



OFFICIAL REPORT
AITHISG OIFIGEIL

Environment, Climate Change and Land Reform Committee

Tuesday 23 February 2021

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Tuesday 23 February 2021

CONTENTS

	Col.
EUROPEAN UNION EXIT	1
EU-UK Trade and Co-operation Agreement	1
PETITIONS	20
Control of Wild Geese (PE1490)	20
Game Bird Hunting (Licensing) (PE1615).....	22
Mountain Hares (Protection) (PE1664).....	22
Wildlife Crime (Penalties and Investigation) (PE1705)	23
Satellite Tags on Raptors (Monitoring) (PE1750).....	23
Grouse Moors (Killing of Wildlife) (PE1762).....	26
Protected Beavers (Translocation) (PE1815).....	27
Single-use Drinks Cups (PE1636)	29
Single-use Plastics (PE1755)	29
No Wild Camping Zones (PE1751).....	29
Greyhound Racing (PE1758)	31

ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE
8th Meeting 2021, Session 5

CONVENER

*Gillian Martin (Aberdeenshire East) (SNP)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Claudia Beamish (South Scotland) (Lab)

*Angus MacDonald (Falkirk East) (SNP)

*Mark Ruskell (Mid Scotland and Fife) (Green)

*Liz Smith (Mid Scotland and Fife) (Con)

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Roseanna Cunningham (Cabinet Secretary for Environment, Climate Change and Land Reform)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

Virtual Meeting

Scottish Parliament

Environment, Climate Change and Land Reform Committee

Tuesday 23 February 2021

[The Convener opened the meeting at 09:00]

European Union Exit

EU-UK Trade and Co-operation Agreement

The Convener (Gillian Martin): Good morning and welcome to the Environment, Climate Change and Land Reform Committee's eighth meeting of 2021. The first item on our agenda is evidence on the environmental implications of the United Kingdom's exit from the European Union. We are joined by Roseanna Cunningham, the Cabinet Secretary for Environment, Climate Change and Land Reform. I also welcome the cabinet secretary's Government officials: Katriona Carmichael, deputy director, future environment, environment and forestry; Don McGillivray, deputy director, environmental quality and circular economy division; and Euan Page, head of UK frameworks.

Good morning, cabinet secretary, and thank you for coming to talk to us. The trade and co-operation agreement has been described by some as being blind to the devolution settlement. What is your opinion on the extent to which the TCA—in particular, the level playing field and rebalancing provisions—impact on the ability of the Scottish Government to exercise devolved powers in environmental policy, maintain environmental standards and keep pace with EU law, as has been your stated desire?

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): It is not just a stated desire—it is now a Government commitment. In general terms, the Brexit deal that has been agreed will hit jobs and the economy and is happening at the worst possible time. We should not shy away from stating that. Scottish Government modelling estimates that the deal could cut Scotland's gross domestic product by about 6.1 per cent by 2030, when compared with what it would have been under EU membership.

We are facing real issues and there are likely to be permanent new barriers that will cause immense difficulties. We cannot fully mitigate every negative consequence. At the outset of today's meeting, I should say that the agreement is very complex and hard to read. It will be many months, if not years, before the impacts of the

agreement, which we consider to be suboptimal, are fully understood. I ask members to bear that in mind throughout my comments.

At the moment, there is considerable ambiguity and uncertainty around the level playing field provisions. The non-regression provisions will permit divergence between the UK and the EU as long as overall levels of protection are maintained. However, regulatory divergence from the EU represents a risk to environmental standards in Scotland—the Scottish Government would want to assert that. We remain committed to maintaining or exceeding the high and very best practice standards represented by the EU in most areas. The UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 helps us to deliver on that commitment.

The non-regression issue in the TCA that I referred to will prevent a lowering of standards, but only where there is an economic impact. Divergence will be possible between the UK and the EU as long as an overall measure of protection is maintained. We are pressing the UK Government for clarifications on interpretation and implementation, and reinforcing the need to take account of our devolved powers and responsibilities. It is not only Scotland that is in that position—so, too, are Wales and Northern Ireland.

The current lack of clarity makes it very difficult at this early stage—we are only a few weeks into the process—to determine what the UK Government's approach will be to non-regression and potential levels of divergence and to determine the range of potential impacts on environmental protection standards in Scotland. We have tried to take measures to pursue Scotland's interests. We remain committed to maintaining or exceeding the high and best practice standards represented by the EU in most areas, and the power to align contained in the 2021 act helps us to do that.

There are more things that I could say, but perhaps you want to comment at this point, convener.

The Convener: My colleagues will want to dig into the Government's arrangements. I want to ask you about measures that you have been taking to protect Scotland's interests. Conversations will have been had with your counterparts in the UK Government. Can you outline what conversations and access you have had in order to make the points to the UK Government that you have made to us this morning?

Roseanna Cunningham: We make those points continually. We make them in a variety of different meetings. There are now more regular what one might call four-nations meetings.

However, in all those meetings, on various different issues, the three devolved Administrations will be making roughly the same point to the UK Government. We are still trying to get clarity on how oversight and enforcement by domestic authorities will take devolved responsibilities into account and confirmation that our supervisory bodies, including Environmental Standards Scotland, will be involved in co-operation on monitoring and enforcement between the UK and the European Commission. We want to ensure that Scotland's voice is heard in meeting the commitments to implement various multilateral environmental agreements, and we want to co-operate on the trade-related aspects of environmental policy in those multilateral arrangements.

There is a dispute settlement mechanism for environmental protection, along with some rebalancing measures. However, we are still seeking some guidance from the UK Government on interpretation and implementation. It is very early days, so it is hard to see precisely how much of this will work. Do you want further details on the dispute resolution process?

The Convener: My colleagues will ask direct questions on that point.

Liz Smith (Mid Scotland and Fife) (Con): Yesterday, the committee had a private meeting with the House of Lords EU Environment Sub-Committee—although it was private, it was also very much on the record. It was a very useful meeting for two reasons. First, the sub-committee acknowledged the need for much greater engagement with the devolved Administrations. Secondly, it allowed MSPs to put on record our concerns about the lack of clarity. I know that you have just outlined your concerns on that and I am sure that you will tell us what you think the reasons are for it. Putting politics aside, what mechanisms should there be to ensure much better co-operation between the devolved Administrations and Westminster in the future? My second question is perhaps more difficult. What has to happen to allow that clarity in the understanding of where responsibilities lie?

Roseanna Cunningham: I am not entirely certain what you are asking me. The mechanisms for all of this will be both formal and informal. At the moment, it is very hard to establish how the formal mechanisms will work.

When I refer to conversations that are had in various four-nations meetings, I am referring to regular meetings that are held for different purposes. The similarity of conversation would be evident if you were to track across those meetings. However, in a sense, that is not formal, because such meetings are not set up principally with the issue that we are discussing in mind.

Representations are being made at meetings where the principal issues are different from that specific one. Therefore, at the moment, we do not have anything formal that is particularly helpful to us.

As I have already said a couple of times, we are at an early stage in the process. I am not making a party-political point, but we all recognise that the deal was done at such a late stage in the day that we are now in the process of trying to work some of it out. We might have expected there to have been more working out beforehand, but it is all being done now. We are therefore in a difficult place on formal mechanisms. It is hard for me to say what those should look like—whether there should be one overarching process or whether we ought to expect engagement in more specific areas. That has yet to be decided.

At the moment, I am concerned that the level of early working out that is going on risks engagement developing in a way that is not particularly structured and therefore does not actually take into account what it needs to. I do not think that I am being particularly party political—I genuinely hope that I am not—when I say that, at Whitehall level, there is still an uneven understanding of exactly what devolution means and precisely what it covers. I have come across that in a variety of different conversations over the years. There is a slightly uncertain, uneven recognition of what the reality of devolved responsibilities means. In fairness, the department with which we deal most often—the Department for Environment, Food and Rural Affairs—is probably better at it and cottoned on earlier than many other departments.

