending round that we are in. The reality is that it is a tough spending round, but at least the forestry sector has a flat budget, rather than a cut one.

Jamie Farquhar: I do not disagree with Nigel Miller.

The Convener: That is good.

Jamie Farquhar: The balance at the moment is inevitable. I am not being prejudiced, but a barrier to new planting has been a farming mentality of, "I do not want to go there, and in any case I am getting good money to go on doing exactly what I am doing."

The way in which support is delivered to farmers is critical. We have just had clarity, for which we are grateful, that, under the programme, a farmer who decides to plant will retain his eligibility for direct payments. That is vital. Farmers have a choice now, so I hope that they will wake up and realise that there is an opportunity on a lot of upland farms to contract their stock on to a slightly smaller area and plant trees, which will be profitable for them in the future.

Alex Fergusson: That leads me neatly into the area of questioning that I want to explore. I absolutely understand what Jo O'Hara said about the national forest estate and the range of land use options that it looks at, manages and encourages, but it is up to the private sector to invest in and manage the commercial forestry expansion that has been targeted under the Scottish forestry strategy.

The main mechanism to support that is the woodland grants scheme. Since the Parliament began—and, I am sure, before—Confor has consistently been adamant that the amount of funding that goes into the woodland grants scheme will not deliver the forestry strategy's targets. Does anybody disagree with that statement?

The Convener: Nobody disagrees.

Alex Fergusson: That is excellent. We have £36 million for woodland grants in the draft budget. For reasons that were broached earlier, which relate to SRDP1, it seems that the proposed planting for 2015 is around a third of the target—I think that we are looking at about 3,000 hectares. That suggests that there will be a bit of an underspend in the budget for next year. Is that correct?

Jo O'Hara: There is stuff that we know about formally and stuff that we know about informally. We know formally about the figure that Confor put in its submission, which is about 3,000 hectares in the pipeline. However, because we are in this odd transition year, the new scheme has not opened yet. We expect to get more proposals in when we

open the new scheme in 2015-16. We know about the 3,000 hectares formally, but we are aware that other proposals are coming through, so we expect that the figure will be higher next year.

12:30

Alex Fergusson: But given the 12 to 18-month period of preparation for a scheme—

Jo O'Hara: A lot of the initial preparation has been done, because our conservators have been working with agents to get schemes to the point where it is easier for them to be proposed.

Alex Fergusson: Can you speculate on what next year's new planting targets might be?

Jo O'Hara: Excuse me—I will look at my notes to see whether we have that information. *[Interruption.]* The team is saying that the figure is in the region of 2,000 hectares.

Alex Fergusson: That is 2,000 hectares more than you already know about, so we are possibly looking at about 5,000 hectares.

Jo O'Hara: Yes, but owners might take different decisions about when exactly they plant. We are here today to talk about a one-year budget and we have a seven-year SRDP and the spending review next year, but forestry is a long-term business. Where we are in the cycle and the way in which we need to manoeuvre between years to respond to demand make the budget quite dynamic to work with. That is where we are, and we think that £36 million is a reasonable anticipation of what we will need to meet demand next year.

Alex Fergusson: Thank you for that, but even if you double the likely amount—you say that you know about 3,000 hectares—to a planned 6,000 hectares, that still suggests that the budget is likely to be underspent. Is that right?

Jo O'Hara: That depends on the type of planting, because planting rates differ. All our modelling suggests that we are about right but, to be honest, we have to respond in-year as well. I have given you our best guess as we stand, given that the scheme has not opened yet and that there are proposals whose exact detail we do not know.

Alex Fergusson: A lot of other people want to come in, but I want to finalise this section of the discussion. Mr Colchester spoke about the programme of planting over the next seven years being back-loaded. I know that we are looking only at a one-year budget, but do you still have confidence that the targets under the Scottish forestry strategy are likely to be met over the SRDP period?

Jo O'Hara: That is really challenging.

Alex Fergusson: That is fine. I have a supplementary question, but I know that others want to come in.

The Convener: Willie McGhee has a comment on the point that was just made.

Willie McGhee: My comment relates to that point and to the issue that Graeme Dey asked about. I make no bones about my view that there is an imbalance between the forestry and agricultural budgets. My big caveat is that, as I said at the beginning, I do not have a pat answer about where the money would come from. However, my target would be arable farmers. My natural constituents are in the uplands and are hill farmers. The conversation about planting targets would be smoother and more confident were there more incentives for hill farmers to receive funding from the SRDP arable pot to put trees in the ground. Meeting the targets would be possible if the rates for what used to be the farm woodland premium were upped, because farmers would look much more kindly on planting more trees.

The Convener: Alex Fergusson had a supplementary question.

Alex Fergusson: I want to ask a further question, if I may.

The Convener: Dave Thompson wants to come in as well. Is your question on the point that we are dealing with?

