



The Scottish Parliament
Pàrlamaid na h-Alba

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

AGENDA

13th Meeting, 2015 (Session 4)

Wednesday 1 April 2015

The Committee will meet at 10.00 am in the Robert Burns Room (CR1).

1. **Decision on taking business in private:** The Committee will decide whether to take item 5 in private.
2. **Subordinate legislation:** The Committee will consider the following negative instruments—

Reservoirs (Scotland) Regulations 2015 (SSI 2015/90); Reservoirs (Panels of Reservoir Engineers: Sections under which Members may be Appointed) (Scotland) Order 2015 (SSI 2015/92); Waste (Recyclate Quality) (Scotland) Regulations 2015 (SSI 2015/101); Alien and Locally Absent Species in Aquaculture (Scotland) Regulations 2015 (SSI 2015/103); Crofting Counties Agricultural Grants (Scotland) Variation Scheme 2015 (SSI 2015/105).

3. **Review of Agricultural Holdings Legislation Final Report:** The Committee will take evidence from—

Richard Lochhead, Cabinet Secretary for Rural Affairs, Food and the Environment, Scottish Government;

Andrew Thin, Hamish Lean, and Iain Mackay, Agricultural Holdings Legislation Review Group.

4. **Public petitions PE01490:** The Committee will consider correspondence on petition PE01490 by Patrick Krause on behalf of the Scottish Crofting Federation, on Control of wild goose numbers.
5. **Work programme:** The Committee will consider its work programme.

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The papers for this meeting are as follows—

Agenda item 2

SSI cover note	RACCE/S4/15/13/1
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Agenda item 3

Agricultural holdings cover note	RACCE/S4/15/13/2
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PRIVATE PAPER	RACCE/S4/15/13/3 (P)
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Agenda item 4

Petition PE01490 cover note	RACCE/S4/15/13/4
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Agenda item 5

PRIVATE PAPER	RACCE/S4/15/13/5 (P)
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SSI cover note for: Reservoirs (Scotland) Regulations 2015 (SSI 2015/90); Reservoirs (Panels of Reservoir Engineers: Sections under which Members may be Appointed) (Scotland) Order 2015 (SSI 2015/92); Waste (Recyclate Quality) (Scotland) Regulations 2015 (SSI 2015/101); Alien and Locally Absent Species in Aquaculture (Scotland) Regulations 2015 (SSI 2015/103); and Crofting Counties Agricultural Grants (Scotland) Variation Scheme 2015 (SSI 2015/105)

Procedure for Negative Instruments

1. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds). Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument. If the motion is agreed to, the Parliamentary Bureau must then lodge a motion to annul the instrument for consideration by the Parliament.

2. If that is also agreed to, Scottish Ministers must revoke the instrument. Each negative instrument appears on a committee agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow correspondence to be entered into or a Minister or officials invited to give evidence. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendation on it.

Recommendation

3. The Committee is invited to consider any issues which it wishes to raise on these instruments.

SSI 2015/90

Title of Instrument:	Reservoirs (Scotland) Regulations 2015 (SSI 2015/90)
Type of Instrument:	Negative
Laid Date:	2 March 2015
Circulated to Members:	27 March 2015
Meeting Date:	1 April 2015
Minister to attend meeting:	No
Motion for annulment lodged:	No

Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? Yes

Reporting deadline: 20 April 2015

Delegated Powers and Law Reform Committee

4. At its meeting on 17 March 2015, the Committee agreed to draw the attention of Parliament to the instrument under reporting ground (h) "as the meaning of regulations 10 and 17 could be clearer and under the general group as there is a drafting error in regulation 8". The extract from the report can be found in Annexe A.

5. A copy of the Explanatory Notes and the Policy Notes are included with the papers.

Purpose

These Regulations make provision in relation to reservoir capacity, registration and appointment to panels of engineers.

Part 2 sets out how the capacity of a reservoir is to be calculated, and connected matters. This closely mirrors the method for calculating the capacity of a reservoir under the current regime under Reservoirs Act 1975. This Part also clarifies what constitutes certain structures and areas that are not controlled reservoirs.

Part 3 lists the information to be registered by a reservoir manager. It also specifies some supplementary information to be included in the public register, and makes connected provision (including in relation to the charging of fees).

Part 4 makes further provision as to applications for appointment to panels of reservoir engineers, review of decisions and connected provision (including fees).

EXPLANATORY NOTE

Part 2 makes further provision under Chapter 1 (controlled reservoirs) of Part 1 of the Act as to—

- how lochs and other areas are to be considered artificial or partly artificial;
- calculation of volume of water that a structure or area is capable of holding;
- calculation of volume of water that a structure or area is capable of releasing;
- meaning of "natural level" and "surrounding land"; and
- structures or areas which are not controlled reservoirs.

Part 3 makes further provision under Chapter 2 (registration) of Part 1 of the Act as to—

- controlled reservoirs register: additional information;
- information that a reservoir manager must register with SEPA;
- time by which changes to information must be registered; and
- determination and charging of fees.

Part 4 makes provision under Chapter 4 (panels of engineers) of Part 1 of the Act as to—

- applications for appointment;
- fees in connection with applications for membership of panels; and
- applications for review of decisions to appoint or remove panel members etc.

A business and regulatory impact assessment was carried out for these Regulations. The findings indicate that any impact upon business, charities or voluntary bodies is not likely to be significant.

POLICY NOTE

THE RESERVOIRS (SCOTLAND) REGULATIONS 2015 S.S.I. 2015/90

The above instrument was made in exercise of powers conferred by sections 1(6)(b), 2(3), 9(3)(a), 10(2), 14(1), (3) and (4), 28(7) and (8), 30(2) and 114(2)(b) of the Reservoirs (Scotland) Act 2011. It is subject to the negative procedure.

Policy objectives

These Regulations make further provision under that Act (“the Act”) in relation to reservoir capacity, registration and appointment to panels of engineers.

Part 2 sets out how the capacity of a reservoir is to be calculated, and connected matters. This closely mirrors the method for calculating the capacity of a reservoir under the current regime under Reservoirs Act 1975. This Part also clarifies what constitutes certain structures and areas that are not controlled reservoirs.

Part 3 lists the information to be registered by a reservoir manager. It also specifies some supplementary information to be included in the public register, and makes connected provision (including in relation to the charging of fees).

Part 4 makes further provision as to applications for appointment to panels of reservoir engineers, review of decisions and connected provision (including fees).

Consultation

A public consultation was undertaken in relation to how the provisions in Chapters 1, 2 and 4 of Part 1 of the Act were proposed to be implemented (including the phased registration of reservoirs). SEPA, the Institution of Civil Engineers, Scottish Water and other industry representatives were also separately consulted. No adverse comments were received from those who responded to the consultation.

Financial effects

A business regulatory impact assessment was prepared. The findings indicate that any additional impact upon business, charities or voluntary bodies is not likely to be significant. The impact is expected to be broadly the same as the corresponding requirements of the 1975 Act regime (which the new regime will in due course replace), except they will also apply to some reservoirs not previously regulated.

Environmental Quality
February 2015

Annexe A

EXTRACT FROM THE DELEGATED POWERS AND LAW REFORM COMMITTEE'S 18th REPORT OF 2015

The Committee draws the instrument to the attention of the Parliament:

(a) under reporting ground (h) as the meaning of regulations 10 and 17 could be clearer; and

(b) under the general ground as there is a drafting error in regulation 8.

