



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Rural Affairs, Islands and Natural Environment Committee

Wednesday 9 February 2022

Session 6



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**Wednesday 9 February 2022**

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**RURAL AFFAIRS, ISLANDS AND NATURAL ENVIRONMENT COMMITTEE**

**5<sup>th</sup> Meeting 2022, Session 6**

**CONVENER**

\*Finlay Carson (Galloway and West Dumfries) (Con)

**DEPUTY CONVENER**

\*Beatrice Wishart (Shetland Islands) (LD)

**COMMITTEE MEMBERS**

\*Karen Adam (Banffshire and Buchan Coast) (SNP)

\*Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)

\*Ariane Burgess (Highlands and Islands) (Green)

\*Jim Fairlie (Perthshire South and Kinross-shire) (SNP)

\*Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)

\*Jenni Minto (Argyll and Bute) (SNP)

\*Mercedes Villalba (North East Scotland) (Lab)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Tom Arthur (Minister for Public Finance, Planning and Community Wealth)

Mike Callaghan (Convention of Scottish Local Authorities)

Caroline Cowan (Marine Scotland)

Cara Davidson (Scottish Government)

Mairi Gougeon (Cabinet Secretary for Rural Affairs and Islands)

Mark Hunter (East Ayrshire Council)

Jayne Jones (Argyll and Bute Council)

Emma Phillips (Scottish Government)

Philip Raines (Scottish Government)

Fiona Simpson (Scottish Government)

**CLERK TO THE COMMITTEE**

Emma Johnston

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



## Scottish Parliament

### Rural Affairs, Islands and Natural Environment Committee

*Wednesday 9 February 2022*

*[The Convener opened the meeting at 08:33]*

#### Decision on Taking Business in Private

**The Convener (Finlay Carson):** Good morning and welcome to the fifth meeting in 2022 of the Rural Affairs, Islands and Natural Environment Committee. Before we begin, I ask all members using electronic devices to turn them to silent.

Our first item of business is a decision on whether to take item 6 of today's meeting in private, and whether to consider a draft letter on the national planning framework at our next meeting in private. Are we content to do so?

**Members** *indicated agreement.*

## Draft National Planning Framework 4

**The Convener:** Our second item of business is an evidence session on the draft national planning framework 4. I welcome to the meeting Mairi Gougeon, the Cabinet Secretary for Rural Affairs and Islands, and Tom Arthur, the Minister for Public Finance, Planning and Community Wealth. They are accompanied by Scottish Government officials: Jill Barber, the head of aquaculture development; Cara Davidson, the branch head of environment and natural resources; Andy Kinnaird, the head of planning transformation; Philip Raines, the head of the rural economy and communities division; and Fiona Simpson, the chief planner.

I invite the cabinet secretary to make a brief opening statement.

**Mairi Gougeon (Cabinet Secretary for Rural Affairs and Islands):** Thank you very much for inviting me here today to join what I am sure will be a very interesting discussion on the draft national planning framework 4.

Ensuring that the voices of rural and island communities are heard during the development stages of NPF4 continues to be a vital part of inclusive rural development. My officials have engaged with rural and island community stakeholders to ensure that their views are included as we work together to inform the draft NPF4 and rural proof future planning goals.

Our communities face endemic challenges and opportunities that we want the NPF4 to support. Addressing the population of rural areas is a statutory outcome that NPF4 must contribute to. The draft NPF4 sets out important proposals for the resettlement of previously inhabited areas. It will also enable new homes in rural areas, with planning policies that are more proactive and directive in shaping existing places and creating new places, while being supportive of homes and places that benefit from them, including remote, rural and island communities. We are committed to bringing forward an action plan on how that will be achieved.

The draft NPF4 is also clear that we want young people to have more influence in decisions that affect their future places. We also want to help more people to access land and crofts and be part of the solution to support carbon-neutral coastal and island communities.

Future planning policy offers significant opportunities for investment to support the blue and wellbeing economies and to capitalise on natural assets and strengthen the ties between people, land and sea. The draft NPF4 also

recognises the contribution that our forestry sector can make to our net zero ambitions, reversing the decline in biodiversity and supporting a growing green economy.

The draft NPF4 includes a new policy addressing the nature crisis, which aims to ensure that appropriate measures to enhance biodiversity are designed into development proposals from the outset. Scotland's land, and the natural capital that it supports, is one of our most valuable assets. It is vital to our national prosperity, and to our wellbeing as individuals and communities. Everyone has a stake in Scotland's land and a responsibility to ensure that land is used productively and to the benefit of all, and rural and island areas can benefit from the changes enormously. That is why the vision, objectives and principles of our pilot regional land use partnerships for sustainable land use have featured and continue to feature in the development of Scotland's national planning frameworks, including NPF4.

I welcome the ambitions of the draft NPF4 to support vibrant and sustainable rural places. The framework sets out how the planning system should encourage development that helps to support, sustain and grow rural areas while safeguarding and growing natural assets that underpin businesses and jobs.

I look forward to today's discussion and the committee's questions.

**The Convener:** Thank you very much for your opening statement. We will now go to questions from members, and I will kick off. A few respondents were concerned about the process for consulting on and finalising NPF4. Indeed, National Trust Scotland said:

"We feel that this limits informed Parliamentary scrutiny of the draft framework by not affording the relevant Committees the opportunity to thoroughly examine a document".

How has NPF4 been rural proofed? That is not clear. Will NPF4 rise to the challenge of responding to the unique challenges of rural Scotland?

**Mairi Gougeon:** I believe that the framework will. As I said in my opening statement, the voices of our rural and island communities have been absolutely vital throughout the process. That engagement has been key in developing the draft NPF4. I also highlight that the draft is out to consultation so, of course, any suggestions that we get through that will feed into the finalised framework.

The engagement that took place in the lead-up to publishing the draft NPF4 was extensive. We commissioned research from our policy teams and from external sources to look at the shape of

planning policy and how that can help us to develop thriving rural communities. In addition, we had the call for ideas on NPF4—I am sure that the minister will want to give details on that. Furthermore, the Scottish Rural Network undertook activities through the Scottish Rural Parliament, and the chief planner met the heads of rural planning authorities.

All that has been vital and has helped to shape the draft that we have before us, which is out to consultation. I will hand over to the minister so that he can cover any further aspects of engagement.

**Tom Arthur (Minister for Public Finance, Planning and Community Wealth):** The detail that the cabinet secretary has conveyed about engagement specific to rural issues reflects the broader approach that has been taken to developing the draft NPF4.

The draft framework is the culmination of quite a long journey, going all the way back to the independent review of the planning system that was commissioned at the tail end of 2015, which reported throughout, and the work that led up to the Planning (Scotland) Act 2019, which has clearly informed the design, structure and layout of NPF4 in its new, enhanced status.

We have of course had an engagement process. There was a call for ideas, followed by two rounds of extensive consultation and engagement. We published a position statement in November 2020 and we consulted on that. There has been extensive stakeholder engagement through that process.

I will provide some numbers. We have had nearly 350 written responses, 180 people participated in our roadshow workshops and we spoke to around 100 people at our drop-in sessions across the country. There was strong support throughout for a bold and radical NPF4.

I think that the process has gone beyond engagement to almost genuine co-production. I think that that is reflected in the response that we have seen to NPF4 so far. Notwithstanding particular points around some of the detail, I think that there is a growing and strengthening consensus about the direction of travel on NPF4. I believe that that emanates directly from how the draft NPF4 was brought into existence, which was through extensive consultation and engagement.

**The Convener:** The draft NPF4 was introduced on 10 November 2021 and Parliament has 120 days to consider it. There was the Christmas break, and we also have the Good Food Nation (Scotland) Bill to consider. Is it reasonable that the committee has such a little time to look at a hugely important document that could have a massive impact in rural areas? That 120-day period is not very much, particularly given the Christmas

recess. Is it reasonable to expect the Parliament to scrutinise the framework in that time?

**Mairi Gougeon:** My understanding is that that is double the period of scrutiny that there has been for previous national planning frameworks. As I said, and as the minister has outlined, there has been an extensive engagement process leading up to this point and our consultation is open. I would like to think that that would be adequate time for that scrutiny to take place and for any further ideas or comments to be provided.

**Tom Arthur:** Convener, I can give you some more details about the on-going parliamentary consultation. The cabinet secretary rightly highlighted that 120 days is double the time that was previously in place. That timeframe is set out in statute, in the Planning (Scotland) Act 2019, which was agreed by the Parliament.

Of course, a public consultation is running in parallel until 31 March, and we are supporting communities to engage with that. I can provide some details. There is a community grant scheme, which makes available grants of up to £250 to community groups to help them to engage. There are open invitation events over February and into March to give stakeholders the opportunity to discuss NPF4 and encourage participation in the formal consultation.

There are nine events in total, with one on each of the four policy themes and one for each of the five action areas. There is an equalities round-table discussion in March. The Royal Town Planning Institute is hosting round-table discussions on business energy development and house building during February and March. The Scottish Youth Parliament is holding a workshop at its next gathering in March. We are working with Police Scotland to support children and young people's perspectives. Furthermore, there are discussions with community groups and online resources.

A huge amount of activity is taking place in parallel with the parliamentary scrutiny, to ensure that everyone who wants to contribute has an opportunity to do so. I reiterate that I very much want to encourage as much engagement as possible in the NPF4 process.

**The Convener:** I will ask a more specific question. One of the key policies is a commitment to 20-minute neighbourhoods, but there does not seem to be much for rural and island communities in that context. Are there any plans to look at the critical mass of core services and facilities that a community needs to have, given the unique nature of every island and rural community? Will there be any consideration of the same sort of idea as producing a sustainable community within 20 minutes, but on a rural and island basis?

**Tom Arthur:** That is a really important question. The draft NPF4 is a high-level document and subsidiarity applies, so there will be local development plans that can give effect to that in particular localities. There are also the local place plans that we have introduced, which allow individual neighbourhoods and communities within planning authorities' areas to shape their local development plans.

With regard to what is stated about 20-minute neighbourhoods, I note that flexibility is built in, which is reflected in how the policy is defined, but also in the spatial strategy. The action areas, which include north and west coastal innovation and northern revitalisation, recognise that the concept of 20-minute neighbourhoods has a different application in areas with dispersed populations compared with places with dense populations.

For example, we will look to encourage 20-minute neighbourhoods in built-up urban areas by seeking to repopulate our town centres, and some measures are included on that. However, in local areas, that will require more nuance. That could involve establishing hubs and promoting active travel networks, but also recognising the need for cars. That can be supported through, for example, electric vehicle charging infrastructure. There is recognition that 20-minute neighbourhoods will have to be applied in a different manner in, say, South Uist, compared with how they will be applied in Shawlands in Glasgow.

Fiona Simpson might want to expand on the points that I have made and provide some more clarity.

08:45

**Fiona Simpson (Scottish Government):** The concept of 20-minute neighbourhoods is being debated extensively in the engagement that is happening at the moment. The work that was done by ClimateXChange looked at 20-minute neighbourhoods in different settings in Scotland and found that they could be a valid concept in both rural and urban settings. The Savills research on rural planning found that lots could be done by connecting up housing with services and thinking in the round about how rural communities work. That debate will continue during the consultation period and we will look at ideas around that.

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I have a supplementary question on 20-minute neighbourhoods. Is the plan agnostic on the way that the housing market operates in some rural areas where, essentially, people have to have acquired capital from property transactions in a city before they can buy or build a house? That has implications for the age profile and the

sustainability of many of our rural communities. What can the plan do to address that fundamental problem that many rural communities now face?

**Tom Arthur:** Fiona Simpson might want to give a bit of context on how NPF4 relates to some of the other work that is going on in Government around housing, for example.

**Fiona Simpson:** Our approach to housing in the national planning framework aims to set out a broad framework. The policy framework has been designed to allow for flexibility in rural areas. There are several exceptions in policy 9 that relate to rural housing, recognising that there is more housing need. Demand-based assessment is a starting point for the process, but local development plans for different authorities in different parts of Scotland will take that forward in different ways.

In policy 31, on rural development, a framework is provided that aims to enable more rural housing development. For example, it recognises that small sites outwith settlements may be suitable for development depending on the spatial strategy that is set out in the local development plan.

We have aimed to achieve a broad approach overall. We set out figures in Annex B to NPF4 that are a starting point for local development plans, but that policy approach needs to be taken forward through local development plans as well. The local development planning guidance provides much more detail on how that can be achieved.

**Tom Arthur:** Dr Allan's question is important and it speaks to why there is flexibility in NPF4. I am conscious that some of the feedback in other committee sessions has perhaps been that certain stakeholders are looking for a more prescriptive approach, but a balance is required. We need to avoid being overly prescriptive while having flexibility so that planning authorities can take local circumstances fully into account in designing their local development plans.

**Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con):** The committee held an engagement event with 100 rural stakeholders on Monday. Some of the comments that were made were very interesting and I urge you to look at them. On 20-minute neighbourhoods, as well as raising the housing issue, people said that lack of transport between rural communities has made areas inaccessible, that local amenities have moved away, and that the draft NPF4 does not translate to rural settings and there is no appreciation of rural areas in it. Will you expand on how the concept of 20-minute neighbourhoods can translate to rural areas?

**Tom Arthur:** If the cabinet secretary is happy, I will kick off on that. I anticipate that the southern

sustainability action plan in the spatial strategy will be of particular interest to you, Ms Hamilton. It speaks about a network of towns, recognising the unique character of the south of Scotland, and there is recognition that transport is a key issue.

I suppose that there are two aspects. The first is that we want to reduce the need for travel. That is about building up wealth within communities, and job opportunities. You will note that one of the universal policies—from memory, it is policy 5, on sustainable places—is about community wealth building. I know that South of Scotland Enterprise is very interested in that. By promoting greater community wealth building through the planning system and using other levers as well, we can help to reduce the need for unsustainable travel.

However, we also recognise that, in many cases, travel is unavoidable. That is reflected in the spatial strategy for the south of Scotland. Equally and analogously, the action plan for the north of Scotland, which is known as northern revitalisation, recognises the key role that our roads play and also the necessity for car use, which I mentioned to the convener. Part of how we respond to that will be about increasing EV infrastructure to support low-carbon travel, but we also have to see this in the broader context of our wanting to reduce car kilometres by 20 per cent and reduce unsustainable travel. Paragraph 5 of the spatial strategy reflects the fact that, for sustainability, addressing the issues around public transport and indeed cross-border transport will be significant.

I do not know whether Fiona Simpson wants to expand on any of those points.

**Fiona Simpson:** Through the spatial strategy, we are trying to explore new ways of living in rural and urban areas. There are lots of ideas about community hubs and different ways of arranging settlements in the future to accommodate different patterns of working and living together. The national planning framework tries to provide a framework that will allow that innovation to grow from a regional scale as well as through the local development plans.

**Jim Fairlie (Perthshire South and Kinross-shire) (SNP):** My question follows on from Alasdair Allan's and Rachael Hamilton's questions. This is a complicated area, particularly in rural settings, because it is cross-cutting and it involves different land uses and different demands on the same land. How is the Government looking to marry all those things up?