Alex Fergusson: If Dave Thompson wants to come in on this point, I will go on to my next question afterwards.

Dave Thompson: It is really just to get a view from the panel. Willie McGhee talked about uplands and hill farmers. My constituency of Skye, Lochaber and Badenoch has lots of crofters. I want to get a view from the panel on what is happening to encourage forest crofts and to get more crofters into the mix, instead of just farmers in more prosperous areas in Scotland.

Willie McGhee: There is crofting forestry.

Jo O'Hara: There are two sides to the question: woodland crofts and crofter forestry. We are supporting both and working with crofters' organisations on both at the moment. The area is so multifaceted and the issues in different parts of the country throw up different aspects. What suits the needs of a sector of the farming community in one area might be different in another area. However, we are working with crofters' groups on both woodland crofts and crofter forestry.

Dave Thompson: The good land in crofting areas is probably often equivalent to land in upland areas further south and the poorer land up in the hills, and of course there is a lot more deep peat and stuff as well. What general guidance, if

any, is available on what crofters should be planting? Should they be planting conifers, which might not be as suitable for wood-burning stoves as other wood? What is going on to direct crofters towards the most profitable type of forestry in these difficult areas?

Willie McGhee: A number of years ago, Chris March produced a crofting forestry handbook.

You ask about what would be the most profitable trees to grow, but the issue really is what will grow, which tends to be unprofitable trees such as downy birch and willows. However, it would be quite feasible to run a fire-wood business with those trees, which would be grown on the inby ground, as often the outby ground is not suitable for anything other than scrub.

Dave Thompson: Thanks for that. I just want to ensure that plenty of encouragement and cash are going to crofting areas as well as to other areas.

Nigel Miller: This is straying off the issue of the budget but, having been with members of crofting townships on Skye who have gone through the process, I have seen that some had significant benefits, while others found it quite problematic. Parts of the common grazing have been allocated to regeneration and people have grown a bit of willow and a bit of birch, in patches, but the planting grants mean that the ground cannot be used for grazing around the trees, even after 10 or 15 years. That is a big issue for maintaining croft viability. If we are going to go down the crofting route, we have to have the flexibility not only to recreate the environment but to then open it back up to multiple land use. The displacement of deer following planting and regeneration has been a huge issue on Skye and has caused real problems for crofters.

There must be a balance. The WEAG process, hopefully, means that planting programmes in the future will be smarter. However, in areas such as Lairg, the crofting communities have been under a lot of pressure and, over my lifetime, there has been a loss of activity. In the past 20 years, 20,000 ewes have come out of there. No wonder the Lairg sale—which involves not poor sheep but north country Cheviots that are worth quite a lot of money—is not as big as it was.

It is getting to the stage that there is a critical mass issue in the area. Some of the land could go into forestry but, if a lot does, that crofting community will die. The WEAG process must protect those communities and ensure that the good land around Lairg and other good hill land goes back to sheep. By all means, there could be strategic planting in those areas, but the WEAG process is absolutely vital if that community is going to survive.

Jim Colchester: The technical issues around crofts in the north-west might be different from those on the low ground or in the southern uplands, but the fundamentals of how revenue comes into those particular pots are the same. Part of the problem is that people are paid to farm or paid to forest when what should be happening is that people are paid to run a business in a rural environment, which might involve a bit of forestry, sheep, cereals or whatever. The more integrated that those elements become, the better we will be able to deliver the rest of the items in the forest strategy.

Jim Hume: May I ask—

The Convener: Jim Hume has a question.

Jim Hume: Thanks for your enthusiasm, convener.

The Convener: I am enthusiastic for us to ask more specific questions.

Jim Hume: I appreciate that, convener. I have a specific question for Buccleuch Estates, which is a neighbour of mine in the Borders. On what we said earlier about integration, would Buccleuch Estates look favourably on a situation in which tenants planted trees as their own crop and were reimbursed for that improvement, as it were, by the estate when they left the land or retired? Would you consider that arrangement?

Jim Colchester: The problem is not the principle but the mechanisms that are in place to enable that. As a forester, I have no problem with the thought of the tenant planting ground, but there must be an agreement process. Under the current legislation, once land is turned over to forestry, it is forestry for ever. If the tenant leaves at some point in the future, the landowner is left with forestry, so there must be an agreement. However, I personally would not have a problem with entering into a dialogue so that what happens suits all parties.

Many plantings in the southern uplands are on a shelter-belt basis, so they are there for the benefit of the farm. If the tenant gets more benefit from strategic planting, that has to be of benefit to everyone. The answer is therefore yes, provided that we can get the mechanism to work properly.

Jim Hume: Okay. There is perhaps work to be done.

Jim Colchester: Yes.

The Convener: Alex Fergusson has another question.