Regulation 10 specifies the period of appointment of engineers as additional information that must be set out in the controlled reservoirs register. However section 9(2)(f) of the Reservoirs (Scotland) Act 2011 already requires this information to be included in the register.

The Committee considers that it is important that the person on whom any statutory charge is to be imposed is clearly identified. Regulation 17(2) could more clearly distinguish the liability of the former manager for payment of the cessation fee from the liability of the new manager for payment of the new manager fee.

Regulation 8 is intended to specify the structures which are road and railway embankments. However the expression "roads and railway embankments" is used in error.

The Committee notes that the Government has agreed to address the matters reported in relation to regulations 8 and 10 at the next opportunity. The Committee asks the Government to consider clarifying the drafting of regulation 17(2) at the same time.

SSI 2015/92

Title of Instrument: Reservoirs (Panels of Reservoir Engineers: Sections under which Members may be Appointed) (Scotland) Order 2015 (SSI 2015/92)

Type of Instrument: Negative

Laid Date: 2 March 2015

Circulated to Members: 27 March 2015

Meeting Date: 1 April 2015

Minister to attend meeting: No

Motion for annulment lodged: No

Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? No

Reporting deadline: 20 April 2015

Delegated Powers and Law Reform Committee

6. At its meeting on 10 March 2015, the Committee considered the following instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

7. A copy of the Explanatory Notes and the Policy Notes are included with the papers.

Purpose

This Order specifies the sections of the Reservoirs (Scotland) Act 2011 under which a member of a panel established under section 27(a) of that Act may, for particular purposes, be appointed.

The panels referred to in the Order were established administratively under that section.

EXPLANATORY NOTE

As per purpose above and including:

No business and regulatory impact assessment has been prepared for this Order as no impact upon business, charities or voluntary bodies is foreseen.

POLICY NOTE

The above instrument was made in exercise of the powers conferred by sections 27(a) and 114(2)(b) of the Reservoirs (Scotland) Act 2011 ("the Act") and all other powers enabling them to do so. It is subject to the negative procedure.

Policy objectives

The Scottish Ministers have established four panels of reservoir engineers under section 27 of the Act. These are the All Reservoirs (Scotland) Panel, the Non-Impounding Reservoirs (Scotland) Panel, the Service Reservoirs (Scotland) Panel

and the Supervising Engineers (Scotland) Panel. Suitably qualified civil engineers may apply to the Scottish Ministers to be a member to one or more of these panels.

The Act requires civil engineers perform various tasks. The engineer must be a member of a panel from which a person may be selected to perform the task. In effect, this Order lists the tasks that a panel member may be appointed to perform.

Consultation

The Institution of Civil Engineers was consulted on proposals to make this order in accordance with section 31(1)(b) of the Act (with a draft of the order having been considered by its reservoirs committee). The Institute was also consulted on proposals to establish the four panels mentioned above. The Institute was broadly supportive of these proposals. In addition, no adverse comments were received on the proposals from SEPA, Scottish Water and other industry representatives.

Financial effects

No business and regulatory impact assessment has been prepared for this Order as no impact upon business, charities or voluntary bodies is foreseen.

Environmental Quality
February 2015

SSI 2015/101

Title of Instrument:	Waste (Recyclate Quality) (Scotland) Regulations 2015 (SSI 2015/101)
Type of Instrument:	Negative
Laid Date:	3 March 2015
Circulated to Members:	27 March 2015
Meeting Date:	1 April 2015
Minister to attend meeting:	No
Motion for annulment lodged:	No
Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee?	No
Reporting deadline:	20 April 2015

Delegated Powers and Law Reform Committee

8. At its meeting on 10 March 2015, the Committee considered the following instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

9. A copy of the Explanatory Notes and the Policy Notes are included with the papers.

Purpose

These Regulations amend the Waste Management Licensing (Scotland) Regulations 2011 (S.S.I. 2011/228) (“the 2011 Regulations”) and the Pollution Prevention and Control (Scotland) Regulations 2012 (S.S.I. 2012/360) (“the 2012 Regulations”).

They do so for the purposes of the second paragraph of Article 11(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 312, 22.11.2008, p.3), which provides that Member States shall take measures to promote high quality recycling and, to this end, shall set up separate collections of waste.

EXPLANATORY NOTE

As per purpose above and including:

Section 34(2E) of the Environmental Protection Act 1990 (c.43) (“the 1990 Act”) provides that from 1st January 2014 any person, other than an occupier of domestic property as respects household waste produced on the property, shall take all reasonable steps to ensure the separate collection of dry recyclable waste.

Section 45C of the 1990 Act imposes a similar requirement on a waste collection authority in respect of household waste produced on domestic property that is dry recyclable waste.

Section 34(2L) of the 1990 Act imposes a duty on any person who produces or manages household, industrial or commercial waste to take all reasonable steps to ensure that the waste is managed in a manner that promotes high quality recycling.

Section 75(7A) of the 1990 Act defines “dry recyclable waste”, and in particular distinguishes the different dry waste streams in such waste (glass, metals, plastics, paper or card).

The Scottish Ministers have prepared and issued the “Code of Practice on Sampling and Reporting at Materials Recovery Facilities” under section 34(7) of the 1990 Act, for the purpose of providing to persons operating such a facility practical guidance on how to discharge in particular the duty in section 34(2L) of that Act at the facility. A copy can be obtained from the Environmental Quality Division, Scottish Government, Victoria Quay, Edinburgh EH6 6QQ.

Regulation 2 of these Regulations amends the 2011 Regulations to impose a duty on the waste regulation authority (the Scottish Environment Protection Agency) to ensure that a waste management licence granted under section 35 of the 1990 Act authorising the treatment of such waste which is granted or varied on or after the coming into force date, contains a condition requiring the holder of the licence to comply with the Code.

Regulation 3 makes comparable amendments to the 2012 Regulations in respect of a permit or a future permit authorising the operation of such a facility.

A Business and Regulatory Impact Assessment has been prepared, and placed in the Scottish Parliament Information Centre. Again, a copy can be obtained from the Environmental Quality Division and from the Scottish Government's website.

POLICY NOTE

THE WASTE (RECYCLATE QUALITY) (SCOTLAND) REGULATIONS 2015 SSI No: 2015/101

The above instrument was made in exercise of the powers conferred by section 35(6) of the Environmental Protection Act 1990 and section 2 of, and Schedule 1 to, the Pollution Prevention and Control Act 1999 ("the 1999 Act"), and all other powers enabling them to do so. The instrument is subject to negative procedure.

This instrument amends the Waste Management Licensing (Scotland) Regulations 2011 ("the WML Regs") and the Pollution Prevention and Control (Scotland) Regulations 2012 ("the PPC Regs") to make compliance with a new statutory Code of Practice for Material Recovery Facilities ("Code of Practice on Sampling and Reporting at Materials Recovery Facilities") a condition of any waste management licence or PPC permit that is granted or varied by SEPA.

The "Code of Practice on Sampling and Reporting at Materials Recovery Facilities" has been published under section 34(7) of the Environmental Protection Act 1990 (as amended).

Policy Objectives

The main policy driver for this instrument and the accompanying statutory Code of Practice is the need to promote and deliver high quality recycling, as required by the Waste Framework Directive, and Section 34 of the Environmental Protection Act 1990 as amended by the Waste (Scotland) Regulations 2012 which requires that all waste holders take "reasonable steps to promote high quality recycling".