However, things are still a little bit ad hoc. From my experience, I have a slight fear that Westminster does ad hoc, and always has done, whereas our structures tend not to be so inclined towards such a set-up. That is the thing that worries me slightly—that we are going to get a mismatch in culture. I do not think that that is about political parties—it is more about institutional culture.

I am trying to be as fair as I can be about where we are in the process at the moment. I appreciate that I am not giving absolutely crystal-clear answers, but it is currently impossible to do so.

Liz Smith: That is a very helpful answer, actually. I agree that different cultures exist, for obvious reasons, but that some aspects could have been dealt with a little earlier.

As we move forward, we must ensure that the difficulties that you highlighted when you answered the convener's first question, plus the complexities surrounding the ad hoc engagement that you have just mentioned, are addressed. We

need to establish a mechanism whereby there can be full engagement between the devolved Administrations and Westminster. Overarching policies exist, but some will be devolved and others reserved so we have to be mindful of both.

In its next session, should the Scottish Parliament consider having a slightly different formal structure? Your answers have suggested that the difficulties have happened partly because of timing. We could blame various people for that, but the point is that engagement has been unstructured and ad hoc, so perhaps we need to find a mechanism that ties things together. I am interested in your views on that, given your experience.

09:15

Roseanna Cunningham: I will need to be a bit careful, because, in effect, what you are talking to me about is the impact of all that on the way in which the Scottish Parliament will go about its business of scrutiny. That is certainly not a matter that I will be involved in, unless somebody wishes to ask me for advice. It is difficult enough for ministers to keep across all that—even with the full resources of the civil service, it is hard enough for us to manage to keep across it.

I well understand concerns on the part of the committee and the Parliament about some of the management of this, particularly because we have been bedevilled by short timescales, which have made everything challenging. Some of that might ease its way out of the system, because many of those short timescales were a result of having to pull everything together in subordinate legislation to get everything ready for what was a very telescoped process towards the end. I do not think—*[Interruption.]*—to be honest—*[Inaudible.]*—in Westminster is going to—*[Interruption.]* I can hear that the convener's dog agrees with me. I do not think that people, even at Westminster level, would want to argue that what we had over the past year was exactly the optimum. I appreciate that.

It will be essential that the Scottish Government and the Scottish Parliament are recognised as equals alongside the UK Government and Westminster in their respective areas of competence—that will be absolutely fundamental. We—both Government and Parliament—should therefore be meaningfully engaged in developing new structures and processes. You would probably get almost exactly the same response from Wales and Northern Ireland. As I said, the situation at the Westminster end is still very ad hoc, and I am not sure that it is working from first principles.

Liz Smith: I do not disagree with a lot of that. Given the urgency of so many environmental issues—we do not have time on our side because of all sorts of issues to do with climate change and biodiversity—it is important that the structures are up and running as soon as the Parliament resumes in the next session. All that I read and hear about on the subject is the lack of clarity and a slight concern about where responsibilities lie. The Parliament must look at that carefully. I am sure that my colleagues will return to those issues.

Roseanna Cunningham: That is a big ask, given the timescale. The new session of Parliament is only a couple of months away, and I do not see any sign that the process will be decided or set up by then. However, it must be at the forefront of everyone's minds. The Scottish Parliament will probably have to look again at matters such as the committee structure to establish whether there is a better way to do it. I do not know; I genuinely do not have an answer to that.

Finlay Carson (Galloway and West Dumfries) (Con): I appreciate your dealing with the situation in a non-party-political way. We all recognise that there needs to be better work between Westminster and Holyrood to ensure that we all achieve the outcomes that we are looking to achieve.

I want to move on to governance of the trade agreement. The EU and the UK agreed to create a joint body called the Partnership Council to manage the agreement and to oversee the achievement of its objectives. What is the Scottish Government's view on the governance arrangements in the trade agreement? How will they need to be developed to ensure that the objectives of the agreement are met?

Roseanna Cunningham: When it comes to governance, all the comments that I have made so far should be taken into account. The issues about clarity still apply.

The overall structure of the UK-EU partnership is in place, but there is no doubt that the implementation will have a major impact on our devolved responsibilities and interests, including those that relate to future environmental standards and to the Scottish Government's ambition to tackle climate change. We are seeking meaningful involvement and representation within the governance structures and their underlying co-ordination and decision-making processes. It is important that our involvement takes account not only of Scotland's devolved responsibilities and separate legal jurisdiction, but of the reserved areas that touch on our responsibilities or that significantly relate to the territory of Scotland.

Discussions about the role of the three devolved Administrations have begun at official level. That is a good thing and is typically how such matters begin: officials talk to officials. I am sorry to say that, throughout the process, the devolved Administrations have not felt that we have been involved in any meaningful conversations. Although officials are beginning to talk to one another, I will reserve judgment until I see the outcome.

We must aim for more direct, formal and acknowledged involvement in bodies such as the Partnership Council. The structure is one thing, but if it results in a door that is closed against the three devolved Administrations—each of which has its own specific devolved responsibilities—that structure will not be meaningful for them. That is a concern.

I said to Liz Smith that there is a small-c cultural assumption in Whitehall when it comes to what needs to be done. Where the agreement is concerned, the approach is outward facing; thought is not being given to the devolved responsibilities. There may also be some knotty political thinking going on but, in the main, the focus as regards the Partnership Council and the relevant structures has been in one direction. It has been forgotten that there is an entire set of jurisdictions that have different devolved responsibilities for key important issues. I do not want the devolved Administrations to be kept outside the door.

I think that members are probably all aware that the Welsh Government is taking quite a hard line here and is approaching the matter in a slightly different way from us, but the concerns and worries are shared by all the devolved Administrations. That leads me back to thinking that some of this is about culture rather than hard politics. I am sure there is an element of hard politics, but much of the issue is about culture.

Finlay Carson: We know that the Partnership Council will be difficult because, as you have said, it will be dealing with not just devolved issues but reserved issues that will have an impact on Scotland. There will be a specialist committee on the level playing field, as well as committees on devolved issues such as energy, transport and fisheries.

You have said that there might be an issue with the culture. What progress have you made so far in ensuring that Scottish interests are represented at that level? Has any progress been made? Given that you think that there are issues, how will the Scottish Government seek to reassure us that Scottish interests are being represented? You said that civil servants talk to civil servants, and that that is the first step. If there is a cultural issue, do you need to be far clearer that there should be a

change in culture, which could be driven politically rather than by civil servants?

Roseanna Cunningham: We have never stopped making that point. The processes by which these things begin seem quite routine. Officials set up committees with other officials and have discussions at that level of operation, always with the caveat that proposals or decisions may be subject to ministerial sign-off at either end—whichever end we are talking about. That is as far as we have got so far.

At the moment, we expect that each specialised committee and working group will most likely be led at official rather than ministerial level. That is the fallback process by which things are done. Each committee and group will contain representatives from the EU and the UK with the appropriate expertise. The extent to which the devolved level of responsibilities will play into that is not yet clear. Given the background of the small-c cultural issue that we have to deal with, it worries me—given that it looks as though the initial process will involve only officials—that important devolved concerns will fall off the table. When I say “important”, I am referring to the fact that Scotland has an entirely separate legal system and is its own legal jurisdiction. You would be surprised by the number of times that that gets forgotten about, yet it is pretty fundamental to practically everything that we do. That is the bit that worries me.

There are various proposed groups to be established through the TCA. Again, there is no clear indication of how Scottish interests would be represented in those groups. Those are the things that we still have to discuss. I cannot say to you, on behalf of the Scottish Government, that we will be able to do this, that or the other; all I can say is that we are definitely pressing at every opportunity that there should be proper representation for the devolved Governments at every level, including ministerial.