Alex Fergusson: I will continue this enlightening discussion. A sum of £36 million has been allocated to woodland grants. I understand that the cabinet secretary has decided that £30 million of that should go specifically to new

planting. That leaves some £6 million, which many would argue is not enough to cover everything that the grants scheme has been asked to do. Given the discussion that we have just had about the importance of integrating forestry and agroforestry schemes, how is it justified that the establishment of agroforestry systems will not be open to financial support over the budget period that we will be looking at and that forestry infrastructure will also be excluded along with a tree health grant? In this day and age, tree health is surely top of the list. Will Jo O'Hara, in particular, address that situation?

Jo O'Hara: Of course. We checked this and I can reassure the committee that the tree health grant will be open next year.

As far as agroforestry is concerned, as you can imagine, we have worked extremely hard to get a smooth transition from the old SRDP to the new one. I came in at the tail end of the last transition and I saw the damage that it did both to my staff and to other people, so I am aware of the pain that there was last time. We have worked really hard and the sector has worked very closely with us to try to make the transition as smooth as possible. As I am sure the committee is aware, that is a very challenging thing to do.

We have to make decisions about which grants we open first. Agroforestry will be open, but the decision was taken to open it a bit later. We wanted to be able to open quickly with grants for new woodland creation, tree health and forest infrastructure. Our intention is that those will be open at the start of the new programme. We have had to delay the other ones, as we had to take a decision about which ones to prioritise. They will be opening, but this budget obviously looks at only one year. I hope that that gives some reassurance.

Alex Fergusson: I am certainly reassured that tree health support will be available, because that is very topical.

The Convener: I ask the Forestry Commission and the other witnesses to comment on the profit and loss situation in respect of truly commercial forests within the national forest estate and private sector woodlands. How can we compare those? Can we compare them? What are the ballpark profit and loss figures?

Jo O'Hara: Is that question for me?

The Convener: I think that you should start.

12:45

Jo O'Hara: What is a truly commercial forest, particularly when we are talking about public sector forestry, is a very tricky issue, because the whole reason for our existence and for having a

state forest service is the delivery of public benefit. As a result, we manage the estate to deliver net public benefit.

Forest Enterprise, the agency that runs the national forest estate, has done a pretty detailed analysis of the estate to ask whether there is any area of woodland where, on balance, there is not something important for the net public benefit about the estate being involved or which, whether it was in the private sector or the public sector, would not still be delivering the same public benefit. It has looked at those areas in relation to repositioning. I think that the committee has previously looked at the repositioning of the national forest estate.

The question of what constitutes a truly commercial forest within a state forest service, the objectives of which are to deliver multiple public benefits, is a very difficult one. I thought that the issue might come up, so I brought with me our annual report and accounts document. The Scottish Government's budget document is a few pages long, unlike this publication, which contains the details of the Forestry Commission accounts; I am sure that Jamie Farquhar is familiar with it.

We publish our accounts each year and go into a huge amount of detail on the operating costs of the estate. On the idea of trying to say that one block of woodland is commercial while another is not, I could not go to any area of the public forest estate and say that it is truly commercial. To do so would be a bit risky because, as we have heard, a land manager who is deciding what to do with a piece of land with trees on it will often want to get many things from the woodland—they will have multiple objectives, too; that does not apply only in the state sector. Therefore, the premise that one can identify and account for commercial forestry separately is problematic.

However, we try to do that. We manage the accounting system with FE—my director discusses the balance with the FE chief executive. We state in our accounts that FE's sustainable forest management activities, such as harvesting and restocking, are managed in one way, and we have a separate set of accounts for the added-value stuff such as the woodlands in and around towns programme, the branching out mental health programme and other recreational initiatives, so it is possible to get the information on what we call the sustainable forest management accounts. The activities are pretty transparent financially, but the information does not come through in the budget because it is necessarily constrained to a small document.

The Convener: We are just coming to that. Does Jamie Farquhar want to come in?

Jamie Farquhar: I am familiar with the lightweight document that Jo O'Hara has just waved at us.

The Convener: It uses a lot of trees.

Jamie Farquhar: The document is not particularly simple to interpret. I accept what Jo says but, with the possible exception of going into the heart of somewhere like Eskdalemuir, it is very difficult to pick out a woodland or an area of ownership and say that it is or is not productive. One can immediately look at a stand of trees and rub one's hands with glee and think that there is ten grand coming one's way for every hectare there, but one can look at another stand and think that one is going to have to put however many thousands of pounds into it just to rejuvenate it, and perhaps get nothing back. It is not an easy equation.

In the round, public benefit from managing commercial woodlands is being delivered as much by the private sector as by the national forest estate. The difference is the weighting that one would give in the national estate to some of the other agenda items in which a private owner might not be prepared to invest—for example, mountain biking facilities or specific access.

The Convener: Okay—the issue could become more complicated than I thought. Willie McGhee can go next.