There are greater environmental and economic benefits to closed loop recycling where a product is used, discarded, captured, and then the component materials recycled into a new product of similar functionality which can itself be used, discarded and captured, to be recycled again, continuously cycling the material resource through the supply chain.

Recycling services that deliver high quality materials can also help increase public confidence and participation in recycling activities. Householders and businesses want to know that the action they are taking is making a genuine contribution towards protecting the environment and sustainable economic growth. If it transpires that material collected for recycling is sent to landfill, or worse still, illegally exported, then this could undermine confidence and damage efforts to increase recycling rates.

Clarity and certainty around the quality of recycled materials placed on the market will help create the confidence needed to invest in the expansion of Scotland's reprocessing sector, a sector that will become increasingly important as the drive toward a more efficient use of resources and more sustainable product use and design continues.

Consultation

In 2012, the Scottish Government consulted on a range of proposals to improve and maintain the quality of recyclable materials collected, sorted and presented to the market in Scotland. One of those proposals was to introduce a statutory arrangement such that all Material Recovery Facilities located in Scotland that sort mixed dry recyclate (above a minimum throughput) measure the composition of inputs and outputs at minimum frequencies using a standardised approach and make this information available for dissemination.

Almost all of those who responded to the consultation agreed that there was a need for such a Code Of Practice to improve the quality of output material. A list of consultees is attached at Annex A and a [summary of consultation responses](#) was published on 20 December 2013

Policy Summary

The instrument introduces a requirement to those holding a relevant waste management licence or PPC permit to comply with the Materials Recovery Code.

The "Code of Practice on Sampling and Reporting at Materials Recovery Facilities" requires the operators of material recovery facilities to weigh and sample materials received at the facility and leaving the facility, and identify the composition of the samples with regard to the type of material contained within. The Code sets out an approach to sampling, including weight, frequency, reporting periods, measurement and materials to be sampled, and the information to be recorded and reported to SEPA. The Code also contains a requirement to record and report to SEPA information about the end destination for the material (or where that is not available, the next destination), and the use to which the material is to be put.

The information collected by SEPA through the requirements of the Code will support future policy consideration of measures to further improve recyclate quality. The Code clarifies that information on end and next destination reporting will be treated as commercial in confidence.

Ensuring Awareness

The Scottish Environment Protection Agency (SEPA) and Zero Waste Scotland (ZWS) will contact all operators of MRFs likely to come into scope, and provide them with copies of the Code. ZWS and SEPA will make available guidance – “Materials Recovery Facilities – Testing and Reporting Guidance”. This is intended to assist operators of MRFs in designing and carrying out their material testing and reporting procedures. In addition ZWS will offer training and advice, as well as support via the MRF Quality Testing Infrastructure Capital Fund to help MRF operators to understand their obligations under the Code.

Financial Effects

A Business and Regulatory Impact Assessment (“BRIA”) has been published in respect of the “Code of Practice on Sampling and Reporting at Materials Recovery Facilities”. This identified potential costs for MRF operators, local authorities, reprocessors, and the regulator (SEPA).

EQIA

This instrument does not have a disproportionate impact on any specific sector, and on this basis it was not deemed necessary to produce an Equality Assessment.

Scottish Government Environmental Quality Division, March 2015

Annex A to Policy Statement

The following organisations responded to the consultation on proposals to improve and maintain the quality of recyclable materials in 2012:

(The 38 responses were a mixture of online responses and interviews. Those that were interviews are indicated by a star* and are anonymous.)

Local Authority and Representative Bodies

Local Authority Recycling Advisory Committee (LARAC)
 Convention of Scottish Local Authorities (COSLA)
 North Lanarkshire Council
 East Dunbartonshire Council
 Aberdeen City Council
 Stirling Council
 Dundee City Council
 Fife Council
 Scottish Borders
 LA A*
 LA B *

Professional/ Representative/ Trade Body

Chartered Institution of Wastes Management

The Packaging Federation
 Food Service Packaging
 Resource Association
 Valpak
 Scottish Environmental Services Association (SESA)
 Campaign for Real Recycling
 Association for Organics Recycling (AfOR)

Waste Management Companies – Material Collection/ management

Changeworks Recycling
 Bryson Recycling
 Binn Waste Management
 Palm Recycling

Waste Management Companies – Material Processing Facilities (MRFs)

Four MRF operators were interviewed*
 Of these, two employed over 250 people and are UK wide operators of MRFs
 and the other two employed less than 250 people and are Scottish based only.

Waste Management - Reprocessors and Manufacturers

British Glass
 Closed Loop Recycling
 Tata Steel
 Novelis
 ECO Plastics
 Smurfit Kappa
 DS Smith Recycling
 1 other reprocessing company employing less than 250 people, based in
 Scotland but operating throughout the UK*

Drink Manufacturing Companies/ Bodies

Coca-Cola Enterprises Ltd
 Scottish Whisky Association
 Cross Party Group of Scotch Whisky

SSI 2015/103

Title of Instrument:	Alien and Locally Absent Species in Aquaculture (Scotland) Regulations 2015 (SSI 2015/103)
Type of Instrument:	Negative
Laid Date:	5 March 2015
Circulated to Members:	27 March 2015

Meeting Date: 1 April 2015

Minister to attend meeting: No

Motion for annulment lodged: No

Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? No

Reporting deadline: 27 April 2015

Delegated Powers and Law Reform Committee

10. At its meeting on 17 March 2015, the Committee considered the following instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

11. A copy of the Explanatory Notes and the Policy Notes are included with the papers.

Purpose

These Regulations implement Council Regulation (EC) No. 708/2007 concerning use of alien and locally absent species in aquaculture.

A permit is required for the introduction of alien species for their use in aquaculture. Part 2 of these Regulations makes provision regarding the issue of permits, their amendment, suspension and revocation.

EXPLANATORY NOTE

As per purpose above and including:

Part 3 makes provision for the movement of those species listed in Annex IV to Council Regulation 708/2007 and the translocation of locally absent species within Scotland or to Scotland from another part of the United Kingdom.

Part 4 makes provision for monitoring and risk assessment. Enforcement powers are given to inspectors under Part 5. Part 6 makes provision for offences and penalties.

A person found guilty of an offence under these Regulations is liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine.

Part 7 makes miscellaneous provisions concerning the disclosure of information between competent authorities in the United Kingdom and for the service of notices.

The Regulatory Impact Assessment relating to these Regulations is available from Marine Scotland, Victoria Quay, Edinburgh, EH6 6QQ.

POLICY NOTE

The Alien and Locally Absent Species in Aquaculture (Scotland) Regulations 2015 (“the 2015 Regulations”) make provision for the enforcement of Council Regulation (EC) No 708/2007 (“the EU Regulation”) and for the notification of both an intended movement of those species which are listed in Annex IV (with exceptions) of the EU Regulation and the translocation of a locally absent species within the United Kingdom.

Policy Objectives

Alien species have been identified as one of the key causes for the loss of biodiversity in the EU and the world at large. They can have significant economic and social impacts and could undermine the EU’s sustainable development objectives.

Scotland has a celebrated aquaculture brand. The Scottish Government aims to support industry to grow in a sustainable manner. In order to fully adapt to market conditions and changes, it is important that the aquaculture industry is able to diversify the species it cultures, but that this is balanced with appropriate safeguards for aquatic environments.