Finlay Carson: I take that on board, but why has the process not been working up to now? With all due respect to the civil servants who are sitting around the table today, if we keep on trying the same process and still get the same outcome, do we need to approach it differently? We are now in a situation in which a Holyrood committee has suggested that we are not happy with progress when it comes to, for example, frameworks. Do we need to do it differently, or are we just going to keep on trying the same old way and not making any progress?

Roseanna Cunningham: I would respectfully suggest that some of that questioning ought to be directed at the Westminster Government. We cannot unilaterally dictate the process. The only Government of the four that appears to want to

dictate the process unilaterally is the Government at Westminster. I know that the committee has not had great success in getting representatives from Westminster before it but, with the greatest respect, I think that questions need to be asked of them.

Mark Ruskell (Mid Scotland and Fife) (Green): There are a number of committees and working groups—on energy, transport, fisheries and participation in EU programmes. There is a level playing field committee and the Partnership Council. Is it your wish to have Scottish official representation on each of those committees? Do you see a case for Scottish officials in effect leading on some of them—for example, on fisheries—where we have a majority interest in the UK resource? Do you see there being a role for parliamentarians, particularly in the Partnership Council? There is a concern that Parliaments are being locked out of the process.

09:30

Roseanna Cunningham: The answer to your first question is yes. We have previously made the case in different processes that that should be the situation—very much in those areas where there are very clear devolved responsibilities, and perhaps where entire policy areas are devolved. Thus far, however, in general terms, that argument has been accepted only very rarely.

We can go as far back as when Richard Lochhead was not allowed to speak at a European fisheries council, despite fisheries being an incredibly important issue for us. When the UK Government minister was not able to attend the council, it put in a civil servant instead of a Government minister from a part of the United Kingdom that has huge fisheries interests. That goes back quite a long way. The answer to your first question is absolutely yes.

Your second question is slightly more difficult for me to respond to because, in effect, it is a Parliament-to-Parliament matter. I observe a degree of unhappiness being expressed from time to time by Westminster parliamentarians about being bypassed in respect of decision making and scrutiny. I do not know how the matter can be addressed in terms of parliamentary work.

Mark Ruskell: Do you think that there could be an observer role for parliamentarians?

Roseanna Cunningham: “Good luck with that” is what I would say in response. At the moment, there is not even an observer role for devolved Governments, as far as I can see, never mind parliamentarians. Perhaps something will be cobbled together over the piece, but I do not know the answer to that question. I do not know how easy that would be to set up either, to be fair, as it

would cut right across other parliamentary duties, and it would be difficult to manage.

The Convener: We need to move on. I am mindful of the time, colleagues. We might not have time for three or four supplementary questions, so if members could be a wee bit more succinct, that would be great.

I hope that we can now hear from Claudia Beamish—she is on audio only. Claudia, can you hear us?

It seems not. However, we have a substitute to ask Claudia’s question in the event of her losing her connection, and that is Stewart Stevenson.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Thank you, convener. I may cast the question slightly differently from how Claudia Beamish would have done, but that is not intentional.

I want to develop the issue of future relationships with the EU and its institutions and the extent to which the trade and co-operation agreement provides for that. We know that many sub-state parts of Europe, as they are sometimes termed, have direct and proper relationships with colleagues in the EU. To what extent might the Scottish Government be able to continue to have relationships with the EU, particularly because of our distinct and different environmental requirements, which are purely a matter of geography and climate?

In particular, just to try to get control of the timetable, are we getting collaboration with the UK Government and the EU on strategic areas such as the 26th United Nations climate change conference of the parties—COP26—which will be in Glasgow, and COP15 on biodiversity? That is a big question, but I hope that we can deal with it relatively concisely.

Roseanna Cunningham: To be honest, it is difficult to deal with any of those matters concisely. If there were easy yes or no answers, I would be giving them. You can see that I am shuffling backwards and forwards, because the briefings that I have are similar across a range of subjects.

It is our express desire to maintain not just, in effect, parity with EU standards and to look to the EU for a lot of what we want to do, but to try to do that on a more organised basis. Indeed, I have an event coming up that will be put on by Scotland house, which involves the European side of things. I have tried to maintain contact with the chair of the European Committee on the Environment, Public Health and Food Safety, for example. I am trying to keep all the networks going.

I think that the committee heard last week from Terry A’Hearn. He talks about maintaining contact with the European Environment Agency

organisations so that we do not lose those connections. At the moment, those are the ways in which we are trying to do what Mr Stevenson asks about. You will know that there are attempts to formalise some of those matters. Members will have seen the attempt to formalise a continuation of the Erasmus programme, but that does not work. If there are opportunities to formalise some of the matters, I expect that we will want to pursue those but, at the moment, it is difficult to see them.

It is pretty clear that people in Scotland want us to retain close links with EU institutions and European member states. Frankly, that is the path that represents the best future for Scotland. I have indicated that I have been attempting to do that over the past few months, with direct one-to-one meetings and conversations, and I expect that my colleagues in other portfolios have been replicating what I have been doing.

We have other mechanisms by which we can try to do it. The fact that we are European co-chair of the Under2 Coalition brings us into direct contact with a great many other devolved Administrations across Europe, with whom we have very good relationships. Throughout that, we are trying to increase our global ambition and to maintain our voice in the world.

I could talk about a variety of things, such as the European green new deal. However, if you are asking me about formal networks, I would have to say that there is not much just yet. Part of that is just about the difficulty that we have at the moment and the speed with which things have been happening. We are not yet much further forward in our attempts to establish where we could have a more formal arrangement.

Stewart Stevenson mentioned other things that go beyond the European Union. There are things such as the Convention for the Protection of the Marine Environment of the North-East Atlantic—OSPAR—and the rest of it. These are global agreements, and it is important that we are absolutely clear that we want to continue, and take a leadership role in, discussions at that level, particularly when there are workstreams of strategic interest for Scotland, as there often are.

We have also done a huge amount of work on the other COP that will be held this year—COP15, on biological diversity—and on the Edinburgh process, on which we have led and which is about representing the Under2 level of Administrations. We are continuing to work on those as formally as we possibly can in all the arenas that are available to us.

Stewart Stevenson: I have a brief final point. There are relationships between many Scottish bodies in the third sector and different parts of Government and Europe. To what extent is the

Scottish Government supporting their efforts to maintain useful relationships with their European counterparts?

Roseanna Cunningham: I am sorry—I do not know what you are asking me. Are you asking about third-party relationships?

Stewart Stevenson: Clearly, it takes time and effort for third parties and for Government bodies such as the Scottish Environment Protection Agency and NatureScot to maintain relationships. Is the Scottish Government formally seeking to support such relationships in both respects?

Roseanna Cunningham: In terms of our public bodies, absolutely. I do not think that we have felt it necessary formally to say to them that they should be doing that, because all of them already want to do so and are continuing to be as involved as they can be at that level. Sometimes, that depends on the structures of multinational organisations—for example, whether they are set up because of EU membership alone or more widely. Those are practical considerations, but I can absolutely reassure you that not only would we anticipate that, for example, SEPA would want to continue to be part of that European group of environmental protection organisations, but we would positively encourage it to do so. We see that as part of what it ought to be doing.

I am sorry—I misunderstood. I thought that you were talking about third parties altogether. Environmental non-governmental organisations in Scotland mostly already have pretty strong connections with their global counterparts, so I assume that they will continue to have those.

Mark Ruskell: My question is on the transition to the new regulatory systems that replace the EU ones, such as the Great Britain system for registration, evaluation, authorisation and restriction of chemicals—GB REACH—and the UK emissions trading scheme. Have you been monitoring those? How effective has the roll-out been in its first month?