Willie McGhee: I will make a brief statement on the difference between the public sector and the private sector. I am not quite sure what has prompted the question, but the Forest Policy Group, and the constituents, including our members, who are not in the Confor camp—or perhaps have just one foot in there—and are not involved in a dialogue with the public sector would see the two sectors as very different. As Jo O'Hara outlined, they deliver very different things.

One thing that adds to the complexity is that, if someone is building a new sawmill or biomass plant, they might want the Forestry Commission on their books for a certain percentage of their supply, because that gives surety on continuity of supply. The straight profitability per hectare might not be there, but the commission fulfils different roles in supporting rural development and industrial development in a way that the private sector might not always be able to do, just because of pricing and/or continuity of supply.

The Convener: The inheritance of the Forestry Commission estate is areas that probably should never have been planted if anyone was thinking about how they were going to be harvested—I am thinking in particular about areas in my constituency and in Dave Thompson's.

Willie McGhee: That applies to private and public forestry, though.

The Convener: Absolutely.

Jim Colchester: To add to Jo O'Hara's point, Buccleuch is almost a microcosm of the problems that the national forest estate has, in that we have some woodland that could be called commercial, but we provide an awful lot of other woodland—mountain bike paths around villages and so on—and we have to cross-subsidise that from the commercial pot. Therefore, I fully empathise with Jo O'Hara on Forest Enterprise's problems in trying to do that on a national scale. It is tricky because, even within the lifetime of a crop, priorities can change. The real question is whether FE is operating efficiently on those commercial woodlands. From the outside looking in, I would say that it is not doing a bad job.

The Convener: That is a plaudit indeed.

Nigel Don: I want to pick up on the convener's suggestion that some forests are in the wrong place. I ask the panel to enlighten me on whether anybody has ever looked at the map of Scotland, noticed where the forests are and where they are not and said, "They really ought to be here." Are we planting in the right place? Has anybody looked at the grand plan? It is called a map of Scotland.

Willie McGhee: Before starting a discussion on forestry, one has to understand that forestry goes where forestry can go. I mean no disrespect to agriculture, but it has dominated in terms of finance and land values, so forestry has always been forced into the uplands and more marginal land—the land that Rob Gibson talked about in the flow country and other highly unsuitable areas. Yes, the land is unsuitable, but where would we like the forestry to be? It could be on good-quality arable land, close to centres of population, but the fact is that it is not going to go there any time soon.

The Convener: Or it could be on grouse moors, particularly in Nigel Don's constituency.

I have a question for the Forestry Commission, which is facilitating increasing numbers of renewables projects, but we have not found out about the profit and loss account for them. The Forestry Commission has a responsibility to enable communities to get community benefit out of those projects. We have a long list of projects that have been undertaken, but where does that information appear in the Forestry Commission's accounts?

Jo O'Hara: We can write to the committee on that, if you would like me to do so.

The Convener: It is quite an important part of the income stream. Do you have a ballpark figure?

Jo O'Hara: Yes—the income is around £11 million this year, compared with a timber income of around £70 million. It is a growing aspect of the income. Basically, we are trying to make the national forest estate more resilient, given the timber cycle. We know that timber prices go up and down and that public sector money goes up and down. If Forest Enterprise is solely reliant on the timber income stream, it is not in a particularly comfortable place because, when the timber income drops, it has nowhere to go for the money other than back to Government. The strategy has been to grow the income from renewables.

If it would be helpful for us to write to the committee to point out the section on that in the accounts, I am happy to do so.

The Convener: That would be very helpful indeed—thank you.

Claudia Beamish: Good afternoon. The written submission from the forest policy group highlights the Forestry Commission's current disposals programme, arguing that it might be used to encourage new entrants to forestry—I understand that that has started—and refers not only to communities but to "people of ordinary means". Can Jo O'Hara comment on developments in sales and leasing? Can Willie McGhee and other panel members also comment on how matters can be taken forward?

Jo O'Hara: This question moves us slightly on from the budget, because there is not a budgetary constraint in this area but issues involving some legal constraints and supporting wood lots, for example. We have been working closely with the Scottish Woodlot Association and have put money into it to try to develop wood lots. We are also looking at whether there are opportunities with, for example, the Community Empowerment (Scotland) Bill to overcome some of the legal barriers that there might be for creating wood lots in the national forest estate. That is work in progress that probably does not appear as part of the budget. There is also the work that we are doing with stakeholders to develop crofter forestry and woodland crofts.

Over the past year, we have been looking at ways of lotting up forest sales. As I said earlier on the review of the estate, sites where the net public benefit does not warrant the land remaining in public ownership will be brought on to the market. However, it was pointed out to us that, although selling it to a single owner might get the best return to the taxpayer, diversifying land ownership might be another agenda that we could address. When we market properties now, we consult local communities and look for opportunities to sell land in smaller lumps so that they are made more available for a wider section of the community.