On land availability and land prices, the price of hill land is going through the roof because we are planting more trees on it and we are doing peatland restoration, which is driving the price up. On connectivity and 20-minute neighbourhoods,

what are we doing about more public transport? Does the plan include anything to look at that? Is there anything in the plan that will ensure that we get broadband rolled out? It is about creating infrastructure that will work for the communities in rural settings. How are you bringing all that together? Sorry—I know that that is a complicated question.

**Mairi Gougeon:** I am happy to kick off on that. There was a lot in the question, but I will try to answer it as best I can.

On your last point, and returning to what I said at the start, I note that this is all about trying to create thriving local communities and thriving communities in rural areas. Enabling the development of the infrastructure that we need for that to happen is the premise of NPF4. There are lots of different strategies and pieces of work going on across the Government to try to address the issues that you mentioned, including on land, transport and our digital connectivity, but I highlight that none of those pieces of work is being done in isolation. For example, our third land use strategy, which was published last year, makes explicit reference to NPF4, and it has featured in previous national planning frameworks.

You talked about digital connectivity. We have opportunities with home working, which could help to enable people to live in remote and rural parts of Scotland. Of course, we need the digital infrastructure to enable that to happen. The digital fibre network is listed as one of the national developments in the framework because we recognise its importance and we want to enable that development to take place.

The key point that I want to emphasise is that we are not looking at each of the issues in isolation. We are making sure that, as we develop strategies, there is read across to NPF4 and, likewise, that it aligns with the other strategies that we are developing in these areas. I am sure that the minister will want to add to that.

**Jim Fairlie:** If you are talking about home working in rural areas, land has to be available so that we can build houses to allow young people to stay there.

**Mairi Gougeon:** Exactly. What is proposed in the draft NPF4 allows for that flexibility. I do not think that it can be too prescriptive but, if you look at the types of development that are enabled there, you will see that it talks about allowing development for succession planning, for example. It addresses some of the issues that have been in place before. It is about trying to strike the right balance. I am sure the minister has more to add on some of those points.

**Tom Arthur:** The cabinet secretary has covered a lot of the ground. Increasing the population of

rural areas in Scotland is one of the statutory outcomes that is required of NPF4, as stipulated in the 2019 act. I highlight that policy 31, on rural places, is expansive. It takes a holistic look at a lot of the different areas and shows how they work together. I am conscious that it can be easy to say “rural communities”, but every rural community is unique.

I return to the point that we must not be overly prescriptive and that there is flexibility. However, there are clear expectations around what we require. For example, policy 31 states:

“Local development plans should set out proposals to support the sustainability and prosperity of rural communities and economies ... Development proposals that contribute to the viability, sustainability and diversity of the local economy should be supported”.

That is reflected in the policy aspects. It is important to remember that NPF4 is unique and that it brings the spatial strategy and what was Scottish planning policy together in the one document. This is part of the statutory development plan.

Our expectations are clear, but I recognise that, to realise those aspirations, there will be some variance between different rural communities. I am sure that Mr Fairlie would have something to say if I was to suggest all rural communities are the same and require the same response.

**Jim Fairlie:** Indeed. Thank you.

**Jenni Minto (Argyll and Bute) (SNP):** Thank you for coming along. I attended the engagement event on Monday that Rachael Hamilton referenced, and I am interested in how the framework will support the growth of island communities. We took some evidence from Orkney, and the point was made that it used to be the case that a house and work were needed to encourage people to live there. Given what we have seen with the pandemic and the ability for people to work from home, it is now just the house that is needed. I am interested to know how learning from the pandemic is reflected in NPF4.

A specific question was asked about policy 31 and the infrastructure first approach. There was a suggestion that, in rural and island communities, there should be a buildings first approach, because there are a lot of derelict buildings that could be re-engineered to be homes. I would also like to hear your thoughts on that.

**Mairi Gougeon:** I want to see the outcome of your engagement event on Monday, because hearing those views and all the issues that came out of that will be really important in helping us to develop the final draft.

In relation to infrastructure, you talked about the use of vacant and derelict properties and land.

That is a key factor in the draft NPF4 as well. There is a key focus on the fact that, rather than continuing to build new infrastructure or to build outwards, it is important to utilise the infrastructure that is already there. I am sure the minister will want to elaborate on that.

**Tom Arthur:** As you will be aware, the spatial strategy is underpinned by six principles, one of which is the conserving and recycling of assets. That is reflected through policy 30, which is on vacant and derelict land. This speaks to our clear aspirations around climate change and a circular economy. We do not want to release the embedded carbon that is already there. We want to make use of existing assets.

That has huge applicability in a range of contexts. We will all be able to think of examples in densely populated urban environments where there are underutilised assets that can perhaps be brought back to life. A range of work goes on to support that through our place-based investment programme and asset transfers via the Community Empowerment (Scotland) Act 2015, so that is already under way. NPF4 helps to strengthen that position and it is very clear and explicit. The policies around looking for brownfield land first are also relevant here.

Two other aspects of the spatial principles that complement that approach are compact growth and local living. Taking those things together holistically, we are aiming to encourage more growth and reuse of existing assets. That is applicable to rural environments, but I think that we all recognise that it has applicability to densely populated urban environments as well.

I do not know whether Fiona Simpson wants to comment.

09:00

**Fiona Simpson:** The only thing that I would add is that there is an emphasis on working with our assets to achieve resilience in island areas. The spatial strategy tries to bring that out clearly.

**Mairi Gougeon:** On Jenny Minto's point about home working, I refer to the points that I made about the digital fibre network being a national development, and the work that has been done on transport. NPF4 is about enabling those developments to take place, all of which add to what the minister has set out.

**Ariane Burgess (Highlands and Islands) (Green):** I heard the minister talking about the understanding that all communities are different. However, NPF4 refers numerous times to remote, rural and island communities without acknowledging that there are significant differences between many of those communities.

That concern has been raised in a number of the evidence sessions that I have been part of. Many of those communities are facing radically different circumstances. An example is the action area that covers the Western Isles, Orkney and Shetland. The point has been made to me that there are nuances in those areas and that they do not necessarily sit well together in that action area. How will the Scottish Government ensure that the diversity of the different parts of our rural, remote and island communities will be recognised through NPF4 and other policies that it proposes?

**Tom Arthur:** I am happy to take that. Thank you, Ms Burgess. I look forward to discussing the issues with the Local Government, Housing and Planning Committee, which you convene, in due course.

Your point is important. The first thing that I would say is that this is a draft NPF. We are in a consultation process and we are incredibly grateful for the interest being taken by the committees and the Parliament more widely, and indeed, by all the individuals and groups who want to participate and share their views. That is part of the process.

On how we got to this position, I do not want to go over the ground that we covered earlier, but I am clear that the process has been collaborative and we have had a lot of consultation on specific policy areas while working in partnership with communities on the input that led to the spatial strategy and the specific action areas that have been developed. We will take into account any feedback that we receive via the consultation and the Parliament, and that will be fed into and reflected in the NPF4 that we bring back to the Parliament for final approval.

Again, I do not want to repeat myself, but I want to make a key point about the balance between giving a clear steer and flexibility. That is also important. Planning authorities will still have that vital role in relation to local development plans but, crucially, also local place plans, regulations on which have now come into force. That will give local communities more of a say in shaping their LDPs.

It is important to bear it in mind that there is still the means to achieve the specificity that is required in localised situations. That is not just for LDPs; it has also been enhanced through local place plans. We are seeking to articulate here the broad vision at a very high level, so even within a spatial strategy for a particular area, it will not necessarily be universally applicable to every single community within that area. We also want to see partnership working at a regional level beyond the work with LDPs and local communities.

Fiona Simpson might want to add to that.

**Fiona Simpson:** I will give a bit of background on the regional scale working that we did to inform the action areas that are set out in the national planning framework. We worked for more than a year with authorities that were working, either on their own or with other authorities, to prepare indicative regional spatial strategies. That work was brought together and, over a week, we held a set of good collaborative workshops at which we set out where those areas that are set out in the national planning framework reflected shared common themes, challenges and opportunities.

We have tried to provide the national planning framework without trying to cover all the detail or the more specific nuances within each of the individual regional spatial strategies. That will be for authorities to implement as they prepare strategies for their areas.

**The Convener:** I am conscious that we are rapidly running out of time. Rachael Hamilton has a brief supplementary question.

**Rachael Hamilton:** Should the islands be recognised separately in NPF4, and why is the Isle of Bute included in the central belt regeneration area?

**Tom Arthur:** That has ultimately come about through a collaborative process, as outlined earlier. As I said, we are open to suggestions about how things can be refined or changed. That is part of the consultation process and engagement. This is a draft document, and we are ultimately in a process of engagement and collaboration that has led us to the draft spatial strategy within NPF4. We are keen to hear views on how it can be refined and, if there are areas that you are suggesting are inconsistent or will not realise the aspirations, that can be reflected on and potentially acted upon through the process of finalising the framework.

Fiona Simpson might want to add something specific about particular action areas within the spatial plan and how they were formed.

**Fiona Simpson:** The maps are indicative and very much open for comment. Some areas could have gone in more than one action area and the boundaries are intended to be quite fuzzy. We were trying to extend the central belt out to include the Clyde coast, given the importance of coastal areas close to the central belt.

**Tom Arthur:** I stress that at the heart of this is a place-based approach, and a place-based approach is holistic when it takes everything into account. We are not dividing Scotland up neatly. Clearly, some of the action areas that might be applicable to remote communities might also be applicable to urban communities, while there will obviously be completely distinct areas that do not have the same relevance to others. Although we

have identified five action areas in the NPF, again, it is important to look at it holistically and see the complementarity that exists between the different regions and areas.

**Jenni Minto:** I want to expand a bit more on that. As Rachael Hamilton pointed out, Bute is with the central belt action area, as is Dunoon. To be parochial about it, my constituency is divided among different action areas. There are islands that I would have expected to have been with other island communities in, for example, the islands hub for net zero project. I am pleased to hear that the map could be redrawn. I asked you about that, Ms Simpson, when you first came to the committee, so it is good to hear that there is a bit of flexibility in the action areas.

**Mairi Gougeon:** You talked about the islands hub for net zero project. The projects came from the Western Isles, Orkney and Shetland. Again, I emphasise the point that the minister made earlier about the framework being flexible and open. If more information comes through the consultation, we would look at that. The draft NPF4 is what has come out of the engagement that has taken place so far in relation to where some of these developments would be emanating from.

**Tom Arthur:** I want to pick up on that good example relating to Jenni Minto's constituency. It picks up on the point that I was trying to articulate—probably not as clearly as I would have liked—to Ms Hamilton. The point is encapsulated in the Clyde mission national development because it stretches from south Lanarkshire all the way along the Clyde until Dunoon, and it takes in a whole range of communities. That one national development articulates the point that, as much as we have these semi-defined spatial areas, the borders will overlap. I am suggesting not that you have to draw a hard and fast line, but that there will be overlap. I recognise that in a constituency such as Jenni Minto's, a whole range of different aspects of the spatial strategy will be applicable and will vary quite drastically from community to community.

**Beatrice Wishart (Shetland Islands) (LD):** I will change the subject slightly and ask about fuel poverty. I agree with the points that have been made about not considering rural, remote and island areas as one homogenous entity, but I will now do just that. Fuel poverty and extreme fuel poverty are disproportionately impacting rural, remote and island communities. Should NPF4 give more prominence to fuel poverty in those areas to show the Government's commitment to taking the issue seriously? Should it be a national development?

**Mairi Gougeon:** I completely understand the concerns that you have raised about fuel poverty, and when I have visited island communities, I

have heard about the levels of fuel poverty, and how rural and island communities are severely impacted by it. Helping to address fuel poverty and enabling energy efficiency are the principles that are embedded within NPF4. Perhaps it would be helpful if the minister outlined the proposals for national developments and how they have come about.

**Tom Arthur:** Ms Wishart, you raise a really important point. Planning is ultimately concerned with development and it has to be able to identify the particular class of development that one is seeking. On specific issues around fuel poverty in relation to planning, we have already done work on permitted development rights around retrofitting and energy efficiency. We have a phased programme of reviewing PD rights and we can continue to take that into consideration.

More broadly, NPF4 is seeking to increase prosperity in Scotland but also to look at some of the specific national developments in, for example, strategic renewable energy generation and transmission infrastructure, pumped hydro storage, and industrial green transition zones.

Those national developments are particularly about promoting not just prosperity, but energy security. NPF4 can specifically contribute towards issues around fuel poverty by supporting more prosperous economies, increasing the number of people in employment and using national developments to provide that strategic underpinning for continuity and security of energy supply.

**The Convener:** One of the participants in our engagement event on Monday suggested that rural areas are carrying the burden of delivering a just transition for those in urban areas, because rural areas carry the burden of peatland restoration, hugely ambitious tree planting and, of course, wind farms, for which we see more and more applications coming to the Scottish Government overturning community objections or local authorities not having the capacity to deal with wind farm applications, which are then sent to the Scottish Government through non-determination. The new NPF4 almost assumes in favour of renewables in rural areas. How does that deal with a community's right to decide what is on its doorstep and listening to the community's voice? That is a real issue. What is particularly lacking is that in some of the very remote areas that have large wind farms—for example, in Dumfries and Galloway and the Scottish Borders—there is no prospect of the green industrial zones that you talk about.

**Mairi Gougeon:** I emphasise that NPF4 is not about imposing developments on people and it is not bypassing any processes. Any developments that are proposed for rural areas will still have to

work their way through the planning process, which, you would hope, would involve relevant consultation and provide the opportunity for communities to make their voices heard throughout. Again, we are not talking about bypassing any processes that we have in place at the moment.

Of course, there are the local development plans, which the minister has talked about, and local voices will be key in the decisions that are made about those plans.

09:15

**Tom Arthur:** Correct me if I am wrong, convener, but I think that you expressed a view about sharing the burden of a just transition. That is reflected within NPF4. I recognise the point you make about renewable electricity generation. There is also offshore wind, including the recent very welcome announcements in Scotland. If we look, for example, at the key role of the north-east in a just transition, it is a centre of expertise and it is reflected in the industrial green transition zone, which runs down the north-east all the way to Grangemouth. That is another key example of how more organised urban areas will have a major part to play in our move towards net zero.

There is also—and this is perhaps beyond the scope of our discussions today—the huge contribution that will have to be made by urban areas, particularly in the central belt, towards heat in buildings, which will be a significant ask of the population in moving towards a just transition. We all have slightly different and nuanced roles to play in our move towards a just transition, I think that it is clear that there is no part of Scotland that will not have to share in the responsibility of realising our ambitions for 2030 and 2045.

I echo the points that the cabinet secretary made. The national development planning policy is not a top-down policy stipulating specific developments that will or will not happen. Ultimately, it is for local planning authorities to make determinations in the first instance and, when appropriate, to use relevant assessment criteria that is required in considering any application.

Is there anything that Fiona Simpson wants to add?

**Fiona Simpson:** The conversation that we had during the collaborative process for preparing NPF4 looked at each part of Scotland and what it could contribute to achieving net zero. As the minister has said, there is as much in the central urban transformation zone as in the rural areas. We are looking for synergies and opportunities to support the sustainable development of those

areas as a result of the requirements around net zero.