Roseanna Cunningham: I do not know whether you want me to talk about individual systems.

Mark Ruskell: It is about those two in particular.

Roseanna Cunningham: On chemicals, we have been fully engaged with DEFRA and the Health and Safety Executive on the development and launch. For example, we have participated in the current REACH substance registration prioritisation exercise. We have also been fully involved in on-going parallel work on other new UK chemicals regimes.

I understand that the chemicals industry has put proposals to UK ministers for revisions to the UK REACH regime, to make it less costly to operate.

That takes me on to an interesting point. Obviously, the Scottish Government's position is that the regulatory approach to chemicals must be compatible with our overall approach, which is maintaining alignment with EU standards. We have not yet had the opportunity to assess whether the industry's proposals would deliver that. It is a slight quirk that some industry sectors are only putting stuff up to UK ministers—they are not necessarily discussing it with us. That issue is outside the Government-to-Government scenario, and we will need to find a way of tackling it. However, we have been involved there.

09:45

I am not sure that I need to rehearse the ETS story, as the committee is pretty much aware of where we have been with that. The scheme is now operational and we are all pleased that we have an ETS and not a reserved carbon tax. SEPA has issued all its permits under the new UK ETS. Decisions will be taken jointly by ministers from the four Administrations on that particular common framework. There has been one meeting already, on 8 February—Ben Macpherson attended on my behalf because I had a diary clash. Notwithstanding the late decision-making on it, that framework is up on its feet and operating at a ministerial level, and I can only welcome that.

From our perspective, it is obviously still a work in progress. It is a stand-alone scheme but has been designed to be link ready, and the TCA states that the possibility of considering linking remains open. We will continue to press for that linkage as soon as possible.

Both the chemicals and ETS common frameworks are now actually working, but we are at a very early stage in the process.

Mark Ruskell: Are you saying that you do not have a view on the industry proposals for deregulation of chemicals under REACH because nobody has bothered to speak to you or the Scottish Government yet? When will you have a view on it?

Roseanna Cunningham: I do not know. We have not yet had the opportunity to assess whether the proposals would deliver what we consider to be our overall approach of maintaining alignment. I do not have a timetable for that, I cannot answer that question and, therefore, I cannot even say whether it will be me who engages with that. The moment that we are able to do so, we will take a view. The point that I was making was about the presumption that a UK trade body would just go to the UK Government on the issue, notwithstanding that three other devolved Administrations are also involved.

Mark Ruskell: On the role of ESS monitoring the implementation of international obligations, I suppose that it is early days for ESS, but what role do you see it playing?

Roseanna Cunningham: It is fair to say that it is early days for ESS. We expect that ESS might decide to have a look at international issues, but I suspect that it will not want to go into specifics. It will probably look at that in an overarching way.

It is obviously early days, but we anticipate that ESS will engage with other equivalent UK and European bodies to get an understanding of UK-EU co-operation arrangements. However, ultimately, it will be for ESS to decide its priorities and working methods now, when it is non-statutory, and then once it is established and fully statutory. I expect that it will still focus on individual areas of concern with respect to international obligations rather than a routine broad monitoring effort, which would be quite a big task.

ESS's role is pretty critical to demonstrating compliance with the TCA, as it gives all the parties reassurance that environmental standards in legislation are being reflected in regulatory practice. I am confident that ESS will be able to do that job, but it will be for it to decide the best processes for when its work touches on international obligations. We anticipate that ESS will be in full statutory form before the end of the year.

Angus MacDonald (Falkirk East) (SNP): I will turn to environmental governance, including intergovernmental relations, which have been touched on briefly. Article 7.6 of the TCA commits the EU and the UK to

“co-operate on the effective monitoring and enforcement of the law with regard to environment and climate”.

We have just been speaking about ESS, which we have been told will seek early dialogue with the European Commission and relevant European and UK bodies to understand the arrangements that will be required at UK level and with the EU in order to fulfil that commitment. Will the cabinet secretary advise the committee what intra-UK governance will be required to meet aspects of the agreement on good regulatory practice and co-operation on effective enforcement?

Roseanna Cunningham: I am not entirely sure that I have a great deal to add to what I said during the discussion with Finlay Carson about that. Clear structures have been established by the TCA. My concerns are about the extent of our involvement and whether we will be met by a closed door, which has often been the case. I do not want to go back over what I have already said about things such as the Partnership Council. However, it is imperative that we are not met with

a closed door, whether at the Partnership Council level or at the specialised committee level.

I have already spoken about ESS. From my perspective, I would expect the UK Government to understand that it has to include the devolved Governments in all the structures and conversations; if it does not, it is, in effect, setting aside devolution in everything that it does. I do not think that that is what people want or expect to happen.

Angus MacDonald: Indeed. Is it fair to say that the Scottish Government is not confident that domestic arrangements fully comply with the TCA in relation to good regulatory practices and environmental principles?

Roseanna Cunningham: I have already said that, at the moment, it is basically officials talking to one another—which is fine, because they deal with the nuts and bolts. I have to reserve judgment on how it will work in practice until we have proper ministerial engagement and are not met with closed doors.

Angus MacDonald: I will move on to the replacement of EU funds. We are no longer automatically entitled to participate in EU funding programmes such as the common agricultural policy, LIFE funding or structural funds. I am glad to note that the TCA makes provision for UK participation in horizon Europe between 2021 and 2027, although there seem to be details around how access may be limited. In addition to that, we have seen issues with regard to the UK shared prosperity fund.

The United Kingdom Internal Market Act 2020 makes subsidy control a reserved matter, and the UK Government's consultation on a UK-wide regime for subsidy control closes on 31 March. What are the implications of rules on subsidies or state aid in the TCA, including on replacement funding programmes such as for post-CAP rural support? Does the Scottish Government have any further clarity about the development of the UK shared prosperity fund and how it will be disbursed?

Roseanna Cunningham: I think that you have heard us express our concerns frequently about the UK shared prosperity fund and I am not sure that rehearsing them now will take us further forward. It is a matter of concern in more than just my portfolio.

From our perspective, future funding programmes must respect the UK's obligations in relation to subsidy control and UK international trading commitments. The UK Government undertook to do a consultation exercise on the establishment of a domestic regime. The consultation opened on 3 February and will close on 31 March. I am not sure whether the committee

has been able to do anything on that topic. The consultation was launched without full prior consultation with the Scottish Government.

We want to be properly and meaningfully involved in considering responses and the UK Government's final proposals. If a policy is set at the UK level without appropriate consideration of Scotland's devolved spending powers, it could pose a threat to those powers, which would be unacceptable. However, I go back to the point that I made right at the start that we will be unable to mitigate all negative consequences of the loss of EU funding. We are trying to protect Scottish interests as far as possible, but it is simply not possible for the finance secretary to find money to mitigate the withdrawal of EU funding. That will potentially be a problem for us. We will do as much as we can to manage that process but, unfortunately, I would not be doing my job if I was to sit here and mislead people into thinking that there is some magic way that we could replace all those different funds.

The UK shared prosperity fund has been the big example of how not to do it, and that worries me slightly.

Angus MacDonald: Another example of how not to do it is the United Kingdom Internal Market Act 2020. Do you have a view on its implications, including the provisions on state aid, for replacement funding schemes?

Roseanna Cunningham: I do not have a specific answer to that, in the sense that the United Kingdom Internal Market Act 2020 holds out the potential for massive disruption to devolved responsibilities, and neither I nor anybody else can establish the extent to which it will be used. One might say that the UK Government has covered its back with the ability to do whatever it wants, whenever it wants. Whether it will choose to use the power is a difficult one to answer, and I genuinely do not know the answer to that. We are in uncharted waters. I would hazard a guess that the UK Government will not necessarily use the powers all the time. It will, undoubtedly, attempt to do so at some point. Depending on what it chooses to make its move on, it will potentially be incredibly controversial.

