



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Environment, Climate Change and Land Reform Committee

**Tuesday 28 June 2016**

**Session 5**



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**ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE**  
**2<sup>nd</sup> Meeting 2016, Session 5**

**CONVENER**

\*Graeme Dey (Angus South) (SNP)

**DEPUTY CONVENER**

Maurice Golden (West Scotland) (Con)

**COMMITTEE MEMBERS**

- \*Claudia Beamish (South Scotland) (Lab)
- \*Alexander Burnett (Aberdeenshire West) (Con)
- \*Finlay Carson (Galloway and West Dumfries) (Con)
- \*Kate Forbes (Skye, Lochaber and Badenoch) (SNP)
- \*Emma Harper (South Scotland) (SNP)
- \*Angus MacDonald (Falkirk East) (SNP)
- \*Gail Ross (Caithness, Sutherland and Ross) (SNP)
- \*Mark Ruskell (Mid Scotland and Fife) (Green)
- \*David Stewart (Highlands and Islands) (Lab)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

- Peter Chapman (North East Scotland) (Con)
- Keith Connal (Scottish Government)
- Roseanna Cunningham (Cabinet Secretary for Environment, Climate Change and Land Reform)

**CLERK TO THE COMMITTEE**

Lynn Tullis

**LOCATION**

The Robert Burns Room (CR1)



## Scottish Parliament

### Environment, Climate Change and Land Reform Committee

*Tuesday 28 June 2016*

*[The Convener opened the meeting at 11:11]*

### Decision on Taking Business in Private

**The Convener (Graeme Dey):** Good morning, and welcome to the second meeting in 2016 of the Environment, Climate Change and Land Reform Committee. Before we deal with the first agenda item, I remind everyone present to switch off mobile phones and other devices as they may affect the broadcasting system. However, those present may notice some committee members consulting tablets during the meeting; this is because we provide meeting papers digitally.

We have apologies today from Maurice Golden, and we have been joined by Peter Chapman MSP.

Agenda item 1 is a decision on whether to take business in private. Do we agree to take item 4 in private?

**Members** *indicated agreement.*

**The Convener:** Thank you.

## Interests

11:12

**The Convener:** Agenda item 2 is to invite Alexander Burnett to declare any interests he has that are relevant to the committee's work.

**Alexander Burnett (Aberdeenshire West) (Con):** I make a declaration on my registrable interests. I own and manage property, including agricultural, residential and commercial lettings, which are for recreational and sporting usage and forestry. I also own shares in a renewable energy company, and I hold remunerated positions in companies relating to those matters.

**The Convener:** Thank you very much, and welcome to the committee. As I said, we have been joined by Peter Chapman this morning. I offer him the opportunity to declare any interests.

**Peter Chapman (North East Scotland) (Con):** I am a partner in P Chapman & Co, which is a farming business. I am also a director of Redbog Renewables Ltd, which is a business that has wind turbines. I am a member of the National Farmers Union Scotland, and I am a director of Aberdeen and Northern Marts Group. Everything is declared in the register of members' interests.

**The Convener:** Thank you very much, and welcome to today's meeting.

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** Since the previous meeting, I have been made deputy convener of the Rural Economy and Connectivity Committee. I just wanted to put that on the record.

**The Convener:** Thank you.

## Environment, Climate Change and Land Reform

11:13

**The Convener:** Item 3 is an evidence-taking session with Roseanna Cunningham, the Cabinet Secretary for Environment, Climate Change and Land Reform. We welcome the cabinet secretary and her Scottish Government officials: in addition to Ms Cunningham, we have John Ireland, deputy director of the low-carbon economy division, and Keith Connal, the deputy director of natural resources.

We have a great deal of ground to cover, and it may not be possible to deal with everything in detail. We may write to you, cabinet secretary, to seek further detail or, indeed, to ask fresh questions that we were unable to reach today. Similarly, please feel free to indicate in the course of the evidence session any areas on which you feel the need to write back to us.

I will kick off. Since we extended to you the invitation to meet us, there has been a significant development in the shape of the European Union referendum result, which threatens to affect your portfolio considerably. Even a cursory glance at your enormous remit suggests that few other portfolios will be as impacted. Climate change, emissions targets delivery, EU birds and habitats directives, possible infraction proceedings, Scotland rural development programme funding for environmental schemes, marine protected areas and beavers are just some of the things that spring to mind.

Will you outline at the outset—if only to avoid the implications of the referendum outcome dominating all the questions that are to come—how the Government is assessing the potential effect of Brexit on your responsibilities? What will be the impact on the legislative programme?

11:15

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** The past week puts everything in my portfolio into a slightly different light; my portfolio and possibly the rural economy portfolio are the two that are most heavily impacted by the EU. Just about every aspect of what we do will have to be seen against the new backdrop.

Our starting point must be that the best way of solving anything other than very local environmental issues is to co-operate across national boundaries and that solutions need to be developed in a common framework. Whatever

shape that takes does not change the fundamental necessity.

The European Union has been the mechanism by which that common approach has been taken. It has provided strategic policy direction for environmental measures and for many of the laws that this Parliament has passed. Laws to protect the environment have been made in the framework of EU legislation.

Last week's referendum does not change the force of our domestic law, in which regulation and protection are embedded. Our regulatory bodies—the Scottish Environment Protection Agency, Scottish Natural Heritage and others—will continue to regulate and protect us and will continue to do what they need to do to effect the outcomes that we consider to be necessary. As the cabinet secretary, I will continue to work across the Government to take forward important policy and legislation that gives effect to that.

We are in the very early stages of mapping all the different impacts on different policy areas and assessing how quickly they might be felt. That is a big unknown for us. The convener mentioned the SRDP; there are also structural funds. Organisations and our environment benefit enormously from money that comes directly from the EU, and we do not know what the future of that funding will be.

There are certain uncertainties that are not easy for us to calculate at the moment, but understanding our exposure will be important. We will have to do work on that not only in my portfolio but across the Government.

Of course, we remain in the EU, so EU rules and obligations continue to apply—we cannot simply behave as if they do not exist. The timescale for our remaining in the EU is uncertain and looks as if it might continue to be uncertain for quite a while.

I will not pre-empt what the First Minister is to say in her statement this afternoon, when there will be a debate on the EU in the chamber, in which a lot of general issues will probably come up. We must have a twofold focus—we must continue to govern competently and we must protect Scotland's interests and our place in the EU. That is for the Government as a whole, but it is also for each cabinet secretary to consider within their portfolio.