That is how we have been trying to address the issue, which is not strictly a budgeting one.

Willie McGhee: As we said in our written evidence, we are very keen on three points. First, a lot is made of starter farms, which I think is great—Jim Hume has just walked out the door, but we started that thinking in the Borders.

The Convener: He might come back.

Willie McGhee: We would like to see starter forests. If the Forestry Commission is buying land and having starter farms, there is no reason why it cannot have a starter forest. That concept should be fairly and squarely on the table.

Secondly, it is correct to say that we have been working with Forest Enterprise in what has been a very productive relationship. Forest Enterprise has been looking at sales of forests from the north-west down to the central belt and looking at how to subdivide them into smaller blocks, rather than selling them off as one large area. We see great public benefit in selling the smaller blocks, and the Forestry Commission has performed admirably in our estimation.

Thirdly, wood lots are different from lotting a sale. With wood lots, we are pushing for the leasing of areas of forest land. We have had discussions with Paul Wheelhouse and with the Forestry Commission and made a submission to the consultation on the Community Empowerment (Scotland) Bill. We would really like to see the Forestry Commission grabbing this one and saying, “We will have half a dozen pilots across Scotland and we can do this within some jiggery-pokery that does not mean that we run up against what is in the Forestry Act.” That is something else that we put in our submission. The Forestry Act 1967 is the better part of 50 years old and is no longer fit for purpose. I think that Scotland should have its very own forestry act.

The Convener: It sounds like a very good item for our legacy paper for 2016.

Willie McGhee: But very high marks out of 10 for the Forestry Commission.

The Convener: We have to deal with both disposals and acquisitions in the next period. To take disposals first, inevitably the Forestry Commission does not do the disposals; you use land agents in many cases and your interest is obviously in their gaining the best prices to add to your total cash budget. However, is that the best way to deal with such things? Land agents are usually in a position to attempt to do a different kind of job. Surely, small pieces of land that are no longer required really should be targeted specifically at local groups and communities rather than sold commercially. How the sale of Rossal was handled, for example, left my constituents

less than happy. Can you reassure me that you have got a grip of whichever land agent you use and that they have an idea of how you see the general public interest being served in any disposals as well as the cash interest?

13:00

Jo O’Hara: I was last here almost exactly a year ago, when I had just started the job, and the issue with Rossal was kicking off. We have definitely learned a lot from the Rossal experience.

Let me backtrack a little. In its role as the custodian of the national forest estate, Forest Enterprise manages the estate in the interests of the people of Scotland and there is a very strict process whereby any money that is generated from the sale of land is reinvested in the estate in order to deliver more public benefit—it does not go into our cashflow and it is not used to fund revenue. I just want to remind folk that that is where the money goes. Some of the money goes to fund starter farms, some goes to more urban areas and some goes to help community activities. If we generate more money, it goes into the delivery of more public benefits—that is an important principle.

We learned from the Rossal experience that such land transactions need to be handled with sensitivity. Although we look to generate the best value for the taxpayer, we need to be much more sensitive to local concerns. We took Rossal off the market, but it has gone back on, and we have had sales that have gone through subsequently. I would be interested in your take on how sales have been handled since last year. I have seen a change in the way that Forest Enterprise handles sales. The instructions that it gives to agents who act on its behalf are much clearer and it is much more careful about how land is marketed. Lotting is definitely appearing.

Is there anything specific that you would like me to address?

The Convener: Our discussion could become quite detailed about something that could probably be dealt with as a matter of process at another point, and we are here to focus on the budget.

The point is that some of the people of Scotland in local areas look for clear communication and, indeed, hope to gain access, for example, to show that the national forest land scheme is working on behalf of local communities. If we conducted an assessment of how well it has performed so far, we might find that we are not as happy with it as we could be. When land with trees on it—or, indeed, Forestry Commission-owned land that does not have trees on it—becomes available, how it is disposed of in relation to the needs of communities is quite important to a lot of people

and the public estate will have to be a lot more sensitive in dealing with such matters. That is not a criticism; it is just an observation—with a barb.

We had better move on from that subject. My point is that land agents are there to make a profit, so the specific instructions that you have mentioned are very welcome indeed. Thank you for that.

Alex Fergusson has some questions on acquisitions.

Alex Fergusson: I will start with a simple question. What does the graph of the Forestry Commission's acquisitions budget look like? How much is set aside for acquisitions?

Jo O'Hara: At the moment it is zero, because we have not been able to generate enough revenue from disposals. We are about breaking even in that pot. As I said, we have a mechanism for ring fencing any money that we generate from disposals to fund acquisitions. We have acquired land, but because of some of the sensitivities around the national forestry land scheme and other issues such as community sales, we have not generated as much revenue from disposals as we might have done otherwise.