However, I am now in the realm of guesswork. We all need to accept that the United Kingdom Internal Market Act 2020 has the potential to be extremely disruptive, regardless of whether it will be used in its entirety. Whether that potential is realised is a different matter entirely, and I suspect that that will depend entirely on other issues that are being debated at the time.

10:00

The Convener: We will move on to questions on future trade deals from Mark Ruskell.

Mark Ruskell: Obviously, environmental considerations will be paramount in future trade deals. What are your reflections on the negotiations on the TCA? How can the interests of Scotland and the environment be better represented in that process? What are the lessons for the Government?

Roseanna Cunningham: To a certain extent, I could repeat some of the things that I have said already in my answers. We want to ensure that future trading arrangements support our economic recovery, do not disadvantage domestic producers, do not undermine existing standards—including on the environment—and do not expose public services to competition or cause further divergence from the EU. That is a fundamental set of approaches that we would want to check against. It is vital that the UK Government recognises our interests in trade agreements are—we are circling back to some of the conversation on that—and we continue to call for an enhanced role in all stages of trade negotiations.

In the meantime, we will do all that we can, with the limited level of engagement that we have, to ensure that our interests are identified and protected. Committee members might be aware that, in January, the Scottish Government published our paper, “Scotland’s Vision for Trade”. That is based on the principles that are important to us: inclusive growth; wellbeing; sustainability; a just transition to net zero emissions; and good governance. Obviously, the paper has not emerged from my portfolio but emerged from a different portfolio.

We have called repeatedly for a full and meaningful role for the Scottish Government and Parliament in all stages of trade negotiations, and we come back again to the question of the closed door. What is being discussed in the negotiations? What is just not being acknowledged or not well understood with regard to devolved responsibilities, some of which is fundamental to agreements that might be getting made? If we are met with a closed door, we are unable to make the point on behalf of Scotland that the UK Government is overlooking key issues. Again, that concern is not confined to Scotland—Wales and Northern Ireland also have that concern, so we get some of the same story across the board.

Although this is not a direct issue that relates specifically to my portfolio, I want to flag up that the fact that there is a different legal system in Scotland is frequently overlooked when the discussions are taking place, with the net result

that Scots law is never even mentioned. In itself, that can create issues. There are some pretty fundamental issues. The separate legal jurisdiction of Scotland is not something that emanates from devolution. It has been around for a few hundred years and still it gets forgotten about in decision making and negotiation at the Westminster level. That is a bit worrying. If the UK Government can forget about that aspect after more than 300 years, the concerns about its not understanding devolved powers after 20 years are pretty serious.

Mark Ruskell: Yes, it sounds as though a history lesson is needed somewhere. *[Interruption.]* “Scotland’s Vision for Trade” has emerged from the work that the Scottish Parliament has done on trade justice principles, which the Scottish Government has now taken on. How does the TCA match up to that, specifically? If we are saying that those are our clear principles as a nation for how we want trade to proceed, how do we set that against what is in the TCA?

Roseanna Cunningham: I have to give the caveat that trade is not part of my portfolio and that is not my paper. You would probably have a better conversation on that with Ivan McKee than with me. “Scotland’s Vision for Trade”, in effect, sets down our approach, our principles, how those principles ought to underpin Scotland’s trading investment relationships, and the levers at our disposal. It also identifies various asks of the UK Government. A closer reading of the document will probably elucidate that.

I go back to my comments that we are calling repeatedly for a full and meaningful role for the Scottish Government and Parliament in all stages of trade negotiation. That would help to ensure that Scottish economic interests are recognised and identified, and allow us to ensure that the principles in “Scotland’s Vision for Trade” are reflected in any trade agreements. The UK Government has not accepted that role for the Scottish Government or for any other devolved Administration. In the meantime, we are doing all that we can with the limited engagement that we have.

We are not where we would have wanted to be. The Scottish Government has been clear that we should have aimed for a deal with the EU that was far better than what we have and closer to our pre-existing EU membership. We do not want to see a shift of trade priorities away from the EU, and we are clear that we should be aiming to build global trading relationships with like-minded countries, based on shared principles on trade. Therefore, the TCA does not reflect anything that we would have regarded as optimal, as I have said already. “Scotland’s Vision for Trade” and the TCA, of necessity, do not simply replicate one another,

because that is not how we see our role in international trade.

The short answer to your question is that the TCA does not accord with what we consider to be the right way to conduct trade. Equally, at the moment, the door is closed to us, which, to circle back to my previous points, is a big concern. Who knows what will be decided behind that closed door?

The Convener: We have asked all our questions, so I thank the cabinet secretary and her officials for their time.

The committee will suspend until 10:15, to allow us to have a little break.

10:09

Meeting suspended.

10:15

On resuming—

Petitions

The Convener: Our next item is consideration of 11 petitions that have been referred to this committee by the Public Petitions Committee. Members have a discussion paper, which sets out what is happening with each of the petitions—what stage they are at—and any recommendations.

As the current parliamentary session is due to end in just a few weeks—it is five weeks, I think—the options that are available to the committee are either to keep a petition open and include it in the report that the committee will leave for its successor committee, or to close the petition.

I will make a couple of points to frame the discussion. For the avoidance of doubt, our report for the next committee cannot bind that committee to any course of action. It is up to the next committee to decide what to do, and it must decide what its work programme will include.

In closing a petition, the committee can recognise that the petitioner may remain convinced that work is still required, and the option to engage with other bodies or to maintain a watching brief is available to them, with a view to potentially lodging a new petition.

Once petitions are lodged, things happen during the parliamentary session that can impact on the issues raised in them. I will go through each petition before us and members can indicate in the chat box if they wish to make any comments in relation to each one. We will then make a decision on whether to keep them open or to close them off, and on any other recommendations that we may wish to make regarding what the petitioners can do.

All the petitioners have been contacted by the committee to say that we will be discussing their petitions this morning.

Control of Wild Geese (PE1490)

The Convener: We start with PE1490, on the control of wild goose numbers. Angus MacDonald has something to say on this petition.

Angus MacDonald: As one crofter commented in the *West Highland Free Press* a few years ago, it used to be the geese that were endangered; now it is the crofters who are endangered, thanks to the geese.

I have been following the petition closely since it was lodged in 2013. I served on the Public Petitions Committee at the time, and I was also on the Rural Affairs, Climate Change and Environment Committee. As a result of the

petition, there has been progress—albeit slow progress—from ministers and NatureScot. It is a fact, however, that the geese remain a threat to crofting in the Outer and Inner Hebrides and in the northern isles.

I note that, in their joint submission to us, Scottish Land & Estates and the British Association for Shooting and Conservation state that greylag geese are probably the species capable of causing the greatest damage to crofting interests. However, they go on to recommend that the petition be closed.

With the greatest of respect to SLE, it does not represent many crofters, if any, whereas the Scottish Crofting Federation, which lodged the petition, does.

With that in mind, and given that we have been informed that the current health pandemic has affected the ability of NatureScot to carry out fieldwork for goose management schemes, I believe that the petition should be kept open to allow our successor committee to hear from the Government about its review and about how it plans to resource goose management in the next session.

Resourcing is an issue. We cannot allow the Government to backtrack on funding future schemes. I suggest that the petition be kept open and placed in the legacy paper for the successor committee to continue.

Liz Smith: I agree with Angus. There are serious issues for crofters. I am no expert, but I have followed the petition and the issues that have been caused by greylag geese in Orkney, and I am aware that there are growing concerns about Canada geese in my part of Perthshire. I agree with Angus that it is well worth ensuring that Parliament looks at the petition again in the next session.