We are in uncharted territory and we will not have answers to a lot of questions. I regret that my response this morning may be that there are questions that I simply cannot answer. However, I give you the reassurance that we will be doing our absolute utmost to protect our position as climate change leaders, to continue to play the role that we have been playing in contributing to EU-wide

environment policies, and to make sure that we maintain, protect and advance our own environment. We can get through this, but to pretend that it will be simple and straightforward would be to mislead everybody.

**David Stewart (Highlands and Islands) (Lab):** I agree with the cabinet secretary when she states that we are in uncharted territory, but clearly we have some information. We know that the article 50 process can be started only by the member state that is leaving, that no country other than Greenland has ever left the EU, and that there is a two-year timetable to negotiate. In my experience of dealing with countries such as Canada, making trade deals within a two-year period is extremely difficult. Are you worried about the timetable, once it has been lodged with the European President?

**Roseanna Cunningham:** At the moment, along with everybody else I have to say that my concerns are about what the timetable will be. I have heard one prominent individual state categorically that they thought that 1 January 2019 was the clear date for leaving—that would mean article 50 being triggered on 1 January 2017. I am now listening to radio reports that suggest that article 50 could somehow not be triggered until 2020 or thereabouts. [*Interruption.*] The convener obviously did not hear Jeremy Hunt on the radio this morning. The former position was given by Liam Fox.

The difficulty at the moment is that there is absolutely nothing that we can assess with certainty. Obviously, if article 50 is triggered at some point in the near future, we will be looking at a very different set of circumstances from those that we would be looking at if, as some people are talking about, article 50 is not triggered until 2020. Those two scenarios present us with utterly different ways of proceeding. At the moment, the difficulty that that presents is significant.

They are not in my portfolio, but I imagine that there will also be significant issues with trade agreements—and, I suspect, with a great deal more than trade agreements.

**The Convener:** We will wrap up this discussion on the referendum. It is understandable that you are talking about requiring time to map everything through, but I ask on behalf of the committee that, as that mapping—that figuring out of the impact on your portfolio—takes place, you and your officials keep us apprised of the progress and the information that is gleaned through it. It might well be that the committee feels it appropriate to explore some of the issues ourselves.

**Roseanna Cunningham:** I am happy to keep the committee up to date with our thinking as it proceeds. None of us will have a monopoly on wisdom in that respect.

**The Convener:** Thank you. We will move on to the general areas of questions, starting with climate change and Mark Ruskell.

**Mark Ruskell (Mid Scotland and Fife) (Green):** I have a brief follow-up question on Brexit. We woke up on Friday morning to see the price of the pound dropping against the dollar—

**Roseanna Cunningham:** I congratulate you on getting some sleep to wake up from; I am afraid that I did not.

**Mark Ruskell:** An hour or two, I think it was.

We also saw that the carbon price across Europe had dipped considerably—I think that it dropped by 15 per cent on Friday morning. That obviously impacts on the ability of the EU emissions trading scheme to continue to cut carbon from major emitters across Europe. What consideration can you give to Scotland's continuation within the EU ETS, which of course will have an impact on Scotland's climate change targets, or to other options such as having a separate scheme of carbon tax?

**Roseanna Cunningham:** It is probably too soon for us to be able to answer that question. It is nevertheless something that we will have to look at very carefully, particularly given this coming year and particularly given the SNP manifesto commitment for another climate change bill. A whole set of new conversations arise out of that.

I noticed in the by-going that the rapporteur on the EU emissions trading scheme, Ian Duncan MEP, has stepped down from his position so now no one is doing that job either. I suspect that, right now, those answers are not available anywhere. We will come back to the committee on that when we have a better handle on how it might impact on what we are doing.

**Mark Ruskell:** As you say, the issue plays into the forthcoming climate change bill. We have an existing action plan on climate change; a new action plan is going to be developed, presumably with stakeholders and with a newly reconvened cabinet sub-committee on climate change, which I hope involves all Government ministers so that we have policy coherency across all directorates within the Scottish Government.

What is the timescale? What is going to come first—the action plan or the target? Obviously we are in a great position now in Scotland to go beyond the targets that we have. I know that that is the aspiration of the Scottish Government. We have areas that we can work on, particularly around transport and housing, where we can make substantial progress. What is the timescale? As a committee, we are particularly interested in the issue of how we scrutinise those things. Clearly, there is an action plan—a set of actions—

and a target. How do the two dovetail together, and what can we expect in relation to timescales?

**Roseanna Cunningham:** I cannot speak to a timescale for legislation. The First Minister will make that timescale clear when she delivers the programme for government. I cannot pre-empt any decisions that she might take about when that legislation comes forward.

There is a commitment to legislate. From my perspective, we simply have to proceed with the actions that flow from the existing climate change legislation, and we have to press ahead with those actions in the immediate and foreseeable future. That is what we intend to do. I am already opening up discussions and conversations with the United Kingdom Committee on Climate Change and that is how we will inform ourselves as to what we choose to do. However, we are going to do that on the timescales that were laid out in the Climate Change (Scotland) Act 2009 rather than try to pre-empt what might or might not happen in a future climate change bill, which—as I said—I cannot give the timescale for at this stage.

We have made a commitment that the third report on policies and proposals—RPP3—will be laid by December 2016. That is the timing that we are working to; you will see it quite soon. The draft will come before the Parliament and this committee in December. That specific bit of the timetable is locked into place, although we will keep it under review because some of the issues that we have been discussing this morning might begin to impact on some of the things that RPP3 has to look at.

As I indicated, we are already in conversation with the UK Committee on Climate Change as to how we might proceed. We will begin to look at the changing targets, again arising out of the existing climate change legislation. The idea is that, around autumn, we will begin to have some concrete thinking around that. Again, at that point, the committee would be likely to be involved.

There are probably two timescales. The changing of the interim annual targets would probably be happening around autumn and there will be the RPP3 draft by winter—December at the moment but we will keep that under review. There will then be a climate change bill sometime further down the line. That is how we are working at the moment.

11:30

**Mark Ruskell:** On the scope of the bill, scientists are telling us that globally we need to keep four fifths of our known fossil fuel reserves in the ground. The UK has a range of currently uncharacterised resources, including shale gas, which could have a significant impact on climate

change if we were to exploit them. Will the bill deal with any of those issues?

**Roseanna Cunningham:** It has not been drafted yet. At the moment, the bill's scope and extent are not clear. The principal driver was—from the perspective of where we were—to raise the interim emissions target. That probably helps our understanding of the broader timescale, because the interim target is to be hit by 2020 and if we want to raise it we must do so in reasonable time. However, the extent and detail of the bill are not yet finalised.

**Mark Ruskell:** Will RPP3 examine, for example, the actions that will be needed to restrict shale gas in Scotland if the Scottish Government's research shows—

**Roseanna Cunningham:** I really do not want to get drawn into a debate about fracking, which is not in my portfolio remit. There will be consideration of all these things in RPP3 and the bill.