An example of the significant adverse environmental impact the introduction of an alien species can cause is well demonstrated in England and Wales by the North American signal crayfish. This species was imported in the late 1970s with government support, specifically for the development of small-scale aquaculture, in open ponds, as an agricultural extensification scheme. However, crayfish escaped from such sites and colonised many rivers in England and Wales. The species competes with the native white-clawed crayfish and carried a disease, crayfish plague, to which the native British crayfish have no immunity. Native white-clawed crayfish have now all but disappeared in the southern half of England. This case highlights the need for prior assessment of the potential impacts of species introduced for use in aquaculture.

The EU Regulation places an obligation on Member States to ensure there is adequate protection of aquatic habitats from the risks associated with the use of alien and locally absent species in aquaculture, and contributing to the sustainable development of the aquaculture industry. It does this by providing for a system of permits and environmental risk assessment. Permits are required for the introduction of alien species and for the translocation of locally absent species between Member States. However, movements to closed aquaculture facilities are exempt but only where the species are transported under conditions which prevent the escape of those species and non-target species.

The EU Regulation exempts certain commonly used species, which are listed in Annex IV (Annex IV species) from the permitting requirements. However, Member States are able to place controls on the use of these species where they so wish.

The 2015 Regulations create a requirement for notifications of the movement of Annex IV species and an authorisation system but they also exempt from the

notification requirements, movements of 2 of the Annex IV listed species – *Crassostrea gigas* (Pacific oyster) and *Oncorhynchus mykiss* (rainbow trout). Both of these are well established aquaculture species in Scotland.

In the case of a locally absent species, persons must also notify before the species is moved. They will then be advised by means of a notice if there are grounds for foreseeing threats to the environment due to the translocation. In such cases the EU Regulation will apply and the individual must apply for a permit.

The 2015 Regulations make provision for decisions concerning the grant of permits and notices concerning Annex IV species or locally absent species to be appealed. Permits (and notices in respect of Annex IV species) may also be amended or, where there is non-compliance, suspended or revoked. Enforcement notices may also be issued to require compliance.

Consultation

Consultation on the Council Regulation (EC) No.708/2007 has taken place at various stages since 2006. During the negotiation stages of the Regulation, Defra engaged with industry, and consulted with the Commission. This enabled the UK Government to ensure that the Regulation would not apply retrospectively to established businesses, thus lessening the burden on the industry.

Overall it was felt that the Regulation would not have a significant impact on the UK's established aquaculture production businesses. Most of the existing businesses concerned with non-native species deal in certain, commonly-farmed species that are already well established in trade. These have largely been exempted from any additional controls.

Scottish Government also undertook a 4 week consultation from 14th October 2014 to 11th November 2014. The consultation document was sent to relevant stakeholders and placed on the Scottish Government web site.

The requirements in the EU Regulation apply directly to Member States. The 2015 Regulations therefore ensure that powers are in place to implement those requirements. The consultation exercise therefore applies to the proposals for implementing the EU Regulation requirements through the 2015 Regulations.

The consultation asked for general comments from relevant stakeholders as opposed to direct questions. A total of 3 responses were received, 2 of which raised no major issues and 1 which was in support of the Regulation. In light of these comments, no amendments were made to the draft Regulation.

Impact Assessments

A full equality impact assessment is not deemed necessary as the Regulation will not have any adverse differential impacts.

The 2015 Regulations have been subject to a strategic environmental assessment (SEA) pre-screening. No comments were received during this process and it was

concluded that a full SEA was not necessary as the Regulations will not have any adverse impacts on the environment.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been prepared for the 2015 Regulations and is attached. The powers enabled in the 2015 Regulations will ensure there is adequate protection of aquatic habitats from the risks associated with the use of alien and locally absent species in aquaculture, and contributing to the sustainable development of the aquaculture industry.

Scottish Government
Marine Scotland Directorate

March 2015

SSI 2015/105

Title of Instrument:	Crofting Counties Agricultural Grants (Scotland) Variation Scheme 2015 (SSI 2015/105)
Type of Instrument:	Negative
Laid Date:	6 March 2015
Circulated to Members:	27 March 2015
Meeting Date:	1 April 2015
Minister to attend meeting:	No
Motion for annulment lodged:	No
Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee?	Yes
Reporting deadline:	27 April 2015

Delegated Powers and Law Reform Committee

12. At its meeting on 24 March 2015, the Committee agreed to draw the attention of Parliament to the instrument under the general reporting ground as it contains a minor drafting error. The instrument inserts a definition of Commission Delegated Regulation 640/2014 into the principal scheme which is not required. The extract from the report can be found in Annexe B and the annexe to the Committee's report including Scottish Government correspondence is included at Annexe C.

13. A copy of the Explanatory Notes and the Policy Notes are included with the papers.

Purpose

This instrument is designed to enable continuance of the Crofting Counties Agricultural Grants (Scotland) Scheme 2006 which, under the new provisions of the new Scottish Rural Development Programme 2014-2020, will also be co-financed under the European Agricultural Fund for Rural Development. The Scheme provides crofters with financial assistance towards the infrastructure of crofts to aid agricultural provision.

The changes being made will allow the scheme to:

- Offer grant assistance to be provided at the intervention rates which will be applicable under the new Scottish Rural Development Programme 2014-2020;
- Introduce assistance with the costs of establishing common grazings committees to better manage that commonly held resource; and
- Update the references in the Scheme to the relevant EU instruments.

EXPLANATORY NOTE

The Crofting Counties Agricultural Grants (Scotland) Scheme 2006 (S.S.I. 2006/24) (“the 2006 Scheme”) enables the Scottish Ministers to make grants to crofters and certain occupiers and tenants of land in respect of—

- (a) specified operations carried out by them for the purpose of aiding and developing agricultural production on crofts or holdings (Part 2 of, and the Schedule to, the 2006 Scheme); and
- (b) contributions made by them under such agreements as are referred to in section 47 of the Roads (Scotland) Act 1984 towards the expenses of providing cattle grids (Part 3 of the 2006 Scheme).

This Scheme varies the 2006 Scheme by—

- (a) inserting definitions of applicable EU instruments (as the 2006 Scheme will continue to be funded, in part, from the European Agricultural Fund for Rural Development) (paragraph 3(2));
- (b) in relation to restrictions on payments of grants under Part 2 of, and the Schedule to, the 2006 Scheme—
 - (i) substituting a new paragraph 6, to update the drafting and references to provisions of applicable EU instruments, in relation to restrictions on payments of grants under that Part of the 2006 Scheme (paragraph 3(3));
 - (ii) substituting a new paragraph 7, to revise the amount of grant payable under that Part of the 2006 Scheme (also paragraph 3(3)); and
 - (iii) to update the list of eligible operations in paragraph 1 of the Schedule in relation to that Part of the 2006 Scheme (paragraph 3(8));
- (c) in relation to restrictions on payments of grants under Part 3 of the 2006 Scheme, substituting a new paragraph 10, to revise the amount of grant payable under that Part of the 2006 Scheme (paragraph 3(4)); and

(d) inserting a new Part 3A (paragraphs 10A to 10C), to make provision for the payment of grants in respect of the establishment of grazing committees in relation to a common grazing (paragraph 3(5)), with consequential amendments made to paragraphs 11A and 13 of the 2006 Scheme by paragraph 3(6) and (7).

Paragraph 4 makes a transitional and saving provision in respect of applications for grant made under the 2006 Scheme before 6th April 2015.