Finlay Carson: I will not go over the points that have been raised already, but I agree with them all. I have been aware of the issue since I was a student in Aberdeen, when one of my colleagues sat counting geese for days on end. The problem has still not been resolved. I support any move to continue the petition into the next session of Parliament.

Mark Ruskell: I also support continuation of the petition. Someone should speak up for the geese, as they are internationally important populations. However, I recognise the pressures, particularly on crofters in remote areas, which is why it is important to have clarity on how the next Scottish Government will incentivise nature management and the protection of areas and of key species. There is more to do on the issue. There might be more clarity in the next session about how compensation and support can be delivered for

crofters and farmers as they meet nature targets and protect key species that are under threat from climate change and other issues.

The Convener: Claudia Beamish wants to come in.

Claudia Beamish (South Scotland) (Lab): I hope that you can hear me.

The Convener: Yes, we can hear you now.

Claudia Beamish: That is reassuring.

I do not want to reiterate what other members have said, but I agree that the petition should be kept open. I was previously on the RACCE Committee and I identify particularly with the comments made by Angus MacDonald.

The Convener: I agree with all the comments that have been made. The work programmes of this committee and of Government agencies have been punished by two things: Brexit preparations and the Covid pandemic. In addition to what Angus MacDonald said about NatureScot, the committee has not been able to take a lot of evidence relating to these petitions. It is worth bearing that in mind as we work through the petitions.

We agree that the petition should stay open for consideration by our successor committee.

Game Bird Hunting (Licensing) (PE1615)

The Convener: PE1615 calls on the Government to introduce a state-regulated licensing system for game bird hunting.

We might wish to consider closing the petition and encouraging the petitioner to monitor developments over the next year. Do members have any comments on the petition?

There are no comments.

Do we agree that we should close the petition and write to the petitioner to ask them to consider monitoring developments over the next session and engaging with any future consultation about the development of a licensing regime?

I see members nodding. Thank you. We will close the petition.

Mountain Hares (Protection) (PE1664)

The Convener: PE1664 calls for greater protection for mountain hares. Members know that the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 was amended at stage 3 by Alison Johnstone's amendment, which offered protection for mountain hares. We might therefore wish to close the petition because the issues that it addresses have been addressed by the act.

Liz Smith: Obviously, there is legislation. The Conservatives did not vote for it, for several reasons, but we accept that it is now in place. Since the act was passed, I have been approached by falconers who have concerns and I know that people working in falconry have recently approached several members of the Rural Economy and Connectivity Committee. It would be very helpful if we could keep a watching brief on that aspect.

Mark Ruskell: It was a very effective petition and the issue has been considered in Parliament several times over many years, culminating in the amendment to the 2020 act. There are questions about how the licensing scheme in relation to hares will operate, so it is clear that the matter needs on-going scrutiny by the Parliament. I am sure that the petitioner will engage with that, too. For the time being, the particular matter addressed by the petition is closed, but scrutiny will continue and perhaps that is something that could be picked up in the legacy report for our successor committee.

Finlay Carson: The Conservatives raised concerns about the way in which the amendment was made. As my colleague, Liz Smith, has mentioned, there have already been issues with it. Further scrutiny is needed, which should have been carried out prior to the Parliament's introducing legislation. I hope that in the next session, the Parliament will address any issues that have arisen. We should close the petition but keep an eye on what happens with the legislation that was introduced.

The Convener: As we always do.

I see that members agree to close the petition; we will write to the petitioners to say so.

Wildlife Crime (Penalties and Investigation) (PE1705)

The Convener: PE1705 is on wildlife crime. Given that we have just been talking about the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020, which dealt with many of the issues raised in the petition, we might want to consider closing it for the same reason.

Do members agree that we should close the petition? We are in agreement.

Satellite Tags on Raptors (Monitoring) (PE1750)

The Convener: PE1750 is on the independent monitoring of satellite tags fitted to raptors. Over the past couple of weeks, we have had correspondence from supporters of the petition, as members will have seen. We need to discuss whether we wish to keep the petition open and

pass it on to our successor committee, or to close it.

Liz Smith: It is a very important issue and has had a controversial history. As satellite tagging becomes more widespread and the functionality increases, it is essential that we gain as much information as possible from what the tags can tell us. It is also important that estate owners have faith in the process, because that has been a major part of the controversy. It is important that whatever data that is used is seen to be as robust and transparent as possible.

There has been a little bit of progress in the aftermath of the Werritty review. There is an argument that those measures go some way towards addressing the issues in the petition, but I do not think that they go the whole way. It is essential that we have a much better understanding of the data and that the information required is robust enough before we make a decision on the petition. Many stakeholders, including the police and, as I understand it, the Parliament, have not heard enough about the evidence and data. I am in favour of keeping the petition open as I think that there is a lot more to come on that aspect. I urge the committee to keep the petition open.

10:30

Mark Ruskell: I hear what Liz Smith says. However, if there are any substantive issues raised by the petition, they were dealt with by the independent review of grouse moor management. I note that we received a submission that reveals that there have been meetings between the Scottish Raptor Study Group and NatureScot. It says:

"It was made clear to us that neither NatureScot nor Police Scotland had any substantive concerns about the way we operate or communicate with the licensing and police authorities."

I am not clear what more there is to do on the issue—if there is a substantive issue. I favour closing the petition, but I will listen to what my colleagues have to say. It is not clear to me what the substantive issue is and it is obviously not clear to NatureScot or Police Scotland either.

Finlay Carson: There are still some doubts about the robustness of the information that is gathered. We need to have absolute faith in the information, but there is a lack of trust and transparency in the information that has been published. We are still seeing issues.

I am surprised that Mark Ruskell does not want to see that tightened up, as it can only be in the interests of protecting raptors to ensure that we get the most robust information. We have to look forward. Legislation was put in place that will

potentially bring in licensing and in that situation, tagging information will be critical to looking at populations of raptors and so on. That information needs to be clear and transparently obtained.

I am in favour of there being further work done on the issue and of keeping the petition open.

Claudia Beamish: I, too, am keen to keep the petition open. I have had quite a lot of contact with the Scottish Raptor Study Group and I am also aware of the issues of trust that have been highlighted by members. It is important for groups such as RSPB Scotland and others who are involved in the work to protect raptors, including the many volunteers, that we have a clear idea of the way forward.

In keeping the petition open, we will highlight that point to our successor committee and it will be regarded as being significant as we make progress on the licensing of grouse moors and, beyond that, on the range of issues relating to the dire situation that we continue to face in respect of raptor persecution. I would like us to keep the petition open.

The Convener: We have had the Werritty review and the Government has said that it accepts the review's recommendations. However, we need to monitor progress in respect of the issues raised in the petition. I hear what members are saying. Mark Ruskell, you are keen to close the petition, but what are your thoughts now that you have heard the arguments from committee colleagues and given the fact that there appears to be a majority view that we should keep the petition open to be passed on to our successor committee?

Mark Ruskell: I am content to go with the consensus of the rest of the committee. There is clearly some debate around the matters that the petitioners have raised. If that is to be dealt with in the next session as part of monitoring how satellite tagging fits in with the licensing regime that is yet to be developed, I am content for us to keep the petition open, given that that appears to be the balance of opinion in the committee.

The Convener: Does Liz Smith want to come back in?

Liz Smith: [*Inaudible.*—of the data. I know that people on both sides of the debate feel strongly about it and might draw different conclusions, but technology is changing all the time. We are likely to have better data in the not-too-distant future. That data is essential to making decisions and the Parliament should be able to scrutinise it, which is the basic reason why I am very much in favour of keeping the petition open.

The Convener: We agree to keep it open.