**Mark Ruskell:** Okay.

**Claudia Beamish (South Scotland) (Lab):** How will RPP3 dovetail with the proposed climate change bill? If, after RPP3 has been sewn together, the bill introduces significant changes to our emissions reduction targets, will we have to look at RPP3 again?

**Roseanna Cunningham:** Under the existing legislation we have an obligation to produce RPP3 in the more immediate timescale. We are not going to not fulfil that obligation because we have promised to introduce another climate change bill. RPP3 will go through, and there will then be climate change legislation.

Might that mean some reconsideration of decisions about how we deal with RPP3? I suppose that I cannot rule that out. The obvious logic would be not to do RPP3 until we have legislated, but I do not think that anyone wants that to happen. We can really only proceed as if the bill were not happening and fulfil our obligations, and then use the climate change bill as an opportunity to reconsider how things might work. If that means making some changes, we will have to live with that. It is right to have a climate change bill; it is also right to fulfil our obligations under the 2009 act.

**Claudia Beamish:** Are you considering taking steps to address emissions in sectors such as transport, where emissions have fallen the least?

**Roseanna Cunningham:** That is one of the discussions that the Cabinet sub-committee will need to have. I am responsible for setting overall policy, but other portfolios will have to implement it. I have already had a brief conversation with the transport minister about the sectoral issues that

arise from recent reports on our targets. You can rest assured that I am conscious of the vastly different contribution to our progress that different sectors are making.

**Claudia Beamish:** Thank you. That is reassuring. I am also reassured to hear that the sub-committee is reconvened.

I was on the public sector climate leaders forum. What plans are there to support the public sector on climate change? What plans are there on the wider point about support for behaviour change across society?

**Roseanna Cunningham:** Obviously, behaviour change across society is pretty key to making progress. In some of the sectors in which we have made a great deal of progress, that is probably because of the cumulative effect of a lot of small changes. That argument has always been made. It does not remove the necessity to make bigger changes, but bringing people along is fundamental to all of this, and we continue to engage across the board on that. Members might remember the campaigning to get people to turn down their central heating and all the rest of it, which of course had the twin effect of saving them money as well as reducing emissions. We have to continue to work at that level.

In some of the areas in which we need to make progress, that might be harder. I am not going to run away from the challenge of persuading people that they should not have constant and immediate resort to their cars. That is a harder argument to make with individuals who are very keen on the broad approach but less keen when it comes to them personally. There are areas in which I suspect that the message might be a little more difficult to get across, but get it across we must. That will be part of what we do going forward.

Public sector action on climate change is driven by the public duties that were laid down in the 2009 act, on issues such as mandatory reporting. Support is needed with that across public bodies, so we support a raft of other services from which the public sector can access support and advice. Members will be aware of organisations such as the Energy Saving Trust, which have been put in place to help. It is the responsibility of the whole public sector to take effective action. We have asked the Scottish leaders forum to take oversight on climate change action in the public sector, so we are not taking our eye off that ball.

In some of the sectors in which we need to make further progress, there is a huge issue for the private sector, which takes a deal of engagement and has to be worked through carefully. If I might be permitted one reference to the current scenario that we find ourselves in, the uncertainty out there across business and the

private sector will be something that we have to work with when we try to persuade that sector of some of the actions that we want it to take in that regard.

**Claudia Beamish:** Thank you.

**The Convener:** We will move on to look at the circular economy.

**Angus MacDonald (Falkirk East) (SNP):** Good morning, cabinet secretary. In the previous session of Parliament, the Rural Affairs, Climate Change and Environment Committee did some work on the circular economy, and the Scottish National Party manifesto contains proposals to introduce a circular economy and zero waste bill. Can you give the committee some detail on what you plan to include in the bill and when you plan to bring forward further details regarding the legislative proposals?

**Roseanna Cunningham:** My default position on legislative proposals is that that is the First Minister's decision, not mine. I cannot pre-empt the First Minister, other than to remind the committee that there is a commitment to have legislation in that regard. Officials are currently working on aspects of the circular economy in any case, because there are other initiatives that relate to that. There are questions over what might or might not appear in legislation. There are a number of things that in theory could appear, but whether we would necessarily want to move straight to legislation on some of them is another question. We have to make a judgment call on that. We have to balance what we want to continue to do on a partnership basis and what we think we need to legislate on. There have not been any final decisions on that.

**Angus MacDonald:** Taking that response on board, I turn to deposit return schemes.

**Roseanna Cunningham:** I thought that you might.

**Angus MacDonald:** The committee has indicated an early interest this parliamentary session in deposit return schemes. Just before Parliament was dissolved in the previous session, I was pleased to host a round-table discussion on the issue. I have seen such schemes first hand in Norway and other Nordic nations since the mid-1980s and followed progress over the past three decades. It is fair to say that we are bit behind when it comes to deposit return schemes. I am aware of strong lobbying on both sides of the argument, so I am curious as to what plans the Scottish Government has to consider the introduction of deposit return schemes. Also, what are the challenges and opportunities for rolling out such schemes in Scotland?

**Roseanna Cunningham:** We continue to explore that issue but, as you have flagged up, there is by no means unanimity out there as to whether such schemes would be practicable and proportionate. It is an area that we want to continue to consider, so in that sense I will be picking up where the previous cabinet secretary left off.

At present, Zero Waste Scotland is exploring the issues that are involved. There were a number of things raised in the call for evidence last year and we have to work through some of those so that we fully understand the issues that arise with the various schemes. We take it on board that such schemes are commonplace elsewhere so, arguably, some of the solutions have already been found. However, we also have to keep in mind the challenges that might be faced by smaller retailers, so any consideration of such schemes would have to take all of that into account. At present, the discussions continue—no scheme has been proposed, but nothing has been ruled out.

**Finlay Carson (Galloway and West Dumfries) (Con):** Will there be consideration of applying waste prevention or reuse targets, or a new circular economy metric, to councils? As we all know, recycling targets alone do not tell the whole picture.

**Roseanna Cunningham:** No, and one of the key issues arising out of the previous bit of conversation is that local authorities will have a singular role in what we do. As everybody knows, we have been pushing our household recycling charter, which is a voluntary initiative, and that goes back to what I said about whether everything has to be legislated for and how far we can take things on a voluntary basis. That is working through the system at the moment.

Recycling rates can be improved hugely by making it a lot easier for people to recycle. There are some specific concerns that I have flagged up in the past. The recycling waste banks and community recycling centres presuppose that folk have cars in which to drive their waste to central depots. There are issues about how that is managed and we can do better than we currently do. I am sure that there are all sorts of examples around this table of other issues.