**Tom Arthur:** Let me give a quick example. We talked about 20-minute neighbourhoods and a 20 per cent reduction in car kilometres. Clearly, more will be expected of the central belt and it will be expected to be delivered at pace. Whereas, if we look at, for example, northern innovation and the action plan within the spatial strategy, there is a recognition of the increased need for private car use in those areas, so I think that the sharing of that burden is reflected throughout NPF4.

**Mairi Gougeon:** May I come in on that point? There will undoubtedly be challenges, but NPF4 also offers a lot of opportunities for rural areas. I am keen to see the feedback from the engagement event that the committee had on Monday because it sounds as though a many valuable points and concerns came out of it. We are keen to address those as best we can.

There are really exciting opportunities that will enable communities to thrive in our most remote rural areas, especially through some of our blue economy developments. There are also renewables opportunities that offer the chance of exciting new industries that will create jobs, as well as what is being enabled through draft NPF4 and sustaining and ensuring that we have thriving rural communities in the future.

I am keen to hear about the challenges that have been expressed, but we cannot lose sight of the fact that there is also a lot of opportunity here.

**Dr Allan:** A number of European countries have capped their energy cost increase at 5 or 10 per cent, but the United Kingdom has capped it at 54 per cent. Yesterday, I heard a suggestion that it could be significantly higher than 54 per cent in island areas, which already probably have some of the worst fuel poverty rates in Europe. How can the planning system respond to that? I presume that such a savage increase would have an impact on whether people decide to live in island areas and the kind of balance with which that leaves the community. What levers exist in the planning system—whether it be obligations on developers or other measures—to cope with what will undoubtedly be an extreme situation with fuel poverty on the islands?

**Tom Arthur:** Dr Allan raises an important matter. We have to look at what planning is about. It is about the regulation and consenting process for development. It is certainly challenging for the planning system to respond at pace. In the medium and longer terms, as the cabinet secretary and I touched on in our responses to Ms Wishart, we can look at how we promote the types of development that, on the one hand, reduce fuel poverty and energy consumption and, on the

other, promote jobs, prosperity and security of employment, which can help to alleviate some of the drivers of fuel poverty.

I do not want to repeat myself, but we have done work on permitted development rights to make it easier for people to ensure that their homes are as energy efficient as possible. It is clearly more challenging for the planning system to pull levers at short notice.

Would Fiona Simpson like to expand on my response?

**Fiona Simpson:** The national planning framework sets out policies on, for example, sustainable materials and design standards. As the minister said, we have looked at permitted development rights, and we can give them further consideration.

The link with building standards is also very important. There are limitations to what the planning system can do on its own, but it can provide a vision that wider strategies, policies and programmes can build on and contribute to.

**Beatrice Wishart:** The framework confirms that the islands will be at the forefront of efforts to reach net zero, but RSPB Scotland has voiced concerns about opening up island areas for large-scale development as part of the islands net zero hub. I challenge those concerns by saying that the Sullom Voe terminal has been in operation for nearly 50 years, and the Shetland Oil Terminal Environmental Advisory Group was set up to look after the interests of the environment around the terminal and the port, so it seems that environmentally responsible industrial activity has been possible.

My question is about the contradiction relating to having the islands at the centre of the work towards net zero. Those ambitious plans will obviously feed into the rest of Scotland. What is the Government's view on that, in relation to the framework?

Transport is a big factor in relation to Shetland's carbon emissions from interisland ferries, for example. How does this all link together with transport?

**Mairi Gougeon:** I can come in on the first point. Is it just about how we manage what can be seen as the impacts of—

**Beatrice Wishart:** The framework puts the islands at the forefront, but, on the other hand, there are concerns about having the islands at the forefront of the hydrogen energy hub.

**Mairi Gougeon:** Okay. I reiterate that we are not trying to bypass any planning processes that are in place, which is a point that I made earlier. The islands can be at the forefront of cutting-edge

technology for renewables, but we have to adhere to the legislation and regulations when we consider any developments, and none of the processes will be bypassed.

Concerns about protected areas have been mentioned. We have commissioned independent research to look at the impact of the draft NPF4 on current designated areas and proposed designated sites.

**Tom Arthur:** Ms Wishart has asked an excellent question that gets to the heart of planning, which is about how we balance competing areas: industrialisation, jobs, prosperity, and protecting and conserving the natural environment that we value. Planners wrestle with such questions every day.

I could attempt to answer the question, but I am conscious that we are joined by the chief planner for the Scottish Government. It would be helpful to get a planner's perspective on how planners balance those issues and how that is reflected in the national planning framework.

**Fiona Simpson:** I agree that the central role of the planning system is to understand all the competing aims and objectives, and to think about how they apply to different places and the objectives that it makes sense to deliver for a certain place. As has been mentioned, there has been an iterative process of integrated impact assessment, which has helped us to understand the impact that the choices that we make will have on, for example, the environment or island communities.

All the work that we have done aims to achieve that balance in the context of net zero and the broader objectives that we are trying to achieve. Consideration of statutory outcomes, in relation to increasing the population of rural Scotland, has been part of that work. The planning system is set up to look in the round at all the competing priorities and to think about the assets of a place and how to work with those.

Alignment with the second strategic transport projects review has also been important. The planning system can set out land use implications and has been developed in alignment with STPR2.

**Tom Arthur:** The strategy also recognises the aspirations for a net zero aviation zone by 2040.

My final point relates to the centrality and importance of the local planning authority and of local communities having the opportunity to feed into the development of local place plans, because, ultimately, it will be for local communities to shape the direction of travel for their area.

**Beatrice Wishart:** My question was also about the contribution to the just transition and net zero.

**Mairi Gougeon:** I will make a point about hydrogen. We are undertaking a review of all the regulations and legislation on the safe production, storage and transportation of hydrogen to ensure that we have the correct framework in place. That work is on-going.

**Dr Allan:** Is the continued existence of Gaelic-speaking communities among the aims of the framework?

**Tom Arthur:** I am sorry, but I missed the tail end of that question.

**Dr Allan:** Is having Gaelic-speaking communities in the future one of the aims and objectives that you have set yourself in the framework?

**Tom Arthur:** I appreciate the question, Dr Allan. That aim is not explicitly set out in the national planning framework, but one of the indirect consequences of supporting and increasing rural populations would be the direct benefit to Gaelic-speaking communities. However, I am conscious that Bòrd na Gàidhlig has highlighted some useful ideas, which we will consider and reflect on ahead of bringing a finalised NPF4 back to Parliament later this year.

**Dr Allan:** The fact that Bòrd na Gàidhlig has engaged in the process, as the minister rightly mentioned, indicates that the future of Gaelic is indirectly bound up with issues such as who gets to live in those communities and whether there are housing opportunities and other opportunities there. Do the points that Bòrd na Gàidhlig and I have made about Gaelic point to the need for interconnectedness between NPF4 and other plans?

**Tom Arthur:** That is a fair point. I very much value that suggestion and the ideas that have been put forward. I assure Dr Allan that we will give them full consideration as we work towards producing a finalised NPF4.

**Rachael Hamilton:** I have a question about strategic land use, which my colleagues will also ask about in a while. It is probably directed to the Cabinet Secretary for Rural Affairs and Islands. Respondents have noted a lack of clarity on how NPF4 will relate to developing agriculture policy. Will the agriculture reform implementation oversight board be informed by NPF4 in its development of agriculture policy? Will the committee receive an interim report on progress to ensure transparency and coherence regarding the relationship between NPF4 and agriculture policy?

**Mairi Gougeon:** I am sorry, but are you asking about an interim report on ARIOB?

09:30

**Rachael Hamilton:** There were two parts to the question. The first part is about how ARIOB is looking at the relationship between land use and the aim of NPF4. Then there is the question of how the committee can track that. Will we receive an interim report so that we can guarantee that there is transparency over the direction of travel for ARIOB?

**Mairi Gougeon:** In relation to the work of ARIOB, its terms of reference have been set out and we have been developing an immediate programme of work. That has been the board's focus. I am happy to write to the committee to outline some of the work that has been taking place. It has focused on developing the immediate test programme that was announced just prior to COP26, and the immediate work in trying to roll out carbon audits and nutrient management plans, as well as a more detailed pilot to test what conditionality will look like for future payment schemes.

That has been the immediate focus of the work of ARIOB. It is also helping us to shape our future policy—we very much want to co-develop that, and the work of ARIOB will be critical as we look to the future. Of course, a number of pieces of legislation will be coming up in the coming years. We will have the agriculture bill, legislation on land reform as well as a natural environment bill. There will be a lot of crossover between those areas, not all of which I immediately lead on, so obviously we want to make sure that there is alignment. Wider questions may well come into some of ARIOB's work, but we have not yet reached that stage in our future planning, because we have had the immediate focus on developing the national test programme and making sure that it is ready to launch.

**Rachael Hamilton:** Does it concern you that there is no mention of land use strategy in NPF4?

**Mairi Gougeon:** NPF4 is not being developed in isolation from the land use strategy and other pieces of on-going work. In my response to Jim Fairlie, I referred to the regional land use strategy, the outcomes of which make explicit reference to the national planning framework. The issue has been referred to in previous NPFs. As I said, the two are not being developed in isolation from each other. We obviously want to ensure that there is alignment of outcomes.

There is a lot of cut-across. There are explicit links between NPF4 and the third land use strategy, which was published last year. NPF4 refers to green and blue infrastructure, talks about optimising vacant and derelict land and has a focus on nature-based solutions. The two are not

being done in isolation—there is a lot of cut-across and alignment.

**Rachael Hamilton:** I want to move on to the role of planning decisions when it comes to the long-term public interest. We know that forestry management is delegated to Forestry and Land Scotland and that the approach is dictated by the economics of a global market. Long-term plantations of single species do not create local employment, so how can the Scottish Government's climate change policies, including on the plantation of forestry, sit well with NPF4 when it talks about ensuring that we increase the number of local people in employment and the development of houses and so on?

**Mairi Gougeon:** I again emphasise that we are not doing this in isolation. A number of other pieces of work are under way. For example, the pilot regional land use partnerships have been established. They are still in the development stage, but they map the areas that have been set out in the regional spatial strategies. It is about making sure that both of those align.

The purpose of regional land use partnerships is to ensure that we are having discussions and collaborating at a regional scale on future land use. That is a collaborative process. At the heart of the process is making sure that we have discussions with communities, landowners and farmers as we try to address some of the issues at scale. Phil Raines might have more details.

**Rachael Hamilton:** You mentioned the regional land use partnerships. My colleagues will speak more about those, but there are only two mentions of them in this enormous draft NPF4, which is disappointing.

**Mairi Gougeon:** The document is out to consultation at the moment and we are keen to hear the feedback. However, as I said, we are not doing this in isolation, and we will not develop the policies or strategies independently of one another. I emphasise that, as I said, the regional land use partnerships align with what we have set out in the regional spatial strategies.

**Philip Raines (Scottish Government):** Ms Hamilton's point talks to the wider point about how the different activities will benefit rural communities, which was picked up earlier in the session. As the cabinet secretary said, a number of initiatives are going on to think about how we ensure that the benefits come through. You mentioned the just transition. You will have noticed the Scottish Government's response to the just transition commission's recommendation. The intention is to bring forward just transition plans, which will absolutely have that issue front and centre, not least with respect to land use policy.

Also, we have a land-based review of learning under way to think about what skills will be required and the processes by which those skills could be put in place across rural areas in the next couple of decades to address the issues.

**The Convener:** That is helpful.

**Ariane Burgess:** I have a question about national planning policy 3, which puts a duty on developers to facilitate biodiversity enhancement but does not explain how they should demonstrate that. Will a framework or mechanism be established for developers to demonstrate that they are meeting that obligation, or will guidance be provided?

**Tom Arthur:** We already have a suite of guidance and processes in place in the planning system. Of course, we will reflect on and refresh that as required. On the specific technical point, I ask Fiona Simpson to come in.

**Fiona Simpson:** Cara Davidson might want to come in on this. A lot of work has been done to prepare the policy, and there has been a lot of collaboration, including with NatureScot.

**Mairi Gougeon:** That is what I was going to add, because I believe that NatureScot has been developing guidance on that specific policy. Cara may have more detail.

**Cara Davidson (Scottish Government):** The journey to develop policy 3, which is on the nature crisis, has involved extensive collaboration. We kicked off by commissioning NatureScot to produce research on the opportunities and policy mechanisms that could be deployed through NPF4 to secure positive effects for biodiversity from development. The research has directly informed the development of draft policy 3, as has our engagement through a stakeholder working group that has been set up and that met four times in 2021, as well as earlier this year.

Policy 3 takes an approach to mainstreaming biodiversity. We want the designing in of biodiversity enhancement measures to be considered from the outset, but we also recognise that the planning system deals with a breadth of development types and different scales of development. Our most stringent measures are targeted at developments of a larger scale or those that will have significant impacts on the environment.

NatureScot has put out to consultation draft guidance in support of policy 3(e), which applies specifically to local development. That guidance is available for comment now. On policy 3(d), as the minister said, we will give close consideration to what guidance might be required to support the implementation in practice of NPF4 once it is finalised and adopted.

**The Convener:** Jenni Minto has a supplementary question.

**Jenni Minto:** I want to follow on from that question. I have had correspondence from constituents about the consideration of biodiversity benefits in decision making. People have asked why there is an exemption for fish and shellfish farming.

**Mairi Gougeon:** Fin-fish and shellfish farming are not completely exempt from the policy. Policy 3 has five points, and fin-fish and shellfish farming are exempt from the last two, not the first three. It is critical to outline that.

Fin-fish and shellfish farming are a bit of a funny one, because they are the only part of marine development that is covered by the Town and Country Planning (Scotland) Act 1997 and by terrestrial planning processes. In relation to marine biodiversity, it is important that we look at marine ecosystems as a whole and that that is considered through the national marine plan as well as the forthcoming biodiversity strategy. I assure you and other members that such farming is by no means exempt. Work on the issue will be on-going through other pieces of work that we are carrying out.

**Jenni Minto:** In planning on aquaculture, how will the views of all stakeholders in communities on the development of aquaculture be considered?

**Mairi Gougeon:** Throughout the process and in the lead-up to decisions, it is critical that the community's voice is heard. There are a number of means by which community voices can be heard throughout the process, whether that is through the consenting processes or licence applications for aquaculture. As the minister stated, NPF4 gives importance to community wealth building. Do you want to elaborate on that point, Tom?

**Tom Arthur:** Yes. I would add that policy 5 is a universal policy and that all development has to be considered through that community wealth-building lens. That agenda will grow and intensify throughout this parliamentary session as we work towards introducing legislation on community wealth building.

Some of the universal policies will have varying degrees of relevance and applicability. Aquaculture is one area where there will be significant interest. Although we are specifically discussing the role of the planning system in NPF4, these conversations could be expanded into the community wealth-building space, and I look forward to having them in due course.

**Mairi Gougeon:** I will add a brief point. We will also deliver our vision for sustainable aquaculture

this year, which will put an enhanced focus on the issue. I just wanted to give the member that assurance.

**The Convener:** I will bring in Beatrice Wishart.

Hold on a second, Ms Wishart, your microphone is not live. We will move on to Mercedes Villalba while we sort out the mic.