A business and regulatory impact assessment has been prepared for this Scheme and will be placed in the Scottish Parliament Information Centre. A copy can be obtained from the Scottish Government Directorate for Agriculture, Food and Rural Communities, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD and online at www.legislation.gov.uk.

POLICY NOTE

THE CROFTING COUNTIES AGRICULTURAL GRANTS (SCOTLAND) VARIATION SCHEME 2015 SSI 2015/105

The above instrument was made in exercise of the powers conferred by sections 42(1), (1A), (2) and (3) and 46(4) of the Crofters (Scotland) Act 1993 and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Purpose of the Scheme

The purpose of the Crofting Counties Agricultural Grants Scheme is to provide financial assistance to crofters and certain occupiers of croft land in the Crofting Counties and Areas Designated for Crofting to assist the improvement of crofting agriculture, as part of the general policy of compensating crofters for disadvantages of climate, scale, terrain and remoteness and to preserve an agricultural base in crofting areas.

Policy Objectives

This instrument is designed to enable continuance of the Crofting Counties Agricultural Grants (Scotland) Scheme 2006 which, under the new provisions of the new Scottish Rural Development Programme 2014-2020, will also be co-financed under the European Agricultural Fund for Rural Development. The Scheme provides crofters with financial assistance towards the infrastructure of crofts to aid agricultural provision.

The changes being made will allow the scheme to:

- Offer grant assistance to be provided at the intervention rates which will be applicable under the new Scottish Rural Development Programme 2014-2020;
- Introduce assistance with the costs of establishing common grazings committees to better manage that commonly held resource; and
- Update the references in the Scheme to the relevant EU instruments.

Consultation

In accordance with section 42(1) of the Crofters (Scotland) Act 1993, the Scottish Government has consulted with the Crofting Commission in relation to this instrument.

As there is no change to the purpose of the Crofting Counties Agricultural Grants Scheme, and the level of support is increased in most instances, it is anticipated that this instrument varying the Scheme should receive the support of the crofting community.

The Scottish Rural Development Programme 2014-2020, whose elements include the Crofting Counties Agricultural Grants Scheme, was publicly consulted upon in May-July 2013 and December 2013-February 2014.

As a result of that consultation it was determined that a separate capital scheme for crofters should be continued and that assistance with the establishment of common grazings committees was desirable.

The documents, responses and the analysis of both rounds of the consultation on the Scotland Rural Development Programme are published on the Scottish Government website.

<http://www.gov.scot/Topics/farmingrural/SRDP/DevelopmentofSRDP20142020>

Impact Assessments

An equality impact assessment has been completed on the policy of offering the proposed grants to crofters and is attached. There are no equality impact issues, particularly as similar grants are also being offered to agriculturalists of a similar scale to crofters under the Scottish Rural Development Programme 2014-2020.

Financial Effects

A full Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is not expected to have any appreciable impact.

Directorate for Agriculture Food and Rural Communities
4 March 2015

Annexe B

EXTRACT FROM THE DELEGATED POWERS AND LAW REFORM COMMITTEE'S 19th REPORT OF 2015

Crofting Counties Agricultural Grants (Scotland) Variation Scheme 2015 (SSI 2015/105) (Rural Affairs, Climate Change and Environment)

This instrument amends the Crofting Counties Agricultural Grants scheme to align with the rates applicable under the Scottish Rural Development Programme 2014-2020. Grants are also being introduced to assist with the costs of establishing common grazings committees. It comes into force on 6 April 2015.

In considering the instrument, the Committee asked the Scottish Government to explain the inclusion of a reference to European Union legislation which did not appear to be relevant. The correspondence is reproduced at the [Annexe](#) (Annexe C).

The Committee draws this instrument to the attention of the Parliament under the general reporting ground as it contains a minor drafting error. The instrument inserts a definition of Commission Delegated Regulation 640/2014 into the principal scheme which is not required.

The Committee notes that the Scottish Government has undertaken to remove this reference on the next occasion on which the principal scheme is amended.

Annexe C

Crofting Counties Agricultural Grants (Scotland) Variation Scheme 2015 (SSI 2015/105)

On 12 March 2015, the Scottish Government was asked:

Does the Scottish Government agree that the definition of Commission Delegated Regulation 640/2014 inserted into the principal Scheme by paragraph 3(2)(a) and referred to in the preamble is otiose? If so would the Scottish Government remove it from the principal Scheme on the next occasion on which that Scheme is amended to avoid any potential confusion for applicants for payment of grants under the Scheme?

The Scottish Government responded as follows:

The Scottish Government agrees that the definition of Commission Delegated Regulation 640/2014 inserted into the principal Scheme by paragraph 3(2)(a) and referred to in the preamble is otiose, given that the particular EU measure is only then referred to in a footnote to the instrument. The Scottish Government is grateful to the Committee for drawing this to its attention and therefore agrees to remove it from the principal Scheme on the next occasion

The Scottish Government's Agricultural Holdings Legislation Review

Background

1. Earlier in this session (in 2011/12) the Committee scrutinised the Agricultural Holdings (Amendment) (Scotland) Bill¹ at stages one and two. The Bill made three changes to agricultural holdings law: to amend the definition of “near relative” (being the class of successors who are entitled to serve a counter notice to a notice to quit) who may succeed to a secure agricultural tenancy to include grandchildren; to prevent certain restrictions for rent reviews in limited duration tenancies; and to disapply VAT rate changes and options to tax from being variations in rent which prevent rent reviews. The Bill was passed by Parliament and received Royal Assent on 12 July 2012.

2. The Committee continued its scrutiny of agricultural holdings issues throughout 2012 and 2013, which included taking evidence on the work of the Tenant Farming Forum in that period, and in particular the Rent Review Working Group, and, in May 2012, a delegation of the Committee visiting Bute to hold fact-finding meetings with agricultural landlords and tenants.

3. In late 2013/early 2014 the Committee considered both a proposed draft Agricultural Holdings (Scotland) Act 2003 Remedial Order, and then a final draft Order.² The Order resulted from the UK Supreme Court's ruling on the *Salvesen v Riddell* court case which found that part of the Agricultural Holdings (Scotland) Act 2003 was incompatible with the European Convention of Human Rights. The Court ruling was suspended for 12 months to allow the defect to be corrected. The Order was passed by the Scottish Parliament in 26 March 2014.

4. In November 2013 the Scottish Government announced details of a review of agricultural holdings legislation.³ The review was chaired by the Cabinet Secretary for Rural Affairs, Food and the Environment, Richard Lochhead MSP. The Cabinet Secretary was supported by six Review Group members, appointed by Ministers: Andrew Thin; Hamish Lean; Sir Crispin Agnew; Professor Jeff Maxwell; Barbara Brown; and Iain Mackay.

Interim report and RACCE scrutiny

5. The Review Group published its interim report⁴ on 20 June 2014, which was accompanied by a summary document.⁵

¹ Scottish Parliament Rural Affairs, Climate Change and Environment Committee. Consideration of the Agricultural Holdings (Amendment) (Scotland) Bill. Available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/43962.aspx>.

² Scottish Parliament Rural Affairs, Climate Change and Environment Committee. Consideration of the Agricultural Holdings (Scotland) Act 2003 Remedial Order 2014. Available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/70960.aspx>.

³ Scottish Government's Review of Agricultural Holdings Legislation. Details available at: <http://www.gov.scot/Topics/farmingrural/Agriculture/agricultural-holdings/review-of-legislation>.