We are trying to move forward with as much agreement as possible, which goes back to the engagement that Claudia Beamish mentioned and the need to bring people along with us. We also intend to bring in a food waste target that will impact on not just businesses but households. All of that takes a great deal of discussion, thought and careful consideration, and I would expect the committee to be involved in that.

11:45

**The Convener:** We will move on now. I realise that we are jumping about, but there are some important areas that we need to cover. On the Crown Estate, will you update us on where we are with the transfer scheme and what will happen in the longer term, because there is a process to be gone through here? For example, can the committee expect secondary legislation to come before us before too long?

**Roseanna Cunningham:** In fact, there is some movement already. We are on the verge of moving forward with the necessary supporting legislation to set in place the landing pad for the initial devolution. The difficulty with all of this is that, although we want to have a longer-term consultation about what shape the Crown Estate will take once it is devolved, the devolution will take place before 1 April 2017. There has to be a place for the initial responsibility to land, which requires us to have a shorter consultation about the interim body to allow the initial devolution to take place. The plan is that we will then have space and time to have a longer consultation, which will allow us to develop the shape that the new Crown Estate will take in Scotland.

**The Convener:** What account has been taken of the fact that this is quite an unsettling process for the staff of the Crown Estate? Those staff are very valuable.

**Roseanna Cunningham:** They are.

**The Convener:** Has there been dialogue with them? Are they being kept up to date about how this will all shake down?

**Roseanna Cunningham:** Yes. We are conscious that the existing staff might be feeling very insecure about the process, so we will be taking steps to reassure them about the steps that we are taking, how the process will play out and the potential timescale. My understanding is that the staff are up for the challenge. It might be challenging for them, but it is also exciting, because it gives them a whole new way to look at things. We do not want to minimise the fact that many of them may welcome this development and be looking forward to the conversation about what the Crown Estate will look like in Scotland once the longer-term decisions have been made.

**The Convener:** Dave Stewart wants to come in on those longer-term decisions and their implications.

**David Stewart:** Cabinet secretary, you are right to say that this is an exciting devolution, particularly for the island authorities. I have had quite extensive discussions with the conveners of three island authorities affected and it is fair to say that they are very enthusiastic about our islands,

our future. Will there be specific consultation of the island authorities about the devolution of the Crown Estate?

**Roseanna Cunningham:** They will be consultees, clearly, because no final decisions have been made—that conversation has got to be had. I am conscious that, in different parts of Scotland, there might be different views about how the Crown Estate might look. We need to allow space for all those voices to be heard. It is important that we do not rush the process. We have a job to do in the short term and we are tied to a Westminster timetable, in the shorter term, for the legal devolution to take place. We have to get through that process.

I would like people to accept that the interim solution, which is dictated by a Westminster timetable, must be dealt with in a relatively speedy way. We will then have the bigger, better and longer consultation, which will allow all the voices to be heard about how the Crown Estate in Scotland will look. I will be meeting the stakeholder advisory group during the summer and we will take that forward. I suppose that statutory instruments might begin to appear at the committee over the next period—we are not quite sure about that. Anything that appears within the next year will probably relate to the interim process and will not be relevant to the longer-term process.

**The Convener:** Dave Stewart has some questions on flood prevention.

**David Stewart:** Clearly, flooding is a vitally important issue and a real concern, as a by-product of climate change. What lessons has anyone in the Government learned from the flooding that occurred in December and January? Is the Government revising its strategy following that?

**Roseanna Cunningham:** Yes. Whenever a series of flood events occurs, it is vital that they are investigated and that lessons are learned to inform future flood mitigation measures, particularly for the areas where the floods occurred.

It was reassuring that the flood defences stood up to the tests in December and early January and that the national flood risk assessment, which was published in 2010 or 2011, had correctly identified the majority of areas that were vulnerable. That is part of the process. We can do the best forecasting that we can, in terms of identifying the vulnerable areas, but, as time goes by, sometimes areas that were not previously seen as vulnerable become vulnerable. That poses a big challenge for everybody.

I know that some places were more severely affected than might have been anticipated.

Although their vulnerability was foreseen, the extent of that vulnerability was perhaps not understood. That is part and parcel of what I just talked about, as this is not an exact science. We are forecasting, and we can only do the best that we can. There was an area in Dumfries and Galloway that flooded far more severely than perhaps had been foreseen, and the lessons from that must be taken forward into everything that we are doing. Every time there is a severe flooding event, it goes into consideration of how we forecast for the future.

**David Stewart:** I will ask a wider question. I take the point that the cabinet secretary is not responsible for house building or planning, but under corporate planning currently flood plains are being built on in Scotland. You may be aware of a petition that was submitted in the previous parliamentary session, which argued that, if there was flooding in a housing development on a flood plain, the local authority and the house builder should be liable. In fairness, the predecessor Public Petitions Committee did not resolve the legalities of that petition, but my point is that building on flood plains can cause huge damage. I am thinking about my own patch, in Inverness, where a whole estate was flooded, partly because it is on a flood plain and flood prevention measures were not implemented. Have you discussed that issue with your ministerial colleagues who are responsible for planning?

**Roseanna Cunningham:** I have not discussed that very specific issue, but I am having a considerable number of discussions with many of my colleagues across a range of issues, and I will discuss that issue with the planning minister.

The irony is that huge parts of urban Scotland are built on flood plains because they were built on flood plains a thousand years ago, and we have just stayed where we are. We have had to learn to deal with that.

Yes, we need to look at future development. However, I can understand the other side of the argument, which is about the extent to which we rule out of potential development all sorts of areas that would otherwise be necessary for house building—we have a house-building target, too. There are issues to do with how to build in prevention and mitigation at the same time, and we have to take a balanced view of all that. The extent to which decisions that have been made have turned out not to be the best ones will again be part and parcel of how we look at things. Those are conversations that I will want to have.

**David Stewart:** I read just before the meeting that about 200,000 Scots and 2 million people in the UK are at risk of pluvial—or surface—flooding. Do you recognise the scale of the problem, given those figures?

**Roseanna Cunningham:** Of course I do. My concern is that, as time passes, that number might increase simply because our understanding of what impacts are being made on the climate will increase. That has to be kept under consideration right across the board and it must become part of our explanation of why some of the actions that we are taking in other regards are being taken. People have to marry the two and understand that the consequence of not doing something in one area is that there will potentially be problems in another area.

**David Stewart:** I will ask two quick questions because I am conscious of the time. Do you also recognise the important role that farmers and land managers have in flood prevention?