**Mercedes Villalba (North East Scotland) (Lab):** What is the Scottish Government's view of how the precautionary principle could be applied in relation to planning applications for aquaculture and other coastal and marine installations, where knowledge and information are incomplete?

**Mairi Gougeon:** We have had a consultation on that issue, which I think has just closed recently. The consultation was on the statutory guidance for ministers and other public authorities, who must have due regard to the five guiding principles on the environment in the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021. The guidance sets out our strategic approach to environment policy, including the precautionary principle as it relates to the environment and how that should be used and applied by decision makers. The consultation has just closed, and we will consider the responses to it closely.

09:45

**The Convener:** Thank you. We are now able to bring in Beatrice Wishart—we are cooking with gas, as they say.

**Beatrice Wishart:** I will ask about aquaculture planning. We know that the Griggs report is coming out shortly. What assessment has been given for planning authorities' needs for additional skills and training when considering aquaculture planning applications and how can the national shortage of planners be addressed?

**Mairi Gougeon:** That is something that we are actively addressing as well. As you said, we have the Griggs review that will come shortly. We undertook that independent review to see how we could make the regulation process and development more responsive, transparent and efficient. We will, of course, consider the outcome of that review closely.

Was the other part of your question about the knowledge that is within local planning?

**Beatrice Wishart:** Yes.

**Mairi Gougeon:** We have taken action to address that. We recently published our response to the salmon interactions working group. One of the outcomes of that was that we identified the Scottish Environmental Protection Agency as the lead regulator for sea lice interactions. That marks a transition away from local authorities managing

interactions through environment management plans. SEPA will work closely with local authorities to ensure that there is a smooth transition there. It is also consulting at the moment on a risk-based framework for managing interactions between sea lice from marine fish farm developments and wild salmon. Again, I can reassure you that these are issues that we are working on to address and there is a lot of work going on in this space at the moment.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** My question is in two parts. First, how do we meet the challenge of an emerging conflict between the concept of permanent development and an increasingly changing coastline, particularly in light of the severe weather environmental changes that we have been having and will continue to have? How can planning policies for coastal and marine infrastructure take account of existing Scottish Government policies for fishing and the blue economy, including a future fisheries management plan and the upcoming blue economy action plan?

**Mairi Gougeon:** I will happily address that point that was raised in relation to the blue economy action plan, because we will be setting out our vision for the blue economy and, after that, our action plan. Essentially, that will provide a frame and an ambition for Scotland's marine management policies, our strategies and plans. The national marine plan, regional marine planning and future fisheries management strategy will be key delivery mechanisms for the blue economy because that approach is about looking at our marine industries holistically. It will allow us to achieve our ambition for the sustainable stewardship of Scotland's blue resources, which is consistent with the international commitments that we have for our marine environment. That is how these plans and strategies will come together under the blue economy vision.

On planning policies for coastal infrastructure, the minister will come in on that.

**Tom Arthur:** There are two aspects. First, our spatial strategy recognises the tremendous economic opportunities that are provided by our coastal communities and also the particular challenges that they face and their particular vulnerability to climate change. Within the policies, policy 35 is a specific policy on coasts. I draw the committee's attention to policy 35(b), which states:

"Development proposals that require a coastal location should be supported in areas of developed shoreline where the proposal does not result in the need for further coastal protection measures and does not increase the risk to people of coastal flooding or coastal erosion and is anticipated to be supportable in the long term."

Policy 35(c) states that:

“Development proposals in undeveloped coastal areas should only be supported if the proposal is necessary to support the blue economy, net zero emissions or if it would contribute to the economic regeneration or wellbeing of communities whose livelihood depend on marine or coastal activities.”

That particular tension that Ms Adam articulated is reflected with the spatial strategy but also very specifically in policy 35 on coasts. Fiona Simpson, is there anything that you want to add?

**Fiona Simpson:** I would echo that. The policy has been developed and revisited from previous policy. There is an important link to local development planning and guidance that we are currently consulting on in relation to local development plans. Several of the national developments relate to coastal waterfront areas, reflecting the importance of looking at long-term resilience to climate change.

**The Convener:** In NPF3, economic growth and development was a priority. The then Minister for Local Government and Planning, Derek Mackay, suggested that opportunities for altered forestry increased sustainable economic growth, and it led to the Government’s economic strategy. However, this draft of NPF4 does not mention economic growth at all, apart from two times in relation to the national transport strategy. Therefore, it does not appear to have any economic growth strategy. We want to ensure that Scotland optimises opportunities for growth and economic success along with a balance between development and environmental protections. Is that something that has been missed? If not, how have you addressed that in this document?

**Mairi Gougeon:** Let me say straight off that we are working on the national strategy for economic transformation as well, which will be critically important in addressing some of the points that you have raised. I come back to points that I have made previously: we are not considering these strategies in isolation to each other, and there will be strong links and alignment there. The minister may want to come in.

**Tom Arthur:** I echo that point. We have the forthcoming publication of the national strategy for economic transformation, and that will be published ahead of the finalised version of NPF4 coming before Parliament. Clearly, what emerges from that work will be reflected within the finalised NPF4. I would also say that the heart of NPF4 in terms of response to climate change, the climate emergency and the nature crisis is a move towards the creation of a genuine wellbeing economy. That is why community wealth is embedded at the heart of our six overarching principles that relate to sustainability. Creating a prosperous economy that works for everybody is at the heart of this document and it is a spatial expression of all of the Government’s policies,

including the Government’s economic policy, and will reflect NSET once it has been published.

**Jim Fairlie:** As the cabinet secretary is aware, we are also taking evidence on the Good Food Nation (Scotland) Bill. Conversely, I will talk about the urban setting in terms of how this planning policy is giving local authorities the opportunity to take due regard of the Good Food Nation (Scotland) Bill in the planning process. This is probably not a question; it is more an observation that that is something that will be vital. You have answered that you are taking a cross-cutting approach and that this consultation is looking at lots of policies. I want to make sure that there is due regard taken of the Good Food Nation (Scotland) Bill so that people in the urban areas can get access to food-growing areas.

**Mairi Gougeon:** That is an important point and I am glad that you have raised it. From the early engagement that took place in preparation of the draft, that emphasis on food and that support for food and drink and the ability to encourage community growing is something that came out strongly. That is reflected in some of the policies that have been set out throughout the draft, as well. For example, policy 14 talks about supporting space or facilities for local community food growing and allotments. There are also a number of other policy areas where we are encouraging that development. For example, policy 31 talks about supporting farm and croft diversification and there is specific mention of enabling that to encourage farm shops to open up.

NPF4 enables that positive development and encourages the ambitions of the Good Food Nation (Scotland) Bill. I know that the committee has been taking evidence on that. Everything that is in the draft NPF4 chimes with what we are looking at through the local food strategy. We had the consultation on that, which closed in December last year, and we are currently analysing the results of that. Planning and food is critically important, and we do all we can to encourage and enable the vision and ambition that we have set out through the Good Food Nation (Scotland) Bill.

Earlier this week, I took part in a visit to the James Hutton Institute and spoke to people from Liberty Produce and Intelligent Growth Solutions about vertical farming. It is interesting to see how that has also developed and how people now look to have vertical farms as part of housing developments. There is so much opportunity there and it is important that NPF4 enables that type of development to take place so that we can become that good food nation.

**Dr Allan:** I want to ask a quick supplementary on the back of the point that the minister made there about crofting. I want to ask again about

plans tying together and how she feels that achieving those aims that she set out for crofting would tie in with legislation on crofting.

**Mairi Gougeon:** We absolutely want to make sure that that read-across is there. As part of the engagement that took place in preparing for the draft NPF4, there have also been discussions with the Crofting Commission. These are not things that we are considering in isolation.

**Ariane Burgess:** Thanks for taking part in this session. Clearly, we could talk to you for a lot longer on this. We are just scratching the surface.

My question is about process. Your consultation will end at the end of March, as you said. What happens then? In the evidence sessions that I am doing in the Local Government, Housing and Planning Committee, it is clear that there is some pull-through and some knitting together of some aspects in relation to clarity. I hear you saying that you do not want to be prescriptive and that you want to be flexible, but I also hear a lot of comments from planners who say that they want clarity. I am concerned about what the process is after the consultation ends on 31 March. This NPF is a draft. When do you expect to bring the final one to Parliament?

**Tom Arthur:** I am conscious of time, so I will be brief. We will take into account all responses that we have received through public consultation and that parliamentary committees have received, in writing and orally. We will reflect on those and we will seek to make judgments and seek to incorporate where we think that there are points that we can improve. We will feed that back through our consultation response and into the final NPF4. Our aspiration is to be able to lay the finalised NPF4 before Parliament prior to summer recess for adoption. This work is taking place at the same time as the consultation on the LDP regulations.

I want to be clear to the committee and give a commitment that we very much value all of the engagement. There is still a substantial amount of engagement to take place—I am conscious that your consideration will be on-going. I am heartened to see the amount of community engagement that has started to take place. That is something that, in my ministerial capacity, I am looking forward to engaging in. At this point, we are very much in listening mode and welcome this opportunity to articulate what our thinking has been in preparing the draft NPF4.

We are extremely grateful for all of the contributions that people have made to get to this process and are making now to share their views. I give the undertaking that we will take all of that into account and be clear and transparent about how we arrive at the final decisions that we put

before Parliament in relation to NPF4. It is, of course, a matter for Parliament to decide whether or not to approve NPF4, so that it can be formally adopted by ministers.

Fiona Simpson might want to add some more on the process.

**Fiona Simpson:** Just to add that there is a new requirement as part of the 2019 act where we set out how we have taken into account views that have been received during the 120-day period.

**The Convener:** I thank the minister, cabinet secretary and witnesses for giving evidence this morning. I will suspend the meeting briefly to allow a change of witnesses. We will reconvene at 5 past 10.

09:59

*Meeting suspended.*

10:04

*On resuming—*

## Subordinate Legislation

### Aquaculture and Fisheries etc (Scheme for Financial Assistance) (Scotland) Regulations 2022 [Draft]

**The Convener:** Our second item of business is consideration of an instrument that is subject to affirmative procedure. I refer members to pages 3 and 30 of their briefing packs.

I welcome back Mairi Gougeon, the Cabinet Secretary for Rural Affairs and Islands, for this agenda item. She is supported by Caroline Cowan, the interim deputy director for funding and strategy, and Iain Hepburn, the futures marine funding strategy delivery lead, Marine Scotland; and by Emma Phillips from the Scottish Government legal directorate. I invite the cabinet secretary to make an opening statement.

**Mairi Gougeon:** Thank you for inviting me to speak about the regulations today. The draft instrument establishes a scheme in accordance with the Fisheries Act 2020, whereby Scottish ministers can give financial assistance for a range of permitted purposes, including: promoting and developing our fishing and aquaculture industries; training and improving the health and safety of those who work in those industries; the economic development and the social improvement of our coastal communities that rely on those industries; developing recreational fishing; and conserving and restoring our marine environment.

The instrument is necessary as it will enable us to go beyond the scope of our existing funding powers and consider other areas that would benefit from support, particularly coastal communities and recreational fishing. The instrument will enable delivery of a funding scheme from 1 April, allowing financial assistance to be given for a broad range of purposes as set out in the 2020 act. We will publish guidance setting out the specific range of activities that can be funded, and the eligibility criteria, in due course.

Under the Bute house agreement, we have committed to an ambitious programme to protect our marine environment, and to support fishing and aquaculture businesses and the coastal communities who depend on them. The instrument will ensure that the marine fund Scotland continues to be key in the sustainable development of Scotland's blue economy, through investing in our marine sectors, creating sustainable jobs and helping to protect the marine environment not only today but into the future.

We are not alone in recognising the value of our marine space and the need to protect, restore and use it sustainably. The European Union established its European maritime, fisheries and aquaculture fund last year, replacing the previous European maritime and fisheries fund from which Scotland benefited greatly. Its new fund includes support for the transition to sustainable low-carbon fishing, the protection of marine biodiversity and ecosystems, and innovation in the sustainable blue economy. We share those objectives, and the instrument will ensure that those objectives can be delivered. I am happy to take any questions that the members may have.

**The Convener:** Thank you, cabinet secretary. We will now move to questions from members.

**Mercedes Villalba:** I understand that the legislation will allow the Government to subsidise fishers. It is important that the subsidies are pinned to delivering public and environmental outcomes. Examples of those outcomes are in the United Nations sustainable development goal 14, which states:

"By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies".

I feel that Scotland should be leading the way on that issue, but the proposed regulations do not seem to provide for any such conditionality. They provide wide-ranging powers and leave the awarding of subsidy to Scottish ministers' discretion. In fact, recent rounds of funding have seen money given for new, more powerful engines and bigger nets, without any link back to what that might mean for sustainability. How will the Scottish Government ensure that subsidy that is created using the regulations does not contribute to overcapacity and overfishing, as set out in the UN sustainable development goal 14?

**Mairi Gougeon:** I want to emphasise that we are not setting out the creation of a fund through the regulations. The regulations simply set out the framework for funding and give us additional powers as to what we can look to fund—it expands the range of activities that we can look to fund.

We have had one round of the marine fund Scotland. We will look at the outcomes of that and at how the first year's funding has gone. As we mentioned in the previous evidence session, a number of pieces of work are currently under way. We are working on our blue economy vision and action plan, and we already have our future fisheries management strategy. As we look to develop the criteria for future funding, we will make sure that that aligns with the visions that we will set out and with the different strategies that we

will have in place at that point. We are not at the stage of establishing the criteria for that; the regulations simply allow us to fund a wider range of activities.

**Mercedes Villalba:** If those initial regulations—this framework—does not include conditionality, I am not sure how the Parliament and members can have faith that that will come later on. How will the Government use the regulations to incentivise a move towards sustainable forms of fishing? Is there any further detail?

**Mairi Gougeon:** We are still to set out our vision for the blue economy, but we are undertaking a number of on-going pieces of work on fisheries and aquaculture. We will make sure that the new funding, when we establish it, takes account of that. I reiterate that are not at that stage, because we have not yet decided on what any new fund might look like and what the criteria would be for that funding.

**Mercedes Villalba:** Will you confirm whether the Scottish Government agrees with the principle that subsidies should be linked to public and environmental contributions and improvement?

**Mairi Gougeon:** In my opening statement, I mentioned what we have signed up to through the Bute house agreement and our environmental ambition in that regard. I will not commit to what will be in the fund at this stage because we are yet to take decisions on that. The regulations set out the range of activities that we will fund. I again make the point that the work to establish a fund is yet to be undertaken.

**Mercedes Villalba:** Thank you. I have no further questions.

**Ariane Burgess:** Have any of the companies that received hardship funding through the marine fund Scotland from the Scottish Government in the past two years also received fixed- penalty notices or been referred to the Crown Office and Procurator Fiscal Service for breaches of fisheries rules?

**Mairi Gougeon:** I am afraid that I do not have that information to hand.

**Ariane Burgess:** Would the Scottish Government amend the regulations to prevent companies that have received fines or been prosecuted for illegal fishing from accessing funding for three years?

**Mairi Gougeon:** I am not looking to amend the regulations at this stage. As I have already outlined, they extend the range of activities that we can fund; we are not at the stage of establishing a new fund or what the criteria for that might look like.

