The Committee will meet at 2.30 pm in Committee Room 1

1. **Item in Private**: The Committee will decide whether to take item 8 in private.

2. **Petition PE138**: The Committee will consider a petition from Andrew Stuart Wood on the constitution of Scotch Quality Beef and Lamb Association (SQBLA) and will take evidence from—

   Neil Kilpatrick and Alasdair Muir from Quality Meat Scotland

   Andrew Stuart Wood.

3. **Petition PE417**: The Committee will consider a petition from Brian Smith, calling for the inclusion of Cowal & Bute within the Loch Lomond & Trossachs National Park.

4. **Foot-and-Mouth Disease**: The Committee will consider the evidence given to the Committee at its last meeting by Ross Finnie MSP, Minister for Environment and Rural Development.

5. **Subordinate Legislation**: The Committee will consider the following instruments under the negative procedure—

   The Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) (Scotland) Regulations 2002 (SSI 2002/6)

   The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No.3) Amendment Regulations 2002 (SSI 2002/21)

   The Cattle Identification (Notification of Movement) (Scotland) Amendment Regulations (SSI 2002/22).

6. **Sea Cage Fish Farming**: The Committee will consider a paper outlining the progress made by the Transport and Environment Committee in its inquiry on the subject.

7. **Work Programme**: The Committee will consider its future work programme.
8. **2003-04 Budget Process:** The Committee will consider the names of possible advisers to the Committee in connection with the 2003-04 Budget Process.

Tracey Hawe  
Acting Clerk to the Committee
The following papers are attached or are relevant to this meeting:

**Agenda item 2: Petition PE138**

PE 138 is attached.
A paper from the clerk is attached.
A note from the Executive is attached.
Correspondence from other groups is also attached.

**Agenda item 3: Petition PE417**

PE417 is attached
Letter from the Executive is attached
A paper from the clerk is attached

**Agenda item 4: Foot-and-Mouth Disease**

The Disease Control (Interim Measures) (Scotland) Order 2002 is attached.
A paper from the clerk is attached.

**Agenda item 5: Subordinate Legislation**

The Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) (Scotland) Regulations 2002 (SSI 2002/6) is attached.
The Subordinate Legislation Committee's 5th Report is attached.
Correspondence between the Committee and the Executive *(to follow)*
The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No.3) Amendment Regulations 2002 (SSI 2002/21) is attached.
The Cattle Identification (Notification of Movement) (Scotland) Amendment Regulations *(SSI 2002/22)* is attached.

**Agenda item 6: Sea Cage Fish Farming**

A paper from the clerk is attached.

**Agenda item 7: Work Programme**

A paper from the clerk is attached. *(for Members only)*

**Agenda item 8: Budget 2003-04**

A paper from SPICe is attached *(for Members only)*.
RURAL DEVELOPMENT COMMITTEE
Petition PE 138
Briefing paper from the clerk

**Introduction**

Petition PE 138, from Mr Andrew Stuart Wood calls for the Scottish Parliament to alter the constitution of the Scotch Quality Beef Lamb Association (SQBLA) giving it independence and asking for statutory powers to be granted to SQBLA for the receipt of monies presently collected by the Meat and Livestock Commission for the purpose of promotion. The petitioners were farmer members of SQBLA opposed to the proposed change to Quality Meat Scotland, instead preferring the preservation and enhancement of SQBLA.

A copy of the petition is attached, along with a further submission received from the petitioner for members information

**Background**

On 27 March 2000, the Public Petitions Committee agreed to pass the petition to the Rural Affairs Committee for further consideration.

The Rural Affairs Committee agreed to seek further submissions on this matter from the Scottish Executive. On 23 May 2000 the Committee also appointed Alex Fergusson and Richard Lochhead to act as reporters. It was envisaged that the Reporters would report to the Committee by the end of that year. At that time, the Committee felt that there was insufficient information available to allow the petition to be discussed at an early meeting of the Committee.

The work previously carried out by SQBLA was effectively taken over by Quality Meat Scotland (QMS).

A Scottish Executive note, (dated June 2000 and attached for members information), explains some of the background to the transition from SQBLA to QMS. This provides some explanation of points which may address some of the petitioner’s concerns, in terms of the statutory arrangements for livestock levies, and the constitution and powers of SQBLA. This also outlines the scope the Executive may have for undertaking any of the actions suggested by the petitioner.

The Committee also wrote to a number of stakeholder organisations, seeking their views on the petition and the transition from SQBLA to QMS. Copies of these responses are also attached for Members’ information.