**Roseanna Cunningham:** Yes.

**David Stewart:** How important is mitigation, such as, in forestry, the development of flood banks?

**Roseanna Cunningham:** Land managers are well aware of their important role. I know simply from my local circumstances that farmers are well accustomed to providing fields for flooding when rivers rise, and I am certain that other members are in the same position. They will know those areas that disappear under water when there are significant events.

Working directly with rural land managers is extremely important, but that brings me back to the conversation that we need to have with them and with surrounding communities. When people see things changing because of preparations for such events, they must not see those things as only negative. They must look at the consequences of not doing them. Often, people do not bring those two bits of the calculation together.

**David Stewart:** Thank you. I do not expect you to have an answer to my final question, but you will recall that I have an interest in the Met Office, which, as you know, has a system of high density radar throughout Scotland.

**Roseanna Cunningham:** I know where we are going with this.

**David Stewart:** There is a problem with parts of Scotland—particularly Moray—that have a high risk of flooding. High density radar predicts bad weather patterns. I know from when I have raised the issue previously that the issue is one for the Met Office, but if we write to you, will you raise it with the Met Office again?

**Roseanna Cunningham:** Yes.

**David Stewart:** Clearly, prevention is better than cure. I am concerned that England has 100 per cent coverage but Scotland does not.

**Roseanna Cunningham:** I am picking up the reins after a five-year gap in this portfolio; sadly some things have not changed.

**Peter Chapman:** Cabinet secretary, have you had any discussions with SEPA about the role of farmers in managing river courses? There has been a considerable build-up of gravel banks over the years, yet SEPA is reluctant to allow farmers to remove those obstructions, even though they can create real problems such as rivers overflowing their banks and making flooding worse. SEPA is reluctant to allow farmers to do some essential work on the water courses that flow through their land.

**Roseanna Cunningham:** I was about to say that another thing that has not changed is farmers' desire for the ability to, in effect, dredge rivers in their areas. However, I am advised by Keith Connal, who might want to say something about this, that after the recent events SEPA has advised farmers that they can do so without seeking further advice. That is news to me.

**Keith Connal (Scottish Government):** I understand that SEPA issued some guidance in relation to the recent flooding, and its door is always open. It has had a constructive approach to engaging with the farming community over the past few years.

**Roseanna Cunningham:** In fairness to SEPA, I think that although there is sometimes a simplistic notion that dredging will work, SEPA's view is that that is not necessarily so, and in some cases can make things worse. It is not an easy, straightforward solution. After all, the events that we are seeing now are significantly greater than events in the past, so it is not necessarily the case that simple dredging will be enough.

12:00

**The Convener:** I am conscious of the time and we need to move on. Emma Harper has a question on SEPA.

**Emma Harper (South Scotland) (SNP):** Cabinet secretary, you have probably already answered this question, but I would like some clarification. Areas that have been identified as being potentially vulnerable to flooding get Scottish Government funding, but there are other areas—especially in Dumfries and Galloway—that have not been previously identified and that have been flooded recently. Do you agree that we need to review those areas that have not previously been identified as being vulnerable to flooding and incorporate them into a future plan?

**Roseanna Cunningham:** We keep such things under review all the time. One of the difficulties is that, although we can all have 20:20 vision in

hindsight, when it comes to looking to the future we all see slightly imperfectly how things will develop. We can only do the best forecasting that we can do, and that forecasting is constantly under review; it has to be, for exactly the reason that you have given.

**Finlay Carson:** I am glad that you are aware of what has been happening in communities in Dumfries and Galloway. One village in particular has been flooded three times in the past two years, and there is circumstantial evidence that that has been down to clear felling and changes in land use round about. Are there any plans to introduce some sort of funding to help communities that have not been identified by SEPA or whatever? In Carsphairn, for example, 29 out of 32 houses were flooded three times in a two-year period. People are looking for some assurance that the Government appreciates that it is not all about economics but that there is a huge social impact in rural communities that are not covered by the existing schemes.

**Roseanna Cunningham:** I have every sympathy for communities that unfortunately suffer repeat flooding; I have some in my constituency. I am aware that there have been bad impacts in the member's constituency on a number of occasions over the past few years. The legislation does not prevent a council's undertaking works outwith potentially vulnerable areas—perhaps that also answers the previous question—and I understand that an updated flood study is being undertaken by the council, which ultimately might lead to a flood protection scheme for the village. However, a case must be made for that and it will be a matter of balancing interests that are not so keen with those that are.

There is and will always be a continuing need to target resources at those areas that are most at risk. We do not have the get-out-of-jail-free card of an unlimited amount of money to spend everywhere as and when, so we are constantly looking at and revising the areas that are most at risk to ensure that the bulk of the resources are targeted directly to those. Nevertheless, I understand that, although the recent funding round is skewed towards those areas that are most at risk, that is not to say that money is not available to all the other local authorities—even those that do not currently have areas that are considered to be at risk. We are not cutting off funding from anywhere, but we are having to rebalance it to be fair. I think that Dumfries and Galloway Council will get funding for a number of flood protection schemes as part of the process, so the member might want to communicate directly with me on his specific constituency concerns.

**The Convener:** I am sure that he will take you up on that offer.

**Mark Ruskell:** I have a question that follows on from that point. How are discussions on flooding progressing with the Convention of Scottish Local Authorities? I am seeing significant capacity issues in local authorities in terms of staffing and their ability to bring forward capital projects. There has also been a challenging settlement for local government in terms of its ability to enhance capital programmes to fill the gap that the Scottish Government is perhaps unable to fill.

**Roseanna Cunningham:** There has been a challenging settlement for everybody, including the Scottish Government. We are in the business of trying to find where the risk is greatest and make decisions accordingly.

We have agreed with COSLA that funding of £42 million per year is to be available. The funding round that Emma Harper referred to is agreed with COSLA—that distribution has been agreed with COSLA. That provides some source of capacity support and financial backing for what might need to be done. Flood risk management strategies are already published and the local authority plans are now published, as of last Wednesday or Thursday, I think.

**Keith Connal:** Yes, they have been published.

**Roseanna Cunningham:** In the events of last Thursday, that perhaps went unnoticed. If members have not picked up that the plans have been published, they might want to look at what has been decided in respect of their local areas and take that on board. As I said, local authorities can allocate additional resources. I appreciate that that then becomes a question of what they take resources away from, but I am afraid that the Scottish Government is in no different a position. If we are to allocate more resources to one area, something else has to give, and those are not easy decisions for anybody to make.

**The Convener:** We will move on to land reform. Obviously, we anticipate a raft of secondary legislation relating to the Land Reform (Scotland) Act 2016. Does the Government as yet have even a rough timetable setting out when the various aspects of that secondary legislation will come forward?