**The Convener:** It would be helpful if could follow up Ariane Burgess's initial question and get back to the committee.

**Rachael Hamilton:** The instrument enables the Scottish ministers to specify the procedure for making an application for a grant or loan under the scheme. With the previous funding, you were unable to make decisions on assisting the fishing industry with aid directed at statutory costs of a business but you were able to support non-statutory investments. Does the instrument change the ability of the Scottish ministers to do that? I will give you two examples. Assistance may be given for

“improving the arrangements for the use of catch quotas or effort quotas”

and

“contributing to the expenses of persons involved in commercial fish or aquaculture activities”.

To my mind, those are defined as statutory costs. Would the instrument change your ability to make decisions on those aspects?

**Mairi Gougeon:** I do not believe that it would.

**Caroline Cowan (Marine Scotland):** I will give an initial answer and maybe ask our lawyer Emma Phillips to intervene. On contributing to the costs of business, those do not necessarily have to be statutory costs; they can be any costs. On the use of catch quotas, I would have to remind myself of the detail of the regulations, but that can be used. Emma Phillips may want to add something.

10:15

**Emma Phillips (Scottish Government):** Those are purposes for which funding can be provided under the powers that have been used to establish the scheme. As to the precise definition of what the term expenses would cover, and in terms of the use of catch quotas or effort quotas, I will take that question away and respond the committee in writing to address those points, if members want further clarification.

In response to the question about conditionality, the regulations provide that any grant or loan funding offered under the scheme will be subject to any conditions that are determined by the Scottish ministers. There is provision for that to be subject to conditions, and any contractual conditions of grant or loan would be specified in the contractual offers of grant or loan issued to successful applicants. There is provision under the regulations to allow conditionality to be attached to the grant or loan funding under the scheme.

**Rachael Hamilton:** I want to follow up on that, because there is method behind my madness. In the past, the Scottish Government has considered

grants and loans in terms of public investment and there is a relatively poor return on that public investment when funding, say, a fishing business's operational statutory cost. I am very interested in Emma Phillips's response to the committee on the specific issue about return on investment and how the instrument changes that.

**Mairi Gougeon:** Again, we would be happy to come back with answers on those points.

**Jim Fairlie:** I want to touch on how the scheme differs from the European maritime and fisheries fund. The instrument broadens the scope of financial support that was previously available under the EMFF to include, for example, conservation, and the enhancement or restoration of the marine and aquatic environment. I understand that you have a current funding pot of about £14 million through the marine fund Scotland and that money is coming out of the UK seafood fund as well. The EMFF provided about €108 million. Do you have a funding figure in mind for the new scheme? How does that compare with the funding amount for EMFF? How would your proposed scheme operate within the UK internal market? To what extent will the United Kingdom Internal Market Act 2020 constrain your choices?

**Mairi Gougeon:** You mentioned the previous round of the EMFF. The regulations will mean that we can better align with the new European maritime, fisheries and aquaculture fund. The regulations broaden the scope of what we can fund compared with what we could fund previously. For example, we could now look to fund activities in marine biodiversity, ecosystems and coastal communities. There is a broader range of what we can look to fund through the regulations.

On the level of funding that we receive, we are allocated £14 million a year. That has been very frustrating and disappointing for us, because we believe that our allocation should be about £62 million, so there is a significant shortfall, but we know that our—

**Jim Fairlie:** Can I stop you there for one wee second? If you are short of that amount of money but you are saying that you have greater scope to act, does that not mean that your ability to fund will be much more limited? You will be funding more areas but with a smaller pot. How will you make that work?

**Mairi Gougeon:** We will have to take careful consideration of that when we look to set the criteria for the new fund and the activities that we would like to fund. Ideally, we could do so much more, if we got the full allocation of £62 million, which we were right to expect and that we deserve.

What makes the situation worse is the fact that, in previous years, we had received an extra £5 million on top of our EMFF allocation in recognition of the significant marine resources that we have in Scotland. However, the UK Government has decided not to give us that uplift. Therefore, the funding that we have is significantly less than the funding that we had previously.

We continue to raise the issue with the UK Government. The matter continues to be a cause of significant frustration and disappointment. We could do so much more for our marine environment, our coastal communities and our fishing industry if we had the full allocation of £62 million.

**Jim Fairlie:** What about the impact of the United Kingdom Internal Market Act 2020?

**Mairi Gougeon:** We see the impact of that through the UK seafood fund. I touched on some of those points when I had the discussion with the committee on the budget. That duplicates what we can fund in Scotland. There is a lack of clarity. I think that it will be confusing for those who are applying to the marine fund in Scotland—which we have had in place during the past year—because that is direct spend in a devolved area. We believe that that funding should be for the devolved Parliaments to allocate and distribute. Caroline wants to come in.

**Caroline Cowan:** On Mr Fairlie's first point, I will explain how we have got to where we are. Previously, we had directly applicable EU regulations, which allowed us to spend in the full range of the EMFF's purposes. Last year, because of the very late settlement with the UK Government, we had to use the powers that we had available to spend the money.

Those powers, which are fairly narrow, are under the Aquaculture and Fisheries (Scotland) Act 2007. The regulations are a bit of a top-up, almost, to EMFF powers. That is partly why we need to introduce the regulations now. If, for example, we are to align with the new funds, we have only those narrow powers. The regulations allow us to have that broader range of purposes. Last year, we were very restricted in some ways compared with where we had been in the EU with the relevant regulations, if that makes sense.

**Jim Fairlie:** Yes. In effect, you had very restricted powers with a bigger pot of money and now you have much more powers with a restricted pot of money.

**Caroline Cowan:** Last year, we had the same fund, plus the £5 million that the cabinet secretary referred to. Under EMFF, we had £98 million over its funding period. The key point is that the EU has now negotiated a new fund and our assessment is that we would have been entitled to significantly

more of that funding. The quantum from this financial year to next financial year is a little bit reduced but it is far below what we believe we would have received had we stayed in the EU.

**Karen Adam:** Will the new fund support sustainable fisheries management through the provision of financial assistance for scientific data collection, or does that fall within the scope of the UK seafood fund?

**Mairi Gougeon:** The criteria for what we would look to set up in a new fund have not been established yet, but that is something that we would be able to fund through the regulations.

**Beatrice Wishart:** The Scottish statutory instrument states that grants and loans can be given in relation to Scotland or the Scottish zone. As the cabinet secretary knows, I have raised with her on several occasions concerns about the practice of non-UK gillnet fishing around Shetland. Does the SSI leave open the possibility that any boat operating in Scottish waters or the Scottish zone would be eligible for financial assistance?

**Mairi Gougeon:** We have not yet established any criteria for a new fund, but there would have to be alignment with the strategies and vision that we have set out, which is that we want what we do to be to the benefit of our coastal communities and our fishing industry in Scotland.

**The Convener:** I want to be clear on that. Are you saying that the scheme would allow boats that are not registered in Scotland to receive financial assistance? You appeared to say that that would depend on the criteria, but surely the scheme would not allow boats that are not registered in Scotland to obtain grants and funding.

**Mairi Gougeon:** No.

**The Convener:** It would not.

**Mairi Gougeon:** No—that could not happen through the regulations.

**Caroline Cowan:** I would like to double check the act but, as far as I remember, we are restricted to funding Scottish vessels.

**The Convener:** That is quite important.

**Caroline Cowan:** I will confirm that in our written response, but I am reasonably confident that that is the case.

**The Convener:** My understanding is that what we are deciding on today is the establishment of a scheme that allows you to make payments. The instrument does not set out anything further than that.

What stakeholder engagement will you carry out? How long will it take you to develop the guidance around the grant and loan schemes that

you envisage will be introduced? We are looking for a timescale for the work that you say needs to be done to set out criteria.

**Mairi Gougeon:** The guidance would be a technical document. We would not look to consult on the technical guidance, but consultation will be undertaken on the strategies that I have talked about that are currently in development. That is the point at which that would be done.

On timescales, I will ask Caroline Cowan to talk about what happened when we established the marine fund Scotland and when we were able to have the guidance available for that.

**Caroline Cowan:** One of the challenges is not knowing how much or if we were going to receive money until the UK spending review, which makes the timetable tight. Last year, if I remember rightly, we were able to have the scheme open in late May or early June, and to publish the guidance. We will try our best to do it sooner than that.

We have to bear in mind the links to the other strategies. We do not want to publish the technical guidance until we are sure that it is aligned with the wider strategy. Some of those strategies are in the public domain, such as the future fisheries management strategy.

**The Convener:** On that basis, if you hope to open the scheme in May, when will you start the consultation process? How wide will the stakeholder group be?

**Mairi Gougeon:** It is not possible for me to set that out at the moment, because what we would look to fund is dependent on the committee approving the regulations today. Should that happen, we have a number of pieces of work under way that will help to inform what a future fund might look like, and we will look to develop that as soon as we can.

**The Convener:** So, at the moment, there is no timescale planned for the consultation.

**Mairi Gougeon:** I cannot give a definitive timescale at the moment, but I would be happy to keep the committee updated as to when we intend to launch a round of funding.

**The Convener:** That would be helpful—thank you.

Are there any further questions?

**Rachael Hamilton:** It is welcome that the Scottish ministers have the ability to set the criteria for what is a relatively new fund. What relationship does the fund that we are discussing have with the £100 million UK Government's seafood fund? How will it complement that fund? That fund has tranches on innovation, infrastructure, training and skills. Is there a crossover here, or are you

planning to fill the gaps through the stakeholder engagement to which Finlay Carson referred?

**Mairi Gougeon:** I assure the committee that we are in constant contact with our stakeholders anyway. I do not think that it is our role to plug the gaps in other funds. Ultimately, I come back to the point that the UK Government is spending directly in what is a devolved policy area. That funding should come to the Scottish Government for us to distribute according to our policy priorities. That is the problem with the UK seafood fund at the moment. It is causing duplication and confusion in relation to the activities that we are funding through the marine fund Scotland. That is not an ideal position and it is not where we want to be. It is a source of frustration to us that there is duplication when we should be able to spend according to our own priorities.

**Rachael Hamilton:** What are the duplications?

**Mairi Gougeon:** I will ask Caroline Cowan to outline the specific areas that are covered by the UK seafood fund, but there are a number of activities that we fund through the marine fund Scotland that are now also being covered by the £100 million.

**Rachael Hamilton:** That goes to the heart of my question. The UK seafood fund covers innovation, infrastructure, training and skills. I know that you have not yet established the detailed criteria for your fund, but will you seek to cover what the seafood fund does not cover in the activities that you have suggested that the SSI before us will cover?

**Mairi Gougeon:** I will look to establish a fund in accordance with our priorities. As I said, the pieces of work that are currently under way will help to shape the criteria for that fund, but it is not our job to simply plug the gaps in the funds of others. We must spend according to our own priorities. That is what we will seek to do with the creation of any new fund.

**Rachael Hamilton:** That concerns me, because if you want us to approve the SSI today, surely you should have done work on what the duplication is and should have that information to hand.

**Mairi Gougeon:** We have continued to raise that issue with the UK Government. Because we established the marine fund, there had been little engagement on the part of the UK Government in terms of—

**Rachael Hamilton:** What are the duplications?

**Mairi Gougeon:** That is what I asked Caroline Cowan to outline.

**Caroline Cowan:** With the initial science funding, a lot of the funding went towards

continuing an existing programme. On the innovation pillars and training skills, we do not really know what those are, as they have not been set out clearly. It is hard for us to assess duplication when we do not know what the UK Government's criteria will be.

**Rachael Hamilton:** Does that mean that you are not ready to put forward the SSI?

**Mairi Gougeon:** That is not the case at all. The SSI will enable us to fund a broader range of activities. I do not think that we should wait for the UK Government before we look to do that or to fund the priorities that we see as being important in Scotland.

**Rachael Hamilton:** But, after all, it is public money.

**Mairi Gougeon:** Yes.

10:30

**Caroline Cowan:** Obviously, we would not duplicate. One project could not receive funding from both funds for the same work. We have agreement with our UK Government colleagues that we would assess for that kind of duplication.

**Rachael Hamilton:** Why have you not done that prior to this point?

**Caroline Cowan:** Because the UK Government has not yet launched its fund—I think that it will launch it in the next financial year. I see your point now. It has not set out the criteria.

**Jenni Minto:** I have a quick question. What would be the implication, from the point of view of delays, if we did not approve the regulations today, given that we are giving the Scottish Government an opportunity to set up a framework to support loans and grants to fishermen?

**Mairi Gougeon:** It would mean that we would be restricted in what we could fund. We could still launch another round of the marine fund Scotland, but we would be able to fund only activity that falls within the existing scope of that. We would not be able to fund a wider range of activity.

**Jenni Minto:** Therefore, the regulations provide an opportunity for fishing communities to apply for a wider range of grants and loans to support their businesses and their sustainability.

**Mairi Gougeon:** Yes.

**The Convener:** Emma Phillips would like to come in.

**Emma Phillips:** I want to add that we will respond in writing to the committee on the question about the funding of Scottish fishing vessels. The enabling powers are very clear that funding will be provided in relation to either

“Scotland or the Scottish zone” or Scottish fishing vessels. Therefore, any funding relating to fishing vessels would be tied to Scottish fishing vessels. We can respond more fully to the committee’s question on that point in writing.

**The Convener:** Thank you. That is most helpful.

As members have no more questions, we move to the formal consideration of the motion. I invite Mairi Gougeon to move motion S6M-02734.

*Motion moved,*

That the Rural Affairs, Islands and Natural Environment Committee recommends that the Aquaculture and Fisheries etc. (Scheme for Financial Assistance) (Scotland) Regulations 2022 [draft] be approved.—[*Mairi Gougeon*]

**The Convener:** No member has indicated that they wish to debate the motion. The question is that motion S6M-02734 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division. Please indicate your vote by raising your hand or by putting Y, N or A in the chat box.

**For**

Adam, Karen (Banffshire and Buchan Coast) (SNP)  
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
Burgess, Ariane (Highlands and Islands) (Green)  
Carson, Finlay (Galloway and West Dumfries) (Con)  
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
Minto, Jenni (Argyll and Bute) (SNP)  
Wishart, Beatrice (Shetland Islands) (LD)

**Against**

Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

**Abstentions**

Villalba, Mercedes (North East Scotland) (Lab)

**The Convener:** The result of the division is: For 7, Against 1, Abstentions 1.

*Motion agreed to,*

That the Rural Affairs, Islands and Natural Environment Committee recommends that the Aquaculture and Fisheries etc. (Scheme for Financial Assistance) (Scotland) Regulations 2022 [draft] be approved.

**The Convener:** Thank you. That completes our consideration of the affirmative instrument. I thank the cabinet secretary and her officials for attending.

I suspend the meeting briefly to allow for a change of witnesses. We will reconvene at 10.40.

10:34

*Meeting suspended.*

10:40

*On resuming—*

## **Good Food Nation (Scotland) Bill: Stage 1**

**The Convener:** Welcome back, everyone. Under agenda item 5, we will return to taking evidence on the Good Food Nation (Scotland) Bill. Today, we will focus on public bodies. I welcome to the meeting Mike Callaghan, policy manager, Convention of Scottish Local Authorities; Mark Hunter, strategic lead, food and facilities support, East Ayrshire Council; and Jayne Jones, national chair, Assist FM food and drink, Argyll and Bute Council.