**Current position**

SQBLA is now dissolved. Members may therefore wish to note that the remedies originally sought by the petitioner are no longer available. Members may also wish to note the Scottish Executive’s view that it may never have been within the unilateral power of the Executive to implement the remedies sought by the petitioner. The petitioner’s recent further submission takes account of the changed situation, notes
continuing concerns about the operation of QMS, and proposes alternative remedies to the perceived problems which originally gave rise to the petition.

Responses to the Committee from stakeholder organisations indicate that the industry expressed some serious concerns about the consultation undertaken prior to the setting up of QMS. However, the submissions also indicated a desire for the industry to be united behind the efforts of the new body, QMS. SQBLA in particular considered that it would prove seriously damaging to the industry to attempt to reverse the situation.

**Arrangements to hear evidence**

Several attempts were made to arrange meetings between reporters and the Chairman of QMS Scotland, however, these meetings were cancelled due to the outbreak of foot and mouth disease. Members may wish to note that substantial evidence was received on marketing issues during the Committee’s inquiry into the Forward Strategy for Scottish Agriculture on 18 September 2001, including evidence from the Chairman of QMS.

The Chairman of QMS subsequently wrote to the Committee offering to make a full presentation of the work of his organisation at a briefing for MSPs, where Members could discuss any concerns that they may have.

On 11 December 2001 the Committee agreed to take up this offer and invite the chairman of QMS to make a presentation to the committee, with a view to the committee then being able to consider the concerns expressed in the petition. The Committee also agreed to invite the petitioner to give evidence on the same occasion.

On 12 February 2002 QMS will give an informal briefing to the Committee and other Members, outlining the work of QMS in general and its strategy. Thereafter, during the formal Committee meeting Members will be able to take formal evidence from QMS and hear from the petitioner.

**Further Committee action:**

Following its examination of the written and oral evidence on 12 February the Committee may wish to consider whether the issues raised by the petition have been adequately dealt with, and whether the Committee is ready to conclude its consideration of this petition.

The Committee may wish to note, and conclude its consideration of, the petition.

Alternatively, if the Committee considers that concerns remain about issues raised in the petition, the Committee may wish to conclude its consideration, and write to the Minister for Environment and Rural Development to express those concerns.
RURAL DEVELOPMENT COMMITTEE

Petition PE 417

Briefing paper from the clerk

Introduction

Petition PE 417 calls for the inclusion of the Cowal Peninsula and the islands of Bute and Inchmarnock to be included within the Loch Lomond and Trossachs National Park.

The petition was received by the Public Petitions Committee on 2 November 2001 and discussed at its meeting on 20 November 2001, when the Public Petitions Committee formally referred the petition to the Rural Development Committee.

The petitioner, Brian Smith, and a colleague, Richard McGilvray met members at the Buchanan Arms Hotel over lunch on 21 January before the committee meeting in Gartocharn. Mr Smith made a brief presentation to the committee, calling for the Cowal Peninsula and the islands of Bute and Inchmarnock to be included within the National Park.

Attached are:
- the petition
- a letter from Ross Finnie MSP, Minister for Environment & Rural Development, with a response to the petition by the Scottish Executive.

Background

This petition was received too late to be included in the committee consideration of the draft designation order for the National Park.

The Rural Development Committee discussed the draft designation order and consultation at its meeting on 2 October 2001. The Committee took evidence from Scottish Executive officials, and made representations regarding the claims by other communities to be included within the boundaries – notably Petition PE 393 by Killin Community Council and the submission from Balfron. At that point the Committee was aware that it was the last opportunity to influence the Executive’s thinking about boundaries. The laying of the designation order was expected to be imminent at that time. It has been delayed somewhat, but again is expected within the next few weeks.

The Convener therefore felt that Petition PE 417 was received too late to be considered as part of this process. However, as the petition had been referred to the Committee, the Convener decided to make suitable arrangements to hear the petitioner when the Committee was going to be in the proposed National Park area.
At the meeting on 12 February, PE 417 will be considered formally, and a formal response therefore made to the petitioner (and the Public Petitions Committee).

**Arguments for inclusion**

Brian Smith was asked whether he believed that the areas that he is proposing meet the rules for being included - specifically that “the Park area has a distinctive character and a coherent identity”.

Mr Smith believes that having a maritime component would enhance the park and that these areas are of the same character as the rest of the proposed park. It would also include some centres of population which he felt would benefit the park as a whole.

