



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

Wednesday 2 April 2014

Session 4

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RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE
10th Meeting 2014, Session 4

CONVENER

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

DEPUTY CONVENER

*Graeme Dey (Angus South) (SNP)

COMMITTEE MEMBERS

*Claudia Beamish (South Scotland) (Lab)

*Nigel Don (Angus North and Mearns) (SNP)

*Alex Fergusson (Galloway and West Dumfries) (Con)

*Cara Hilton (Dunfermline) (Lab)

*Jim Hume (South Scotland) (LD)

*Richard Lyle (Central Scotland) (SNP)

*Angus MacDonald (Falkirk East) (SNP)

*attended

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

Committee Room 2

Scottish Parliament

Rural Affairs, Climate Change and Environment Committee

Wednesday 2 April 2014

[The Convener opened the meeting at 10:00]

Subordinate Legislation

Brucellosis (Scotland) Amendment Order 2014 (SSI 2014/63)

Brucellosis (Scotland) Amendment (No 2) Order 2014 (SSI 2014/72)

CRC Energy Efficiency Scheme (Amendment) Order 2014 (SI 2014/502)

The Convener (Rob Gibson): Good morning and welcome to the 10th meeting in 2014 of the Rural Affairs, Climate Change and Environment Committee, which is our last before the Easter recess. I remind everyone to switch off their mobile phones, as they can affect the sound system.

I understand that, subject to parliamentary approval, this will be Richard Lyle's last meeting with the committee, so I want to thank him for all his hard work with the committee and wish him all the best.

Richard Lyle (Central Scotland) (SNP): Thank you, convener. It has certainly been an enjoyable time and I wish you well. I know that the committee has worked well in the past and will tackle all the issues well in the future.

The Convener: Agenda item 1 is subordinate legislation. We have three negative instruments to consider: two on brucellosis and one on the CRC energy efficiency scheme amendment. Members should note that no motion to annul has been received on any of the instruments. I refer members to the paper and ask for any comments.

Graeme Dey (Angus South) (SNP): I have a question about timing. Would it not be possible to get instruments before the committee earlier, particularly when they are on an issue such as brucellosis?

The Convener: There are issues with the timing of subordinate legislation scrutiny.

Nigel Don (Angus North and Mearns) (SNP): Speaking for the Delegated Powers and Law Reform Committee, I can say that we, too, would like to see instruments much earlier. We will deal with them and pass them to the right committee as

soon as we can. I note that the legislation on brucellosis is already in force. In many ways, that is undesirable, but it makes a point about negative instruments, which is that, because they do not have to be consulted on before they are laid, they allow things to be done very quickly. That is the advantage of the negative instrument, but it means that we have to consider legislation that is already in force.

The Convener: Okay. This is not something that we would want to slow down; it is a very important piece of work on brucellosis.

Alex Fergusson (Galloway and West Dumfries) (Con): I absolutely agree that we would not want to slow it down. However, a stranger looking at our processes from the outside might find it slightly odd that we are looking at an order that came into force yesterday. There is also the fact that the penalty specified in it was wrong in the first place and had to be reduced from six months to a term "not exceeding three months". It is a bit messy. It is worth putting that on the record, because this could be tidied up.

The Convener: To extend the story, it is worth making the point that the first of the orders before the committee was erroneously drawn up. Everybody accepts that a mistake was made and it has been put right, so the order before us today is the corrected version. Mistakes do happen, I am afraid.

Thank you for your comments. They are noted and on the record. Our clerking teams bring the negative instruments before committees as quickly as humanly possible, so we look to the system itself to change; we are not pointing in any way at our own officers. It is at a different level that processes need to move more quickly.

Claudia Beamish (South Scotland) (Lab): My apologies for coming in late. My point concerns the CRC Energy Efficiency Scheme (Amendment) Order 2014. The impact assessment states that the amendment means a "small" change. I would be concerned if the change is any more than small, because it is about the quality of air for people and also about reductions in energy savings. I want to put on record that the committee should voice concern if the change is more than small.