**Roseanna Cunningham:** There are a couple of timetables that are mandated by the legislation. For example, the Scottish land commission must be up and running by 1 April 2017 and, for that to be achieved, certain actions have to be undertaken now. The committee can anticipate having to have conversations about the land commission in and around the autumn—that is not an unfair prediction for you.

Another aspect is the land rights and responsibilities statement, which we want to dovetail with the land commission—we want to

keep it all roughly together. Therefore, you need to be thinking about the conversations on that as well. Obviously, we will look at the land use strategy at the same time. Therefore, for the committee's workload, I anticipate that issues to do with land reform will begin to appear on your agenda perhaps around the autumn.

I cannot give a precise timetable for any subordinate legislation, but the committee can work back from 1 April 2017 to begin to see how that might look. I am not sure whether this is clear yet, but I think that some of the stuff under part 10 of the 2016 act will go to the Rural Economy and Connectivity Committee, rather than this one. This committee will deal with the rights and responsibilities statement, the land commission and the land use strategy, although the land use strategy will probably go to both committees. However, the agricultural holdings issues will go to the other committee.

I do not know whether that helps a bit.

**The Convener:** Thank you.

I think that the consultation on a register of controlling interests is up and running or is about to start. When is the register likely to be in place?

**Keith Connal:** The first action is the consultation, which will be this summer. At this stage, we are not committing to when the register will finally be in place. As the committee will recall, there are a number of complex legal issues associated with that register, but the Government gave a clear commitment to commence a consultation in the summer and that is in hand.

**The Convener:** Cabinet secretary, would it be fair to speculate that perhaps two years from now we might still be dealing with the secondary legislation around the Land Reform (Scotland) Act 2016?

**Roseanna Cunningham:** I do not think that you need to speculate; I think that that will probably be the case.

**The Convener:** That is useful to know. Alexander Burnett has a question about the land commission.

**Alexander Burnett:** Thank you, convener. Will the process for appointing land commissioners follow the public appointments process, which is regulated by the Commissioner for Ethical Standards in Public Life in Scotland? In particular, will it follow the principles in the "Code of Practice for Ministerial Appointments to Public Bodies in Scotland"? Can the cabinet secretary reiterate the assurances that members were given by the minister at stage 2 of the Land Reform (Scotland) Bill?

**Roseanna Cunningham:** The appointments process will begin quite soon. We need to get people in place, so that the Scottish land commission can be up and running on 1 April 2017—I think that we plan on populating the commission in autumn.

**Keith Connal:** So that the commission can be up and running by April next year, the commitment is to appoint commissioners by the end of this calendar year. It is quite a tight timetable, but we are on the verge of commencing activity in the public domain to appoint commissioners by the end of the year.

**Roseanna Cunningham:** On the detailed involvement of the committee in all this, we probably will not be able to confirm the timetable until after the summer recess, because we have to have a lot of conversations with parliamentary officials.

**Alexander Burnett:** My question was not as much about the timing as it was about whether the process would follow the process that is set down by the Commissioner for Ethical Standards in Public Life in Scotland.

**Roseanna Cunningham:** Yes, it will do.

**The Convener:** I recollect a commitment being made to involve the Parliament—but not specifically this committee—in the scrutiny of the process. We need to clarify that.

**Roseanna Cunningham:** Our initial conversations will be with parliamentary officials, which is why I cannot give you a timetable. However, I will not be hugely surprised if the matter becomes a consideration of this committee.

**The Convener:** That is the logic.

**Roseanna Cunningham:** That is the logic. However, we are a little way from being able to give a precise timetable.

**The Convener:** Will you indicate the timetable to the committee as soon as you are in a position to do so?

**Roseanna Cunningham:** Yes.

**The Convener:** That is welcome.

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** When will the community right-to-buy provisions be consulted on? More important, what support will be given to communities who want to exercise their new rights?

**Roseanna Cunningham:** A number of regulations must be made prior to the commencement of the provisions on community right to buy, and we are considering the precise timings for that. For the benefit of new members in particular, I say that the passing of legislation does

not necessarily trigger its implementation, which can take a good bit longer and is often driven by subordinate legislation.

That process is on-going. We also need to make right-to-buy regulations under the Community Empowerment (Scotland) Act 2015—we must remember that the 2015 act is in play, as well as the land reform legislation.

In relation to part 3A of the Land Reform (Scotland) Act 2003, which contains the provisions on abandoned and neglected land and so on, and the 2003 act's provisions on the crofting community right to buy, two consultations on secondary legislation closed on 20 June—members will be forgiven if they overlooked some of those things. We are collating and analysing the responses and considering the precise timings for implementation of the new community right to buy for which the 2015 act provides.

We will provide guidance and support to communities—indeed, refreshed guidance has already gone out. We are conscious that there is a big issue about resourcing capacity in communities to take issues forward. People in various communities who have been involved have raised the issue directly with me. We are looking at the matter quite closely, because the demands of right to buy can be difficult for people to take on, particularly in areas where there are no existing community trusts or development trusts.

**David Stewart:** The SNP manifesto talked about setting up a new land agency to be called land Scotland. What is the timetable for setting it up and what will the impact be on organisations such as SNH, SEPA, and the Crown Estate?

12:15

**Roseanna Cunningham:** Land Scotland is to do with Government landholdings. It was one of the things that I asked about very early on when I was first given this job; my immediate response was to go to look at the manifesto, and then I asked a question about it. Am I right in saying that land Scotland will be progressed by the Cabinet Secretary for Rural Economy and Connectivity and is therefore likely to be going through the Rural Economy and Connectivity Committee?

**Keith Connal:** Yes. I think that that is because the largest public landholding in Scotland is the national forest estate, at 640,000 hectares. Land Scotland was proposed partly in the context of the Government's intentions in relation to forestry, so that will be taken forward by Mr Ewing.

**Roseanna Cunningham:** In effect, that is shorthand for saying that I have not had discussions with the various agencies about land Scotland because it is not directly in my portfolio.

That is not to say that I will not have to discuss it because it is one of the areas that will have some impact on my portfolio. However, as I am not the primary driver, I am not in conversations about it at this stage.

Land Scotland will have a very separate remit from the Scottish land commission. There might have been a danger of confusion about the two, but they will not be at all the same. The land commission is about law, policies and practices; land Scotland is a new land agency and is about management, which is an entirely different thing.

**The Convener:** On the subject of possible confusion, a letter has gone to the Equal Opportunities Committee, which meets on Thursday, from Angela Constance, the Cabinet Secretary for Communities, Social Security and Equalities, in which it is indicated that oversight of land rights and the human rights dimension to land reform will lie with Mr Ewing. Is that wrong or is it right?

**Roseanna Cunningham:** I have not seen that letter. However, land reform is in my portfolio. I am the cabinet secretary for land reform, as is evidenced in my full title.