⁴ Scottish Government (2014). *Review of Agricultural Holdings Legislation Interim Report*. Available at: <http://www.scotland.gov.uk/Publications/2014/07/5054>.

⁵ Scottish Government (2014). *Review of Agricultural Holdings Legislation Interim Report – Summary Document*. Available at: <http://www.scotland.gov.uk/Publications/2014/06/8591>.

6. The Committee took evidence⁶ on the interim report from stakeholders on 6 August 2014. On 20 August 2014 the Committee took evidence⁷ from the Cabinet Secretary and members of the review group. Written evidence submitted to the Committee on the interim report can be found on the Committee's webpage.⁸

Land reform consultation

7. On 2 December 2014, the Scottish Government published its consultation on the future of land reform in Scotland⁹, which closed on 10 February 2015. Proposal 9¹⁰ in the consultation concerned agricultural holdings and asked respondents to comment on whether the Scottish Government should take forward some of the recommendations of the Agricultural Holdings Legislation Review Group within the proposed land reform bill, and what the potential advantages and/or disadvantages of that may be. The questions in the land reform consultation regarding agricultural holdings were first issued before the final report of the Agricultural Holdings Legislation Review had been published; however there was overlap between the publication and the end of the consultation period.

Final report and RACCE scrutiny

8. On 27 January 2015 the Review Group published its final report.¹¹ The Report included 49 recommendations which were listed in Annexe H¹² to the Report and have been reproduced at the **Annexe**. Written evidence submitted to the Committee on the group's final report is available online.¹³

9. The Committee took oral evidence from stakeholders, on 25 March 2015¹⁴ and will take evidence from the Cabinet Secretary and several Review Group members on 1 April 2015, before writing to the Scottish Government with its initial views on the Review Group's report.

Clerks, Rural Affairs, Climate Change and Environment Committee

⁶ Scottish Parliament Rural Affairs, Climate Change and Environment Committee. Official Report, 6 August 2014. Available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9440&mode=pdf>.

⁷ Scottish Parliament Rural Affairs, Climate Change and Environment Committee. Official Report, 20 August 2014. Available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9505&mode=pdf>.

⁸ Written evidence to the Rural Affairs, Climate Change and Environment Committee on the Scottish Government's Review of Agricultural Holdings Legislation Interim Report. Available here:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/60396.aspx>.

⁹ Scottish Government (2014). *A Consultation on the Future of Land Reform in Scotland*. Available at: <http://www.gov.scot/Publications/2014/12/9659/0>.

¹⁰ Scottish Government (2014). *A Consultation on the Future of Land Reform in Scotland. Chapter 3, Proposal 9*. Available at: <http://www.gov.scot/Publications/2014/12/9659/5>.

¹¹ Scottish Government (2015). *Review of Agricultural Holdings Legislation Final Report*. Available at: <http://www.gov.scot/Publications/2015/01/5605/0>.

¹² Scottish Government (2015). *Appendix H - List of Recommendations of the Agricultural Holding Legislation Review Group*. Available at: <http://www.gov.scot/Publications/2015/01/5605/22>.

¹³ Scottish Parliament Rural Affairs, Climate Change and Environment Committee. Written evidence on agricultural tenancy. Available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/60396.aspx>.

¹⁴ Scottish Parliament Rural Affairs, Climate Change and Environment Committee. Official Report, 25 March 2015. Available by 6pm on Friday 27 March 2015 at:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/29876.aspx>.

Annexe

List of Recommendations of the Agricultural Holding Legislation Review Group

Recommendations on Landlord/Tenant Relationships

Recommendation 1 - The Scottish Government should facilitate, support and strongly encourage the efforts of industry leaders to improve landlord/tenant relationships through effective self-regulation and other industry led initiatives.

Recommendation 2 - A new office of Tenant Farming Commissioner should be established to promote and secure effective landlord/tenant relationships and behaviours across the agricultural tenanted sector underpinned by robust codes of practice.

Recommendations on Rent and Rent Reviews

Recommendation 3 - Legislative provisions on rents for secure 1991 Act agricultural tenancies should be amended so that rents are determined on the basis of the productive capacity of the holding, farmed by a hypothetical tenant (who is an efficient and experienced farmer of adequate resources who will make best use of the land) using the fixed equipment provided by the landlord, taking account of the budget for the holding, and including the contribution from non-agricultural diversified activity.

Recommendation 4 - Legislative provisions for regulating rent reviews and determinations of rent for agricultural holdings should enable rent to be paid for non-agricultural activity on a holding that reflect a fair market rate for the landlord's assets being used for the activity.

Recommendation 5 - If objecting to a diversified activity on a tenanted holding, the process should be limited to only one notice of objection by the landlord and to create a presumption that if planning permission has been granted for the diversified activity, that the activity is allowed unless the landlord can demonstrate that objections under section 40 subsection 9 of the 2003 Act apply.

Recommendation 6 - In considering the appropriate rent for an agricultural holding, provision should be made for any housing provided on a holding in excess of that reasonably required for the labour requirements associated with that holding.

Recommendation 7 - The Government should encourage and support industry bodies, including those representing professional intermediaries, to maintain publicly available information on model budgets and rent calculations to assist where relevant with the negotiated settlement of rents within the tenant farming sector.

Recommendations on Investment, Improvements, Compensation and Way-go

Recommendation 8 - The Government should consider how to test the detail of the Review's proposals on rent review, in order to ensure that the provisions work effectively in practice, potentially in association with industry bodies.

Recommendation 9 - Allowing the registration of secure 1991 Act agricultural tenancies in the Land Register, should be considered further to determine what impact this would have on a tenant's ability to offer the lease for the purpose of granting a standard security over it.

Recommendation 10 - Provision should be made for a three year amnesty during which a tenant farmer may serve formal notice on the landlord to the effect that specified items not previously agreed may be treated as tenant's improvements at way-go, including any claim that might be made under existing provisions for improvements where no notice has been given, but which involve equipment that the landlord should have provided at the commencement of the lease.

Recommendation 11 - Provision should be made to require a landlord to notify a tenant farmer of any proposed improvement to the holding and the tenant should be able to object, if the improvement is not necessary for the maintenance of efficient agricultural production on the holding.

Recommendation 12 - Further work should be undertaken, with relevant industry bodies, to revise the current list of improvements that can be eligible for compensation set out in Schedule 5 and section 17 of the 1991 Act.

Recommendations on Retirement, Succession and Assignment

Recommendation 13 - Current legislation should be amended to allow secure 1991 Act tenancies and LDTs to be: assigned by the tenant farmer in their lifetime; bequeathed where this is permitted in the lease; or transferred by a tenant's executors on death, to any living parent, or any living descendant of a parent, or spouse or civil partner of any living descendant of a parent of the tenant or of the tenant's spouse or civil partner.

Recommendation 14 - Current legislation should be amended to remove a landlord's ability to object to the lifetime assignment or the succession of a tenancy on the grounds that that the agricultural holding is not a "viable unit" and the landlord intends to amalgamate it with another holding.

Recommendation 15 - Provision should be made to enable any secure 1991 Act tenant to convert the tenancy into a new long duration modern LDT with a minimum term of 35 years and then be able to transfer that agricultural tenancy to anyone on the open market for value.

Recommendation 16 - Further consideration should be given to ensuring national planning policy and guidelines and allow where possible for measures designed to encourage landlords to provide, on a lifetime lease, nearby retirement housing for outgoing agricultural tenants.