There is some support (629 names on the petition) for the inclusion of these areas. However, the Executive note that only 6 people were present at the local consultation surgeries and no submissions were made to include the area at this time. Mr Smith believes that this was due to the fact that people felt that they had little or no sway over the Executive’s thinking.

**Current status of the Designation Order**

The designation order has been delayed. It was expected to be laid in November, when the Committee had originally planned to go to Gartocharn. However, there have been delays to the Elections Order which is laid at the same time as the designation order. This means that although the boundaries have been drawn up, the Committee does not yet know what the boundaries are. The Executive hopes to lay both instruments within the next few weeks.

**Committees Response**

Bearing in mind the fact that the Committee has seen only the draft designation order, it is not yet known what the proposed park boundaries will be. It may be that Cowal & Bute will be included (there is no indication from the Executive as to whether this is likely). When the Committee considers formally the National Park Order (with the presence of the Minister), the Committee can only accept or reject the whole Order (Standing Order 10.6.4). It cannot make recommendations for the inclusion of a certain area to the Executive at that point.

The Committee therefore has 2 options:

1) **Note the petition.** The Committee may wish to consider whether further action is possible in relation to the petitioners request. If the committee does not feel that further action is possible, or justified, the petition could be formally noted.
2) **Support the Petition.** By supporting the petition, the Committee would then formally write to the Executive, asking them to consider Cowal & Bute for inclusion within the proposed National Park. Bearing in mind that it is well beyond the deadline for consultation and the fact that the order will shortly be formally laid, this may not seem appropriate.

If the Committee does decide to support the petition (and assuming that Cowal & Bute is not already included in the Park), when the Order is laid the Committee would then decide whether it wants to recommend to the Parliament to reject the Order, or to approve it.
Background

On 11 December Executive officials gave evidence to the committee on the issue of movement restrictions following the foot and mouth disease outbreak. At the committee meeting on 18 December 2001, the committee agreed to invite the Minister to give evidence regarding the latest position on foot-and-mouth disease, specifically the restrictions on the movement of animals (20 day standstill rule), with a view to the Committee providing input into the Executive’s thinking.

The Executive undertook a consultation exercise regarding proposed amendments to the animal movement regime. This began on 22 January 2002, with a closing date of 31 January 2002. A draft instrument implementing these changes was sent to members on Monday 28 January. The Minister was requested to attend the committee meeting on 29 January, however, the first available date that he could attend was 5 February. Consequently the Minister attended at the meeting of 5 February, together with officials.

The Statutory Instrument

The Disease Control (Interim Measures) (Scotland) Order 2002 was formally laid at the Scottish Parliament on Friday 1 February 2002. As it was laid under the provisions of the Animal Health Act (Section 91), it is not subject to Parliamentary procedure, therefore the committee is not required to approve this instrument as it normally would do with either negative or affirmative statutory instruments.

At the committee meeting on 5 February, there was some confusion over whether this instrument had actually been laid. This was because the title of the instrument had been changed from The Livestock Movement (Interim Measures) (Scotland) Order 2002 to The Disease Control (Interim Measures) (Scotland) Order 2002. The clerks were unaware that the title of the instrument had been changed or that it would not be laid under the negative procedure.

The instrument itself has very minor changes to the draft circulated to members. The major change being the title and some of the paragraphs, which have been moved within the instrument. With the exception of these stylistic changes, the instrument appears to be the same in effect as the draft previously circulated to members.
Committees Consideration

The committee is not required to report to the Parliament on this Instrument, as it is not subject to parliamentary procedure. It can, if it wishes, still provide a report on it, however the Committee has no power to approve or reject this instrument.

Alternatively, should the Committee wish to express a view on either the consultation procedures adopted by the Executive, or the substance of the Instrument, it would be possible for the Convener to write to the Minister, setting out any concerns.
RURAL DEVELOPMENT COMMITTEE

Update on the Transport & the Environment Committee Rolling Inquiry into Aquaculture

Background

At its meeting on 2 October 2001 the Rural Development Committee appointed John Farquhar Munro MSP as reporter to monitor the progress being made by the Transport & the Environment Committee on sea cage fish farming. The following report is designed to update members of the Rural Development Committee on the work of the Transport and Environment Committee.

Progress to date – Phase 1

In September 2001, the Committee agreed to pursue a ‘rolling’ inquiry into aquaculture, implementing a phased approach to evidence taking and reporting. The aim of the inquiry is to ensure that work by the Executive and other relevant bodies in developing a strategy for a sustainable aquaculture industry is subject to public scrutiny and that the process of policy development and review is open, transparent and responsive to the views of relevant stakeholders.