**The Convener:** It is just that this is about the human rights dimension. Perhaps you could write back to us to give us some clarity around that.

**Roseanna Cunningham:** Most aspects of every portfolio will impinge on other portfolios. There are no hard lines between portfolios. The Scottish national action plan on human rights, for example, will refer, among other things, to the right to housing and the right to have employment. Land rights typically—in a global sense—are strongly part of that human rights picture. I can talk a little bit about that because previously, when I was a justice minister, I was doing the Scottish national action plan. However, the human rights aspect of it may lie within Angela Constance's portfolio. The actual policy on land reform in Scotland is in my portfolio. There will be blurred and fuzzy lines between all portfolios. We just have to work through the issues as and when they arise.

**The Convener:** It is really just a question of who would lead on it.

**Roseanna Cunningham:** Do you mean who would lead on land reform? I would.

**Mark Ruskell:** A commitment was given in the previous session to launch a consultation on a tax on derelict or vacant land. What is happening with that consultation?

**Roseanna Cunningham:** We do not have information about that, probably because it will be taking place under a different portfolio. Can we write to you separately about that?

**Mark Ruskell:** Yes.

**The Convener:** We move to questions on the physical environment and the land use strategy.

**Alexander Burnett:** The land use strategy is a potentially groundbreaking approach and I hope that it will be positive, but the Scottish Government has not committed any budget to its proper implementation. Will the cabinet secretary confirm that full implementation of Scotland's land use strategy is a political priority and that it will be fully funded?

**Roseanna Cunningham:** I think that the land use strategy was mentioned in the Government's manifesto before the election. I have already referred to the strategy and we are taking it forward. Will it be, always and everywhere, fully funded by central Government alone? There are a number of agencies and ways in which aspects of the strategy will be taken forward in terms of financial resources, but it is not something to which we have allocated a large chunk of money that will then be spent, specifically because a lot of the actions that we are looking at will be funded in different ways and by different streams.

**The Convener:** Okay. Thank you. There will be some additional questions on that, but we will write to you with them, because we have a lot of ground to cover today.

We move on to the marine environment and, in particular, marine protected areas, on which Kate Forbes will lead.

**Kate Forbes:** I have two questions. First, the small isles MPA was postponed in the previous session of Parliament. When will the MPA management measures for the small isles be published for consultation?

**Roseanna Cunningham:** That will be in August, and we intend that the consultation will last eight weeks, so you can look out for it in the summer. We anticipate that statutory instruments will be laid in Parliament in time for measures to take effect on 1 January 2017.

**Kate Forbes:** My other question is about the timetable for the second batch of MPAs and special areas of conservation management measures. How are you going to ensure that all stakeholders are engaged and are part of the process?

**Roseanna Cunningham:** We are in constant discussion with stakeholders about all related issues, but a formal consultation is planned for winter 2016—a little bit further down the road. The magnitude of the response to the consultation will then determine the subsequent parliamentary timetable for statutory instruments, but we anticipate their coming ahead of or just after the summer recess in 2017. If the SSIs from the small

isles consultation are to take effect in January, the committee will probably get them before Christmas. Similarly, you can work back from the summer recess in 2017.

**Kate Forbes:** I have a last question. How are we monitoring the success or otherwise of the MPAs that are already in place? In particular, how are we monitoring the impact on livelihoods?

**Roseanna Cunningham:** We do not have any initial findings, at the moment. It is all a bit too recent—the MPAs have really taken effect only this year and official fisheries data take a while to feed through for analysis.

There will be socioeconomic monitoring. That is something that we look at. It will look at two different areas: how the fishing industry is changing its activities in response to the MPAs and the resulting impact on landings. That means also looking at incomes and employment in coastal areas. We are gathering evidence on that and we hope to be able to report on it by the end of the year.

In a sense, this is all an on-going process. We are consulting, introducing and monitoring and then examining results. It is a rolling caravan that is constantly under assessment, and each stage informs how we handle the next one.

**The Convener:** This is perhaps an unfair question because the subject predates your time, but towards the end of the previous session of Parliament, our predecessor committee took evidence to the effect that there had been a degree of confusion following discussions about MPAs between Marine Scotland and some stakeholders. People came out of the room feeling that points that they had made had been accepted and taken on board, but it turned out in the final proposals that they had not. I accept that wishful thinking may have been at work, but are you confident that the way in which dialogue and consultation will take place going forward will mean that we avoid such situations?

**Roseanna Cunningham:** I very much hope that such situations could be avoided, but I suppose that one can never rule them out when humans are involved. People on both sides often hear what they want to hear. One of the issues is that we are required, for MPA designations, to look at the science, not the socioeconomics, whereas the communities that are affected by them want to look at the socioeconomics, and not just the science. There is always a bit of dynamic tension in the process. The analysis of the existing MPAs and their impacts will be important for future discussions. We are in constant dialogue on the issues and will probably continue to be so.

**Finlay Carson:** This might be just an offshoot of the subject, but it just came to mind. We have a

problem with illegal electrofishing of razor clams. Does the potential damage to species that electrofishing causes come under the environmental remit?

**Roseanna Cunningham:** Can I get back to you on that specific issue?

**Finlay Carson:** Yes. In general, is it within this committee's remit to look at protection of species in marine areas?

**Roseanna Cunningham:** Yes.

**Finlay Carson:** So, that issue would come under our remit.

**Roseanna Cunningham:** The committee can look at anything that relates to species protection, the environment and so on. That does not mean that another committee will not look at the same issues, although it might do so from a slightly different angle.

**Claudia Beamish:** I was a member of our predecessor committee and I find your responses on MPAs reassuring. However, there is an issue not only with current fishing effort but with what capacity the environment will be able to cope with for future generations of people who fish. Can you give the committee some detail—now or in writing—of the progress that has been made on the national marine plan and the two pilot regional marine plans? They have implications for the environment in relation to a range of marine development in a sustainable context.

**Roseanna Cunningham:** I am not quite sure what you are asking.

**Claudia Beamish:** I am asking about the national marine plan; I suppose that I should rephrase the question. Is it within our brief? I hope that it is. I am also asking about the pilots that flow from it, because that is environmental protection coming from the Marine (Scotland) Act 2010.

**Roseanna Cunningham:** I confess that we have not really looked at that in detail. It may be that the issue is not entirely for us. Can we write to you about that?

**Claudia Beamish:** All right. Thank you.

**The Convener:** Okay. Let us move on to biodiversity.

**Mark Ruskell:** When the 2020 biodiversity route map came out, it was widely heralded by stakeholders and there seemed to be a lot of energy and drive to get biodiversity much more mainstreamed across the public sector and different parts of our economy and society. However, I sense that some of the energy has gone out of the route map. The Scottish biodiversity committee has not met for more than a

year. How are you going to re-energise efforts to make progress in that important area?