Members will note that the bill will place a duty on health boards and local authorities to produce a good food nation plan. The clerks have been unable to secure any witnesses to represent health boards for today’s meeting, which is very disappointing. I have written to all the health boards to invite them to provide written responses to some of the questions that will be posed today. I hope that we can incorporate those responses into our inquiry.

We will now move to questions. We have until approximately 12 o’clock. I will kick off.

What is the witnesses’ understanding of what being a good food nation means? What are your views on whether the bill will enable public authorities to contribute to that ambition?

**Mike Callaghan (Convention of Scottish Local Authorities):** It is clear that food intersects with many different policy areas, and it is important that a good food nation bill is not considered in isolation, as it should shape food-related legislation and policy in all areas, such as public health, food insecurity, public procurement and agriculture. It should say how it contributes to local communities and reflect not just the current situation but our current and future challenges in respect of policy in the food sector, global price increases, shortages of certain goods, and how it impacts on the public sector purchasing of food by local authorities—for example, how it impacts on school meals and the care sector. It should consider a broad area and should almost be an overarching plan for all food policy. Such a bill certainly has merit, and it should encompass a wide range of food policy areas.

**Mark Hunter (East Ayrshire Council):** A good food nation is about allowing collaboration between the public sector and the private sector, and how we look at food as a whole, either within the community or nationally. It is about supporting communities to build place-based and sector-led

approaches, and looking at how that contributes to a better economy.

**Jayne Jones (Argyll and Bute Council):** For me, a good food nation is one in which we take a local and sustainable systems approach in which our food production is good for people in our communities, the welfare of our animals and, of course, the planet. We want food to support good health, our workforce to be valued for its importance to society, food inequalities to be tackled with no need for emergency food, and access to healthy foods to be much easier. We want people to know more about their food and where it comes from, and public sector food to lead the way in achieving those aims.

I see a good food nation as an important opportunity for us to develop a food system that is less fragmented and more interconnected, and to recognise that climate change, food insecurity, health, good employment, land management and so on are all interrelated and that they all need to be addressed to ensure that everyone in our communities has access to good-quality, local, sustainable and ethical food. Public sector food can be a driver for that change, and it should be an exemplar of good practice that can ignite the systemic change that we need across our communities.

We are already on that journey—we are not at the very beginning of it. We need to recognise the progress that we have already made, but the good food nation agenda gives us the opportunity to do more.

10:45

**The Convener:** I have a supplementary question for Mark Hunter. East Ayrshire Council is held in very high regard as a result of the progress that it has made on food procurement and ensuring good, healthy food. Does the Good Food Nation (Scotland) Bill need to go right down to soil quality and agricultural practices and right through to the end consumer and the nutrition for our elderly in care homes? What is your vision of what the bill or the plan should deliver?

**Mark Hunter:** East Ayrshire Council has been on the journey from around 2004, when we started to look at how we could provide support within the local community and to local suppliers. That has an impact on what we can call on to use in food education programmes in our schools, the suppliers that support that, our links with the local community, and how the local community engages in discussions about where we will go forward.

We have very good links with the other food sectors in the local authority area. That links into other things that we need to do and into looking at the social and economic wellbeing of our

community. We have to look at the environment to, for instance, enable farmers to produce some of the things that we are looking for on the local produce side, and at how we can develop farmers to be able to deliver those things. If we can get a good food education programme in the schools, we can support the health agenda and, obviously, the economic development of our local community.

**Jenni Minto:** Jayne Jones spoke about being on a journey. We have heard evidence that there is a changing culture, as well. What changes in culture have you seen in your local authorities as a result of the decisions that you have made about food? What learnings have you got from the pandemic? How are Scottish Government policies, such as the 1,140 hours of free childcare and free school meals, impacting on children in your local authority areas and how you shape your policies?

**Jayne Jones:** We have seen a huge amount of change and evolution over the years. As Mark Hunter said, there has been a journey since the early 2000s. We have been able to develop relationships with suppliers, local producers, manufacturers and farmers in our—*[Inaudible.]*

It has been about taking the time to nurture and build those relationships, develop opportunities for them, and build trust around what public sector food can offer as an opportunity for not just economic growth necessarily but economic stability. We give stability in public sector foods through providing guaranteed volumes, and we pay our bills, for example. It is about being able to talk with people about that and offering them wider opportunities.

A big thing that we have been working on is dividing our procurement opportunities into very small lots so that they are manageable for small suppliers. That allows them to come on board, build confidence, and look at future opportunities. They may wish to apply for future lots and grow beyond that. That can give them access to wider areas for their own supplier development beyond just public sector food. It can give them opportunities to access more restaurants or cafes, for instance.

During the pandemic, there has been a lot of learning about the importance and value of our supply chain and how working with it has been invaluable to reach people across our communities who were in need of food support. I do not think that we could have done any of that without the relationships and partnership working that we already had in place. We were able to work with businesses, not just the suppliers that we rely on day in, day out. We were able to keep them from putting staff on to furlough, for instance, by enabling them to use our relationships to support community food, and we were able to

work with retailers and other businesses to provide that support. It is very much about having a holistic mindset about local food and what works in our local areas.

You asked about culture change, bringing our children and young people on board with that, and how we have used changes in policy to support that. The 1,140 hours programme and the fact that children who are in receipt of 1,140 hours of childcare now receive a meal are really important developments. We are able to use that as a means of food education for children at younger ages than ever before. We can teach them how to sit down and enjoy a meal in company with their class. That also introduces them to meals and opportunities for food that they would not necessarily always have, and it is creating a lovely, warm and nurturing food culture. By doing that with two and three-year-olds, we can take children on a journey in which food is just part of the school day and what they are used to every single day as part of their educational experience.

**Mark Hunter:** I entirely agree with what Jayne Jones has said.

I will start on the procurement side. It is about starting off small and engaging with local suppliers. That has come to the front during the pandemic. We were able to change quickly by speaking to our suppliers and asking them to supply the kind of food products that we required, both to deliver the food boxes and to keep them supported throughout the pandemic because they had some sort of income coming in. Having that availability worked both ways, for the supplier and us.

With the introduction of the 1,140 hours, we are starting to see a difference in the primary 1s who started in August. We have seen a slight increase in the uptake of meals among the primary 1s in our local authority area. I cannot speak for other local authorities, but we are starting to see that impact. They are used to the food coming in. We know that the tastes of young ones, like those of anybody, change through the years and that we lose them and gain them in certain areas, but we are starting to see the impact of that coming through.

On the food education side, it is very important to use local suppliers to come in and show people where things come from, so that they—including the young ones—understand and recognise the food on their plate.

**The Convener:** Could we have COSLA's view on that question, as well?

**Mike Callaghan:** My colleagues have covered the matter very well from a local authority perspective. We are aware that local authorities spend roughly £80 million per year on the

procurement of food. Those costs are going up, so it is obvious that we need a strategic approach to how local authorities meet those challenges.

I know from a discussion in a recent COSLA community wellbeing board meeting that local authorities and elected members have a great appetite and desire to identify ways in which food can be grown locally, particularly in urban areas, using land that is not used by public organisations, for example, to help to provide the capacity to grow more food locally and contribute to local food supplies. Those are among the ideas and considerations that have been thought of recently.

Mark Hunter and Jayne Jones have set out really well points about good local approaches in Argyll and Bute and East Ayrshire.

**Karen Adam:** I want to discuss targets. I have been talking about that subject over the past few weeks and trying to dig down into it. Everybody seems to have their own specific agenda for the targets that they would like to see.

I have been using the example of obesity, which is not just the consequence of a bad diet or eating too much; a lot of socioeconomic factors come into play. I heard someone say that giving people one hot meal a day could be a target, but if we used a meals on wheels type of service, it might be a meal that just needs to be heated up for five minutes in the microwave or whatever.

My concern is how we ensure that everybody works together and that the targets do not pull the plan apart; the plan should take a holistic view on the good food nation. If we set targets for things that might be consequences of socioeconomic factors—we are looking at a cost-of-living crisis at the moment—will we not set ourselves up to fail? Are we in danger of not seeing the wood for the trees if we get too caught up in setting targets? Should we look more at levers, performance and unintended consequences?

**Jayne Jones:** That is an important issue, which we need to delve into quite deeply. There have to be clear outcomes and indicators in place so that we can see our direction of travel towards the state to which we aspire through the bill. You have outlined clearly some of the socioeconomic implications. The headline outcomes and indicators need to clearly state how food relates to the wider policy outcomes, including the national outcomes to which we are committed on the environment, education, the economy and so on.

Targets can help to keep us on track, and there is merit in having some high-level measures in place, but I do not think that what gets measured automatically gets done. That does not apply to food in the same way as it does to other areas that can be measured. One of the reasons for that is that, as you said, measures can sometimes be

distracting. We need to think about quality over measures. That is important. When it comes to comparing food provision with other commodities that can be measured, quality is of real value.

For example, there are absolutely no measures relating to public sector food, school meals or food purchasing in the local government benchmarking framework, but that does not mean that we are not working hard to improve the services that we provide every day. Mark Hunter and I have talked about some of the progress that we have made, and that is without having rigorous benchmarks and targets to achieve. Indeed, sometimes, having too many or too rigorous targets can be a barrier to safe implementation and to effective service delivery.

There should be some measures in place to determine what success looks like. Local action plans will be critical for local communities in designing exactly how they will achieve that. Not all local authorities are starting off in the same place, and the same could probably be said for health boards and other public bodies. We need to be sure that no one will be left behind if we set targets that are simply not deliverable. There should also be collaboration, and the plans should overlap and talk to one another to ensure that we do not leave people behind.

There could be stretch targets and aspirations for the percentage of Scottish food that is procured or the percentage of organic food that is used, for example. They are useful tools that I have heard being talked about in previous evidence sessions, but they should be only one part of a suite of other enablers to drive improvement. It should not just be about targets and measures.

**Mark Hunter:** I agree with everything that Jayne Jones has said. I always worry that, if we set targets, people will, in some cases, not be able to reach them. I agree that outcomes are probably better. We are all at different stages of this journey. East Ayrshire Council and Argyll and Bute Council, among others, have been working on the issue for quite a long time, and there have been those engagements. We have different teams around us that support engagements in the community, and we have an overlapping connection with our partners and other colleagues in the council. A process—that is a better word that I would like to use—needs to be set for how other local authorities move forward with us, so that they are not left behind, as Jayne Jones said.

11:00

**Jim Fairlie:** The point about whether we use targets or outcomes is really interesting. When East Ayrshire Council started on its journey and employed the hungry for success programme, I

remember very clearly that it went all out to ensure that it did all the things to meet the gold standard. I know that Argyll and Bute Council did the same, but other local authorities chose not to go down the same road. Are our current food procurement practices a hindrance? Does the national plan need to ensure that local authorities employ their own local plan so that there is take-up and it is not really voluntary, if that makes sense? I might not be being clear in what I am saying. I will come to Mark Hunter first.

**Mark Hunter:** Do you mean local procurement?

**Jim Fairlie:** Yes.

**Mark Hunter:** We started off slowly, and the work was led by Robin Gourlay in 2008 in association with local suppliers. It is about recognising the capability of suppliers and what is in your area. We are quite fortunate in East Ayrshire that we have quite a lot of suppliers in the area that we can call on and use. It is about engaging with them and asking whether they would be interested in such a scheme should it come to light. That is probably the more difficult bit, because small and medium-sized enterprises and small suppliers are frightened of the procurement process. It is about understanding the procurement process, having the prior information notices and asking questions, but the suppliers should also be allowed to ask questions should they have any issues with going through the process.

**Jim Fairlie:** I understand that it is difficult for a small producer to go to a local authority. Do the current public procurement practices allow for SMEs and smaller producers to be brought in? Should the national plan say that local authorities must have such engagement to provide the good food nation objectives?

**Mark Hunter:** If reference was made to supporting the local community or community wealth building, that might allow local authorities to look at their procurement, but I do not think that it should be mandatory for them to go down the local procurement route, as that would be difficult for some local authorities in some cases. However, they should look at local procurement. Some local authorities use SMEs in their areas, even though they use the Brakes and the 3663s of the world for the bulk of their food products. It would be difficult, in some cases, for some local authorities to use local procurement, so I do not think that it should be mandatory.

**Jayne Jones:** There is a huge risk in mandating that type of work. The current approach to public sector procurement allows the flexibility that we need to engage with food and drink manufacturers, producers, suppliers and farmers across Scotland and to build relationships. That

takes time and resource, and not everyone has the time and resource to build those relationships, talk to people at farm gates, build trust and get people involved in the process.

We need to recognise that, in some local authority areas, access to a range of food and drink producers is much easier than it is in others. The committee has heard evidence about the difficulties in Glasgow, as there are so few food manufacturers and food businesses in the city. How can Glasgow City Council learn from and replicate the approach that is taken by local authorities such as East Ayrshire Council? The cities and smaller, more urban local authorities would have real challenges in producing food in their areas. How we connect these things is part of the challenge and is what we need to look at.

Wholesalers can be part of the solution and should not always be seen as part of the problem. We have done some great work with our wholesale association—the large wheels of the operation, if you like. Wholesalers can enable local Scottish produce to be delivered to other local authority areas. Local plans and the national plan should give us the flexibility to deliver some of what is in the framework, but the current procurement guidance already permits some of that to happen.

**Jim Fairlie:** In an ideal world, more fruit and vegetables would be grown in Glasgow so that the supply chain could be shortened. NPF4 would then become important.

**Jayne Jones:** Absolutely.

**Ariane Burgess:** I am aware that the duty to publish and report on plans will have a human resource and financial impact on local authorities and other public bodies, which are already very stretched. Are the anticipated costs in the financial memorandum realistic? Should the costs be met through additional Scottish Government funding, and should that funding be ring fenced? I will address those questions to Mike Callaghan first, but if anyone else wants to come in, that would be great.

**Mike Callaghan:** Those are very good questions. In our view, the financial memorandum does not identify any funding for the on-going delivery of plans for the good food nation. Local authorities will be critical to the delivery of the bill's aspirations, so they must be fully funded to develop the plans and deliver on the actions and commitments. Committee members will be aware that local authority budgets have been eroded over quite a number of years, so it is a key imperative that local authorities have sufficient funding to take the bill's provisions forward in a positive way.

**Mark Hunter:** The resource needs to be funded. There has to be an element of funding for anything that we are being asked to do to support the policy and the legislation. We need to look at what would be funded and how it would be funded to support the policy.

**Jayne Jones:** For me, the biggest issue is how we deliver the ambition. Without adequate resource, the plan will ultimately become a piece of paper with ambitions on it. The hard part is how we bring the plan to life. How do we ensure that we have someone to meet farmers, suppliers and producers? How do we ensure that we have someone to spend time dealing with food insecurity and developing local solutions to the challenges that people face? How do we ensure that we have someone who can provide the educational and community food opportunities to create change in our communities?

Some of that work is going on in small pockets, but drawing it together and doing more of it across Scotland will take time and resource. We would love nothing more than to have local food in all schools and care homes and to develop opportunities to work in areas of growth, but capacity is the issue. We can only do so much with good will and ambition alone.

**The Convener:** I have a question on the back of that. We heard that the Government thought that the cost of drawing up the plans would be negligible for public bodies and health bodies, but the delivery of the plans to achieve the outcomes is a different thing. Potentially, there is a higher cost if we procure locally; there is a higher cost to building the processing network for the food to be used locally. We have seen local authority budgets slashed over the past few years, so local authorities are under immense pressure at the moment. We hear also about the benefits of eating healthier food and the cost savings that that could have of millions of pounds to the health service every year. How much commitment should the Government give to local authorities to deliver these plans to achieve what we all want as a good food nation?

**Mike Callaghan:** That is a discussion that we need to explore if we are to match the aspirations of the bill. What has been considered in discussions so far is that clearly the capacity to deliver the aspirations of the bill needs to be greater if local authorities are to do that effectively. It is not just about consultation; it is about operation, delivery and co-ordination—the whole series of tasks and work with different partners that will be involved if we are to deliver the aspirations effectively. I am not able to quantify what is needed, but I know that it will be much more significant than what was originally envisaged. When we think about the current

challenges in the food sector and food policy in Scotland and the global factors, we see that there is more impetus than ever before to have sufficient capacity for this. This will need to be explored further with local authorities in order to quantify what is required. There will need to be an adequate and sufficient staff resource for co-ordination in local authorities via their community planning partnerships.

**Jayne Jones:** I agree with what Mike Callaghan said. We know that this comes at a cost and we need to think differently about how we speak about food and what the aspirations are. All too often, we think of food as being a cost to be borne or a cost to be cut and we need to reframe that into thinking about this as an investment in the wider strategies that we have touched on and the wider aspirations that are outlined in the national outcomes. How we measure that is a challenge as well—how we make sure that we are getting a good bang for our buck through this process. That has to form part of the discussions as well.

**Mark Hunter:** What we look at in East Ayrshire is the value on the plate. We have to look at it in more detail—that is for sure. We have learned to live with the additional costs that are involved in using local suppliers, so we have grown with that over time, but it would not be straightforward for any other local authority that had not started on this path. We have embedded it into what we do now, but it would need a lot more detailed discussion.

**The Convener:** Thank you. That is helpful.

**Ariane Burgess:** I would like to hear your views on whether the statutory requirement on public bodies to produce, consult on and publish a good food nation plan will make a difference to what public bodies are already doing.

**Jayne Jones:** I think that this provides us with an opportunity to be more strategic in our thinking about food and how we can enhance work that is already under way. I have already said that food policy is quite fragmented at local and national level, with so many statutory requirements and regulatory measures already in place. The requirement to produce and publish a plan gives us an opportunity to think better about how we draw together all those various policy areas to change our food systems and our food culture for good. I liked Robin Gourlay's suggestion at the committee a couple of weeks ago that food plans should be given the same level of importance as other plans, such as those on health and safety. If all council and national services had to be more mindful and supportive of food in decision making, that could mean that a food plan could be transformational.

When it comes to consultation, we need to consider our people and our workforce before publishing a plan. We need to consider how we better value caterers who work so hard in our schools, hospitals and care homes, delivering hundreds and thousands of meals each day. I would like to be talking about how that plan can recognise their role and how we can make this work happen not by chance but through our people, and that includes our staff, our producers and our suppliers. We need to think carefully about that at a time when recruitment is very challenging.

We also need to be thinking about our children and young people and the important role that they have to play in developing our ambitions and our plans. This is generational change, so those are the people who we will rely on to do the work. They also have a role in monitoring and evaluating what we do.

11:15

However, ultimately, the consultation can be done in different ways to meet the differing needs of various groups, including hard-to-reach groups. We want meaningful participation. There has been a lot of learning from the pandemic about how we do this. We should build on that and some of it has to be done nationally, perhaps through citizen panels and listening groups but locally, with the work that we have already in place with community groups and the third sector, we are very well placed to carry out engagement work across communities as well as across our children and young people networks and with our workforce.

**Mark Hunter:** It is exactly as Jayne Jones said—what is key is that it is about making sure that we have those links embedded, no matter what we do locally or nationally. We are in a good position because we know that people were cooking more at home during the pandemic. It became apparent that they were cooking more at home and using local. Where the local authority had links within the local communities—with community councils or associations—it allowed us to move forward very quickly at the beginning of the pandemic. That is crucial to engagement, whether it is links within the community or links with local restaurateurs and suppliers. It is about how we can join that up in a better way.

**The Convener:** Mike, I appreciate that your time is limited, so we will bring you in on these questions. Also, if there is anything else you want to add before you go, please feel free to raise it now.

**Mike Callaghan:** Jayne Jones made a good point about food policy being fragmented. I think

that there—*[Inaudible.]*—and local authorities are well placed to do that at a local level. Other public bodies, such as prisons and universities and colleges, can contribute to this by drawing up their food plans along with local authorities, which will help us to respond strategically and have a strategic approach to food in managing staff welfare facilities, food waste and so on. All public organisations should have food plans in place to feed into a good food plan for the local authority community planning partnership area.

**Beatrice Wishart:** The bill provides for public authorities to be designated as specified public authorities that would be required to produce the good food nation plans. Beyond local authorities and health boards, which public bodies should be given that designation?

**Mike Callaghan:** Following from what I said just previously, I think that there is an opportunity to share a duty of responsibility to draw up food plans with other public sector organisations. Universities and colleges and prisons are all involved in providing food for inmates in prisons and students at colleges and universities, and local authorities provide food for schoolchildren and for people in care in the care sector. Yes, I think that that would be a positive move.

**Ariane Burgess:** Section 8 states that a relevant authority must consult on a draft plan and “have regard” to any responses. I would like to hear your ideas on how public bodies could ensure meaningful participation in the creation of their plan, especially from food workers—Jayne Jones touched on that—and those with lived experience of food-related issues. I would also appreciate hearing your views on whether it would help to have an independent oversight body set up before the plans are drafted to support public bodies to conduct the process of meaningful participation and engagement.

**Jayne Jones:** I touched on that briefly in my previous response. I think that there will be a need to consult in different ways, particularly if we are looking at a national plan and a variety of local plans. There is a risk that, if consultation is not done in a collaborative and cohesive way, different organisations and public bodies will be asking similar questions, but perhaps at different times, of the same community groups. Co-ordinating activities will be important because, if we are going to specific communities and groups, we need to have our questions specifically around not just what our local plans look like but also what our national plan needs to deliver.

There is learning from the pandemic about how we can do this. We should be building on some of the work that was done locally and nationally to gather views about what the response looked like post-pandemic. Our local authorities are best

placed to carry out a lot of that engagement work through the community planning partnerships, so that we are not doing it in isolation. It is about that wider engagement. We need to be thinking critically about how we engage with our children and young people to take them on this journey with us, because they are a critical part of this. All the people working in food have to have a say and their voices must be listened to, because they are the ones who will come up with creative solutions and innovative ways through which we can create the systemic change that we are looking for here.

For me, it is about local authorities, community planning partnerships, community groups, the third sector and business working together to inform and design what the consultation process looks like. When you say it like that, you can see why there could be benefits to having some joined-up and collaborative approaches.

**The Convener:** To expand the question, I call Alasdair Allan.

**Dr Allan:** I want to address my question to Mark Hunter in that case. What is your understanding of the requirement to “have regard”? I know that there is a legal meaning, but what can local authorities do to gear up for the bill?

**Mark Hunter:** It is about engagement. Jayne Jones mentioned that the local authorities are best placed to lead, but it is also about having connections. For instance, Ayrshire food and drink has connections outwith the local authority and the public sector bodies and can say, “Okay, this is what we are trying to do to start to have a good food nation”. Bringing together the knowledge from within the local areas is crucial. Some of us have already been on that journey, and that engagement leads to other connections that allow information to be disseminated throughout the local communities and elsewhere.

**Dr Allan:** Some of the questioning in this session has been about the potential cost of the bill to local authorities and other agencies. What is the potential for spending to save, if you like, given that there is a health benefit here that may impact the work of local authorities?

**The Convener:** We will bring in Mike Callaghan if he is still with us.

**Mike Callaghan:** I was just about to leave, but I just caught the end of that question about health benefits for local authorities. Collaboration on implementation is key for the good food nation. On health benefits, to address what Karen Adam referred to earlier regarding social and health inequalities across the country, there is a need for local authorities and their partners to have local flexibility to meet local circumstances. That would be a key benefit of good food nation plans locally,

in line with the national high-level outcomes that are identified. Collaboration is the key.

I have some final comments, if I may provide them before I am required to go, convener. Do not believe that a new body is required to oversee the implementation. Local authorities are subject to local democratic accountability and also subject to regional policies and legislation from oversight bodies that they have to demonstrate compliance with. Those are some final thoughts that I would like to contribute to this discussion before I depart.

I thank you for the opportunity to contribute to the discussion. I will follow up with a fuller answer to your question, Dr Allan, and with any other comments that we would wish to provide to this discussion. Thank you very much for this morning.

**The Convener:** Thank you very much for your contribution, Mike. I appreciate you taking the time.

We will explore that topic a little bit further and move to Jenni Minto to ask more about collaboration.

**Jenni Minto:** As Mike Callaghan has just said, collaboration is key. I would also reflect that one size does not fit all. Our local authorities all have responsibilities over different types of area. For example, last week we heard from Jill Muirie of Glasgow and she talked about the fact that more than 90 per cent of food that is bought in Glasgow is being transported there; it is not grown there. She mentioned partnering with other areas and other local authorities. I am interested to know from you, as two of the leading authorities in the collaboration around improving food and localness in your areas, what collaboration you have done with other local authorities.

**Mark Hunter:** The contracts that we wrote for local procurement were done as a pan-Ayrshire agreement and any of the Ayrshire local authorities can come into them. There is a framework of contracts, so they can choose to use any of the contracts under the framework or they can choose not to use them, but it is a collaboration. We share information and the procurement process with our colleagues elsewhere in Ayrshire, though not necessarily outside. Again, however, that does not stop it opening up further to areas such as Renfrewshire—it is just that we have not had that discussion yet. We write pan-Ayrshire contracts and they are asked if they want to come into the contract process, which they do.

**Jayne Jones:** Collaboration is so critical to what we do around public sector food. There is no doubt about it. Mark Hunter has talked about some of the work that is under way across local authorities. Within Argyll and Bute we may not be working across local authority boundaries, partly

because our size and geography makes that challenging. However, we work with our health boards and our health and social care partnership. I have a local care home producing meals for early years settings. I have a local hospital producing meals for early years settings and also for a care home. It is about how we can think differently about good food and making the best use of public investment in public sector food, and that can be place based as well as thinking about it sectorally around school food and hospitals and care homes. We should be embracing how we can share good food in collaboration with other organisations rather than having separate plans that may not cross over.

On school food, we are considered to be leading the way nationally on successful collaborative working. We see a lot of partnership working between local authority caterers through organisations such as Assist FM and the Association for Public Service Excellence, and we collaborate with Scottish Government civil servants, Education Scotland, Food Standards Scotland, our supply chain, trade unions and the various food and drink stakeholder groups that we regularly engage with. We begin to see successful models of how the sharing of best practice already exists, but we tend to keep that under the radar and do it without shouting about it. The plans will enable us to be clearer about some of the good work that we have under way, and that is before I even talk to the work that we do with our children and young people to improve school food or with our communities on community food.

11:30

**Rachael Hamilton:** Should specified functions that relate to food policy areas and that are being driven by the Scottish Government be co-ordinated via primary legislation? We have talked about things such as procurement, supply chains, green spaces, allotments, food education, fair work and other important strategic goals in our aim of creating a healthy and sustainable Scotland, including meeting the net zero targets. Should that be put on a legislative footing and given teeth, or should they be dealt with by secondary legislation?

**Jayne Jones:** I honestly do not have a view on whether that should be done in primary or secondary legislation. I think that Mike Callaghan would have been best placed to give a view on that. However, what that looks like needs to be developed between local and national government. We need to be clear about that. The definition of the specified functions has to be as broad as possible so that we include all the delivery areas in the bill, and that leads right up to how we deliver the national outcomes.

From a local authority perspective, it should include all areas of business within which a local authority is engaged. For whole-system improvement, we need to have regard to all the functions in the system, including education, planning, housing, waste, economic development, procurement, transport, social care and community wealth building. How we define that and where it should sit in the legal framework needs further discussion with local government.

**Rachael Hamilton:** Mark, do you have any views on that?

**Mark Hunter:** My view is similar to Jayne Jones's. There has to be that connection between all the departments in local authorities. I do not have a view on whether it should be done through primary or secondary legislation, but those specified areas could be quite extensive and cover the majority of things that we would need to look at in the bill.

**Rachael Hamilton:** To expand on that, how much engagement do you expect to have on that specific question? You want to flesh it out. What expectations do you have of your engagement?

**Mark Hunter:** On engagement, as we said, all local authorities are on different parts of the pathway. I was employed about four or five years ago to look at food in East Ayrshire, but also at engagement between education and other departments. We are lucky, because that allowed me to do what I needed to do. I appreciate that some catering organisations involved with a local authority might not be able to do that engagement, but we did it and had a good response from the education department, the health and social care partnership and private sector bodies. That allowed me to get ahead. It allowed us to put in a path and engage quickly to respond to the pandemic. If we had not had that engagement, we probably would have been a bit more behind in trying to support the things that we had to do during the pandemic.

Engagement is crucial to moving forward. It is for other areas to recognise that, if the bill is put in place, they would be obliged to speak to us—perhaps I would not say obliged, but at least if we contacted them they would give us time to speak to them about how we can move forward.

**Rachael Hamilton:** Do you have a view on what role the Scottish Parliament has in scrutiny of the bill?

**Jayne Jones:** It is for public authorities to develop and implement the operational delivery. Obviously, we have our own scrutiny and oversight through local elected members. However, it is entirely appropriate for the Scottish Parliament to scrutinise the progress on the outcomes in the delivery plans and how the

specified functions are meeting them, so that we can see and understand how well the process is performing. There has to be a level of assurance that what has been committed to is being delivered, and scrutiny forms an important part of that to make sure that it is the case.

**Rachael Hamilton:** A couple of weeks ago, Jayne Jones and I participated in the cross-party group on food, which was excellent. My colleague Jim Fairlie was there as well.

Do you have any views on the unintended consequences of a target-led approach? We have discussed that already. There was mention at the CPG that meeting targets could actually put a burden on food producers and increase prices. George Burgess said that cost should not be the only measure. How do we bring all that together, given the pressures on budgets?

**Jayne Jones:** That is one of the significant challenges that we have to consider. I said earlier that targets can be useful and that there is a place for them in making sure we are going in the right direction, but it is more about having clear outcomes and indicators that give us the framework to work within. That also gives us flexibility to be able to deliver things appropriately and locally and to enable collaboration.

If we have too many targets and they are too rigorous, that can be a barrier to safe implementation, including a cost barrier. Say, for example, that we set a 60 per cent target for Scottish food in local authority purchasing. For some local authorities, that might be a small increase that they will be able to achieve without significant cost but, for others, it might be a huge leap from where they are. We need to ensure that the targets are meaningful for everyone and that they move us forward rather than overwhelming some people with targets that are either unattainable or not reasonable.

**Rachael Hamilton:** You make a good point there. It depends on how puritanical we get over procurement. For example, something could be imported into the country and then rebadged or reprocessed and a Scottish label put on it, and then designated as sourced in Scotland. If we change that through the bill, that could drive costs substantially. I am really just commenting on the back of what you said.

**Jayne Jones:** We should be conscious of that. That sort of badging can sustain employment opportunities through distribution and logistics. Although it may not be a Scottish product, it could be a product that is supporting Scottish employment.

**The Convener:** We have touched on the role of Parliament in scrutiny. Jayne Jones commented that local authorities have a process through which

elected members will, no doubt, be expected to approve good food nation plans when they are eventually developed. Given that much of the content of the good food nation plan will be in secondary legislation, which allows for very little scrutiny, should the Scottish Government's plan come to the Scottish Parliament for approval and further scrutiny before local authorities are expected to pay regard to it?

**Jayne Jones:** I am not in a position to give a good answer to that. I would like to consider it further and give you a response later, if that is all right.

**The Convener:** Absolutely.

Mark, do you have any thoughts on whether the Scottish Government's plan should come before Parliament before it comes into force?

**Mark Hunter:** I would tend to say yes, in my opinion.

I would like to bring up an issue that we have not touched on—I do not know whether there will be questions on it. We have talked about costs. We know that people in rural areas, where costs are higher, eat more healthily—that is a fact. Also, we can control what happens in a local authority, but we do not control what happens outside the school gate, for instance, and in other sectors. I would like the plan to come to the Scottish Parliament first and then to the local authorities.

**The Convener:** That is useful.

**Jim Fairlie:** I want to go back to what Rachael Hamilton talked about, and the aspiration. I remember from my early years of involvement in the issue that public procurement used to be about pence per unit. Now, it is about value for every pound that is spent, as opposed to being based on the price. What we are trying to do is a big thing. It is a cultural shift, and I am pretty sure that at the moment the bill has provisions for a review after two years. Given the number of local authorities across the country and the diversity in where they are starting from, is two years long enough for us to be able to start on the road, get it implemented, look at the situation and see what changes we need to make to take things further?

**Jayne Jones:** There is a risk that, if the reporting frequency is too tight, it becomes a burden. That is a bit like with targets, when you spend all your time reporting rather than doing the work. Of course, it is perfectly reasonable to expect public authorities to report on their progress and to be held accountable for implementing the actions that they commit to in their plans, but it will take time to bed in and get the resource available—should it be funded—for the work that is needed to move the plans forward.

It depends on what some of that looks like but, to deliver change, we need to report on progress.

It will be a long-term commitment that will be at least generational, and monitoring progress every two years is an appropriate starting point. However, there should be reasonable flexibility and understanding that, after the initial two years, we may only see small incremental moves forward even if we are heading in the right direction.

**Jim Fairlie:** That emphasises the point that I was trying to make, which is that some local authorities might be starting from a very low base and then we will have authorities such as East Ayrshire that are starting from a very high base. We cannot start the process for every local authority at the same point.

**Jayne Jones:** Absolutely.

**Jim Fairlie:** Mark, do you have views on that?

**Mark Hunter:** We do not want to underestimate some of the work that is probably happening in every local authority but just has not been documented or shown. They will aim to start off on the bill when they are good and ready. As we said, we are on different paths and at different levels but, within the two years, we have to show some sort of progress from where we have started. As I said, a lot of local authorities are probably doing something along the lines of the measures in the bill, but it might just not have been documented.

**Jim Fairlie:** You raise the important point that the bill brings to the surface some of the fantastic work that is being done but is not documented, so people do not know about it. In effect, creating the plan will let us see where we are. There is a lot of conversation about how bad public procurement is in local authorities, but we might be doing a hell of a lot more than we realise, and the plans will bring that to the surface.

**Mark Hunter:** I agree.

**The Convener:** That is useful. We move on to talk about the right to food.

**Beatrice Wishart:** I am interested in the right to food. I have a couple of questions that I will roll into one. I would like to hear the panel's views on whether the right to food should be incorporated through the bill. If you feel it should be, how could that be achieved? Secondly, if there was a statutory right to food, what implications would that have for the work of public authorities and their good food nation plans?

11:45

**Jayne Jones:** We cannot talk about any actions to create systemic change without thinking about our most vulnerable households and those who have either insufficient income to meet their food

needs or who are food insecure by virtue of where they live or their personal circumstances, whatever they may be. There are significant disparities in how we think about food insecurity. If we do not ensure that there is some crossover of policy around the right to food and the bill, we are not thinking about that wider systemic change. For me, that does not necessarily mean that a right to food should not be firmly within a different legislative framework. However, it absolutely has to be strengthened as part of the bill.

There would be very significant implications for public sector food. We have learned many lessons about different needs and responses, particularly as we have emerged from the pandemic and more people are struggling to cope with the cost of living and rising food, fuel and energy costs.

How we implement a right to food and require local authorities to support households will mean different things. First, we have the issue of those who just cannot afford good food due to lack of income. Local authorities, working with national Government, have an important role in supporting households that are financially insecure. There are also people who face food insecurity as a result of scarcity, because they live in rural and remote areas that are adversely affected by supply chain issues. In some cases, they are at the end of very long supply chains.

The public sector is coping with food shortages, too, at the moment. Some of us regularly have to cope with transport issues due to driver shortages, road closures and ferry cancellations. For people in those circumstances, the issue may not be due to lack of income but lack of access, and local and national support is required to try to overcome some of those issues and challenges.

Similarly, we have people in our communities who are dealing with food insecurity due to their inability to travel to get food. Due to illness or age, some people may struggle to cook. Others may have lost interest in food due to loneliness and social isolation. Tilly Robinson-Miles gave evidence on that at an earlier meeting.

For local authorities and communities—*[Inaudible.]*

—developing plans for all those types of responses ranging from lunch clubs and meals on wheels to tackling transportation issues. All those things need to be addressed. The right to food would ensure that that happens. We need to think about how that fits with the bill. Some of it is about partnership and how the local and national plans talk to one another. It is about using them as drivers to create dignified and sustained strategies that support people who are dealing with food insecurity, no matter what the reason for it.

**Mark Hunter:** I agree with everything that Jayne Jones has said. The bill should work in parallel with anything that is produced on the right to food. We know that access to food can be an issue for some people. We see a difference between people on low incomes and benefits and those who are only on a lower income and not entitled to benefits. Access to food needs to be looked at and addressed. In addition to working with local authorities, that can be as simple as having a community larder in some cases. It is about allowing that engagement to take place. I see the right to food and the bill working in parallel rather than the right being incorporated in the bill.

**Ariane Burgess:** I will pick up on the theme of oversight and accountability. A number of respondents to the call for views raised concerns that the reporting and review requirements in sections 11 and 12 of the bill do not ensure adequate accountability of public bodies. What are the panel's views on the appropriateness of the reporting and review requirements?

**Jayne Jones:** We touched earlier on the reporting mechanism, the frequency of reporting and what reporting can look like. It is perfectly reasonable to expect us to report on progress, and that has to be done at appropriate junctures to make sure that we are able to monitor progress. We have also touched on the importance of scrutiny, both locally and nationally. Those are things that we are very mindful of before we start this journey. It is something that we are used to coping with, because food is not something—*[Inaudible.]*—exposure before, and we are not currently measured through targets in the local government benchmarking framework or anything like that. We are looking to introduce a new system, which will create the monitoring and scrutiny process that does not currently exist.

My view is that that should be light touch and it should be appropriate at local and national levels. I am sure that we will go on to discuss whether there is a requirement for a national body to provide some of that assurance. For me, it is important that we have those discussions so that we know what can support us to develop actions for change rather than policing actions. For me, it is about how we can be flexible and dynamic enough to allow the work on the ground to take place without it being curtailed.

**Mark Hunter:** I have nothing to add to that.

**Ariane Burgess:** That is okay. I will go on to my next question.

Many stakeholders have called for an oversight body—which Jayne Jones touched on—to be tasked with benchmarking, providing expertise in food policy, ensuring policy coherence, publishing annual progress reports on the state of the whole

food system, facilitating public participation and more. If those responsibilities were given to an existing body such as Food Standards Scotland, how would you see that body expanding and evolving in order to fulfil those many important new functions alongside its current remit?

**Jayne Jones:** If we are looking at creating a national body, that comes at a cost, as we know, and we have spoken quite a lot today about where that cost should be appropriately allocated to give us the best delivery on the ground. We need to think carefully about that. That is not to say that a national oversight body is not the right thing to invest in. However, there is a requirement for national oversight and for there to be assurances that local and national plans and policies are in line, are delivering and are complying, and that the required consultation is being carried out, and those are all things that local authorities do anyway.

To achieve a systemic approach we need to make sure that there is cohesion, and central oversight is an essential part of that. I can see the value in having something akin to the Poverty and Inequality Commission overseeing the work. That is just an example. If there were to be additional duties for an existing body to carry out the oversight, I could equally see the value of that, provided that it was not just seen as a bolt-on to existing roles and responsibilities. There is a dichotomy: should we be creating something new, where we can clearly define what role we are looking for, or is the duty something we are looking to add on to an existing body, in which case we might not have the same scope and ability to be clear around what the intentions are?

**Mark Hunter:** I would be very keen for oversight to be undertaken by one particular body rather than the add-on to Food Standards Scotland that Jayne Jones discussed. That is all I have to say about that. The oversight would have to be detailed enough that areas that you would like to focus on are focused on and focused on by everybody—not just the public sector, but the private sector too. Local authorities could be allowed to have that engagement with the private sector, obviously with somebody else overseeing the whole process.

**Jim Fairlie:** I am going to throw a wee curveball to you both. Should the scrutiny be through the ballot box? We have local authority elections coming up in May and we have national elections every five years. Should the performance of the people who are delivering and developing these plans ultimately be decided by the people who will be the end users, which is the public?

**Jayne Jones:** We need to be clear in our heads about two different aspects of the issue. The first is the scrutiny element, which is where the political

aspect that you refer to comes in. However, a lot of the work will be operational. It will be about officers in local authorities and the national health service working in partnership with communities and groups on the ground, and those are the parts that we need to make sure are being measured and dealt with appropriately.

We need to provide the political oversight to make sure that the work is being seen through on its natural journey to achieve the systemic change that we are looking for. However, ultimately, we are talking about operational delivery on the ground, and what that looks like. We need to make sure that that part of it also has oversight, so that we are assured that the work is delivering.

**Jim Fairlie:** I have a little supplementary on that. George Burgess suggested that the electoral cycle would ensure that elected members would be held to account. That is not the case with health boards and I think that there is an issue there. It is difficult to hold health boards to account to ensure that their plans are right.

I go back to scrutiny. You suggested that we perhaps did not need a new body. Are you suggesting that local authorities could have an obligation to consult with other bodies? For example, on inequalities, you would go to a body, which could be Food Standards Scotland, to scrutinise how your plan addressed inequality? Does there need to be a requirement for local authorities to do that? Do all the bodies need to play a role?

Jayne Jones, I would like you to answer that question. It was something that you touched on.

**Jayne Jones:** It comes back to one of my earlier points about food policy being quite fragmented and responsibility for different areas around food, food policy and statutory compliance lying not just within different stakeholder groups and different regulatory bodies but within different directorates of Scottish Government and different directorates within local government. Having the national plan gives us the opportunity to draw some of that together, be more holistic and systems focused, and have that cohesive approach. That is why I think that there is benefit in having national oversight. Determining what that looks like still needs some work. I think it should be light touch but I was suggesting that the organisation that provides the oversight could look like something akin to the Poverty and Inequality Commission.

**Dr Allan:** I have two or three questions for Jayne Jones. You have indicated, I think—I do not want to put words in your mouth—a wariness about local authorities spending too much time on reporting on their activities in connection with the

plans. Does that also indicate a wariness about targets?

**Jayne Jones:** What I have been trying to make clear is that if we ask for too much by way of complying with targets and reporting mechanisms, there is a risk that we can spend too much time focusing on those aspects and not enough time on delivering the systemic changes we want to see.

The work on school food that Mark Hunter and I have talked about and described over years has been absolutely the right thing to do and is following the right trajectory to create that systemic change, not because there has been a requirement to report on it or because there has been a requirement to meet a target. Those are both very useful and important things, but we can get tied up in those being the be all and end all of the plans.

**Dr Allan:** Again, if I have picked this up right, you seem to be quite open minded about whether there should be a new body for oversight. We have had evidence put to us that the food world is a very cluttered environment just now. Is that a picture that you recognise?

**Jayne Jones:** I would say that that is the case, as there is a fragmented approach. We go to different people for different things and regulation takes place in different ways. For instance, in the work that Mark Hunter and I are doing, we have Food Standards Scotland to deal with food safety, Education Scotland is helping to support and ensure compliance with school food standards, and the Care Commission is involved in monitoring compliance in early years meals. There is quite a lot of regulation and different requirements at the moment.

Introducing another body could do one of two things. It could create yet another body to have to report to, or it could simplify some of that, which is what I would prefer to see.

**Dr Allan:** Finally, on another issue, the bill, or rather the national plan associated with this bill, will make real some of the rights that will be contained in other legislation, such as the right to food in the human rights bill. How important is it that rights around food are connected with other rights? I ask that in the context of the discussion that we have had in other parts of the meeting about the competing problems that families have around eating and heating. How important is it that these things are all connected?

12:00

**Jayne Jones:** In the committee's earlier discussion, we heard quite a lot about how, for many households, the reason why they find themselves in food insecurity is a lack of income.

**Mark Hunter:** As carers and people who feed people—I have been caring all my life—we understand that food is the ultimate source of anybody's wellbeing. These things are connected, and we look at that through the food education programmes by asking what leads people to make last-resort decisions about food. We know that the decision can be between having enough heating in the house, having enough fuel to cook the food or having the food to cook on the fuel that you do have. There is a clear link between those things.

On the connections that we make between financial inclusion, health and social care partnerships, dieticians and the NHS, the important thing is that we see the links and that sort of joined-up thinking down here. It is about referring people to the right people at the right time.

Food always comes down to the bottom line. If somebody does not know how to cook food, they will go for the easier option. They will go for the toast and the jam if they do not have anything else—we know that. It is really about the linking and the joined-up approach that we keep talking about. Where that is good it works really well, and where organisations are still on that path, there can be a difficulty in joining up with other organisations, the third sector and the NHS, as I said before. That is how I see it.

**The Convener:** I have a yes or no question to finish, based on some of the last few questions that Alasdair Allan teased out, and it is on education. Should primary legislation state that there needs to be due regard for or recognition of the importance of education in regard to healthy eating and making the right choices?

**Jayne Jones:** Yes.

**Mark Hunter:** Yes.

**The Convener:** Excellent. We have come to the end of our session. Thank you very much. We were very hard on you. You were reduced to two in the end but, a bit like healthy eating, it is about not quantity, but quality. Certainly, your answers were of very high quality and they will help us in our deliberations. Thank you for providing evidence this morning and for the time that you have taken to do that.

12:02

*Meeting continued in private until 12:47.*



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