We have a portfolio of sites, many of which have not been planted yet. I spoke to Forest Enterprise this morning and I think that about 3,500 hectares of land that has not yet been planted is associated with new acquisitions. We need to get the money in from disposals to get that new planting done. Those hectares count towards the 10,000 hectares target. Acquisitions and disposals are inextricably linked.

Alex Fergusson: So your acquisitions budget is dependent on disposals.

Jo O'Hara: Yes.

Alex Fergusson: Is that likely to continue to be the case?

Jo O'Hara: Yes. We met the original target, which we are reviewing. We are finding that, because of the points that the convener raised, disposals are becoming more problematic. Having reviewed the estates, we have identified the sites that have a low public benefit and they have been sold, so we are getting to the point at which the estate is now mostly the woodlands in Scotland that deliver greater net public value. Disposing of sites is getting more problematic, which means that, when we want to do new things on new land with the public forest estate, we do not have the money generated to do that.

Willie McGhee: We have worked with the Forestry Commission on its disposals scoring scheme, which is how it decides what it sells. We are pursuing the inclusion of a positive attribute—

where communities would benefit in terms of rural development or access to timber. At present, what is disposed of is the uneconomic, the rump, the marginal and the fragmented. We continue to have that dialogue with the Forestry Commission.

The Convener: We have to deal with the disposals question more at the sharp end. It is argued that the Forestry Commission can outbid local bidders for particular pieces of land. When an agent is selling on behalf of a private owner, they are happy to get the highest possible amount for that land. There is no mechanism to ensure that local interests are taken into account in market transactions in which you are trying to maintain your budget and so on.

When you make acquisitions, what do you do to ensure that you do not cut across the potential of local people who are already resident in the area to use the land?

Jo O'Hara: That is a very tricky question for me to answer. I would have to refer to the chief executive of Forest Enterprise on what it does in that regard. As I said to Alex Fergusson, we have a very limited budget for doing acquisitions anyway. We go through a lot of processes before we decide to bid on something. I would have to ask Forest Enterprise and come back to you on its mechanisms for checking such things.

I am not sure how that question relates to the budget.

The Convener: It relates to the budget in a way, because you are saying that there is 3,000 acres—

Jo O'Hara: Hectares.

The Convener: —that has not been planted and is therefore a store of land. The acquisition of more land, which you might be able to afford, could affect local interests.

Nigel Miller mentioned the Lairg area. I think that he meant a very large area in my constituency. I can think of a small example in an area near Lairg in which a local family was extremely disadvantaged by the way that a private sale went through. The Forestry Commission was able to bid more than the family could for a piece of land that would have allowed a family business to expand. Anything that you could give us back from Forest Enterprise on that process would be very useful.

A lot of farmers in Caithness are extremely upset about the string of sales that have taken place there and the acquisitions of what could have been sheep farms, which Nigel Miller discussed earlier. If you could provide some evidence of that for the committee, that would help our budget consideration as well as our more general understanding of land use.

Jim Colchester: It is a bit of a shame that the leasing scheme that Forest Enterprise has tried has not gained more speed. It is still a valued way of doing things, because it removes the competing-for-land problem. People—farmers, estate owners or whoever—who want to plant on a bit of ground are dealt with. With a bit more work and tweaking, we will start to see a better option to deliver the planting target that we want. We are after trees in the ground.

Nigel Miller: I echo the convener's concerns. He has given us key examples of where those pressures have arisen. Anybody who has driven around Caithness recently must wonder how some decisions have been rolled out. Similar things have happened in the Scottish Borders; it is not just the northern part of Scotland that is affected. The reality is that the pressure on planting has raised the value of permanent grass and rough grazing in marginal areas, so all farming interests are now competing against a very much higher baseline.

The Convener: That is all handy to know, but we look forward to getting more details on those matters from Jo O'Hara, if we can get them. That is very good.

Graeme Dey: I give my apologies for not asking the question that I am about to ask a little bit earlier. To pick up on Jo O'Hara's point about the disposals being ring fenced to fund acquisitions, what does the substantial income from renewables go on?

Jo O'Hara: I am sorry. We are getting into the details of FE. Do you mind if I refer to my business plan?

Graeme Dey: Of course not.

Jo O'Hara: We are trying to encourage Forest Enterprise to move the national forest estate into a position in which it can provide a growing level of public benefit to the people of Scotland at a reducing cost. We have already talked about the number of different benefits that can accrue from the estate to urban people, rural people and everyone in between.

The means by which we can do that are varied in terms of how we can generate revenue and where we can spend it. Certain parts of the revenue that comes from the renewables will go into improving our return from renewables investment, but most of it will go into the delivery of other public benefits from the estate. It goes into the net bottom line.