Grouse Moors (Killing of Wildlife) (PE1762)

The Convener: PE1762 is entitled "End the killing of wildlife on grouse moors and elsewhere in Scotland". Do we want to close the petition, given that the NatureScot review of snaring is due in 2021 and we have the newly established Scottish animal welfare commission, which is expected to scope out work on the matter? The petition might fall into the category of those that are being actively looked at by another body—the animal welfare commission, in this case—so a lot of the objectives of the petitioners are being acknowledged by that body. However, I will come to members.

Mark Ruskell: It is welcome that the Scottish animal welfare commission is completing its work on glue traps, which is one aspect of the petition. It is good that that work has been done and will be published soon. However, given that the wider NatureScot review of snaring is due this year, I wonder whether it is premature to close the petition ahead of the publication of that review. Our successor committee could take the NatureScot review, when it comes out, and the petition and put the two together. At that point, it would be able to draw conclusions and perhaps bring the petition to a close. It is almost ready to be closed, but not quite yet. The NatureScot review is the last piece.

The Convener: It is worth making the point that petitioners can lodge a new petition, after a year, if they feel that progress has not been made. Closing a petition does not mean that the issue can never come back. Work is definitely being done on the issue. Members might want to bear that in mind.

Finlay Carson: The ask of the petition was for the Scottish Government to conduct a full review of the animal welfare impacts of traps and snares. As we have heard, NatureScot will review that in 2021, so I suggest that the petitioners have got exactly what they asked for. I am sure that our successor committee will review the NatureScot report, and I would like to think that it will scrutinise the matter fully at that point. Therefore, I see no point in extending the petition.

The Convener: I agree. The petitioners called for a review and that is what is happening.

Claudia Beamish: I agree with the points that Finlay Carson made. There are quite disparate positions on the issue. My party holds the position that the traps and snares should all be illegal, but there are many other views, on a spectrum. Although I am okay with having the petition closed on the basis of what Finlay Carson highlighted, it might be appropriate to highlight in our legacy report that there was a petition. The new committee should be aware that there are a range

of animal welfare concerns, and there are concerns from people working in rural Scotland about how to deal with difficulties that occur for which traps and snares are used at the moment. There may well be alternatives—in fact, I understand that there are. Therefore, I am happy for the petition to be closed at this stage.

The Convener: I guess that it shows that, when people lodge petitions, those can feed into the other work of committees and perhaps be addressed in other ways. We should keep that in mind.

Angus MacDonald: Clearly, the petition has had a degree of success. The petitioners will have the opportunity to engage with the Scottish animal welfare commission. If what transpires is not satisfactory, the petitioners will have the option of lodging a fresh petition, as the convener mentioned, so I am minded to close the petition.

The Convener: That will give NatureScot the chance to conduct the review.

Mark Ruskell has some reservations, but the majority view seems to be that we should close the petition and allow the review to take place. Are you satisfied with that, Mark?

Mark Ruskell: It is key that we leave a firm milestone in our legacy report to allow our successor committee to come back to the issue following the NatureScot review of snaring. It would be disappointing if, after the review took place, the successor committee got very busy and did not return to the issue. I think that the petitioners would also be very disappointed if that happened. If we offer a clear view in our legacy paper that the successor committee should return to the issue, we will take the matter forward in an appropriate way. As the convener said, it is up to the petitioners to consider the outcome of the review. If there are still concerns about aspects of that and the animal welfare commission's work on glue traps, the petitioners have the option of lodging a similar petition.

The Convener: Okay—so we agree to close the petition. I totally take Mark Ruskell's point about the legacy report.

Protected Beavers (Translocation) (PE1815)

The Convener: PE1815 calls for the translocation of protected beavers in order to reduce licensed killing. We have not really had an opportunity to consider the petition, so we might want to consider keeping it open and passing it on to our successor committee for it to decide what it wants to do with it.

Liz Smith: I definitely think that the petition should be kept open. It concerns a huge and, in

some ways, controversial issue. There are arguments on both sides. An important study is taking place down in Devon, on the River Otter, and we will get a lot more information about translocation from that study. Beavers are on the agenda of just about every NFU Scotland meeting that I go to in Mid Scotland and Fife. There is a balance to be struck between ensuring that the natural world is protected and controlling the damage that is done to arable farms and many riverbanks, where beavers are clearly quite destructive. It is essential that the petition be kept open, because there is a lot more to come on the issue.

Finlay Carson: Although I do not agree with the petition's ask because of the lack of information, it is important that the matter is kept high on our successor committee's agenda, because there is a wide range of concerns regarding the reintroduction of beavers. The Parliament should keep a close eye on the matter. Given that the issues in the petition have not been addressed, I strongly recommend that our successor committee takes it on. I was going to say that the matter should be considered in the same way that we have considered the deer review, but let us hope that we can actually come to some conclusions. I suggest that we pass on the petition.

The Convener: There are lots of issues—including some that the petitions that we are considering address—that we would have liked to have made space for in our work programme, but the session has been extremely busy.

Mark Ruskell: It is important that the petition is kept open. We are a year and a half on from beavers in Scotland getting European protected species status and from the management regime being put in place, and there are questions around that. Some farmers in my constituency—they are probably the same constituents who have been talking to Liz Smith, given that we share a region—want beavers to be translocated out of Tayside and into the Forth valley.

There are issues about economic benefit and about mitigating and managing some of the negative impacts of beavers in inappropriate areas while also ensuring that we can bring positive economic benefit and natural rewilding benefits to areas that need them. Getting that management regime and the balance right needs a bit of care and attention during the next year, which is why I would welcome the petition being kept open.

10:45

Stewart Stevenson: I agree that the petition should be kept open for all the reasons that have been stated. I want to put on the record, as I have in the past, that individuals in Scotland taking

unilateral actions that lead to a reintroduction of species without proper consideration and management of the negative impacts that may arise in certain circumstances is utterly unacceptable. The individuals who are behind the introduction of beavers in Tayside continue to have my utter contempt.

The Convener: We remember that a managed situation turned out to be an unmanaged one.

We agree that we will keep that petition open.

Single-use Drinks Cups (PE1636)

The Convener: PE1636 calls for it to be made a requirement for single-use drinks cups to be biodegradable. We might want to consider closing the petition, because a great deal of work is being done by the expert panel on environmental charging and other measures, and what the petition is calling for is largely being addressed. The recommendation is that we close the petition. I do not know whether any colleagues want to come in on that. Do we agree to close the petition?

I see from members that we do.

Single-use Plastics (PE1755)

The Convener: PE1755 is in a similar vein—it calls for all single-use plastics to be banned across Scotland. It is recommended that we close the petition. The petitioner could be encouraged to engage with the Scottish Government and the work that it will undertake following the report from the expert panel on environmental charging and other measures. The situation is similar to the one concerning the previous petition. Does everyone agree that we should close the petition, as there is a route for the petitioners to follow?

That is agreed.

No Wild Camping Zones (PE1751)

The Convener: PE1751 calls for the creation of zones where there can be no wild camping. Again, the recommendation is that the petition be closed. That is because the necessary powers to create legislation to enable local authorities to create zones where there can be no wild camping are now in place, and the matter is also under consideration by the Scottish Government. I see that Finlay Carson wants to comment.

Finlay Carson: I am quite concerned. The petition specifically addresses wild camping, but I wonder whether we need to keep the petition open so that we can look at—[Inaudible.]—and how local authorities—[Inaudible.]

[Inaudible.]—quite substantial. We saw such issues in some rural areas last summer, when

there was a massive increase in so-called “dirty camping”. [Inaudible.]—difference between wild camping and dirty camping. I am in favour of our keeping the petition open—[Inaudible.]—the implications and impact of an increase in visitors to rural areas.

It is suggested that—[Inaudible.]—as we know. Sadly, there are only two national parks in Scotland—[Inaudible.]—just exactly what compulsion or desire there is in local authorities to spend more money that they do not have to enforce that. Therefore, I would like the petition to be kept open.