Recommendations on the Role of a Right to Buy

Recommendation 17 - Existing provisions on the pre-emptive right to buy for 1991 Act tenants should be amended to remove the need to register a notice of interest so that all 1991 Act tenants have an automatic statutory pre-emptive right to buy their agricultural holding, should it come up for sale.

Recommendation 18 - Further consideration should be given to when the pre-emptive right to buy the agricultural holding should be triggered, for example when the land is advertised or otherwise exposed for sale, or (if not previously advertised or otherwise exposed) when negotiations are successfully concluded with another person with a view to the transfer of the land.

Recommendation 19 - Further consideration should be given to ways to ensure the effectiveness of a 1991 Act tenant's pre-emptive right to buy in circumstances where a company owns a farm tenanted on a secure 1991 Act tenancy, and a transfer of the interest in a holding can be effected through the transfer of some or all of the shares in the company rather than the sale of the land.

Recommendation 20 - Further consideration should be given to the potential need to introduce an amendment to Part 2 of the 2003 Act to make clear that where there is an interposed lease and the landowner takes steps to transfer the land, the pre-emptive right to buy for any 1991 Act tenant sitting under the interposed lease is still triggered.

Recommendation 21 - Provision should be made to enable a 1991 Act tenant to request the Scottish Land Court to order the sale of a holding where the landlord has persistently failed to fulfil their obligations under the tenancy, triggering the tenant's right to buy. The Scottish Land Court will have discretion to order the sale, taking into consideration the respective rights and interests of both parties.

Recommendation 22 - The potential for proposals in the current consultation on Land Reform to address situations where the way land is being managed is impacting upon tenant farming communities and agricultural productivity, creating a barrier to local sustainable development, should be considered further.

Recommendation 23 - Further consideration should be given to providing small landholders with an automatic pre-emptive right to buy their holdings, should they come up for sale.

Recommendations on Letting Vehicles for the 21st Century

Recommendation 24 - A new "modern LDT" with a minimum 10 year term should be developed to enable landlords and tenants greater freedom in agreeing terms relevant to the type, duration and purpose of the holding and lease. An optional break at 5 years should be available where the tenant is a new entrant.

Recommendation 25 - Provision should be made to allow for a modern "full repairing" LDT, where a tenant takes full responsibility for all repair, renewal and replacement of fixed equipment on the holding in return for a minimum term of 35

years and mandatory application of the new rent review provisions recommended in Section 5 of this Report.

Recommendation 26 - Rent provisions in relation to a new modern LDT should be agreed at the start of the lease by the contracting parties, taking into consideration the provisions of a new statutory code on negotiating rent reviews, or if the lease is silent on the issue then the rent provisions should be as set out in Section 5 of this Report for 1991 Act tenancies. In the case of a full repairing lease the rent controls set out in Section 5 should apply in all cases.

Recommendation 27 - Parties to a "modernised LDT" should be able to negotiate fixed equipment arrangements subject to the provisos that fixed equipment provided by the landlord is sufficient to allow the tenant to farm for the purposes set out in the lease, details are specified in the lease along with a record of condition, and responsibility for maintenance is clearly stated.

Recommendation 28 - Modern LDTs should be assignable within the duration of the lease at market value, subject to the landlord having the same grounds for objection as in the 1991 and 2003 Acts (finance, ability, character, etc).

Recommendation 29 - Modern LDTs should include a requirement for landlords to give written notice of intent to terminate not less than two and not more than three years before the expiry of a modern LDT, failing which the lease will continue on tacit relocation for one year at a time subject to termination on the same notice period. (Section 12.2 of this Report).

Recommendation 30 - Modern LDTs should include robust arrangements for compensation and way-go in order to give tenants the confidence to invest on what are (potentially) quite short duration terms. These should be modelled on those in the 2003 Act with some simplification of process where practicable. The overriding aim should be to ensure that tenants are able to invest with confidence in this type of tenancy.

Recommendation 31 - The option of allowing such leases to be extended by the landlord and then sold with improvements on the open market by the tenant (thereby avoiding formal way-go) should also be considered, especially with regard to full repairing leases.

Recommendation 32 - Provision should be made to enable land to be let for a period of up to one year, which will end without notice, for the purpose of grazing, mowing or cropping. Such leases should include a requirement for a declaration to be made to the incoming seasonal tenant to the effect that defined minimum soil nutrient and organic matter status are met, and by the outgoing seasonal tenant confirming that this has been maintained.

Recommendation 33 - Further consideration should be given to allowing an approved environmental charity to let land under the modern LDT arrangements which include reasonable environmental conditions as to the management of the land.

Recommendation 34 - Every encouragement and support should be given to the NFUS, SL&E and STFA to develop a new Joint Initiative on Limited Partnerships setting out clear guidelines as to how and on what basis those landlords and general partners remaining in these arrangements should negotiate their conversion into a modern LDT on appropriate terms.

Recommendations on New Entrants and Reducing Barriers to Entry

Recommendation 35 - Provision should be made to allow tenants who wish to assign an LDT (including one arising from converting a secure 1991 Act tenancy) to a new entrant to do so through a contractually based staged assignation process that facilitates appropriate apprenticeship arrangements and includes effective protection for the assignor, the assignee and the landlord.

Recommendation 36 - The Scottish Government should further consider the potential capacity to provide starter units on publicly owned land, including through the acquisition of additional land where practicable.

Recommendation 37 - The Scottish Government should also enter into direct dialogue with the larger private owners of agricultural land in Scotland with a view to encouraging them to provide starter units. The Scottish Government should also consider future opportunities to encourage the provision of starter farms through appropriate financial and any available tax incentives.

Recommendation 38 - Existing financial incentives available to agriculture, and more generally to business through other parts of Government, should be reviewed in order to facilitate effective financial support for new entrants. This should include, where possible, measures to cap the level of incentives made to larger established operators so that funds can be targeted to optimal effect.

Recommendations on Taxation, the CAP and Other Fiscal Incentives

Recommendation 39 - Scottish Government should work with the UK Government on any future review of the terms of Agricultural Property Relief, Business Property Relief, and Entrepreneurs' Relief, to consider whether disincentives to the letting of land might be removed. Consideration should also be given to the potential to structure reliefs to deliberately incentivise the letting of land on larger agricultural estates by capping the availability of reliefs for land farmed in hand.

Recommendation 40 - In any future review of Income Tax or Value Added Tax, the Scottish Government should work with the UK Government to consider the case for re-categorising income from let land as trading income for tax purposes, particularly if it is reinvested in that land, and whether the current exemption from VAT that applies to the letting of land should remain.

Recommendation 41 - The Review Group has noted the on-going review of non-domestic rates ahead of the 2017 revaluation and the recommendation of the Land Reform Review Group in relation to Land Value Taxation. Any further deliberation of these issues should consider the potential to provide an incentive for the long term letting of agricultural land.

Recommendation 42 - When reviewing the impact of the new Land and Buildings Transaction Tax, the impact, if any, on the decisions by landowners and tenants to let land or enter into share farming agreements should be considered.