At the moment, we are paying Forest Enterprise Scotland around £21 million a year. That is the net subsidy that goes from Government. All Forest Enterprise Scotland's other activities are funded through income generation, including the

renewables. The money that comes from the renewables goes into the pot for expenditure on recreation facilities, biodiversity work, starter farms, investment in forest infrastructure, and some of our liabilities to do with the wrong trees in the wrong places and steep slopes. I am pretty certain that that element is not ring fenced. That is just for renewables. That goes into the pot and reduces the amount of public subsidy that has to go from the Forestry Commission budget to run the national forest estate.

Graeme Dey: Okay. Thank you for that.

I will move on to a slightly different subject. In its written evidence, Confor questioned exactly what is funded under the programme costs heading and suggested five possible areas:

"Contribution to Forest Research funding ... Timber Development ... Timber Transport, including the Scottish Strategic Timber Transport Scheme ... Tree health"

and

"Development of the woodfuel sector".

Can Jo O'Hara confirm that Confor's assumptions are right and outline for us what else comes out of that £21 million budget heading?

13:15

Jo O'Hara: The biggest item that is missing from that list is the funding for all our conservancy staff—the bulk of our staff in the regional offices, who do advisory work, administer the grants and do all that side of things. What is included under that heading is not particularly clear, so I can understand where Confor is coming from. Confor does not mention it, but that explains the biggest chunk of the money.

Graeme Dey: Does that address Confor's concerns?

Jamie Farquhar: Yes. That is a relief because, otherwise, there would have been a big hole, according to my understanding of the sums of money that might have gone on the headings that I identified.

Is it right that the programme costs heading includes some money for Forest Research, or is that tied up with the plant health stuff?

Jo O'Hara: Yes, it does.

Graeme Dey: To be clear, are the five headings that Confor has suggested accurate?

Jo O'Hara: Yes—largely. It is just that the programme costs heading covers a whole lot of stuff, including the running of the conservancy offices, which does not come through particularly clearly.

Graeme Dey: Does anyone else want to comment on that?

Jamie Farquhar: I reinforce how vital the five things that I identified are. They are immensely valuable to continuing confidence in the sector and, therefore, to the investment that is seen at the processing end of our industry.

Willie McGhee: The forest policy group appreciates the funding that comes from the Forestry Commission to support the Scottish Woodlots Association and the other funding for community development and community empowerment. A dedicated member of staff in Forest Enterprise does that work. I put down a marker by saying that I would like more commission funding to be allocated to diversification of ownership and management of woodlands by local communities.

Claudia Beamish: In its submission, RSPB Scotland states that it considers that

“the prioritisation within the budget allocation for forestry in 2015-16 lacks sufficient focus on meeting the biodiversity needs of Scotland and the Scottish Government’s commitments to them.”

That includes the prioritisation for forestry in the SRDP and for the management of the national forest estate.

Do any members of the panel have any comments on that?

Jamie Farquhar: I will be corrected if I am wrong, but I believe that agri-environment measures have received a considerable boost in the SRDP budget. The RSPB has an extremely significant influence on the way in which the support measures under SRDP are provided. Frankly, I am surprised by that comment, and my limited experience of specific projects such as the work on black grouse leads me to disagree with it. That work is being led by the Forestry Commission, so I presume that it is bearing the costs.

Nigel Miller: My views are pretty similar. The RSPB drew attention to the threat of the various plant diseases and how that might impact on habitats. That is a valid issue to raise, and I know from having read the submissions from Confor and the RSPB that it is a common strand.

From the agricultural point of view, maintaining plant health seems to be pretty crucial at this time, so it does not seem particularly sensible to flatline the research on that. If there is some slack in the budget over the next year or so because of lower levels of planting, having the flexibility to tackle that challenge head on so that we can push it back would make perfect sense. Some real examples are provided that relate to key parts of our habitat, such as native or historic pine forests and

blaeberrries, but the issue goes far wider than that—it extends to ash and other trees.

The point is well made. On the overall thrust, I have the same view as others.

Cara Hilton: Alex Fergusson touched on the issue of tree health, on which Nigel Miller has just given a bit of an answer in response to Claudia Beamish’s question. In its written submission, RSPB Scotland highlighted the work that the Forestry Commission carries out in relation to threats posed by forest diseases. Confor also talked about

“the wave of tree health issues”.

Is the size of the tree health budget sufficient, or should it be increased?

Willie McGhee: No, it is not sufficient, and yes, it should be increased.

Cara Hilton: That is a good answer.

The Convener: There is nothing quite like saying that a budget should be increased, but we have to find out where the money will come from.

Willie McGhee: But Cara Hilton put the words in my mouth. [*Laughter.*]

Jamie Farquhar: We have been saying for two years that the forestry budget is not necessarily the right place to expect all the money to fund plant health issues to be.