The Convener: You were breaking up a little, Finlay.

I remind members that the petition calls on the Scottish Parliament

“to urge the Scottish Government to create legislation to enable local authorities to create no wild camp zones in Scotland.”

Such powers now exist, so it might be the case that, if the petitioner still has concerns about the issues that you just mentioned, they might come back with a petition with different wording. In effect, their objective—as set out in the wording of the original petition—has been achieved, but we can discuss that.

Liz Smith: That is a sensible suggestion, because the issue is not going to go away. It is true that the Scottish Government has taken on board that there are lots of issues in the petition that need to be addressed. I very much distinguish between wild camping and dirty camping, which are two completely different things that are hitting against each other. It is important for many of our rural communities that we continue to consider the issue. Perhaps it is a case of saying in our legacy paper that, although measures have been taken, which we support, we recommend that the issue is looked at again. The circumstances in some of our rural areas last summer were very distressing, and I dare say that local communities probably want us to continue to oversee the situation.

The Convener: I agree with you. We need to mention it in our legacy paper. Just because legislation and powers are in place does not mean that dirty camping is not an issue, as you and Finlay Carson have said.

Angus MacDonald: There is an argument that enforcement might be more appropriately dealt with by the Local Government and Communities Committee, particularly given that the issue that the petitioner raises has been dealt with. Perhaps it would be possible to close the petition but to highlight the issue to the relevant committee.

Finlay Carson: I agree with the convener’s recommendation. The petitioner has certainly got

what they asked for, but I endorse the idea that we address the issue in our legacy paper. As Angus MacDonald said, the issue should be highlighted to the Local Government and Communities Committee; it is certainly worth monitoring. In this instance, the petition can be closed, because it has achieved what it set out to achieve.

Mark Ruskell: I back Angus MacDonald's helpful suggestion. As well as enforcement, there is the issue of resources for wild camping in Scotland. Last summer, I did a bit of wild camping on Loch Tay and it was really busy. There are people who want to do wild camping responsibly. There is a wider economic issue about domestic tourism that the Parliament should be aware of.

Dirty camping is a straightforward enforcement issue. It is appropriate for the Local Government and Communities Committee—in whatever format it takes in the next parliamentary session—to consider that, particularly as we head into this summer, which will probably be even busier.

The Convener: That is a good suggestion. We will do that. We will close the petition for the reasons that we have all stated, take up Angus MacDonald's suggestion and mention the issue in our legacy report.

Greyhound Racing (PE1758)

The Convener: PE1758 is on putting an end to greyhound racing in Scotland. We have received a considerable amount of correspondence from the petitioner and the supporters of the petition.

We need to discuss what to do with the petition. The Scottish animal welfare commission has been established, which has included the issue in its work plan, and we would encourage the petitioner to engage with the commission. However, we need to decide whether we want to hand on the petition to a successor committee, given that we have not taken an awful lot of evidence on it ourselves.

Mark Ruskell: I would be disappointed if the committee closed the petition because there has been no progress in the past year on the need to enhance welfare standards for greyhounds. We recently examined the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill—it is now an act—in which we considered breeding and maximum penalties for welfare offences. However, the nature of greyhound racing and the way in which the industry conducts itself mean that it is often difficult to bring to bear cases and prosecutions in relation to animal welfare offences. The breeding aspect in relation to greyhounds is less of an issue; it is more about how the animals are treated and kept when they are in that racing environment.

I do not think that the legislation has addressed any of the concerns that the petitioners have. I am disappointed by the response from the Scottish animal welfare commission, because I would have expected such a long-running issue with a lot of public support to be at the top of its agenda. Although it appears that it might consider the issue as part of a longer-term work plan, there are clearly issues in the racing industry in Scotland now. Unregulated tracks are in operation, including in my region of Fife. We need action now; the need to consider the issue as an industry that has a very particular form of self-regulation is critical. It does not fit into some of the wider animal welfare issues that we have been concerned about. There is more to unpick and I would like to see the petitioners given the opportunity to address a parliamentary committee—not in this session, because we have run out of time, but certainly in the next session.

The Convener: Again, sadly, the work programme pressures that we have been under have not allowed us time to take evidence.

Finlay Carson: Given that the new Scottish animal welfare commission has suggested that the issue will be included in its work plan, I suggest that we write to it asking it to review it in a shorter timescale rather than a longer one. We have brought in new legislation about breeding and so on, which will make some difference. However, I suggest that we write to the commission to ask it to deal with the issue in a timelier manner, given the concerns.

Although I suggest that we close the petition, I hope that the petitioners do not consider that we are not taking the issue seriously; I believe that the right body to investigate it further is the Scottish animal welfare commission. I suggest that we ask it to report back to the new committee in the new Parliament as soon as possible with any concerns that it has around animal welfare issues for greyhounds at licensed tracks.

Stewart Stevenson: A number of constituents have approached me on this subject—and, indeed, brought rescue greyhounds to meet me—over the years. I feel very uncomfortable about the existence of unregulated unlicensed tracks—the so-called flapper tracks. The current arrangements are not adequate to protect the interests of greyhounds. I would prefer to see the petition kept open until we see a more definitive resolution to the issues that are properly being raised by people. Although I will not divide the committee on it, because there will be ways for the issue to be pursued whether we agree to keep it open or close it, my preference would be to keep it open.

Claudia Beamish: I would like the committee to keep the petition open. I am aware of the issues that there have been at the Dumfries track over

the years. I am also concerned that, as I understand it, the new Scottish animal welfare commission has not made the matter one of its priority issues. Although I agree with Fin Carson that it would be good to write to the commission, I would not feel comfortable with closing the petition until we get an answer. We will not necessarily have the opportunity to revisit the issue as a committee, but I would like to keep it open and highlight any response from the commission.

You are quite right, convener, that we have faced an enormous amount of pressure because of the legislation before us, but I feel that we as a committee have not taken enough evidence to be able to show how serious some of us—I will not speak for everybody—regard some of the issues to be. I am in favour of keeping the petition open and of highlighting it in our legacy report.

11:00

The Convener: I think that you are right. We should write to the Scottish animal welfare commission. Given that we are probably unlikely to get a response in time to—[*Inaudible.*]
—we should keep the petition open and see what comes back. Your points are valid; we have not taken much in the way of evidence on the issue.

Mark Ruskell: Finlay Carson made the useful suggestion of writing to the commission asking it whether it could bring this—[*Inaudible.*]
—in its work programme in the short term. I think that we should do that and keep the petition open. If the commission is able to report back, that might help the future committee.

The Convener: We must bear in mind that it will be for the future committee to decide what it does with the petition. After receiving a response, it might agree to take more evidence or it might make a different decision to ours.

Finlay Carson: I have listened to the comments and, on reflection, I am happy that we keep the petition open. As you say, it is up to the next committee to decide whether to do anything. However, the concerns are considerable enough that we should ask the commission to produce a report in any event, so that a report is on the table for the future committee to decide on whether it wants to progress the issue. That is important.

We should keep the petition open but write a strongly worded letter encouraging the commission to do some work so that the new committee has some evidence to work on.

The Convener: Those are good suggestions. We agree to keep the petition open and will write to the Scottish animal welfare commission on the issues that members have raised and those that are in the petition.

We have discussed all the petitions, and the clerks have a record of which ones we want to close and which ones we want to keep open. A lot of the petitioners will have been watching, but we will contact all of them about our decisions.

At our next meeting, on 2 March, the committee plans to meet wholly in private to consider the legacy report and to continue consideration of our report on the climate change plan update.

That concludes the public part of our meeting. Thank you, colleagues.

11:02

Meeting continued in private until 12:24.

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

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba