



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

Wednesday 9 March 2016

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CONTENTS

	Col.
SUBORDINATE LEGISLATION	1
Conservation of Salmon (Scotland) Regulations 2016 (SSI 2016/115)	1
Salmon Carcass Tagging (Scotland) Regulations 2016 (SSI 2016/116)	50
Tweed Regulation (Salmon Carcass Tagging) Order 2016 (SSI 2016/117)	50
Tweed Regulation (Salmon Conservation) Order 2016 (SSI 2016/118)	50
Common Agricultural Policy (Direct Payments etc) (Scotland) Amendment Regulations 2016 (SSI 2016/104)	50
PETITIONS	51
Scottish Wild Salmon (PE1547)	51
Control of Wild Geese (PE1490)	51
ANNUAL REPORT	53

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE
8th Meeting 2016, Session 4

CONVENER

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

DEPUTY CONVENER

*Graeme Dey (Angus South) (SNP)

COMMITTEE MEMBERS

*Claudia Beamish (South Scotland) (Lab)

*Sarah Boyack (Lothian) (Lab)

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

*Jim Hume (South Scotland) (LD)

*Angus MacDonald (Falkirk East) (SNP)

*Michael Russell (Argyll and Bute) (SNP)

*Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jackie Baillie (Dumbarton) (Lab)

Willie Cowan (Scottish Government)

Jeff Gibbons (Scottish Government)

Richard Lochhead (Cabinet Secretary for Rural Affairs, Food and Environment)

Joan McAlpine (South Scotland) (SNP)

Stuart Middlemas (Scottish Government)

Elaine Murray (Dumfriesshire) (Lab)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Rural Affairs, Climate Change and Environment Committee

Wednesday 9 March 2016

[The Convener opened the meeting at 09:30]

Subordinate Legislation

Conservation of Salmon (Scotland) Regulations 2016 (SSI 2016/115)

The Convener (Rob Gibson): Good morning and welcome to the eighth meeting in 2016, and the final meeting of this session, of the Rural Affairs, Climate Change and Environment Committee. Before we move to agenda item 1, I remind everyone present to switch off their mobile phones, as they may affect the broadcasting system. However, committee members will consult tablets to access their papers for the meeting.

We are joined by Elaine Murray MSP, Jackie Baillie MSP and Joan McAlpine MSP for our consideration of subordinate legislation, and I welcome them to the meeting.

Item 1 is evidence on the subordinate legislation that is listed on the agenda: the Conservation of Salmon (Scotland) Regulations 2016, the Salmon Carcass Tagging (Scotland) Regulations 2016, the Tweed Regulation (Salmon Carcass Tagging) Order 2016 and the Tweed Regulation (Salmon Conservation) Order 2016.

A motion to annul the Conservation of Salmon (Scotland) Regulations 2016 has been lodged by Alex Fergusson. As is the usual practice in such circumstances, we will have an evidence session with the Cabinet Secretary for Rural Affairs, Food and Environment to ask questions—and to answer questions, we hope—and to seek clarification. I welcome Richard Lochhead and his supporting officials from the Scottish Government: Willie Cowan, head of performance for aquaculture and recreational fisheries; Jeff Gibbons, head of wild fisheries; and Stuart Middlemas, head of the ecology programme.

Good morning, gentlemen. Would the cabinet secretary like to make opening remarks?

The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead): Good morning, convener. I would like to thank you and the committee members, given that this is your last meeting of this parliamentary session. It has been good to work with you over the past few years.

I welcome the opportunity to discuss the salmon conservation measures under the Conservation of Salmon (Scotland) Regulations 2016 and the Tweed Regulation (Salmon Conservation) Order 2016. I will outline briefly why the Government is introducing legislation to protect and conserve what is an iconic species in this country.

The measures are designed to manage the exploitation of salmon, not just because it is a protected species under the habitats directive but because we believe that that is the right thing to do. Salmon is synonymous with Scotland and I want Scotland to be synonymous with good management of that natural resource and of the social and economic benefits that it could bring for generations to come.

It is helpful to remind ourselves of the background to the measures. They are a product of significant stakeholder engagement and reflection. The committee will be aware that the genesis of the measures rests in the recommendations in the independent wild fisheries review that was published in 2014 to progress the introduction of a kill licence. The review recommended that that should be considered immediately, given the conservation status of wild salmon.

That recommendation, which we accepted, led to a consultation early last year on the broad principles behind the introduction of a licensing scheme. That was followed by a concerted effort during the summer to engage with stakeholders through a series of drop-in events and through online dialogue to support consultation on the detail of what the proposed scheme should look like. Finally, in the autumn, we consulted on the revised package of measures, which constitute the measures that we are discussing today.

There has been a consultative process over a significant period, and more than 1,000 responses have been received. That is not an unprecedented level, but it certainly demonstrates the personal investment that many people have made in the sector.

The regulations form part of a package that, taken together, prohibits the killing of wild salmon in coastal waters; enables the killing of wild salmon in inland waters to be managed according to conservation status; introduces a power to agree a conservation plan; and provides for net-caught fish from rivers in category 1 and 2 areas to be carcass tagged.

The introduction of a conservation plan demonstrates that we are looking to understand and, where possible, quantify all the factors that impact on the determination of a conservation status. This is not about apportioning blame or responsibility; rather, the aim is to better

understand how best to target resources to manage and conserve our salmon stocks at local and national levels. We are looking to work with local fisheries managers to identify how all the potential impacts can be mitigated.

All of that together presents an opportunity to improve the conservation status of salmon. My officials are discussing the draft template for a conservation plan with local biologists to ensure that it is fit for purpose and can deliver on the areas that have been identified as requiring action.

This is an important initiative that I hope everyone will engage with positively and constructively. I recognise that there has been a delay in laying the regulations. However, much of that reflects the time that we have taken to understand and respond to the concerns and questions that anglers and other wild fisheries interests have raised.

I am conscious that there are concerns about the robustness of the data that has been used to underpin the assessment of conservation status. The assessments use the best available data, including data from the rod catch and electronic fish counters. The methodology that is used is in line with that used in other countries, although it is tailored to the Scottish situation.

When the regulations were laid, we gave a commitment to listen to new evidence and information from local fisheries managers and, if necessary, to amend the categorisation. Marine Scotland is very willing to work with and support fishing interests to adapt during the implementation of the regulations. The goal is eventually to be able to categorise at a river-by-river level, but that cannot be delivered at the moment. We have met and will continue to meet local biologists to discuss the current process and to consider how the data that supports the determination of conservation status can be developed and refined for future years.

Many angling clubs continue to express concern about the potential impact that mandatory catch and release will have on their clubs, many of which are already facing declining membership numbers. To help mitigate the potential impact of the measures, we will fund a two-year programme to support angling clubs that need assistance in promoting catch and release as a sustainable and responsible practice. My officials are in discussion with the Crown Estate about how it might take a pragmatic view when considering what can be done to assist angling association tenants that have raised concerns about their financial viability—particularly, but not exclusively, as a result of the measures that we are discussing today.

We are also in discussion with those who will be affected by the prohibition on coastal netting about the financial impact on their businesses. I place on record my appreciation for the way in which the coastal netmen and their representative body have engaged with us on the measures and for the positive manner in which they have looked to work with us. Much of the dialogue that has taken place has—understandably—not been easy, but many people in the sector are aware of the basis on which we are moving forward.

We are looking to widen our science focus to encompass a broader Scottish perspective, including more specific work on the economic viability of the practice of ranching and on the impact of cultural activities such as haaf-netting. Many coastal netmen remain optimistic that the prohibition could be lifted in the future and that they will have the opportunity to fish in a sustainable manner thereafter.

I will finish where I began. Some of the changes and the dialogue about them have not been easy for all those involved, but I believe that the regulations strike the right balance between conservation of the species for the benefit of future generations and the interests of those who fish for salmon today. My colleagues and I will do our best to answer any questions.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): Good morning, cabinet secretary and your team. I have a constituency question that is to do with the River Lochy, although the implications go wider than just the Lochy and other rivers in Lochaber. You mentioned ranching. The ranching of salmon has been developed for quite some time, particularly in the Lochy but also in a number of other rivers in Lochaber. The eggs are taken from particular rivers, the fish are reared and then the fish are put back. Researchers clip the fins so that they can identify the fish when the fish are caught.

Researchers are doing a lot of scientific work in relation to that, which will be beneficial for the overall scientific approach that you are taking. However, in order to do what they do, the researchers need to kill all those fish and I do not see anything in the regulations per se that would allow that to happen. For the science and so on, will you assure me that you will work with the River Lochy people to ensure that the research that they have been doing over a number of years can continue and that they can continue to kill the fish as part of that?

Richard Lochhead: As I said in my opening remarks, good and constructive discussions have been taking place on specific issues across the sector to deal with individual circumstances and the arrangements that are in place on certain rivers. You mentioned the River Lochy and I am

aware of your interest. I assure you that the importance of ranching and the role that it plays in restocking are recognised. You highlighted that there is a way in which ranched fish can be identified. Our intention is that those constructive discussions will continue and have a positive outcome. Officials are directly involved in those discussions, and I ask Jeff Gibbons for feedback.

Jeff Gibbons (Scottish Government): We have been in discussions about the Lochy project in the context of its commercial and conservation benefits, although the focus has been more on the commercial aspect. Any science will need to be interlinked with the conservation status work—that is critical. We are working with the researchers to see how that might take place, and those discussions are on-going.

Jim Hume (South Scotland) (LD): Good morning, cabinet secretary. I have concerns about some of the measures. Some of the data that has been used is based on rod counts and the number of fish that have been caught on rivers although we know that, when there is a dry summer, the fish do not run up the rivers and there are plenty of them waiting in the seas.

I have met haaf-netters and the like down by the Solway, and I am interested in the cabinet secretary's views regarding their property rights. They have had a royal charter for many hundreds of years, and Aileen McLeod has said that the Government is considering what compensation would be available to haaf-netters and the like if they lost their property rights. That is one issue.

I have a couple of issues regarding the Tweed regulation. The River Tweed Commission is concerned and wonders why sea trout are not included—only salmon are. It also wonders why regulation is needed for agreement between the commission and ministers, instead of simply having an agreement between two organisations.

Richard Lochhead: I ask Jeff Gibbons to answer the point about the need for regulation on the Tweed. I will then answer the point about haaf-netting.

Jeff Gibbons: We had numerous conversations with the River Tweed Commission about the kill licence approach and the importance of demonstrating to Europe how the Scottish Government is meeting its requirements under the habitats directive, which is a key driver for the regulations. The need to demonstrate that we have made an assessment for the Tweed is reflected in the Tweed Regulation (Salmon Conservation) Order 2016—that is part of the annual assessment. That explains why the assessment needs to be done. The Tweed has been unable to demonstrate that it complies with

the habitats directive, as is its responsibility from a European perspective.

As the committee knows, the focus of the initial kill licence approach was from a recommendation on protecting salmon, given continuing concerns about the diminution of salmon stocks. Salmon is a protected species. Europe had concerns that we were not able to demonstrate clearly that we were meeting the requirements of article 6 of the habitats directive.

09:45

The information that we have on salmon, which we know others have suggested is not as robust as they would like it to be, is stronger than the information that we have on sea trout. It is ironic that those who have questioned the robustness of the data on salmon are, equally, pushing for similar measures on sea trout, on which the data is probably not as robust.

Part of the package of measures that has been announced is looking at how we might progress the regulation of sea trout. The International Council for the Exploration of the Sea, the North Atlantic Salmon Conservation Organization and others are considering that. Such regulation involves a number of difficulties, but we are part of those discussions.

Richard Lochhead: I assure the committee that no one in Scotland is saying that the data is perfect or that it does not require improving over the coming years, but we can work only with the data that we have. We know that we have a conservation status issue with salmon. We want to improve the data; that applies in all areas of fisheries science. We must constantly improve our science and collect more science. In that way, we will move forward in a more stable way, and the conservation plans will play a role in that.

Given the possibility of infraction proceedings from Europe and given the wild fisheries review that took place, there is a clear conservation problem and we must act. We believe that we have enough data to justify what we are doing. The data that we have collected is similar to that of other countries, which have taken similar measures.

I assure the committee that we always want to improve the data. However, if we wait for the perfect data and science, it will be far too late to save the salmon. We do not want to be in that position. I do not want to be in that position and I am sure that the committee does not want to be in that position.

While recognising the cultural importance of haaf-netting and other activities around Scotland, we are absolutely determined to work with the

sector on each individual issue to ensure that we move forward constructively.

Jim Hume: My first point was about the property rights of haaf-netters and the like. They are going to lose the right to do what they have been doing for hundreds of years. The minister previously said that the Scottish Government was considering compensation for them. Is that still on the table?

Richard Lochhead: We have discussions taking place with different parts of the sector on different issues. We want to work with the haaf-netters and on the science to move forward, which may allow a project to be put together to allow them to continue their activities, as opposed to providing them with compensation.

The Convener: We have a long list of members who want to come in: Joan McAlpine, Claudia Beamish, Elaine Murray, Jackie Baillie, Michael Russell, Alex Fergusson, Sarah Boyack and Uncle Tom Cobley and all.

Joan McAlpine (South Scotland) (SNP): Thank you for allowing me to attend your committee, convener. Cabinet secretary, my question is also about haaf-netters. I have raised the issue in a number of letters to your colleague, Dr Aileen McLeod, and contributed to the consultation.

My issue in relation to the haaf-netters is the heritage: their culture is important. Obviously, the preservation of salmon is important, too. Haaf-netting happens only on the Solway. It is a unique activity, which has happened since Viking times.

You hinted that there may be an opportunity for haaf-netters to continue their cultural practice, which would mean taking a small amount of salmon. Will you go into more detail on those plans?

Richard Lochhead: I know that Joan McAlpine has taken a close interest in the cultural heritage of haaf-netting. I have read her eloquent articles in the media, as well as her letters to the Government on the issue. We likewise recognise the cultural heritage of haaf-netting, so we are willing to work with the haaf-netters on a science-based project that would enable some activity to continue. That will be beneficial in developing the science; at the same time, it will provide an opportunity for haaf-netting to continue. That is what we propose. That discussion is taking place between officials and the haaf-netters.

Joan McAlpine: Are you saying that the haaf-netters would be involved in counting the number of fish to help you improve the science?

Richard Lochhead: I ask my officials to bring you up to date with the discussions and say what the scientific project might look like.

Jeff Gibbons: I have met the haaf-netters a couple of times to discuss their issues. The activity can continue, but their key message was that being unable to take one or two fish makes the activity not worth while. We have had to balance that concern alongside the wider approach to conservation and categorisation.

Other areas have similarly suggested that their cultural heritage plays a role in how such activity is managed. We need to take a wider geographical perspective when determining and improving the science for conservation determination. Therefore, we are looking at how we might use other activities as part of the process.

We could manage the number that the haaf-netters killed, but we are looking at what is a sufficient number so that we can do some science. Once we have more detail, we intend to go back to the haaf-netters. We need to detail how that might look before we approach them. We are conscious that their season tends to start around June, so I hope that we can fit into that timeframe.

Claudia Beamish (South Scotland) (Lab): I wish a good morning to the cabinet secretary and his officials. I will continue on the line of questioning about the haaf-netters. My colleague, Elaine Murray, will also raise that issue. It is very important that such skills be retained from generation to generation. You highlighted an interesting and perfectly valid point in relation to the science, but the actual skill of the haaf-netting process—which is undertaken in often dangerous waters in the Solway—is a very long tradition, as many of us are aware.

I have met haaf-netters who have highlighted the possibility of a partial exemption on the basis, for instance, that there is 10 per cent mortality in salmon with catch and release. They argue that there is not nearly so much—if any—mortality of salmon in their process of fishing and that it could therefore match what the rod anglers are doing when they are practising catch and release. Do you have any comment on that and have you been considering it?

Richard Lochhead: I ask Jeff Gibbons to answer that.

Jeff Gibbons: When I met the haaf-netters, that was certainly what they were discussing. When we talked about acceptable levels of mortality under catch and release, I explained that the extent of that activity and how it plays into the determination is part of the requirement to comply with the habitats directive.

Part of the discussion about the conservation plan will be about the extent to which allowing the activity to take place at all may impact on the current categorisation process. That is an area in which other parts of Europe have taken more

draconian measures by closing rivers. We are not going down that route at the moment. We have taken a very method-neutral approach on rivers because there are fishing rights and it is very much up to individuals how to apply those rights. Equally, we are not stopping people who take and kill fish. That is the key issue.

If we are going to move forward recognising the culture and heritage issues that Claudia Beamish and others have raised, a better approach would be to manage the fishing in the context of science and conservation, rather than looking at whether the 10 per cent or 12 per cent of mandatory catch and release is a factor that should play in. A similar measure has been used for coastal netmen and others, in so far as that is also a cultural activity. We will look at it in that wider context, rather than looking at the impact of allowing any angling activity.

Claudia Beamish: That is helpful. I wish to ask another question.

The Convener: Please do.

Claudia Beamish: Thank you.

My colleagues Jackie Baillie and Elaine Murray also want to highlight issues from their perspective. I have also been asked by Dave Stewart and Rhoda Grant, who are not able to attend the committee, to raise concerns about the fact that the judgments on the gradings have been done—as we lay people understand it—on an area basis. You have highlighted that there will be more detail, but there are concerns among anglers on particular rivers.

I will quickly highlight two points to give some evidence about that. David Sutherland, who is a constituent in Dave Stewart's region, has highlighted that, in the anglers' view, the

"River Ness has been incorrectly graded a 3 category river rather than a 2".

He argues that

"the process has been rushed and uses botched data".

He and his colleagues have stressed that they

"already return 86% of fish"

to the river: they are working on conservation issues. They argue that grading the Ness at category 3

"is based on a tributary where their method of measuring female fish spawning is fatally flawed"

and that there is third-party evidence to back that up.

Another example also comes from the Highlands. It was highlighted by a constituent of Rhoda Grant's in Stornoway, called Anton Michel. It concerns the River Creed. That fishery

"has been banned from keeping salmon because its district failed the test. The fishery managers have tested the River Creed using the 'mainland' test",

which assessed the River Creed

"individually on its own merit".

and argue that the river would

"definitely pass ... but the Government will not accept this information".

They are saying that the instrument is too blunt.

I take the point that we have to start somewhere, and I recognise the importance of protecting salmon as a species, not only under European Union requirements, but because the species is iconic in Scotland. Is there capacity to judge more on an individual-river basis? If we proceed with the regulations today, how will local groups be involved? Some of them are frustrated because they have not been listened to. The instrument is quite blunt, as a first attempt. I seek reassurance for anglers in the considerable areas of Scotland in which there are angling waters. I am not referring just to big estates; I am talking about local angling clubs and people for whom angling is a hobby and is for enjoyment, which brings local tourism and economic benefits. That is very important to a number of colleagues who have constituency concerns.

Richard Lochhead: My colleagues will come in on capacity and how we will approach that.

Although we have a lot of support for the categorisation approach, many concerns are being expressed by individuals regarding the local rivers where they angle. We will rely very much on input from and data collection by anglers as we move towards assessing on an individual river basis as opposed to using the fisheries districts on which the catch statistics are based at the moment. We have to start there, but we want to get to the river approach and we want to do that as quickly as possible.

Only 18 per cent of the fish that are caught in the category 3 rivers are retained, at the moment. By implication, the vast majority of fish that are caught are voluntarily released back into those rivers. That activity is protected and can continue. That 18 per cent retention would in some places impact on the viability of rivers, angling clubs and so on, which is why we are taking other steps to address the matter.

Local anglers will have to play a crucial role in data collection and in improving the science as we proceed, and we want to get to categorisation based on the individual river as quickly as possible. That is our determined direction of travel. My colleagues will contribute on capacity to get there quickly.

Stuart Middlemas (Scottish Government):

We consider districts rather than rivers because that is how data on rod catches have been collected. When people put in their rod-catch return, they do not necessarily have to say where exactly the catches were: if they have fishings on two rivers, they can amalgamate the catches on one return, provided that the rivers are within the same district. At the moment, we do not have the information that would allow us to allocate all catches to individual rivers.

We have started to do that in the past six to nine months, but it is a difficult and tangled process. However, we are committed to spending a lot of time doing it. We will do as much river-by-river assessment in the next year as possible; we hope to have it all done, although there may be some issues that we cannot quite disentangle. Categorisation is done by district now and we are moving towards doing it on an individual-river basis. We have put in place the method for doing that and people are working on it at the moment.

10:00

The other part of the question was about engagement with local people. In December, we met local biologists throughout the country, through the trust network and through boards, to discuss how the data that inform conservation limits are collected and where we can feed local data in. Some of them have sent us data that they hold.

We are also in discussions about setting up working groups on different parts of the process, and the biologists have started to feed in to those discussions. At first, the working groups will focus on the initial process and how we can get things done for next year, because there are tight deadlines for that. However, there will also be wider discussions about how we can improve the general process and what other routes we can take.

Claudia Beamish: Thank you. I have a final question. Has there been assessment of the implications for protection and conservation of salmon in the future—per se and for the socioeconomic and enjoyment aspects of salmon fishing—of any delay resulting from the desire to make the assessment less broad and more localised, which would perhaps bring more people with you who have concerns at the moment?

Richard Lochhead: There are two key drivers for our acting now rather than waiting until we have more statistics or whatever about the rivers—although we still want that information as quickly as possible so that we can adapt the management accordingly. First, there is the very real threat of infraction proceedings by the EU:

there would be an economic impact on Scotland if that were taken to the next level. Secondly, the wild fisheries review sought urgent action on conservation of salmon. Both issues impinge on the socioeconomic argument: they are clearly the two key drivers.

It is not easy to get accurate information on the direct economic impact on angling clubs simply because, at the moment, only 18 per cent of fish are retained. Therefore, although we are hearing from some angling clubs that they are fearful for the future, when we explain that only 18 per cent of the fish are retained and the other 82 per cent of activity can continue, that sometimes changes the terms of the debate.

That is where we are at the moment.

Elaine Murray (Dumfriesshire) (Lab): It is nice to be at the final meeting in this session of the Rural Affairs, Climate Change and Environment Committee, as I was also at its first meeting.

I am hearing from the cabinet secretary that the decisions have been made on the basis of pretty dodgy science. The haaf-netters have been well covered by my colleagues, but the issue in Dumfries and Galloway is not just about the haaf-netters; it is also about fishing tourism. People from the central belt and the north of England come to my area for the weekend and want to take back with them a salmon—not huge numbers of salmon, but a souvenir of their visit.

I am told by the angling clubs that the level 3 categorisation is based on inappropriate science. Electronic counters have not been applied in the south of Scotland; the assessments have instead been based on rod catches, which are dependent on the weather and the number of anglers: some angling clubs are struggling, and fewer salmon are being caught because there are fewer anglers and not because there are fewer salmon.

It has also been pointed out to me that the River Annan—much of the haaf-netting goes on at the mouth of the Annan—has been a productive river in three out of the past five years and that the science on which the regulation is based is itself based on a narrow timeframe, although, in fact, salmon populations are cyclical. I therefore ask the cabinet secretary on what basis both the River Nith and the River Annan are categorised as level 3. The people who know the rivers well say that those categorisations are incorrect.

Richard Lochhead: The debates that Elaine Murray highlights and the concerns that have been expressed are perfectly legitimate, and I accept them. They are very familiar to me from fisheries management, in relation to salmon and other species in our waters.

Fishing tourism and fishing activities are dependent on our having sustainable stocks; if we do not have sustainable stocks because we are not addressing problems we will lose that tourism and those activities. We are therefore trying to get to a sustainable position in order to ensure that future generations have the same opportunities to enjoy the tourism and other economic and social benefits that current generations enjoy. That is what this is about.

As we have explained previously, we want to move to river-by-river assessment as quickly as possible, but we need to use the data that we currently have. It is perfectly possible to move to that quickly when we get the data.

I am trying to reassure Elaine Murray's local anglers that although they may not be happy with the basis on which we are currently moving forward, we want to adapt as quickly as possible as we get more accurate information. However, for reasons that have already been explained in response to other questions, we have to act now.

My colleagues will answer specifically on the River Nith and the River Annan from a science point of view, and on the claims that we are not using good data.

Stuart Middlemas: We are speaking to local biologists from the Annan and Nith areas about taking on data that they have. One of the problems that we have from the science side is that although we can take on data, people's feelings about the rivers are more difficult to capture. However, the information that those local biologists have will certainly be fed in to the process. We are in discussions with colleagues from the south-west.

Elaine Murray: The anglers, communities and people in the tourism industry who are dependent on salmon are perfectly well aware that their activities will cease if no salmon are left. People are intelligent enough to realise that. I cannot understand why there cannot be a more localised approach. Everybody believes that salmon must be conserved, but the answer is in striking a balance and allowing localised solutions. The approach that is being taken to dealing with the problem is a blunt instrument.

Richard Lochhead: I can only give Elaine Murray and others an assurance that we want to move urgently to river-by-river assessment, but we have to act now with the data that we currently have. That is really why we have to move forward.

Jackie Baillie (Dumbarton) (Lab): My interest is, of course, the Loch Lomond Angling Improvement Association.

The meeting has been fascinating. The cabinet secretary says that we should just pass the regulations, and we will worry about the detail

later. He is at pains to reassure us that he will move quickly to look at the evidence on a river-by-river basis. I heard that reassurance, but I also heard Stuart Middlemas give us an idea of the complexity of what would be involved, and talk about it taking a year, if not more. In practical terms, the speed that the cabinet secretary desires will just not happen. That is not down to lack of civil servants' efforts, but just because the data are complex. I accept that it is not about waiting for the perfect data, but the impact of what you do will be felt now by anglers associations across the country, no matter the speed at which you move.

Science is available to the Government now. What discussions have you had with the Loch Lomond Angling Improvement Association? It does its science independently through the University of Glasgow and the Loch Lomond Fisheries Trust. In fact, salmon stocks are growing—contrary to the assumption that is being made—so why has the area been categorised as category 3?

Richard Lochhead: It is not a case of asking the committee to pass the legislation now and worry about the detail later: we are saying that we have to worry now about the state of the salmon stocks in Scotland. That is clearly the message of the very real threat of infraction proceedings from Europe. We are way behind where we should be in those fisheries' management, and we have to worry about the recommendations of, and the good work that was carried out with, the wild fisheries review, which says that we have to act urgently now. That is what I am worrying about, as well as the detail. There has to be improvement as quickly as possible.

It is clear that our approach will be to undertake recategorisation as quickly as possible, where there is evidence for recategorising rivers or fisheries districts. I am speaking to officials about that. I give Jackie Baillie and the other members of the committee the assurance that that is a very real issue for us. We know that there are specific issues around the country that relate to activities such as those of the haaf-netters, whom Joan McAlpine, Jim Hume and others have mentioned, and the ranching at the River Lochy, and that there are specific data issues for specific rivers in fisheries district areas. I assure the committee that we want act on those as soon as possible, but we have also to act now.

Jackie Baillie: In relation to Loch Lomond Angling Improvement Association in particular, are we talking weeks, months or years? Has there been any discussion with the association about the data that it already has? You do not need to wait for that science; it is available now.

Richard Lochhead: I will ask officials to come in about the direct conversations with the Loch

Lomond Angling Improvement Association. The regulations come into force shortly—in April.

Jackie Baillie: If they are passed.

Richard Lochhead: If they are passed today by the committee. From thereon in, we will work on the other issues. We have already been working on them and we will introduce change as quickly as we can.

I know that we have had direct conversations with the Loch Lomond Angling Improvement Association. Willie Cowan and Jeff Gibbons both want in on that.

Willie Cowan (Scottish Government): Jeff Gibbons will touch on Loch Lomond in a second.

It is important to consider what the Government proposes to do in the round with what other jurisdictions have done. Ireland found itself in a similar situation a number of years ago and had infraction proceedings taken against it by the EU. It now has a system in which it decides annually whether rivers are open or closed—full stop. The Scottish Government has decided for socioeconomic reasons that it would rather not go down the open-or-closed route because that is very impactful.

The cabinet secretary has already talked about the proportion of fish taken in the catch-and-release areas. If we average that out—obviously, by their nature, averages go up and down depending on individual circumstances—we are talking about 20 fish per district, which seems to me to be manageable.

Jeff Gibbons: I had the privilege of attending a recent meeting of the Loch Lomond Angling Improvement Association. There were a pretty strong feeling in the room about the issue and the association was not slow in making that known. There were a number of factors for the association. The measure does not prevent it from continuing activity. When we discussed the kill licence, most anglers said that they want to kill only one fish. However, one times 200,000 anglers who visit Scotland is quite a lot of fish. The issue was more that the anglers did not like having a statutory approach as opposed to a voluntary one but, when we explained the issues connected with Europe and demonstrated that we were managing the activity, that was a key point for them.

For the Loch Lomond Angling Improvement Association, one of the other issues is that, in common with many angling clubs, there is a degree of underreporting in the statistics because of the concerns that the more they report, the more that increases their payments elsewhere; levies or other payments go up. That has come through as part of the discussion that we have had with many clubs. The stats that have been

provided are not accurate, because the clubs are concerned that, if they are accurate, they will have other impacts. We had to address that with them, and it revealed some additional data. That does not mean that we were not working on the correct data. We were working on the data with which we were provided, but there were reasons why the clubs had chosen not to be as accurate as they might have been.

The Loch Lomond Angling Improvement Association is not totally at one on the measure. There was a clear split at the meeting that I attended. Indeed, there were strong thoughts about managing catch and release being the right thing to do and the association was conservation minded. We have been engaging with it. We have had lots of discussions with it and have regular dialogue. I have said that the more information it provides, the more we will look at the measure and, if there is sufficient evidence to suggest that a recategorisation is appropriate, we will be open to that. However, we have had to work with the data that we have. In some instances, there is underreporting. We admit that there is not as much counter data as we would like, and that is part of the wider scoping exercise that Marine Scotland has conducted on a potential counter network for Scotland. We can revisit the matter and we will do that as quickly as the data comes through but, equally, we must ensure that that data can be validated and is appropriate for us to use.

Jackie Baillie: Nobody has given me a timescale. I am genuinely asking. The cabinet secretary says that it will be really quick, but does that mean weeks, months or years? Mr Middlemas rightly reflected on the complexity of the matter.

Richard Lochhead: I said that we would do it as quickly as possible. However, the regulations come into force shortly. Throughout the first year, a lot of the work will continue and we will introduce proposals on the basis of scientific evidence once we have that evidence.

Jackie Baillie: Has an equality impact assessment been done on the proposals? I ask because 40 per cent of the members of Loch Lomond Angling Improvement Association have protected characteristics. Has an equality impact assessment been carried out on the impact on its members?

10:15

Willie Cowan: As has been said before, the proposals do not preclude people from undertaking the activity—they preclude them from killing a fish.

Jackie Baillie: With respect, that was not my question. My question was whether an equality impact assessment has been done.

Richard Lochhead: We always carry out equality impact assessments on legislation.

Jeff Gibbons: As part of the wider discussion, we looked at the impact on clubs where there were special issues and that was built into the business regulatory impact assessment as well.

Jackie Baillie: That still does not answer my question, but thank you.

Michael Russell (Argyll and Bute) (SNP): I want to know about process. During the debate I want to say something more widely about how the position has been reached, but now I just want some information about the process. When and how did somebody decide to recommend to the minister that this was the set of proposals that met the objectives that had been set?

Richard Lochhead: As you know, the environment minister has been heavily involved in the matter for a long time, ever since the recommendations came from the wild fisheries review. We have a stakeholder reference group, and the responses to the initial proposal for the kill licence were taken into account. That has clearly been an on-going issue over the past 18 months to two years. I do not know how much detail you want.

Michael Russell: I want to press you a bit further on the matter—I want to know how it happened. This is a set of proposals that are controversial and that some people bitterly resent. I want to know how we have got to this stage. Later, I want to talk about how we can avoid getting to such a stage in all our environmental activity—something that I have talked about quite often in this committee—but in this case, how did we get here?

Richard Lochhead: The short answer is, by listening to people. I will ask my officials to come in here, because they are the ones who have had direct contact with stakeholders over the past two years.

Willie Cowan: As the cabinet secretary indicated in his opening statement, there was a general consultation this time last year on the kill licence. We took the responses from that consultation exercise and provided advice to ministers. That was published as a statutory notice, which indicated the potential introduction of a kill licence.

As a result of consultation responses to that statutory notice, ministers reconsidered the position and adopted the basis of the regulations that are now before you. It is not a kill licence as such but a very much simplified regime that

enables the Government to demonstrate to Europe and to others that it is meeting its international obligations while managing the fish stocks.

There have been four formal consultation exercises to get us to this point. In addition to that, we have had dozens of stakeholder meetings.

Michael Russell: Yes, but the stakeholders who are saying things about this now are opposed now and were opposed then. This is not a trick question in any sense. Something happened during the process that moved it from the possibility of a kill licence—which would I think have been supported, no matter how reluctantly by some people—right through to essentially forbidding people to do something. What are the factors? You have mentioned Europe and infraction. Was the weight of that heavier than the views of the organisations? I just want to get my head round the process and the way in which it has swung from where it was to where it is now.

Willie Cowan: No, it is quite the opposite in fact. What we have before us today implements the principle of the kill licence in managing vulnerable stocks, but it does so in a way that does not have the bureaucracy of the kill licence. The Government responded to stakeholder views that the proposals for a kill licence were too bureaucratic and too costly and would take up too much time. We listened to that and came back and reflected on it to consider how the Government could achieve its policy and its obligations in a simpler way. That is what we have before us today.

Michael Russell: Policy and obligations are not the same thing. There are obligations under European directives and other obligations of various types, and there is the policy. Is the policy to ensure that people can still legitimately undertake their pastime, or is the policy to avoid infraction?

Jeff Gibbons: A key area that came out of the consultation on the kill licence, which led to where we are now, was the general view that we did not appropriately take account of local initiatives. The clear message that was coming through was that we did not take account of the extent to which local, voluntary measures were having an impact and managing the conservation status.

There was a move from licensing to the approach that we have now, in which we are basically saying that we will consider the extent to which local conservation measures are able to manage the activity locally. That is why it is important that the conservation plan works. If such measures do not work, we might well be led back to the idea that the activity has to be licensable. Will the local measures work once the

conservation status has been determined, or will they not work?

We are acknowledging concerns, first, about charging and the costs associated with licensing. Most anglers did not support licensing; there was certainly a presumption on the part of a lot of anglers that a licence would necessarily mean that people could kill a certain number of fish—and there was no guarantee of that, so that would have raised a different question. Indeed, the science around that might have been more difficult.

We had a lot of discussions on the Tweed and elsewhere, and a key issue was how appropriately we were taking account of local measures, which people in many areas thought were working quite well. That was a fundamental issue that led to the change and the move away from a licensing approach.

Michael Russell: I do not want to prolong the discussion, because other people want to speak, but I think that listening more to local views about what worked is a better way forward in solving conservation problems, and I think that the pressure from Europe, at one end, and a reluctance to listen to local views, at the other, created problems here and elsewhere that we need to avoid in future. I will talk about that later.

Alex Fergusson (Galloway and West Dumfries) (Con): Convener, I will not take up a lot of time, you will be pleased to know, because there is the debate to come, and I want to make substantial points on the back of members' comments during the question and answer session. However, I want to touch on a point that Mike Russell raised, which is the reasoning behind the proposals and the urgency that appears to be behind them.

The Government was quite right to come away from the kill licensing regime that was originally proposed. At the time, I argued that the approach would be almost unworkable and extremely bureaucratic and expensive. The Government was right to try to find other measures.

I am sorry to hear that the minister is not well and cannot be here today, although of course I welcome the cabinet secretary in her place. When I met her last week, I was informed that infraction proceedings are now live.

My question is quite simple. What steps has the Scottish Government taken to go to whoever one goes to in Europe—I do not know who it is—and point out that, as a result of the criticism that has been aimed at Scotland in relation to the habitats directive and the lack of activity, we are in the process of putting in place a robust regime that we hope will improve our salmon conservation record and improve salmon stocks, which is the aim? What steps have been taken to go to Europe to

say, “We need a year’s delay, because the proper science is out there and we need a year to assimilate it, and if we get the proper science, we can put forward a proper regime”? What action has been taken specifically to secure a delay before bringing in the proposals?

Richard Lochhead: The issue to do with the EU’s approach to Scotland’s lack of adherence to the habitats directive on the conservation of salmon, particularly in relation to netting stations, has been rumbling on for many years. Europe contacted us and raised the case further in September 2014, and here we are in March 2016 putting through the regulations that we hope will address Europe’s concerns. A lot of work has taken place since the most recent letter from the commissioner on infraction proceedings. We think that it is now time to act, and that is why we are here with the regulations. As I said, the other driver is the wild fisheries review, which had its own findings and recommendations and called for urgent action on the conservation of salmon.

Members of the committee will be well aware that stakeholders have been calling for action for a long time. The Government has been lobbied hard for many years by many sectors of the angling community and others who want action taken. There has been pressure from various directions to take action on some of the issues, because we clearly want to conserve the salmon as well as the economic impact of angling in Scotland.

My colleagues may wish to comment on the current dealings with the commission.

Jeff Gibbons: In 2014, when we last met EU officials, it was apparent that they were not comfortable that we could adequately demonstrate that we were meeting the requirements of the habitats directive, particularly but not only in relation to netting stations, as the habitats directive does not just apply to coastal netting. They were concerned that our explanations of how we currently met those requirements were no longer valid and they wanted some action to be taken. Since then, we have kept in regular contact with them by correspondence and by discussions about the process, starting with the original consultation on the kill licence following the wild fisheries review and through to where we are today. They are fully up to speed on where we are and are currently considering our response to their concerns about how we will move forward. We await a response as to whether they are content or whether they will move to seeking a reasoned opinion thereafter.

Alex Fergusson: What I think you have just told me is that the real concern is over netting but that anglers, tourists and others who come to Scotland to fish and who take a fish very occasionally—20 per district, as we have just been told—are the

ones who have to pay an equal price because, presumably, we need to do something to keep the netsmen happy.

Jeff Gibbons: No, it is about mixed-stock fishing. It is about netting and it is about anglers, and all of those are mentioned in the correspondence that we have had. The concerns about coastal netting in particular are, as the cabinet secretary has said, to do with our ability to manage the activities of netting stations that are inactive, and activity when new netting may take place, which can be done in river. Whenever a new project or plan takes place, our concern is with the extent to which we can assess the impact of that project or plan and therefore whether it should continue. As the committee will remember from previous discussions, we in Scotland have more than 400 recognised inactive or dormant netting stations. I am not suggesting that netting in the vast majority of those would ever take place in a commercial capacity, but they have the potential at present to start tomorrow and continue to have an impact on the salmon stocks.

Sarah Boyack (Lothian) (Lab): I have quite a few questions because, as colleagues have been asking questions, more have come into my mind about the process that Mike Russell has been trying to dig out. Can you clarify what point we are at with potential infraction proceedings? You said that there was a meeting in 2014 with European officials and that you went back to say that we are addressing the issue, but what stage are we actually at?

Richard Lochhead: We have had contact with the Commission to give comfort about what we are doing in Scotland to meet the obligations under the habitats directive. Jeff Gibbons may want to comment on the next stage.

Jeff Gibbons: As I outlined, the current stage is that we have responded to the Commission's concerns about our current explanations of how we meet the requirements of the habitats directive, particularly in relation to article 6. We have reaffirmed where we are with the current discussions on the regulations and order and we are awaiting a response from Commission officials. Their response could be either to move to seeking a reasoned opinion on whether that is appropriate, or to accept our reply and close the case that drove the Commission's original approach.

It is important to note that there were four original complaints, which have slowly dissipated for one reason or another. It is not entirely clear why they drifted away, but the authors of the current complaint, which has driven the on-going questions about our ability to demonstrate that we are meeting the requirements, have recognised the regulations as a positive step and see that as

adequately demonstrating our commitment to addressing their original concerns.

10:30

Sarah Boyack: So there is not an actual deadline for a process that we are involved in at the moment; it is still at the negotiation stage between you and European officials.

Jeff Gibbons: It is in the Commission's hands. It is due to come back to us within a month, I think. That would be within its deadline for whether or not to move to a reasoned opinion as part of the process.

However, on the infraction debate—

Sarah Boyack: There is an awareness, but there are not currently infraction proceedings being taken against us by the Commission.

Jeff Gibbons: Yes.

The Convener: Well—

Sarah Boyack: Sorry, but did you say something, convener?

The Convener: I think that we had better clarify that.

Sarah Boyack: Yes—I am trying to get this clarified. Are actual infraction proceedings being taken against us, and what stage are they at? We are still at the discussion stage. That is how I understand the situation from that answer from the official.

Jeff Gibbons: It has moved to the point where the Commission has begun the process—it is at stage 1 of the infraction process. We have not yet moved to part 2, where the Commission would seek a reasoned opinion to see whether we actually comply. There is a possibility that the process will stop if the Commission is comfortable that the current approach meets the requirements.

Sarah Boyack: Thank you for that. It is not an instant process. Even if the Commission was not happy with what has happened today, there is still quite a process involved.

Jeff Gibbons: It is not instant, although the Commission has been clear that it is concerned that we have not met the requirement. Things have accelerated over the last period.

Sarah Boyack: Yes, and you have been doing work on that.

What proportion of the areas in schedule 2 to the regulations are special areas of conservation?

Jeff Gibbons: There are 17 special areas of conservation in Scotland.

Sarah Boyack: What proportion is that of the different areas that you have identified in schedule 2?

Jeff Gibbons: We have 109 fishery districts, and we have the 17 SACs as part of the assessment process that we do.

Sarah Boyack: You already have the special areas of conservation, where there is significant capacity to control and protect salmon. How effective have the measures been in those areas?

Richard Lochhead: Most, if not all, the SACs are category 1, which is a good sign as far as categorisation is concerned.

Sarah Boyack: So they are successful, are they?

Richard Lochhead: The Spey and the Tay, for instance, will come into more than one category. I will ask for advice on how many are in each category but, for the Spey, the SAC part is category 1, which is clearly a positive sign.

Sarah Boyack: That is the point that I am getting at. Colleagues have made the point that, in the areas where they have had representatives of angling or fishing interests approaching them, concerns have been expressed about the broad-brush nature of the measures.

I know that the Scottish statutory instruments that are before us have been grouped together but, on the first one that we are dealing with, the Conservation of Salmon (Scotland) Regulations 2016 (2016/115), there is a worry that we are covering the entire country using either a broad-brush approach or a blunt instrument, depending on where people are coming from. Why have we not taken more of a bottom-up approach?

In the past few months, we have considered marine conservation, which has been hugely controversial, but there has at least been local work going on, with clear areas that people can focus on and a strategy in those areas. However, in this case, there seems to be a blanket approach across the country, with a promise that you are going to return at another point and go local. Why not do it the other way round? If special areas of conservation have been hugely successful—as you say, they are category 1—should we not be more proportionate in our efforts to pull up those areas that are most concerning and to do so with the local communities, putting in place measures to make that work?

Richard Lochhead: To be fair, we are not taking a blanket approach to the country—we have categorisation. That is the whole purpose of having category 1s, 2s and 3s. At the moment, activities can clearly continue in category 1 rivers. Activities can continue in category 2, and indeed in category 3, albeit that fish cannot be retained in

category 3. It is very much not a broad-brush approach. That is the whole purpose of taking a categorisation approach to Scotland.

The alternative is, potentially, to do what some other places have done, which is to determine that certain activities shall not take place in any of the country's rivers. We have not taken that approach at all; we have taken a much more proportionate approach by going down the categorisation route. Some rivers are totally fine; others have some restrictions on some activities.

Sarah Boyack: On that comment that some rivers are absolutely “fine”, can you give us more information on the research that has been done? I have listened to previous questions from colleagues, and there is a question mark over the quality of the data and over the fact that we have not put data in place first before putting in place the mechanism that you want us to approve today.

Richard Lochhead: My colleagues will come in to talk about the details of the data and how it is collected but, as I said, when we moved on from the kill licence issue to where we are now, that was broadly welcomed. There are associations of people who have looked at local circumstances in local rivers that are part of a fisheries district and have expressed concerns—quite loudly in some cases. Members are rightly bringing forward their representations today. However, that is a million miles away from taking a broad-brush approach across the country. We have categorisations. In category 3 rivers, only 18 per cent of the fish that are caught are retained so, even there, 82 per cent of the activity that previously happened will continue to happen. We have to keep things in context.

I will leave to Stuart Middlemas the question about the data collection that led to the categorisations.

Stuart Middlemas: To go back to the SACs, it is worth pointing out that, although a lot of them—such as those on the Tweed, the Spey and the Tay—are category 1s, the South Esk, for example, is category 2 and the Bladnoch is category 3. It is not quite the case that all the SACs that are being looked after are in category 1. There is a mix.

With regard to data collection, local data is primarily based on rod catches. We base some of the other factors on long-term data collection that we have done on the North Esk and the Girnock Burn—those are detailed scientific studies. There is also information from around Europe.

It is important to realise that the methodology that is used is very similar to that used in other countries. It is not quite the same, and there are Scotland-specific reasons why we want it to be a bit different from some of what is done in Norway or Ireland, for example, but it is in line with

international standards. Having said that, we accept that we can improve our data collection. We are working on that, and it will be a process going forward.

Sarah Boyack: There have been a couple of questions by colleagues about exactly what the support would be to local angling organisations to carry out that research. What will that support look like in practice? Is financial support going directly to angling organisations?

Stuart Middlemas: I will let other officials talk about any financial support. What we are doing at the moment with local fisheries trusts is making sure that data that is already available, or that they already hold, is in the right format. Then we can add methodology to the process. We are also discussing how information that could be used can be collected in the future—that is, we are agreeing standard protocols. It is difficult if people think that they are collecting the same bit of information but they are using lots of different methods, so we want to standardise how data is collected.

Sarah Boyack: How does it actually work with the local fishing and angling organisations? It was suggested that they get support through the process, but it has not been easy to tease out what that support is. Is it support for lack of activity—for example, lack of tourism activity—or is it financial support to enable them to do research? It is not clear what the mechanisms are at the local level.

Richard Lochhead: Two things are happening. One is that £100,000 will be available over the next two years to work with the angling clubs to promote their activities where they fear that there may be economic offset from the categorisations.

Secondly, Marine Scotland and Marine Scotland science are working with each individual fisheries district that is putting together its conservation plan. We have said that, as those discussions are taken forward, we will see what support is required to make sure that the plans are worked up. That is a work in progress.

The Convener: Cabinet secretary, I would like to put the issue in perspective. The statistics for salmon fisheries that were collected in the five years from 2009 to 2014 suggest a total of 159,731 salmon—I will start again, as I want to get this right.

We have to think about salmon angling first. The rod-and-line fishery caught and retained 125,295 salmon and grilse, and 344,367 fish were released. Using a low-estimate mortality rate of 10 per cent for released fish, another 34,436 would die. If that figure was added to the retained catch, it would give us a figure of 159,731 fish. You have said that the figures for angling have been undercounted in many cases. That is the situation.

Would you agree that the mortality figure is accurate, given that those are Scottish Government statistics? Is the figure of 10 per cent for fish that die after they have been caught and released a reasonable estimate?

Jeff Gibbons: There is a difference of opinion about the statistic for mortality, but the acceptable area is currently around 10 per cent to 12 per cent.

The Convener: Okay. The next figure that I have is for the fixed-engine and net-and-coble fishery in the same period. The number of fish that were caught and retained was 118,366, which amounts to 41,363 fewer fish than the number of fish that were caught in the rivers. In other words, assuming that those figures are correctly accounted for, netting actually has a smaller impact on the salmon than river fishing by anglers has. Do you agree that that figure is correct?

Richard Lochhead: I have no reason to dispute the figures, but another factor with the coastal netting stations is that it is mixed stocks that are caught, which has an overall impact across our rivers. That is a key point in the infraction proceedings.

The Convener: I think that the netsmen understand that. They have been involved with scientists to try to collect the data, and the environmental research institute in Thurso is currently studying the movement of salmon in the Pentland Firth. That is one of the elements that might feed in to your review. Is that the kind of thing that you would use to collect the data for this year, so that you could review particular parts of the country where salmon stocks in rivers were in good condition?

Richard Lochhead: Yes. There is a three-year prohibition on netting, but we have the ability to review that within the three-year window if we so choose.

As you have explained, that kind of science is important because mixed stocks are being caught. We do not know whether a disproportionate number of the fish that are being caught come from a particularly fragile river, which is why it is important that we understand mixed stocks. The more information we have about that, the better. It will enable us to review any particular part of the country.

The Convener: Dave Thompson asked some questions about smolt reintroduction in the River Lochy. Reintroduction has been successful in the River Carron in Wester Ross. However, when anglers—in this case, I mean riparian owners and not angling clubs—are asked about restocking in many other rivers, there is a great reluctance to do so. Some people say that it is expensive and less than successful. We have to get to the bottom of that question. What is more important: that anglers

have fish to catch, or the expense of putting enough fish into the river for them to be able to catch?

Richard Lochhead: Those are valid questions that are clearly part of evolving fisheries management in rivers. We are at a landmark point. We are taking the issues a lot more seriously as a country and trying our best to develop a better understanding of our salmon stocks. Many people have been calling for that for many decades, and we are now doing it, partly as a result of pressure from others and partly, of course, because we want to do the right thing.

10:45

The Convener: I have a huge amount of sympathy for angling clubs, because they want to have fish to catch. The figures suggest that, in many parts of the country, there is a problem with what happens to fish that are caught, released and then die, as well as with fish that are caught and kept. We need some robust information about that in the next year to ensure that a review will be meaningful for different parts of the country. Is that possible?

Richard Lochhead: It would be helpful if I undertook to bring a report back to your successor committee within 12 months to give an update on many of the issues that have been brought to our attention today, as well as on the big picture of moving towards the river-by-river approach and some of the bigger issues.

The Convener: Were you going to say something, Mr Cowan?

Willie Cowan: I was just going to reflect that the regulations are part of a broader wild fisheries reform programme and that, in February, the Government launched its consultation on a draft royal fisheries bill with an associated strategy. The broader questions that you ask are entirely valid, and we now have an opportunity, among everything else, to debate the question of stocking and ranching. Along with stakeholders, we are looking to develop a wild fisheries strategy and a data and research strategy to encapsulate what we are trying to get at and what we need to do to fill in the gaps and enable us to get there.

The Convener: Thank you for that. It is obvious to me that this is developing science. We cannot have absolute science. Proper science is something that develops, rather than something that is clear at this point and does not develop hereafter. The question about the science, as we know it, is a particular problem.

I will stick with the example of a river in my constituency. I have a letter from an angler called

Phillip Gwynne from September last year. He says that he is

“a rod fisherman with interests in the River Naver”, but that he has

“been on the North Coast for many years and knows the Armadale Netting Station well.”

He then says:

“The Netting Station fills an important part of the North Coast salmon world and I meet with James McKay”—

a proprietor—

“on a regular basis. We are just enjoying a record season on the North Coast and there is what”

the river watcher

“would have called an abundance of salmon. We of course electrofish our river and the major burns and our production of juveniles is in a very healthy state. The fish that return to us are in a very good state so we can consider that the sea life of the salmon has improved.”

That is the testimony of an angler in a grade 1 river, the River Naver, on the north coast. Will your review be able to take account of that kind of local evidence from such places with a view to considering the status of the moratorium on angling in Armadale?

Richard Lochhead: Absolutely. That is what we have to do. Much commendable work is being done across many rivers in Scotland. We are familiar with that from our own constituencies. I represent a constituency in which there are three major rivers, and other members around the table are in a similar positions. We all know that a lot of good work takes place at local level. The more information that we collect, as quickly as possible, the more localised policy we can have.

The Convener: Finally, I turn to the question of the habitats directive. On 7 August last year, I asked you a question about the diet of seals. You told me that there would be a report, later in 2015, about what seals eat. I understand that the habitats directive is focused on what humans do to salmon, rather than what seals do to salmon. At the same time as pressing our case with regard to the human management of salmon, can we find some way of suggesting to Europe that we are in an unequal fight if we do not take into account the number of salmon that seals eat?

I assure you that there is a good number of seals in the Pentland Firth, where the waters of the North Sea and the Atlantic meet. Lots of birds, fish and seals feed there.

The question about what seals eat is material to the question of the recovery of salmon in our rivers. What can you do with regard to the results of that report, which was supposed to come out at the end of 2015, and what might be done with

regard to Europe's writing of the habitat regulations?

Richard Lochhead: I was filled with trepidation when you said that you had asked me a question back in August, and was thankful when you told me what my answer was.

I will check which report that answer referred to. I am told that Marine Scotland commissioned a report on the diet of our seal populations; it will be published this year and made available in the coming months. There is some information available on the diet of seals. A small number of seals might take a lot of salmon, which means that a general cull of the seal population would not have much impact on salmon predation. However, I will make sure that we write back to the committee about what reports have been commissioned and which are available.

Claudia Beamish: I am trying to find a way through what has been said and I have a suggestion. If I understand the situation correctly, possible infraction proceedings relate only to the SACs. If that is the case, could we look for a way forward that would put the regulations only on to the SACs and enable the rest of Scotland to have more localised implementation, and could we do that as soon as possible? Would that enable the Scottish Government to go back to the Commission with a robust plan that would delay any proceedings? As we have seen today, the regulations are a blunt instrument, and people who are involved with local rivers take a serious interest in conservation as well as fishing. I appreciate that there is the issue of the netters and the haaf-netters, and I appreciate how complex the area is, but I am simply trying to see how, at this stage, we might find a way of accommodating more of the serious concerns.

Willie Cowan: The management of salmon SACs and non-salmon SACs are not distinct; they are interrelated. The habitats interest in salmon SACs concerns not only the management within the SAC but the potential impacts on the SAC from other areas. We have examples of fishery districts that have SACs further upriver, so fish swimming through a district have to swim through a district that has one level of conservation to get to a SAC that has another level.

Earlier, the cabinet secretary talked about mixed-stock fisheries and coastal nets. There is another issue in certain areas. If your angling club lies downstream of a category 3 salmon SAC, nobody can tell whether the fish that you are taking are destined for that SAC and therefore require further protection. I am afraid that the issue is not as straightforward as managing SACs in one way and fishery districts in another, because they are all interrelated.

Claudia Beamish: I appreciate that complexity, but the whole issue is complex and we have seen that there are serious concerns. If the salmon go up a river that is not part of a SAC but which leads to a SAC, could it come under the regulations in the interim, so that we do not put people and angling groups in a bad position? I appreciate that netting stations are mixed stock. I am trying to find a way of ensuring that local rivers are not—in their view and, quite possibly, objectively—categorised wrongly because the regulations are such a blunt instrument. I am sorry to press the issue, but you understand what I am saying.

Willie Cowan: I understand where you are coming from. Ministers have said two things. First, the Government is working hard with local biologists and expert groups to put in place a system that should enable us to move to a river basis from next year. The regulations will be reviewed annually. The clear intention is to move to a river basis for 2017, and we are working with local people to do that.

For the purposes of the regulations, we have said that, if individual districts can bring forward additional data that could influence the categorisation—Stuart Middlemas talked about the veracity of data earlier—we will consider it urgently. Further, the Government has undertaken to review the regulations in the next session of Parliament, if necessary.

Richard Lochhead: As I have said previously, there are two drivers for the regulations. One is the wild fisheries review; the other involves the infraction proceedings, which place an emphasis on SACs and netting stations.

Not passing the regulations today would delay everything for a significant period of time. We are trying to assure the committee that, for that impact—where there is an impact—we will review matters as quickly as possible to get to a river-by-river basis. Again, the overall context is that, in the category 3 rivers, only 18 per cent of the catch is retained, and that is what is affected. By definition, 82 per cent—

Alex Fergusson: On a point of order, convener.

The Convener: A point of order?

Alex Fergusson: A point of clarification, perhaps. The cabinet secretary just said that not passing the regulations today would lead to a lengthy delay in its implementation. Am I not right in saying that not passing the regulations today would mean that they would be brought to the chamber for determination? Could somebody guide me on that?

The Convener: That is correct. The instrument would come back to the chamber.

We will take a five-minute break before coming back for the debate on the motion.

10:57

Meeting suspended.

11:03

On resuming—

The Convener: Agenda item 2 is consideration of motion S4M-15732, which asks the committee to annul the Conservation of Salmon (Scotland) Regulations 2016 (SSI 2016/115). It should be noted that the Scottish Government officials cannot take part in the formal debate. All members of Parliament who have joined us can participate in the debate, at my discretion, but I remind them that only committee members can vote.

The motion will be moved and there will be an opportunity for a formal debate. Procedurally, that can last up to 90 minutes although, in practice, most of the issues have been covered in the evidence session with the cabinet secretary, so the debate should not last so long. I invite Alex Fergusson to speak to and move the motion.

Alex Fergusson: Thank you for inviting me to open the debate, convener. The past 90 minutes have been extraordinarily interesting and very educational in many respects.

I will begin by repeating the context that Mr Cowan put to us in the previous discussion. Under the proposals, 83 fishery districts will become mandatory catch and release. Across those fishery districts, 82 per cent of the average catch is released, so at the end of the day, as we were told, we are talking about the life expectancy of 20 fish per affected fishery district.

I am not against salmon conservation measures and limits—I really mean that. I am very much aware that they are successfully used in other countries and that the model is by no means new, even if there are specific differences to bring in given the unique Scottish circumstances. However, I remain very much against the way in which the Government has gone about introducing the proposals. The Government maintains, and has repeated today, that it is under considerable pressure from the EU, and infraction proceedings are now apparently live, although today we have discovered that they focus only on SACs.

I am not aware that, for example, Scotland's Members of the European Parliament have been asked to rally to the call and to put a case for a further delay or a deferral of the implementation of the measures, as they surely could have been. Therefore, I am afraid that I am not persuaded that the Government has done everything possible to

make that case, as I was told last week. Clearly, the Government may not consider that a deferral is in any way desirable. I will set out briefly why I consider it to be desirable. I must say that everything that I have heard this morning has convinced me that a deferral is not just necessary but required.

First, I do not accept that the scientific basis for introducing the categorisation of our rivers is accurate enough for the purpose to which it is being put. Rod and catch returns, even taken over a five-year period, are not the most reliable of statistics—they are unscientific and unworthy of forming the basis for the proposed restrictions. Indeed, two of the five years that have been taken into consideration were exceptionally dry, as highlighted by the figures that Elaine Murray gave, which I think were for the Nith or the Annan.

In a dry year, there is considerably reduced fishing effort, with a consequential lower annual catch, which, according to the science of rod and catch returns, means that there would be a less healthy salmon stock, but that is not necessarily the case at all. The illogicality of that argument was well summed up in a post that I saw on a salmon fishing online forum. I think that the wording was, "No need to worry, lads—I intend to catch 500 salmon this year, and if we all do the same and put that in our returns, all will be well." Of course, that is an absolutely ridiculous suggestion, but it rather sums up how flawed rod and catch returns are as a basis for legislation.

My second concern is the timing with which the measures are being introduced. I understand that they were consulted on for some months but, until the final proposal of any consultation is published, those who make submissions to it would hope that those submissions might well be taken into account, acted on and even make a difference to the final outcome. After all, that is what consultation is supposed to be about. Indeed, the first consultation on licences to kill had that result—changes were made as a result of the consultation.

The proposals that were consulted on the second time round and that we are considering today were confirmed by the minister only a few short weeks ago, forcing angling clubs, proprietors, hotels, holiday cottage businesses and the many others who rely to one degree or another on angling to make a living to have to change their focus and their policy for 2016. They have faced cancelled bookings, reduced fees and in some cases a complete lack of inquiries for the 2016 season, all without any compensation at all.

The Newton Stewart Angling Association, which is the closest angling club to where I live, is already £2,000 down on 2016 advance ticket sales compared to the same stage last year. I know that

the minister has announced £100,000 over two years to help, but I have yet to speak to one angling club—and I have spoken to several—that think that the money will make any substantial difference to their medium to long-term plans.

What about the netsmen, of whom we have spoken quite a lot this morning? The few large commercial netsmen that remain and the many smaller netsmen—what I would call marine crofters—that still exist along the Solway coastline and elsewhere across the country must surely be due compensation for the abrupt cessation of their business, yet that does not appear to be the case.

Much has been said about haaf-netting, and I am pleased to hear that exploratory discussions are taking place to try to ensure that that cultural and historical activity may be able to continue. I hope that that will be the case, and I await the outcome with interest.

Finally, I remain very concerned that any measures looking at salmon conservation simply must—at least, I do not see how they cannot—refer to what I understand to be the two main causes of salmon decline. The convener mentioned one of those causes, which is seal predation. The other cause is the impact of sea lice. Both those predators, if I can call them that, inhabit the marine migratory path of wild salmon.

NASCO, which, along with the EU, has been critical of the Scottish Government's lack of efforts on salmon conservation, is even more damning of the Government's lack of action on sea lice. Despite new legislation in 2013, which this committee scrutinised, sea lice numbers continue to rise. They appear to be poorly reported and even more poorly controlled. No one doubts that their impact on wild salmon is immense, as is the impact of the growing and heavily protected seal population, yet it is Scotland's anglers and netsmen who are being asked to bear the brunt of the Government's proposed conservation measures.

I am asking, through the motion to annul, for a delay in the implementation of the Government's proposals, which would allow several empty boxes to be ticked. First, the Government has again said this morning that it has brought together a group of biologists to assimilate the science that exists on the health of salmon populations on a river-by-river basis across almost all rivers in the country through the work of the many excellent fishery trusts that we have.

I must refute the cabinet secretary's assertion that, to date, proper and robust science does not exist, because it does. It is a question of bringing it all together, as the Government has said that it intends to do within the next year. That would allow a proper river-by-river categorisation. That is

proper science. As I was told in a meeting with Dr McLeod last week, the hope is for that to be assimilated within a year, so let us delay the implementation for a year until that proper science backs up the measures.

Secondly, a year's delay would allow time for angling associations, clubs and the others that I have mentioned to adjust and for their clients to adjust similarly. From their perspective, we are talking about dramatic behaviour change. We have often talked about behaviour change in this committee, and in a variety of circumstances, but I do not think that any of us in our wildest dreams expects such change to happen overnight, yet that is what is being asked in the legislation.

Thirdly, and most important, a sensible delay would achieve the buy-in of all stakeholders. That buy-in is far from universal at this time, but it is essential if the policy is to be successful, as it surely needs to be. Without that, salmon will continue to be killed, even if that is illegally, because the proposals are almost unpoliceable. If that is the result, the measures will turn out to be virtually worthless.

Why do we not harness our MEPs? Let us encourage them to earn their apparently meagre salaries by making a case on Scotland's behalf for a sensible delay—if only for one or two years at the most—to ensure that the measures work, that all stakeholders buy into them and that they achieve what we all want: salmon populations increasing sustainably for the benefit of, principally, our environment but also our angling interests. The proposals in their current form will not achieve that outcome.

We had it clarified that the instrument will not come to the chamber unless the committee turns it down today. The measures in it are serious, with a huge impact across Scotland. I genuinely believe that they deserve to see the full gamut of our democratic processes behind them. They deserve to be brought back to the chamber. I hope that the committee will back my motion—I appeal to it to do so—if only for that reason alone, so that the instrument is seen to have the full democratic process behind it.

I move,

That the Rural Affairs, Climate Change and Environment Committee recommends that the Conservation of Salmon (Scotland) Regulations 2016 (SSI 2016/115) be annulled.

The Convener: Thank you. Several members wish to speak.

11:15

Michael Russell: One of the things that I remember most vividly about my early days as environment minister was going to the salmon

netting station at Strathy Point in July 2007 to see the late Simon Paterson. It was to tell him, in my role as environment minister, that the licence that his family had held for many generations was not going to be renewed.

I remember it because I went with somebody whom the cabinet secretary will remember—David Dunkley, who was Her Majesty's inspector of salmon; a man who knew more about salmon than anybody else had forgotten. I remember it, too, because I believe that I should not have done it. I believe that the setting of environmental policy by fiat from central Government is not the effective way to do it; if this committee does not know that after the marine protected area process, it will never find it out. The reality is that we should negotiate in a painstaking way with the stakeholders, as we call them here—the people who earn their living by fishing or working the land or doing a range of other such activities and who often have a long tradition of so doing.

We talk about haaf-netting lightly, but haaf-netting not only goes back to Viking times, its legislative basis in Scotland goes back to 1649. It also has a place in Scottish history and tradition and in an area that I am particularly interested in—Scottish photography. I am sitting here with a picture in front of me from the early 1900s of people casting the mall—casting for the right to various positions along the net. Somebody I have written on extensively, Werner Kissling, took photographs of salmon haaf-netting that are an important record of a traditional communal activity.

The right way to have approached this issue, and the right way to approach a whole range of things in the environmental sphere in particular, would have been not to move to regulation or legislation until the stakeholders—the community of those who know from doing it the details of the issue—had come to a common mind or a conclusion, no matter how difficult that might be.

It is difficult to do that—sometimes it is almost impossible—but it needs to be done, because we can then build the blocks and put the legislation or the regulation on top of those blocks. If we do it the other way, we get to the situation that we saw in relation to the MPAs and we get to our current situation, where there is clearly a widespread issue across Scotland. People are saying, “Let's do this a different way,” and at this stage, that different way is to have a river-based model. We have already talked about how important that would be and how it would move us forward.

There is a genuine problem, but I am going to back the regulations for one particular reason. We are two weeks from dissolution and if we do nothing now, we run the risk—I go back to David Dunkley—of continuing to run down the salmon stocks and the possibility of their recovery.

However, I am going to vote for the regulations only if I hear an assurance—I hope that I will hear this from the cabinet secretary—that, as soon as possible after the election, we will move to a river-based model and we are going to work hard to get to that model so that the views and influence of those people who do the things on which we are legislating and regulating will, in the end, lead to them getting what they need to have.

It is not a great end to the parliamentary session to be struggling with this process issue. However, it might teach us, as the MPA process and other things have, I hope, taught us, that there is a better way of doing it. We can learn from international examples as well. I have mentioned to the committee before some examples from elsewhere of reconciling traditional—often called native—land use with environmentalism and the necessary work of conservation. We should be learning about that approach in Government and as a Parliament because that is what will make a difference and will last. We are not talking about change for a week or a month; we are talking about long-term change that can restore the environment that we all want to see.

With some reluctance, I am going to back the regulations, but I look for a commitment from the cabinet secretary that this is not the end of the process but in fact a brief hiccup in a process that will produce the buy-in that we should look for as the basis for environmental change.

Jim Hume: We have heard a lot of doubts about the science today. We have talked about rod counts, which are only counted in the rivers, and as we have heard from many members, not just those on the committee—a record number of MSPs have attended the committee today, which shows the extent of the Parliament's concern about the legislation—when rivers are dry the fish do not run but stay in the sea, which is where the haaf-netters catch the odd fish. We have heard that the minister is optimistic that we will come to some sort arrangement that will mean that the haaf-netters can carry on in some form, but that is all in the future and at the moment, their future is uncertain.

I asked about compensation, which was mentioned by the Minister for Environment, Climate Change and Land Reform. That now seems to be off the table and the cabinet secretary did not mention that the Government is considering it.

I will back Alex Fergusson's motion to annul on the basis that the Parliament would then be able to discuss the matter fully. I do not buy the argument that we do not have enough time. We can easily fit in an extra hour—next Wednesday we have a whole day on land reform and we could easily slot

this in so that the whole Parliament can debate what is an extremely important matter.

As Elaine Murray said, salmon fishing brings a huge amount into rural economies and we are competing in a global market. There are other great salmon rivers in Russia and Canada, so we want to be seen as somewhere that you can fish and take the odd salmon, without having any effect on salmon conservation, which of course I fully support.

Jackie Baillie: I apologise for the fact that I will have to leave immediately after this.

I support the motion to annul; I recognise that I do not have a vote on the matter, but I have a voice. It strikes me that we are in the 59th minute of the 11th hour and unpacking how we got here is instructive. I agree with much of what my colleagues have said. It strikes me—and the cabinet secretary admitted that the Government has been pushing to do something for a while—that the threat of EU infraction is what has motivated people after years of not taking the appropriate action. I understand that we are at the early stages of the infraction proceedings, so there is time. I understand that the proceedings relate to SACs and netting stations, rather than to what is going on in local rivers. Perhaps a tighter set of regulations could be brought forward.

We have been slow to act for many years and now we are in danger of taking panic measures at the last minute, in the closing days of the session. I was always told that it was one thing to take action, but it is more important to take the right action.

I recognise that the situation is complex, but the Government's approach seems to be, "Pass this and we'll worry about the detail later". By the Government's own admission, the complexity will involve a degree of time being taken to get it right. We have waited years and we should not rush at it.

The cabinet secretary said that he would rely on the input of local bodies after the regulations. Why did we not rely on that input before? It is disappointing that the Government has not taken on board the science and available data, particularly the data from the University of Glasgow and the Loch Lomond Fisheries Trust. It has not listened to local interests in the consultation and it has not undertaken an equality impact assessment.

The issue is about Loch Lomond Angling Improvement Association, which is 116 years old and has something like 700 members. It is a low-cost activity for working class men—it is predominantly men, but hopefully there are also others—who care passionately about conservation. The association is saying that the

regulations do not do what the Government wants them to do. If the cabinet secretary is not prepared to withdraw them and bring back a much tighter set of proposals, which focus on the issues that are the precise subject of the infraction proceedings, I would be in favour of abandoning the regulations or finding some way for the whole Parliament to consider the matter.

Elaine Murray: I also speak in favour of Alex Fergusson's motion to annul the regulations. It is clear from today's evidence that the regulations are prompted by the threat of EU infraction and not by the science of salmon conservation.

Indeed, in proposing the order, Scottish ministers have obtained a rare achievement by uniting the Dumfriesshire anglers and the Solway netters. They are frequently in disagreement, but the Government has united them in opposition to the regulations.

The environment minister was well aware of their concerns. I forwarded every one of them to her and her officials and I was advised that their representations would be taken into consideration, but unfortunately there is not much evidence that that is the case.

All the organisations that have contacted me fully support salmon conservation—as, indeed, I do. Of course they do, because the future of their activities and clubs depends on the continuation of a healthy population of salmon in our rivers. This is not about fishing versus conservation: the objections concern the data and information on which the decisions underpinning the regulations have been taken.

The Annan common good fund sub-committee of Dumfries and Galloway Council administers the operation of poke, haaf and stake nets on the north side of the Solway. It believes that the legislation will have a devastating effect on all netting activity, including Annan's traditional fishings, which are enshrined by royal charter.

The income of the common good fund will fall and its potential for investment in Annan will fall with it. The common good fund sub-committee also considers that the categorisation of the River Annan as a level 3 river is based on inaccurate data and that it should be reassessed, as the River Annan has been a productive river for three of the past five years, and the council has already implemented conservation measures locally for several years. The blunt instrument of the regulations contrasts sharply with the approach taken with respect to the River Eden in Cumbria, where an agreement has been reached with the Environment Agency and Natural England on an acceptable level of catch.

Rod angling clubs in Dumfriesshire consider that fishing tourism will be badly affected if the

regulations are passed, as potential visitors will prefer to spend their time and money on rivers where they are permitted to keep maybe just one of the salmon that they catch. Indeed, Cumbria tourist board will probably celebrate if the regulations are passed.

Angling clubs, which are already struggling to survive financially, may cease to exist. The River Nith angling association and the Dumfries and Galloway Angling Association also consider—like the common good fund sub-committee—that the science behind the proposals is flawed. They point out that there are virtually no fish counters on our rivers recording the number of returning salmon and the categorisation is based purely on the number of rod-caught salmon. The reason for a perceived decline could just be that there are fewer anglers catching fish, rather than fewer salmon. As others have said, it could be about the weather, and salmon stocks are cyclical anyhow. For example, anglers tell me that stocks on the River Nith are currently high.

Fishing is important to tourism in Dumfriesshire. Our rivers are one of the region's great assets and losing fishing tourism would have consequences for other tourism businesses and the local economy. As Alex Fergusson said, one of the unintended consequences could be the stimulation of poaching. I am sure that that is not something that any of us would wish to see.

I urge the cabinet secretary to reconsider the regulations, which could threaten the future of angling clubs on the River Annan and River Nith, the historic haaf-netting in the Solway and fishing-related tourism across the region. I hope that you might consider retracting the regulations and reconsidering them, but if you will not, I ask the committee to reject the regulations and allow Parliament as a whole to consider and vote on their content.

Sarah Boyack: I came to the meeting having read all the evidence and having listened to colleagues. I have to admit that I was deeply disappointed by the answers that the cabinet secretary has given to some of our questions this morning. Instinctively, I want to support more action on salmon conservation, but what we have in front of us is a kind of work in progress and we seem to be being told, "Don't worry. We are thinking about what we will do next. We will get round to it later. Please trust us, but we can't give you the details at the moment."

The issue is too important for that kind of approach. I know that this is our last committee meeting of the session, but we need to get this right. We know from the answers that we have received from the cabinet secretary and his officials that where we have salmon conservation

measures, they work if they are done properly, so we need to have the right strategy in place.

I asked about special areas of conservation because we need to have the right strategy in place. Over time, we need to monitor it and to think about how we prioritise the areas where action needs to be taken. Therefore, I do not think that the proposed approach is appropriate. We cannot have such short-cuts. We need to look much more closely at the rivers and their catchment areas and to follow the lives of salmon. That is one of the lessons that we have learned on conservation: we cannot look only at one point in the lives of salmon; we must follow the whole track and think about the things that will impact on salmon throughout their whole life cycle. That is partly a geographical issue and it is partly an issue of time. All that needs to come together.

11:30

What we have in front of us is a take-it-or-leave-it approach; it is a very blunt approach. As a new member of the committee, I know that the committee has taken a lot of evidence and done a great deal of work over the past few months, but I think that the lessons from previous evidence to the committee need to be learned. Over the past few months, we have debated marine protected areas. For me, what has come through loud and clear is the importance of having not only a national overview and a national commitment that we all sign up to politically but the capacity to iron out the details between local communities and conservation groups and to ensure that we have a good evidence base. We will never get 100 per cent agreement on that—I know from the evidence that we have taken that that is an impossible position to get to—but we need to have good information that people can at least debate, and a clear focus and a strategy on the areas involved. I feel that the approach on MPAs—despite the fact that there was disagreement on it—was more transparent and accountable. That is not the approach that we are faced with today.

We face a challenge, because the regulations are a negative instrument and we are at the end of a parliamentary session, but I think that there are better alternatives that the Government could be pushing. I pick up on the point that Mike Russell made about a river-by-river approach—an approach that is based on prioritisation—and the comments of Claudia Beamish. Stakeholders all need clarity, and they must work together to conserve salmon stocks to protect angling and biodiversity for the future. Local management groups are key to that.

Jackie Baillie made a point about an equality impact assessment not being properly carried out, which is concerning. Elaine Murray and Joan

McAlpine made points about the cultural impact that the proposals will have on haaf-netters, and we got some movement from the cabinet secretary, which I welcome. However, I think that there is a better way to proceed. In conversation, my colleagues Rhoda Grant and David Stewart made points about cultural heritage, tourism and conservation measures working together in concert.

I take the point that Mike Russell made that it is a difficult situation to address, and I get the sense that he will tip over in favour of the regulations, but I will not do so. We need to come back to them. In this case, there are too many unanswered questions about not just our local communities but whether the overall approach is right. I am not convinced by the answers that we have had from the cabinet secretary today. There is a better and more proportionate way to proceed that will prevent the stocks from being run down further and that will achieve a better outcome.

I turn to the point about European infraction proceedings. We are at an early stage. I think that, if we were to debate the regulations in the chamber next week or the week after, there would be a desire across the parties to implement European regulations. We are talking about the protection of the environment and the protection of a vital fishing stock. We need to do that, and every party will sign up to that, but we need to act in a way that is effective, which is not what the regulations will do. They will not provide good protection for salmon stocks and local biodiversity. Our local communities need to be part of the picture, alongside the important conservation movement that we have in this country.

Not saying anything today and letting the regulations go through would be the wrong approach, and it would not be good for our salmon stocks for the future, so I will support the motion to annul the regulations so that we can have a proper discussion and the parties, after weeks of disagreeing with one another, can agree that there is a better way forward. That is the sense that I have picked up from members of the committee.

Graeme Dey (Angus South) (SNP): I respect entirely the concerns that have been articulated by other members, and I understand their motivations, but it is important that we do not lose sight of the twin drivers for the proposed measures: conservation and the threat of infraction proceedings, whether that is immediate or coming down the track. In addition, we should not lose sight of the fact that anglers will still be able to catch fish; they just will not be able to kill them. That is to ensure that the sport has a real future.

With regard to the fishing and tourism point, the River Dee has been operating a 100 per cent

catch-and-release scheme for some years and it remains an iconic, must-fish river that attracts anglers from all over Europe. The cabinet secretary is correct when he says that without fish angling tourism will dry up anyway. That said, local buy-in to what is proposed is important. Like Mike Russell, I want further assurances that there will be quick and appropriate engagement at a local level. If we get that, I, too, will support the regulations and oppose the motion to annul.

We should have taken action on the issue long before now, and we cannot keep putting it off. That approach has served us badly with deer and we should learn from that. We are always going to have people disagreeing with a planned approach. However, sometimes we have to do the right thing but then be fleet of foot in adapting to circumstances changing and improvements emerging. If we get an assurance from the Government in that regard, I will support the regulations.

Claudia Beamish: I am going to speak in support of Alex Fergusson's motion to annul. It was not what I intended to do when I came into the meeting today; I wanted to support the regulations and I have tried very hard to support them. I have had a lot of information from local groups from across Scotland, who I have tried to represent and who say that they are concerned about the proposed methodology.

As the meeting has developed, I have reached the stage where I am not able to support the Scottish statutory instrument that is before us. If we wait for a year, the methodology could be more localised on a river-by-river basis. As I understand it from the cabinet secretary, that process will be coming forward in the next year anyway. I think that a localised methodology will bring on board the local groups involved, the salmon fishery boards, the district boards, local anglers and conservation groups. It will enable everybody to work together for the aim that, as I understand it, everybody wants, which is to have a robust salmon stock per se, as it is an iconic species, and to have a future for the enjoyment of fisheries.

I accept what Graham Dey says, which is that there are iconic rivers where there is catch and release already. However, I think that that is a behaviour-change issue, and there are some rivers where catch and release is not happening. If we delayed for a year, we could use the cabinet secretary's £100,000 for part of the behaviour-change process.

All the way through, this committee has looked at bringing people with us and at behaviour change. This is such a serious issue, but I understand that the European infraction proceedings are not that far along and we are not at the point of a letter of formal notice. I ask the

Scottish Government to consider withdrawing the regulations today and going back to Europe and saying that we have plans that people are buying into. We have so many local communities on our side and we do not want to lose that, but we are at risk of losing that for the future.

Many arguments have been made during this meeting and more arguments would be made if we debated the issue in the parliamentary chamber, which would prove to Europe that we are taking the issue incredibly seriously. For the future of our rural communities and our rivers, for the joy that fishing can bring to so many people and for the benefit of tourism, I am going to support Alex Fergusson's motion to annul.

Dave Thompson: I have listened with great interest to the debate this morning. I have many salmon rivers in my constituency, not just in Skye, Lochalsh and Lochaber in the west, where there are at least a couple of dozen rivers, but also in the east of my constituency, with the Spey and the Ness. Fishing is a big issue in the constituency.

A number of people have expressed concern about process at this morning's session. I have a lot of sympathy for those concerns. Although there has been engagement with local communities, it could have taken place earlier and been a bit better.

I believe that the Government is now engaged. I take the cabinet secretary at his word that there will be rapid action on reclassification on a river-by-river basis. If there is an error with the Ness, as is claimed by Mr Sutherland in speaking to Dave Stewart and Rhoda Grant, that can be corrected very quickly. Wrong classifications for other rivers can also be put right.

I accept that the Government will review the classifications and will do so extremely rapidly. I was pleased to get the assurance that the ranched salmon project in the River Lochy, which has been successful for a number of years and is attracting more people to fish on the Lochy, with fish coming back in a way that they have not done for many years, will be allowed to continue. That will be hugely beneficial for tourism and everything else. I am reassured that something will be done to help with the situation with the ranched fish, with the clipped fins and so on.

Before the meeting, Jon Gibb, who runs the Lochy and is the head bailiff in Lochaber, was asked directly whether it would be better for the regulations not to go through, or to go through on the assurance that the categories would be reviewed. His advice was that it would be better if the regulations went through.

On the basis of that and other information, I will support the regulation today.

Joan McAlpine: I do not have a vote as I am not a member of the committee. I have listened with great interest to the points that have been made and I have sympathy with both sides. It has been an interesting debate.

I appreciate Sarah Boyack's point about going to the chamber in the next couple of weeks to debate the issue. That might be an interesting exercise, but realistically we all know that it is not going to happen. There are only two weeks left and there is a packed parliamentary programme, so although that might be an attractive option, it is simply not going to happen.

My interest is in the Solway. It is important to clarify that, in Annan, the ending of income from the fees for licences for stake and poke nets—the fixed engines that are already there—going into the common good fund is the result of action from the English side of the River Eden, where the authorities were threatening legal action against the Solway fishermen. Dumfries and Galloway Council chose not to go to judicial review on that point. That is why there are no longer any stake nets there.

I welcome the news that the Scottish Government has listened to representations on behalf of the haaf-netters, who are in a unique heritage position. I was concerned by the suggestion from Jim Hume that that is still open to question. I would appreciate it if the cabinet secretary could assure us when he sums up that there will be some kind of exemption for haaf-netters and that they will be able to continue to fish in some way.

One thing that came out of the debate strongly is the need for better scientific evidence. If the haaf-netters could contribute to that, it would be an imaginative and welcome development. Haaf-netting is passed from grandfather and father to son and it goes back a long way. Those people really understand the stocks and fish, and they would be in the best position to contribute to that scientific evidence.

I welcome the movement in the recognition of human ecology and on the preservation of fish, but I would welcome a little more clarity from the cabinet secretary on the future of haaf-netting on the Solway.

11:45

The Convener: I have some comments. I did not ask about this before, but it is important to know who the complainers are about the situation for the health of Scottish salmon stocks, which has led them to go to Europe. We should know who they are, and I hope that the cabinet secretary can remind us of that.

It is important to recognise that, across the northern hemisphere—in Alaska, Norway, Russia and, of course, Ireland—catch and release is a big part of the sport. In some cases, it is 100 per cent. If Scotland was not to move in that direction, it would show that we were behind the curve. If Scotland is to be seen as a place for people to come to and fish, we have to work against the competition, not just in the sense of people being able to catch fish, but in the sense of Scotland being up with the best practice in Alaska, Norway and Russia, for example.

I am unhappy that the member who lodged the motion brought in the question of sea lice, as both the River Lochy and the River Carron have been restocked, and they are in areas with large amounts of salmon farm fishing. The restocking is working, so we should be careful about bringing that issue back into the picture.

Members talked about delay. Any instrument that is lodged in the following year will not be a magic bullet; it will be another stage along the knowledge path that gives us a picture of salmon in individual rivers. I was pleased to hear the cabinet secretary suggest that data that are collected during the year will be able to be deployed within the year, as the regulations include an annual review. That said, taken alongside the wild fisheries review and the draft bill that is being consulted on, the issue of how river catchment areas are managed for all species of fish is an important part of the surround to the set of instruments.

It seems to me that the democratisation of the rivers and the river catchments would be a win-win for angling associations because riparian owners have been reluctant to restock rivers despite restocking being a practice in some of the better rivers such as the River Naver. That being the case, we need to bring pressure to bear. That aspect of improving the salmon stocks has not been discussed in the regulations, but it is utterly germane to the picture and our overview of the regulations.

Sarah Boyack suggested that all parties are signed up to the habitats directive, but I do not think that that would prevent parties from voting against the regulations if they went to the chamber, and I do not think that it alters the fact that the science and the review have to be taken forward or the fact that action must be taken to stabilise salmon stocks.

Therefore, I will not support the motion to annul but will support the cabinet secretary's proposal, and I ask other members to do so. It is not the case that action has to happen now or it will never happen, and it is not a question of saying that nothing can ever be perfect. We have to recognise that the situation is imperfect, and with the best

will in the world, it can be taken forward only by a Government that is intent on ensuring that we have sustainable salmon stocks. I believe that the Government is intent on ensuring that.

Cabinet secretary, do you wish to reply to what has been said?

Richard Lochhead: I have listened closely to the often powerful comments from all parties and all members of the committee today. The matter has inspired some strong views. Like many issues relating to our environment that have economic and social impacts, it is full of challenges about how we plot the best way forward to strike the proper balance.

This morning, I have endeavoured to explain the context for the conservation regulations. As I said, we have engaged heavily with a broad range of stakeholders, especially since the publication of Andrew Thin's wild fisheries review back in October 2014. Things have not been as rushed as some people have suggested.

There has been a candid exchange of views with the committee and, as I said, I have listened closely to what has been said. I consider that the regulations strike the right balance between the conservation of the species for the benefit of future generations and the interests of those who fish for salmon today. I believe that the way forward that we are suggesting will keep our rivers in Scotland open.

As we have discussed, we have looked at other countries that are close by, such as Ireland. We do not want to end up in the position that they are in, whereby they choose each year which rivers will be open or closed. That would bring a lot more instability than some people suggest may occur with the regulations, and it is in all our interests to avoid that scenario in Scotland.

The United Kingdom Government announced recently that it will be consulting on mandatory catch and release across England as well. The issues and challenges are not unique to Scotland but exist elsewhere in the UK and in other European countries. The introduction of the measures readily demonstrates that we have a scheme that we can put in place to manage exploitation in line with the requirements of the habitats directive and to meet our international obligations to NASCO.

In response to the comment that we have a broad-brush approach in Scotland, I emphasise that the opposite is the case. Unlike the scenarios in other countries, which I have just mentioned, we are specifically taking a categorisation approach, with three categories of river across the country. In two of the three categories, activities can largely continue as is. The third category, which has rightly dominated the conversation today,

comprises areas where there has to be managed catch and release and where, currently, around 18 per cent of fish are retained.

I am trying to set the wider context of the regulations and the impact that they will have. Notwithstanding that, committee members have rightly highlighted concerns about category 3 rivers and the need in future to move to a river-by-river approach. The Scottish Government certainly supports that. Given the comments from Mike Russell and the other members who asked for assurances from the Government, I reiterate that I will instruct officials and ministers who are dealing with the issue to come back to your successor committee soon after the election with more details of the way forward and the timetable that is attached to that. I am confident that that will happen before the summer recess.

No doubt there will be a requirement for a further report after the summer recess when more work has been carried out on moving towards a river-by-river basis and the recategorisation of rivers that are currently in category 3. More data and more accurate science may be available to be input in the times ahead. I give that commitment today, and an assurance that the timetable and the way forward will be brought back to the committee soon.

The principle of a bottom-up approach to the changes that are required as we continue to develop the policy is absolutely at the heart of the Scottish Government's approach. On the point about taking account of local initiatives and local culture in the case of the haaf-netting in the Solway, which a number of members mentioned, including Joan McAlpine and Jim Hume, I give an assurance on the record that our intention is to find a way for those skills to be retained and for that activity to continue, albeit that it will have to be through a scientific project and approach.

Doing nothing is not an option. As many members said, we must ensure that we have a framework in place that, from here on in, will protect what is an iconic species for Scotland that delivers all the benefits to which members referred. We have listened to and acted on the concerns that have been relayed to the Government about retaining the fundamental principle that any killing of wild salmon—which is a protected species—in Scotland must be managed and sustainable. We cannot allow threats to what are vulnerable stocks.

We will continue to make improvements to the process. I take on board the criticisms. These are difficult issues and there are pressures from Europe in terms of infraction. We must fulfil the spirit of the recommendations of the wild fisheries review, which we want to support. However, failure to approve the regulations would set Scotland

back significantly and risk the international status of salmon fishing in Scotland.

The European infraction proceedings are a factor, as members mentioned, but they are not the only factor. Conservation is the number 1 priority. On the legal position, we are aware that this is one of the areas that Europe is taking seriously in terms of Scotland's environmental credentials. Infraction proceedings are real. At any point this year, the European authorities could take us to the European Court of Justice. Europe will, of course, be paying close attention to what is happening in the Scottish Parliament on the protection of salmon. For the record, I note that the Salmon and Trout Association made the complaint to the European authorities that, no doubt, partly led to where we are today. The convener wanted me to mention that.