Those of you have been into the heart of Galloway or up into parts of the flow country will have seen that the devastation from two diseases is on an environmental scale of horrific proportion.

On the problem that we are facing in the flow country—we are trying to move 2 million tonnes of timber on a road where we are restricted to just 10 wagons a day—unless we can move the whole discussion sideways into another box and draw down other money, we will not solve the problem and you will have an environmental nightmare up there, with more trees on the ground and more diseased trees. This is probably not the time for that conversation, convener, but the problem is quite desperate.

The Convener: I understand what you are talking about—you are referring to parts of other budgets that need to help to create that possibility. In my constituency, we have noticed that areas of roads that are not trunk roads have been designated as trial areas so that people can see how they wear under increased forestry traffic. It would be interesting for us to discuss how to fund that, but we will have that discussion with other people. Thank you for raising the issue.

Jo O’Hara: It is always difficult when you see a fairly high-level budget proposal for one year, because, given the amount of on-going work on

tree health underneath that, the issue is about more than just the money.

Tree health is the absolute top priority for our research budget. We are also grappling with the definition of a new type of forestry. The issue is not just one for the Forestry Commission; it is an issue for the practice of forestry and where we are going with it. For example, what we should be planting when we clear the diseased larch in Galloway?

Some of the expenditure is hidden. Graeme Dey asked about the £21 million programme costs budget. A large chunk of that will be for research and some of it will be for the timber transport fund, which is helping to fund some of the transport issues. However, that expenditure does not appear in the headline.

The other place where a lot of money is being spent is Forest Enterprise and the national forest estate. A huge chunk of the larch that was hit in Galloway was on national forest estate land, and some of the money that is being generated from renewables and timber will be used to address the issues down there. Therefore, what is being spent does not always come down to the figure in the budget.

Nigel Miller: I have commented on that before, so I simply reiterate that that is my position.

Jo O'Hara and Jamie Farquhar mentioned the significant impact of larch disease. The issue is about priorities. If we are looking at a different planting approach, now is the time to come up with that approach, before we plant again and create problems. That may mean dragging money into the budget to accelerate that work and stalling other work, but that is how you prioritise. Going on without taking cognisance of where we have got to is a mistake.

Jim Hume: If only money grew on trees, all our problems would be answered.

To return to the issues of current practice, the different approaches in the budget and plant health—some of you have talked about this before, off the record—we have seen a tendency for people to use very large nurseries, some of which are outwith Scotland. That can often lead to plant diseases jumping rapidly into different areas because people are not buying from a local source. Is there any budget for developing local nurseries, so that people can buy their trees there and thereby reduce the risk of bringing in disease from much further away?

Jo O'Hara: The nursery sector is a small but hugely significant forestry sector that often gets forgotten about because people just think of forests. That crucial sector is pretty exposed in

terms of fluctuating planting figures and what is happening with disease.

We have worked closely with the sector—we have had the nursery resilience plan and extra funding has gone in over the past couple of years to help nurseries move.

Small, local nurseries cannot service the demand of large-scale planting of about 100-plus hectares. They need to be able to operate at scale in order to be viable businesses.

Jim Hume: What about large local nurseries?

Jo O'Hara: We are working closely with the sector. It is a key part in the chain. It is particularly affected by plant health disease issues. We have new and stricter plant health controls and enforcement in place. You are right to see the nursery sector as a key player.

Jamie Farquhar: Confor has a special nursery producers group, which meets regularly. We have an annual meeting with the Forestry Commission and Forest Research, which is proving to be very helpful as we face the problems that Jim Hume mentioned. If it would be helpful, I am sure that I could get the group to give the committee a briefing on what it has been up to.

The Convener: That would be helpful.

We have had a detailed session. It has been important because I do not think that we have looked at forestry recently with regard to the budget. Every sector that we look at wants to get—and deliver—value for money. This budget discussion has thrown up detailed and varied issues, so I am glad that we have been able to have it.

I thank all the witnesses for their opinions because, when we question the minister, we will be able to reflect that varied set of interests. I particularly thank Nigel Miller, because this may well be his last parliamentary appearance before he demits office. He has applied his sharply focused leadership to the NFUS on behalf of farming and crofting, and we thank him very much for that. It looks as though he might even get a job in Confor—[*Laughter.*] That would be ironic.

Nigel Miller: Thank you very much, convener.

The Convener: At our next meeting on Wednesday 12 November, we will take evidence from stakeholders on the draft budget. We will also consider petition PE1490, on the control of wild goose numbers, following responses from the Scottish Government.

Meeting closed at 13:29.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

Available in e-format only. Printed Scottish Parliament documentation is published in Edinburgh by APS Group Scotland.

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk

For details of documents available to
order in hard copy format, please contact:
APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk

e-format first available
ISBN 978-1-78534-207-3

Revised e-format available
ISBN 978-1-78534-223-3