The Convener: Do you want the committee to find out what the definition of "small" is in this case?

Claudia Beamish: I did not make the time—although there was not much time—to find out exactly what 0.3MtCO₂ is. It might be helpful to know what the small difference is. I would not want to see this happening more and more.

The Convener: We have a watching brief on this issue. I note the member's interest in the matter and I think that we could find out from officials in the Government exactly what that means.

Jim Hume (South Scotland) (LD): At the top of page 3, the note on the instruments says:

"Brucellosis is a disease of cattle".

My father suffered from brucellosis most of his life, so it can, obviously, be passed on to humans. It might be worth noting that at this stage.

The Convener: Indeed. I think that saying that it is a disease that originates in cattle is probably a more specific form of words, but I am not here to correct how these notes are written.

Is the committee agreed that it does not wish to make any recommendations on the instruments?

Members *indicated agreement.*

Petition

Control of Wild Geese (PE1490)

10:05

The Convener: The next item is consideration of petition PE1490, by Patrick Krause, on behalf of the Scottish Crofting Federation, on the control of wild geese numbers. At its meeting on 27 November 2013, the committee agreed to write to the Scottish Government, a number of local authorities with goose management schemes in their areas and other relevant organisations to seek their views on the issues that are raised in the petition. The committee agreed to consider the petition further once the responses had been received.

I refer members to the papers before them and invite comments on the responses. We want to come to a conclusion about how to take the matter forward.

Nigel Don: I do not know very much about this matter, but I wonder whether anyone could tell me how scaring a bird helps. It seems to me that it might leave your field, but it will go somewhere else to find something to eat. If it ends up in your neighbour's field, I am not sure how that is helpful. If it goes to a natural feeding ground, that is another matter. However, my question would then be why the bird was not there in the first place.

Angus MacDonald (Falkirk East) (SNP): Scaring is not the answer. I have seen in Stornoway that, if you move the geese on, they come back in no time.

It might be an idea to highlight the fact that the Public Petitions Committee, of which I am a member, recognised the seriousness and urgency of the matter that the petition deals with and passed it to this committee immediately, rather than going through the normal motions of approaching the Government for a response and so on. It is good that the Public Petitions Committee did that, as it is a major issue for coastal crofting communities.

I welcome the submissions. It is clear from them that there is a clear and a growing problem. It is ironic that, at one point, the geese were endangered, but we are now hearing that the crofters' way of life is endangered as well.

The responses from crofters have highlighted the fact that, as the Crofting Commission has advised, the current size of the goose population in some coastal crofting areas is unsustainable for continued effective use of crofts, with the knock-on effect that crofters are discouraged from working their crofts, as they cannot secure their crops.

We have seen that the adaptive management plans and the local goose management schemes seem to be a way forward, but I agree with the petitioner's response to the minister's letter, which states that the Scottish Crofting Federation does not believe that

"goose management should be placed under a competitive SRDP scheme".

I think that we need to hear more from the Scottish Government regarding funding for more adaptive management plans and goose management schemes.

We are hearing from coastal crofting communities that the goose problem is out of control and that it is the single biggest threat to island crofting. The petitioner's response to the minister's letter says that the Scottish Government needs to address this

"national problem ... as a matter of urgency in order to avoid catastrophic results for remote populations and internationally valued environments."

The use of the word "catastrophic" highlights how strongly people feel about the issue.

In an edition of the *West Highland Free Press* from exactly a year ago this week, Rebecca Cotton, project manager for the machair life+ environmental programme, stated:

"Despite our tireless efforts—last year we shot over 4,000 greylags—the numbers are still rising. Crofters have said that they can tolerate a population of 3,300 to 4,000".

The article went on to say:

"At the moment, there are around 10,000 geese in the Uists and that population is growing. Ms Cotton added: 'We all talk about the need to retain young people as the most important contribution to the sustainability of the Western Isles, but in crofting terms there will be nothing left for the young people unless we do something about the goose problem now. Unfortunately the Machair Life+ project finishes this year and we haven't, as yet, secured another phase.'"