For all those reasons, I urge the committee to reject the motion to annul, accept my assurances, which I hope address some of the concerns that members expressed today, and allow us to move forward to protect our stocks of salmon, which is an iconic species in Scotland.

The Convener: Thank you, cabinet secretary. I ask Alex Fergusson to wind up and indicate whether he wishes to press or withdraw the motion.

Alex Fergusson: I will be as brief as possible. Most of the arguments have been made and I do not want to do a great deal of repetition, but I will comment on a couple of points.

It is certainly not just Jim Hume and Joan McAlpine who have an interest in haaf-netting. Claudia Beamish, Elaine Murray and I have all spoken about it. We all have constituency and regional interests in the activity and I think that we all welcome the dialogue on whether measures can be put in place to ensure that that cultural activity is continued.

I am afraid that I do not apologise for bringing sea lice into the debate. Huge numbers of fishermen and anglers in my part of the world believe that sea lice behaviour plays an enormous part in the decline of salmon stocks, or the health of salmon stocks, particularly in my part of Scotland, alongside acidification, seal predation and other factors. We need to look at those things in the round.

In our earlier questions, we did not talk about the importance of voluntary effort to the success of our angling associations. An enormous amount of river management and the restocking activities that we have spoken about is done by voluntary input, and that is why buy-in to the measures is so important. If we do not get it and we lose a lot of that voluntary input, it will become more difficult to encourage the regeneration of our salmon stocks.

I believe that quite strongly. I am sure that all members who have rural constituencies are aware of the importance of that voluntary input.

As Michael Russell said, there is an element of putting the cart before the horse here. I will press my motion with some sadness, because we are all after the same thing. We all want the same outcome, but we clearly have slightly different views on how best to achieve it.

Joan McAlpine is wrong to say that the regulations cannot come back to the chamber. If the committee backs my motion today, they will have to come back to the chamber—that is the Parliament's process. I believe that a lot of people out there have concerns about the proposals, and they deserve to see the regulations being agreed to by the whole Parliament, if necessary, rather than by a majority of this committee. As the convener said, that might not change people's minds, but the proposals should be accepted by the whole Parliament. I am not convinced that they would be, but it is important that the proper democratic process is seen to take place.

On that basis, if on no other—I believe that there are others—I ask members to support my motion, which I press.

The Convener: The question is, that motion S4M-15732, in the name of Alex Fergusson, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Beamish, Claudia (South Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Hume, Jim (South Scotland) (LD)

Against

Dey, Graeme (Angus South) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Motion disagreed to.

The Convener: I thank members for that detailed discussion. The committee's report will record the result and confirm the outcome of the debate.

Salmon Carcass Tagging (Scotland) Regulations 2016 (SSI 2016/116)

Tweed Regulation (Salmon Carcass Tagging) Order 2016 (SSI 2016/117)

Tweed Regulation (Salmon Conservation) Order 2016 (SSI 2016/118)

Common Agricultural Policy (Direct Payments etc) (Scotland) Amendment Regulations 2016 (SSI 2016/104)

12:00

The Convener: We move on to more subordinate legislation. Do members have any questions on any of the instruments?

Sarah Boyack: I have a brief question on the Common Agricultural Policy (Direct Payments etc) (Scotland) Amendment Regulations 2016.

The Convener: As members appear to have no questions on the salmon instruments, you may ask your question. You are fortunate, as you have the cabinet secretary here.

Sarah Boyack: I want to ask about an issue that came up at a meeting that I had last night with farmers from the Lothians. I will not comment on the financial effects of the situation, as we will debate those endlessly later. However, the farmers made a plea about the timing of guidance, pointing out that, if guidance comes out in the winter, they are already committed by then and that it is immeasurably better for them for guidance to come out in the summer.

The farmers also made the point that some make a more than annual decision, because they might rotate crops and fields over a four, five or six-year period. They were keen for that point to be taken on board, for it to be recorded in our debate and for me to pass that comment on to the cabinet secretary.

The Convener: The cabinet secretary might or might not wish to reply. He is not here formally to answer questions, but I am sure that he would be happy to respond.

Richard Lochhead: It is a fair point well made. I will certainly take it away and reflect on it.

The Convener: If members have no other comments, does the committee agree not to make any recommendations on the instruments?

Members *indicated agreement.*

The Convener: I thank the cabinet secretary and his team.

Petitions

Scottish Wild Salmon (PE1547)

12:02

The Convener: The fourth item of business is consideration of petition PE1547, by Ian Gordon and the Salmon & Trout Association (Scotland), on the conservation of Scottish wild salmon. I refer members to the paper and invite comments from them on what action we wish to take.

Given the previous interest in wild salmon, I am surprised that no one wants to make any comments. It is recommended that the committee welcome the action taken by the Scottish Government to recognise in the Conservation of Salmon (Scotland) Regulations 2016, in the draft national strategy and in the draft wild fisheries bill the issues raised in the petition. It is also recommended that the committee close the petition and write to the petitioner to inform him of its decision. Are we agreed?

Members indicated agreement.

Control of Wild Geese (PE1490)

The Convener: The second petition is PE1490, by Patrick Krause on behalf of the Scottish Crofting Federation, on the control of wild geese numbers. I refer members to the paper and invite comments.

Michael Russell: The petition should remain open, because the goose problem is far from solved in any part of my constituency. Indeed, on Monday afternoon, my office told me that a man from the island of Lismore had been on the phone to say that the most useful thing that I could do during the election campaign would be to go to Lismore with a gun and shoot geese. There is a considerable continuing concern.

I am slightly concerned by the way in which the Scottish Crofting Federation is seeking to divide crofters and farmers on the issue. There is a common interest between crofters and farmers throughout my constituency and elsewhere on it, and we require continued action. I am afraid that the Scottish Government has not, so far, resolved the issue, and I would therefore like the petition to remain open in the hope that the successor committee will take it on board.

Graeme Dey: I completely concur with Mike Russell: the petition has to remain open. The problem is not going away, and closing the petition would send the wrong message to current and future Governments and to stakeholders. I therefore support keeping the petition open.

Claudia Beamish: I agree with Graeme Dey and Michael Russell.

Angus MacDonald (Falkirk East) (SNP): There is no doubt in my mind that the petition must be kept open. It is clear from the Scottish Crofting Federation's most recent submission that there are still problems with greylag and barnacle geese on the Uists, and I know from personal experience that the issue on the island of Lewis is far from resolved. At the cross-party group on crofting, we hear anecdotal evidence that, as Michael Russell has said, greylags are spreading to inner Hebridean islands.

The rural affairs committee in the next session of the Parliament must maintain pressure on the Scottish Government to ensure proper funding for goose management programmes. I reiterate the point that was made when the committee first considered the petition: if we are not careful, it will soon be the crofters, not the geese, who will be endangered.

Jim Hume: I agree with other members.

The Convener: We have several things to think about. We can bring the petitioner's comments and the information from the Parliament of Norway to the attention of the Scottish Government and Scottish Natural Heritage. Do we agree to do that?

Members indicated agreement.

The Convener: We can also suggest to our successor committee, via our legacy report, that it might want to consider examining the outcome of SNH's review of wild goose management, with a view to deciding what further action, if any, should be taken on the petition. I think that we should add that there should be proper funding for goose management in the budgets of SNH and so on. Do members agree?

Members indicated agreement.

Michael Russell: Does that mean that we are keeping the petition open?

The Convener: Yes, definitely. I beg your pardon—

Michael Russell: So we have resolved to keep the petition open.

The Convener: We have resolved to keep the petition open and to include it in our legacy paper.

Annual Report

12:07

The Convener: Agenda item 5 is consideration of a draft annual report for the parliamentary year from 11 May 2015 to 23 March 2016. Do members have any comments on what is a short and succinct report?

Michael Russell: I note that, with regard to the first time that a minister gave evidence on a piece of legislation in a rural location, the report refers to “Dumfries”. I think that it should say “Dumfries and Galloway”, because Dumfries is a town. The sentence reads rather oddly.

The Convener: Thank you. If there are no other comments, do members agree to sign off the annual report?

Members indicated agreement.

The Convener: Okay. The annual report will be published on Friday 11 March.

We have come to that point in the meeting when I usually set out what will happen next week, but, as I have said, this is the committee’s final meeting. I therefore want to say a huge thank you to everyone who has supported the work of the committee, which I have had the pleasure of convening for the duration of the session. I have been ably supported by my deputies—first, Annabelle Ewing, and latterly, Graeme Dey—and I thank them both for stepping into the hot seat when required.

I also thank all members of the committee, past and present. You have all made an enormous contribution to the work of this busy committee, and I thank you for your dedication and commitment.

I pay tribute to two members, in particular, as they will be standing down. On behalf of the committee, I wish Alex Fergusson and Dave Thompson all the best for the future. Alex has been a member of the Scottish Parliament since 1999, and his interest in and dedication to rural affairs have been evident throughout his parliamentary career. He has taken on the roles of party spokesperson and convener of a previous incarnation of this committee. As Presiding Officer, he commanded the respect of members of all parties; he is also a dedicated servant of the people whom he represents and of this Parliament. I wish him well for the future—in fact, I think that he has already left us. [*Laughter.*]

Dave Thompson has been a member of the Parliament since 2007 and a member of this committee since April 2014. He is also a member and former convener of the Standards,

Procedures and Public Appointments Committee and a tireless advocate for his constituents. I thank him for his dedication to the work of this committee and his valuable contributions, and I wish him a happy retirement.

I thank the staff of the official report, the media relations office, broadcasting and security who have supported the committee’s work. I particularly thank the clerks and the team from the Scottish Parliament information centre for their detailed and often arduous work. I also thank everyone who has engaged with the committee, from the stakeholders who regularly challenge us to seek better outcomes for rural Scotland and its environment to those who have taken an interest in our work by joining us in the public gallery, especially during the deer management discussions in 2013. In closing, I add, on behalf of the committee, our best wishes to our successor committee or committees.

As previously agreed, the committee will now move into private session to consider its work programme.

Graeme Dey: Before we do that, convener, I note that Alex Fergusson is not the only original member of the committee to see his time as an MSP drawing to an end. The convener, Alex Fergusson, Jim Hume and I are the only original members of the committee to have survived the joys of committee reshuffles—albeit that Alex had a brief spell away from the committee, when his contribution was greatly missed—and, like Alex Fergusson, Rob Gibson has opted to stand down as an MSP.

On behalf of members of the committee past and present, I thank Rob for his enormous contribution to the work of the RACCE Committee. He has brought detailed knowledge and great passion to the role of convener, and his determination to improve rural Scotland is as obvious now as it was when the committee was first convened in 2011. More than that, he has been an incredibly fair and inclusive convener who has always ensured that all members have had the chance to ask questions and have their say. The consensus that the committee has achieved more often than not on a wide variety of issues owes a great deal to the approach that Rob has taken to convening it. If I am re-elected to Parliament and convene a parliamentary committee at some stage in the future, I will be a better convener for having served as Rob’s deputy for the past two and a half years.

I suspect that today we see Rob saying cheerio, rather than goodbye, to the RACCE Committee. I have a hunch that our successor committee will hear from him on a variety of subjects, not least land reform, in the years to come. I am sure that we all wish Rob well in his future endeavours.

The Convener: Thank you very much.

Michael Russell: Although I am the newest member of the committee—Sarah Boyack might have joined a week or two after me, but she had sat on the committee before whereas I had not—I should point out that I have known Rob Gibson for more than 30 years. I have always had respect for him, even in his frequent musical incarnations, but my respect for him has been greatest over the past 14 months. I have thoroughly enjoyed the experience of being on the committee, and I have very much enjoyed being on a committee convened by Rob Gibson, who does the job supremely well. His knowledge of the subject is voluminous and, although he can get a little tetchy from time to time, he has guided the committee through some very choppy waters. I am grateful to him, and I am also grateful to my other committee colleagues for the experience that I have had over the past period. If those of us who intend to come back to Parliament are spared, I hope that I will have a place on the committee with some of my colleagues in the next session.

The Convener: Thank you very much.

As we said in the preceding debate, our decisions are never magic bullets. We always have to return to subjects as both a matter of process and a matter of progress. Like devolution and the powers that we have, our decisions are not events but things that we take forward to the best of our ability at the time. Inevitably, they are not perfect—just as the convening is not perfect, although I have certainly enjoyed it. I hope that everyone who comes back has a great time, whether or not they are members of our successor committee. Those of us who are retiring will not be too far away, watching how you get on.

Thank you very much for that. I now close the public part of the meeting.

12:14

Meeting continued in private until 12:47.

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