The following remit was agreed for Phase 1 of the inquiry:

The remit of the inquiry is to “…monitor and review on an ongoing basis the work of the Scottish Executive and other relevant bodies in relation to aquaculture, by scrutinising the review of the current regulatory framework and reviewing the development of a strategy for aquaculture. In doing so, the Committee agreed to review:

- The extent to which the proposed strategy for aquaculture addresses the concerns of relevant bodies and the extent to which it provides incentives to encourage best environmental practices;
- The extent to which the current research programme recognises and addresses the needs of relevant bodies;
- Locational guidelines for sea cage fish farming;
- Voluntary codes of practice and area management agreements;
- The proposed transfer of planning controls for fish farming to local authorities;
- The extent to which current regulatory systems can be harmonised and made more effective.”

Phase 1 of the inquiry was designed to focus on the regulatory aspects of the current framework for the management of aquaculture. Accordingly, the Committee issued a call for evidence based on the bottom four bullet points of the remit listed above.
The Committee held three oral evidence sessions during Phase 1 of the inquiry. On 21 November the Committee took evidence from representatives of the Salmonid Fisheries Forum, the Association of Scottish Shellfish Growers, and the Scottish Environment Link Marine Taskforce. On 26 November the Committee took evidence from representatives of Scottish Quality Salmon, Shetland Salmon Farmers Association, Orkney Salmon Co, the Crown Estate, Local Authorities, Scottish Environment Protection Agency and Scottish Natural Heritage. On 12 December the Committee took evidence from Dr Richard Shelton, Professor Randolph Richards and Dr Kenny Black. Following these sessions, the Committee heard evidence from the Deputy Minister for Environment and Rural Development on 9 January.

This Committee specifically requested that the T & E Committee sought evidence from the Norwegian government on the structure of their industry. Members may wish to note that T & E Committee Reporters met with Mr Bjorn Sorgard, an official from the relevant Norwegian Ministry late last year. In addition the reporters attended a conference at which Mr Sorgard made a presentation on the nature of the aquaculture industry in Norway. Notes from this presentation are available from the Clerk to this Committee if members wish to receive further information.

The T & E Committee will consider a draft report on Phase 1 of the inquiry on 13 February, and hopes to publish a report in early March.

Phase 2

The T & E Committee has also agreed a remit for Phase 2 of the inquiry, and issued a call for written evidence on the basis of this remit which is to:

“…monitor and review on an ongoing basis the work of the Scottish Executive and other relevant bodies in relation to aquaculture reviewing the development of a strategy for aquaculture. In doing so, the Committee intends to review:

- what the respective roles of the Executive and the aquaculture industry should be in taking forward the future of aquaculture in Scotland;
- how the aquaculture industry can increase its competitiveness in the international marketplace; and
- how the industry can best achieve environmental sustainability in the future.”

The Committee intends to take oral evidence on these matters in March 2002.

Research Co-ordination

The Transport and Environment Committee agreed in September 2001 to pursue the creation of a post to undertake this function and to write to the Scottish Executive requesting that it arrange for this appointment. Subsequent to this, the Minister and Committee entered into an exchange of
correspondence and Committee Reporters and Executive staff have held several meetings with Executive officials to progress this matter.

The Executive has indicated that it is prepared to fund the tendering of research contract. This research contract will focus primarily on the environmental aspects of aquaculture research, with the following components forming the basis of any specification:

- Identification of key environmental issues
- Synthesis of current scientific knowledge regarding these issues
- Review of current and planned research programmes that address these issues
- Identification of gaps in scientific knowledge
- Identification of research proposals to address critical gaps in knowledge relating to the key environmental issues.

The Executive is currently seeking tenders for this work and hopes to appoint a contractor shortly. Reporters from the T & E Committee have been involved in the development of the specification for this contract and it is proposed that Reporters are also involved in the ongoing contract management. It is hoped that the results of the project will be available in March/April 2002, and that the Committee will be able to receive a briefing from the contractors at the conclusion of the contract. It is hoped that this will meet the concern expressed by this Committee that the research co-ordinator be independent in remit and management.

The T & E Committee has also indicated that it wishes to bid for external research funds itself, to take further forward the results of the Executive research, once available. Further discussions on this proposed contract will be held nearer the deadline for the next round of bids for the external research fund (end of March 2002).

**Summary**

The Committee is recommended to:-

a) note the progress made by the Transport and Environment Committee in relation to its inquiry, and the arrangements for co-ordination of research; and

b) agree to continue the appointment of John Farquhar Munro as a reporter on this issue.