**Roseanna Cunningham:** SNH is the lead agency for that. I know that we have not gone as far or as fast as we anticipated we might have by now, but we have experienced the same tensions that sometimes arise in other situations in which we are balancing a lot of different rights and responsibilities. It is important to me that we try to take people forward with us as opposed to simply imposing. We are closely monitoring progress, and SNH is key in that. A lot of actions are being taken, and the first six-monthly report from SNH is due now. I ask Keith Connal whether it has been published.

**Keith Connal:** Yes, the first six-monthly report on the delivery of the route map has been published, and we are expecting shortly the first report on progress on meeting the Aichi targets. There is regular six-monthly reporting by SNH to the Scottish Government.

12:30

**Mark Ruskell:** Just briefly, I did not get a sense through the work of the Scottish biodiversity committee that there were massive tensions; rather, I got a sense that there is an opportunity for great synergies between health and the environment and between the economy, tourism and biodiversity. Perhaps what has been missing is having a minister chairing the committee. A minister previously chaired the committee, but there were no meetings at all last year. It would be welcome if you would consider convening the committee again and bringing stakeholders together.

**Roseanna Cunningham:** I am advised that there were some process issues over the past year. Perhaps there was a co-chairing arrangement rather than a single chair. Obviously, I was not involved.

**The Convener:** Perhaps we could get a response in writing to the points that Mr Ruskell has made.

**Keith Connal:** The brief answer is that there was ministerial oversight of what is called the rural affairs, food and environment—RAFE—delivery board, which was co-chaired by Mr Lochhead and Dr McLeod. That board received reports on biodiversity. Therefore, although the Scottish biodiversity committee has not met, there has been ministerial oversight through the RAFE delivery board.

**Roseanna Cunningham:** We obviously have to look at some of those issues, because we are now in a different structure. How we move forward with that is one of the things that I will be considering.

The tensions that I referred to arise out of some of the specific things that fall within the broader biodiversity framework—I think that the member will know what some of them might be.

**Mark Ruskell:** Yes. I am aware of some opportunities as well. If you could write to us, that would be good.

**The Convener:** We might have some supplementary questions on that to send to you as well, cabinet secretary.

We will deal with wildlife crime and then wrap up a variety of small issues.

**Gail Ross:** Good afternoon, cabinet secretary. The Poustie review reported in November 2015 and made 10 recommendations, some of which would involve legislative changes. One was to widen the range of offences that would attract an increased maximum possible fine of £40,000. What plans does the Scottish Government have to take forward the recommendations of the wildlife crime penalties review group?

Also, what plans are there to carry out a wildlife crime prevention review and to set up a wildlife crime investigation unit? We contribute to the UK unit, which is in Livingston. Will that continue if we set up one of our own?

**Roseanna Cunningham:** Initial discussions have already taken place with Police Scotland on the wildlife crime investigation unit, but we have not yet finalised details. However, the issue is under active discussion. We have in mind a dedicated new unit, but we have to have that conversation with Police Scotland, because there are operational issues that would impact on the police. It would be a small unit. I do not want to mislead members into thinking that there is going to be a great new office building with hundreds of police officers and all the rest of it. We anticipate a small unit. It will very much be part of Police Scotland, which is important. We expect to be able to announce specific details on that come the autumn—certainly, it will be after the summer recess.

We have made a pretty comprehensive response to the recommendations of the wildlife crime penalties review group, which were wide ranging. Some of the recommendations, including the one on penalties, would require primary legislation, and we have yet to identify an appropriate vehicle for that. The expectation is that, at some point in this session of Parliament, there will be legislation on the issues, but it will be important to get that into the right bill.

There are other recommendations—various bits and pieces about alternative penalties, impact statements and all the rest of it—that we need to work through in discussion with other parties to

establish the next steps and whether those things will require legislation or could be done in a different way.

What else did you ask me about? There was the penalties review group and the investigation unit. Whether to continue the Livingston unit is a conversation that we will have to have once we have set up the investigation unit. It is part and parcel of the conversation that we are currently having.

**Keith Connal:** The national wildlife crime unit based at Livingston is co-funded with the UK Government and performs a different function from what is envisaged for the unit in Police Scotland. It is primarily an intelligence-collecting unit, which is, as I said, co-funded. At the moment, the Scottish Government is committed to maintaining the funding of that joint unit.

**The Convener:** I apologise to members as there are some areas that we will not cover today. We will have a quick-fire wrap-up on a variety of things—timings more than anything. If you could provide answers or write back to us, cabinet secretary, that would be useful.

What is the scope of the protection of wild mammals review and the rough timetable for its completion?

**Roseanna Cunningham:** We expect Lord Bonomie to report at some time in the autumn. Autumn can mean any time from September to November—I cannot be any more specific than that. At that point, we would have to consider the recommendations. He has already received something like 300 written submissions, so it is quite big.

From the committee's perspective, members might want to have a look at the published review. I am saying autumn, so the committee will need to think about how to timetable that. If legislation followed that, it would be considerably further down the line.

**The Convener:** The Scottish Government has indicated an intention to take some action on the issue of wild animals in circuses. There was a vague commitment to take action, so can you put any meat on the bones?

**Roseanna Cunningham:** It is not a vague commitment; we are going to legislate. However, I cannot tell you when.

**The Convener:** A decision is due by the end of the year on the reintroduction of beavers.

**Roseanna Cunningham:** That is under active consideration by me. While I do not want to frighten the officials, I hope that we are not waiting until the very end of the year to do it.

**The Convener:** The consultation into an exemption for tail docking of working dogs has concluded. Are there any timescales for the decision on that?

**Roseanna Cunningham:** None at the moment. Committee members will need to consider that the extensive work involved has an impact on Government officials that is similar to the impact on how the committee schedules its business. We have to look at how officials manage what they have to do and the timescales that they can do it in. In some cases, the same set of officials will be doing two or three different things and, from our perspective, that could create a logjam if we do not separate things out.

We expect to get a report on the analysis of the consultation responses in the autumn. Once we have seen that, a decision will be made on what will happen. Again, the committee might look at that.

**The Convener:** That is useful for the committee and also for the stakeholders out there who are interested in these wide and varied issues. Thank you for your time today, cabinet secretary, and for the assistance of your officials.

As agreed earlier, the committee will now move into private session to discuss its work programme and agree its next meeting. Details of future meetings of the committee will be published on the website and on the committee's Twitter feed.

12:39

*Meeting continued in private until 12:59.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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