The issue has since moved forward in the Uists and they are now able to sell on the meat from the carcasses. However, there is clearly a serious issue here and it is incumbent on the committee to look at it more closely and, hopefully, ensure that there is a more proactive response from the Government.

The Convener: Alex Fergusson, did you want to speak about Galloway?

Alex Fergusson: Certainly not about Galloway, but I wanted to back up everything that Angus MacDonald has said. There seems to be quite a difference between the responses that have been received—all of which have a pretty common theme—and the minister's response. As the petitioner says,

"the Scottish Government response does not bring comfort".

Given that there is clearly a huge problem here and that the responses from everyone except the Scottish Government tend to take one position, my view is that, when we are looking at our forward work programme, we should ask the minister to come and speak to us about the issue.

Graeme Dey: I do not say this necessarily in defence of the Government, but the actions that the Government takes have to be evidence based. There are a lot of claims. I am not suggesting that what has been said is not accurate, but such claims must be evidence based. That is why I can perhaps understand the minister's approach. While I agree that we should have the minister before us, I would also like to be able to question some of the stakeholders, to drill down into what they are claiming in their written evidence. There might be a benefit in doing both.

Claudia Beamish: I would not want to take away from the other evidence that has come in, but I want to highlight evidence from environment non-governmental organisations. RSPB Scotland in particular acknowledges the concerns that the situation with greylag geese is out of control. We have the evidence, but it is important to question that evidence and then, with the agreement of the committee, to take those points forward with the cabinet secretary.

I know that the migratory geese are now arriving, because they are arriving on the Clyde, two fields away from where I live. If we are going to look more closely at the issue, we should do so as quickly as possible. Further, such consideration should be as brief as possible, only because of the need to get something in place for this season, if at all possible.

Richard Lyle: I agree with every comment that has been made. The response from Aberdeenshire Council says:

"At present it is forbidden to shoot—or even shoot at (to scare)—quarry species between 1 February and 30 August, limiting the options for farmers to deal with large flocks of returning geese in February/March. Moreover, geese shot legally in Aberdeenshire (ie between 1 Sept and 31 Jan) may not be sold for human consumption. This seems rather a waste".

That could develop into a case for using carcasses as a useful source of protein, as Angus MacDonald said. Another business could be born from that.

I believe, like most of the committee, that there should be a session on the matter to take further evidence.

10:15

Jim Hume: I point out to Claudia Beamish that the geese are winter visitors, so they will be clearing from the area now and going north.

I am quite content with the way things are going in the committee, but I would also like what Aberdeenshire Council said to be noted. Other areas of Scotland that are not crofting areas will be affected. Without naming them or presuming to know any of them, I think that it would be worth while to keep in mind that the issue is probably not purely for crofting areas.

The Convener: Absolutely. For me, the best overview that we received was from the Crofting Commission, whose response says:

“The Crofting Commission believes strongly that local land managers, informed and supported by a specialist, highly trained central agency such as SNH, have the skills, knowledge, interest and ability to develop and deliver management plans for goose populations.”

It suggests central back-up but local management, which I am all in favour of. The issue must begin to be set in order so that it can be dealt with. Therefore, we might interrogate that.

There is another point in the submission from the Crofting Commission—below the previous quotation, on page 7 of paper 2—about the African-Eurasian waterbird agreement, which the goosehunt project in Norway is part of. There are two types of geese: those that stay in one place and migratory geese. I think that pink-footed geese are involved in the Norwegian project and that pink-footed geese are protected, particularly here, along with certain other species. We are dealing with the issue on the basis of two types of use of our land—temporary and permanent.

The point of mentioning that is that our migratory geese cause problems in the north of Norway. They are therefore a problem for both Norway and here. We have to take an overview of the numbers in Scotland or parts of Scotland, use that as the benchmark on whether they are threatened—as Angus MacDonald said, it used to be the geese that were threatened, but nobody could suggest that that is the case now—and take a wider view. Therefore, if we take evidence, we should get international views. RSPB Scotland and others have focused on issues that are related to management in Scotland, but we cannot possibly allow that to be the boundary.

We have heard all the arguments and we can go through them in a fashion that allows for a proper look at the issue, but we have to go back to the petitioner and point out that although there are points of huge stress—obviously on the landscape in the Uists and other islands—people scare geese not just from one field to another but from one island to another island and so problems now

exist where there were no problems in the past. That is why a wider management strategy with a local management element in which people take responsibility must be looked at.

We are trying to avoid using lead shot, but the shooters in Orkney have pointed out that steel shot does not fire as far, so it is more difficult to shoot the birds with it. We must find some way to tackle that particular problem, as well.

The papers open up a myriad of issues, and I would like to think that we could get a really good session that allows our Government to tackle the issue in an international context but with local management controls in place and backed up as needs be.

It was mentioned that there is a question in relation to the SRDP. We have to look seriously at whether that is the best route for the work, or whether it should be pest control.

Those are some of the thoughts that I had from reading the submissions. If anyone else wants to come back in just now, that is fine. I am sure that we can draw this discussion to a close fairly soon.

Alex Fergusson: Like you, convener, I was struck by the Crofting Commission's submission, in particular the focus on the need for local input. One of the differences that I referred to earlier was that the argument for the need for local input was very forceful, whereas the minister suggested that there is already a considerable amount of local input. We need to drill down into the issues, to find out where we are.

I do not want to prolong this discussion unnecessarily. I fully support the comments that have been made.

The Convener: Between us, we have a range of things that we want to find out. The clerk's paper offers a number of approaches, which are on page 4. Let us have a think about this.

We can either write to the minister or invite him to give oral evidence—that is the simple question. I think that we want to invite him to give oral evidence, but members have also said that they want to take evidence from stakeholders. We are therefore looking at two sessions: one with stakeholders and one with the minister. We should point out to people the focus that we want to have, on the basis of this discussion. Do we agree to that?

Members indicated agreement.

The Convener: Good. That is very useful. Thank you very much.

Climate Change (Mainstreaming Budget Scrutiny)

10:21

The Convener: Agenda item 3 is for members to consider a draft letter to committees regarding our climate change budget mainstreaming process. I refer members to the draft letter and the appendix. I will kick off as the letter is in my name on the committee's behalf.

We are sending a letter to the other committees, and we want to ask them to consider and respond to it in good time. If we want to make mainstreaming more effective, we need some answers from the committees about their thoughts on our paper, so we should ask for early, considered responses.

To help committees, we should underline the Intergovernmental Panel on Climate Change working group II report and send them a pie chart that shows what the sources of climate change are, such as transport, homes and agriculture, to show that a range of committees are affected and that, when we say that they are all climate change committees, they must realise that things under their responsibility are part of that. There has to be some kind of infograph with the letter.

Those are my thoughts about the letter.

Graeme Dey: I endorse what you say, convener. I think that it would also be useful to have a second pie chart that illustrates the progress—or lack of it—that is being made in the areas that are the source of emissions. There was some useful information in the United Kingdom Committee on Climate Change report, which we got last week, that might be adapted. It is important to show the sources of the problem and the progress, or lack of progress, that is being made in those areas.

The Convener: Okay. That is with regard to the letter.

Are there any comments on the note on the outcomes in the annex, paragraph by paragraph? Do members have anything to say about page 3?

Claudia Beamish: I was pleased to see the point made in paragraph 4 that we believe that, as the Scottish Government states,

“all ministers are climate change ministers”.

However, the note goes on to say:

“all relevant committees have a responsibility to be climate change committees”.

I think that all committees have that responsibility, whatever their remit. That might be open to discussion in this committee.

Nigel Don: There might be one or two that should not have that responsibility. The Delegated Powers and Law Reform Committee might be one, because we do not deal with policy. The Standards, Procedures and Public Appointments Committee might take a similar view. We need to be slightly careful.

The Convener: You print off paper.

Nigel Don: The clerk's original drafting might be wiser.

The Convener: If we think that “relevant” should stay in, I can understand why. What is the definition of the Rural Affairs, Climate Change and Environment Committee? Is it a subject committee?

Nigel Don: Yes. Could we say “all subject committees”?

The Convener: There is a problem with that because the European and External Relations Committee is not a subject committee; it is a statutory committee. There is a list of committees at the bottom of page 1.

Graeme Dey: Instead of saying all “relevant” committees, can we not say the “majority” of committees?

Jim Hume: Making it say “relevant” would allow the committees that we know fine are relevant to slip out. That is a problem. No offence is meant to the Delegated Powers and Law Reform Committee.

The Convener: I know that working on letters by committee is difficult, but it is important to get this right. If we indicate the list of committees that we think are relevant, we will have to be careful that we get them all in.

The list of committees is in the footnote at the bottom of page 1 before the letter. Are they all the committees that we would like to address the issue? If we are agreed on that, is the word “relevant” still the relevant word, as our erudite clerks have suggested?

Claudia Beamish: Can we say “all committees as listed” and then list them?

The Convener: That would be the way to do it. Thank you for that.

Jim Hume: Perhaps the list should be a bit more prominent rather than putting it into a footnote.

The Convener: Yes. We can make sure it is in the annex.

Moving on, page 3 has the big long list of bodies that the relevant committees have to deal with.

Claudia Beamish: Having represented the committee on the public sector climate leaders forum, I would want to see the NGOs that are part of that group added to the list. It is important to highlight them as well as the public sector bodies, and I am not sure that I see bodies such as Scottish Environment LINK and Stop Climate Chaos there.

The Convener: Wait a minute. Why would we do that? We are trying to get the committees to deal with Government bodies.

Claudia Beamish: They are represented on the PSCLF.

Graeme Dey: I disagree slightly with Claudia Beamish on that. The purpose of this paragraph on page 3 is simply to highlight to the relevant committees why they are relevant, so it is not necessary to include the NGOs. I understand where Claudia Beamish is coming from, but I do not think that what she is asking for sits within the context of that paragraph.

Claudia Beamish: That is a fair point.

The Convener: We will move on to page 4 if we are finished with page 3. There are two instances of the word "in" in the first bullet point.

Graeme Dey: I suggest that we change the word "highlight" to "examine" because that suggests a more inclusive process, and it will be a discussion with the MSPs. It is a small point, but I think that that is more appropriate.

The Convener: That is in the middle line of bullet point 2. It will say that officials and MSPs will "examine" climate change spending issues.

Jim Hume: Do we need "if there is sufficient demand"? Does that not weaken the point?

The Convener: Let us leave it out and see what happens.

Is there anything to say about bullet points 3 and 4?

Graeme Dey: I suggest that we "host" rather than "organise" a discussion. I would also change "discuss" to "consider" in the second line to indicate that it is an inclusive process and everyone will be involved.

The Convener: Are we agreed about that? It strengthens the meaning.

Members indicated agreement.

The Convener: On the final bullet point, I think that mirroring the European Union reporter approach is a good idea. Claudia Beamish does the job for us outside of this process. We will look to each committee to have someone more than just the officials to be a contact and to raise issues

in a fashion that gets good responses. Is that okay?

Members indicated agreement.

The Convener: If that and the final two paragraphs are all right, we can sign off the letter once it has been amended. Are members happy for it to be sent in my name? You know what is in it and what we have agreed to put into it.

Members indicated agreement.

The Convener: As agreed at our previous meeting, the committee will take the next item, which is consideration of its work programme, in private.

Before we go into private, I will outline details of the committee's next meeting, which will be on 23 April, when we take evidence from the Secretary of State for Environment, Food and Rural Affairs, Owen Paterson, on a range of rural and environment issues.

10:31

Meeting continued in private until 11:42.

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