Recommendation 43 - In order to facilitate fair rent reviews, the values of each of the regional step changes arising from convergence should be published in advance so that landlords and tenants are able to take account of the revised value of Basic Payments. In addition, the following issues should be considered in relation to any relevant review during the new programme period of CAP:

- The ability to cap the amount of Basic Payments that any one individual can claim in order to discourage landowners from taking tenanted land back in hand or simply holding land to increase their Basic Payment claim;
- To enable more funding to be available to all active Scottish farmers and to be sufficient funds available to meet new and expanded tenant farms there may be a need to tighten the negative list;
- Address any funding anomalies regarding access to Direct Payments arising from the latest CAP reform in consultation with stakeholders;
- Assessing the impact upon smaller tenant farmers, including any impact from insufficient Direct Payments to cover all their eligible acres;
- Ensure sufficient budget allocation should be retained, possibly by top slicing the revised ceiling budget, so as to ensure that new entrants to tenant farming are not placed at a fiscal disadvantage;
- Assess the costs and benefits of the siphon on entitlements without land, and consider including exemptions for new entrants to tenant farming.

Recommendation 44 - Government should consider making the following provisions in relation to the new SRDP:

- Sufficient funding should be made available in each year to ensure that new entrants are not disadvantaged by lack of budget availability;
- If funding for the Small Farm Scheme is constrained, mechanisms should be developed to ensure new entrants and tenant farmers are not disadvantaged;
- The Whole Farm Review Scheme and its successor; the integrated land management scheme and the one to one advisory service, should give prioritisation to new entrants and be available to small tenant farmers;
- Business development plans submitted as part of a SRDP application should take full account of costs specifically associated with tenant farming, including rents;
- If funding becomes constrained within SRDP, priority should if possible be given to new entrants to tenant farming whether via a LDT, repairing lease or other suitable lease.

Recommendations on Miscellaneous Legislative Amendments

Recommendation 45 - Further consideration should be given to ensuring that any agricultural tenancy under the 1991 and 2003 Acts going forward, except a short term grazing or cropping tenancy, can only be terminated at their end date or, when they are running on tacit relocation, at the anniversary thereof by a notice to quit given not less than two years nor more than three years before the end date of the lease or any anniversary thereof.

Recommendation 46 - Consideration should be given to amending the current provisions for succession, or assignation of, existing SLDTs and LDTs to more closely match those being proposed for the new letting vehicles.

Recommendation 47 - Further consideration should be given to amending the 2003 Act, so that in any agricultural tenancy, with the exception of short grazing or cropping leases, a claim can be made by a tenant for loss and damage arising from the exercise of the sporting rights in a manner that was not in the contemplation of the parties at the commencement of the lease.

Recommendation 48 - Further consideration should be given to amending current provisions on the service of notices for 1991 Act tenancies, SLDTs, LDTs and make provision for new letting vehicles so that any notice that requires to be served by anyone under the Acts on the landlord may be served on the original landlord unless notice was given to the tenant of the new landlord and to provide that anything that is required or authorised to be done by, to or in respect of the landlord or tenant may be done by, or to or in respect of any agent of the landlord or tenant.

Recommendation 49 - Further consideration should be given to incorporating the miscellaneous changes set out in Appendix F and G of this Report and consideration should be given to consolidating the Agricultural Holdings (Scotland) Acts, though it is not anticipated this should be done within this Parliamentary term.

Petition PE01490

Petition PE01490 on the control of wild goose numbers by Patrick Krause on behalf of the Scottish Crofting Federation

Background

1. Petition PE01490¹ was lodged on 2 September 2013 with 429 signatures of support. The text of the petition is as follows—

“Calling on the Scottish Parliament to urge the Scottish Government to address the problems created by increasing populations of wild geese in the crofting areas as a matter of priority; reassess its decision to stop funding existing goose management programmes, and assign additional resources to Crop Protection and Adaptive Management programmes to ensure this threat to the future of crofting is averted.”

2. A SPICe briefing² was produced on the petition. Further, detailed information on the petition can be found on the petition webpage, a link to which is provided in footnote 1 below.

3. The Public Petitions Committee heard evidence from the petitioner on the issues raised in the petition at its meeting on 29 October 2013³. At this meeting the Public Petitions Committee agreed to refer the petition to the Rural Affairs, Climate Change and Environment (RACCE) Committee on the grounds that control of geese populations was included as part of its current work programme⁴.

RACCE Committee consideration

4. The RACCE Committee considered the petition at its meeting on 27 November 2013⁵ and agreed to write to a selection of stakeholders seeking their views on the issues raised in the petition and to consider the petition further once these views had been received. The Committee agreed to write to the Minister for Environment and Climate Change; local authorities where Local Goose Management Schemes are in place; the Crofting Commission; and the Wildfowl and Wetlands Trust; and to forward these responses to the petitioner for comment. In total eight responses, including the petitioners, were received and were

¹ Petition PE01490. Available at:

<http://external.scottish.parliament.uk/GettingInvolved/Petitions/controlgoosenumbers>.

² SPICe Petition Briefing PE1490 available at:

<http://external.scottish.parliament.uk/ResearchBriefingsAndFactsheets/Petitions%20briefings%20S4/PB13-1490.pdf>.

³ Scottish Parliament Public Petitions Committee. *Official Report 29 October 2013*. Cols 1775-1780. Available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=8598&mode=pdf>.

⁴ Scottish Parliament Rural Affairs, Climate Change and Environment Committee. Work Programme 2013. Available at:

http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/RACCE_-_web_work_prog_-_Sept_2013.pdf.

⁵ Scottish Parliament Rural Affairs, Climate Change and Environment Committee. *Official Report 27 November 2013*. Available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9035&mode=pdf>.

considered by the Committee at its meeting on 2 April 2014⁶ where it agreed to hear oral evidence on the issues raised in the petition.

5. At its meeting on 18 June 2014⁷ the Committee heard evidence from stakeholders in a roundtable session and from the Minister for Environment and Climate Change at its meeting on 25 June 2014⁸. The Committee then wrote⁹ to the Minister expressing its concerns, making recommendations and seeking further information on the current work by the Scottish Government on the management of geese.

6. The Committee received a response from the Minister in his letter of 1 October 2014¹⁰. The Committee also sought the petitioner's views¹¹ on the Minister's response and he highlighted his concerns that the Minister's did not address many of the direct questions or requests for information made by the Committee. The Committee agreed to write¹² to the Minister seeking a full response to the points raised in its letter of 9 August 2014.

7. A further response was received from the Minister on 17 February 2015 which is included as an Annexe to this paper. The views of the petitioner were sought on this latest response and his written submission is also included in the Annexe.

8. The petitioner states that overall the Scottish Crofting Federation feels the letter is somewhat evasive and incomplete in some areas, for example the matter the current size of goose populations in coastal crofting areas and the impact this has on the ability to maintain crofts as per crofting legislation and that the information RACCE asked the Scottish Government to seek from the Netherlands

⁶ Scottish Parliament Rural Affairs, Climate Change and Environment Committee. *Official Report 2 April 2014*. Available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9094&mode=pdf>.

⁷ Scottish Parliament Rural Affairs, Climate Change and Environment Committee. *Official Report 18 June 2014*. Available at

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9263&mode=pdf>.

⁸ Scottish Parliament Rural Affairs, Climate Change and Environment Committee. *Official Report 18 June 2014*. Available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9291&mode=pdf>.

⁹ Scottish Parliament Rural Affairs, Climate Change and Environment Committee. Public Petition PE01490 Letter to the Minister 9 August 2014.

http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/2014.08.09_-_Convener_to_Minister_re_Geese.pdf

¹⁰ Scottish Parliament Rural Affairs, Climate Change and Environment Committee. Public Petition PE01490 Letter from the Minister 1 October 2014.

http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/2014.10.01_-_Minister_response_to_petition.pdf

¹¹ Scottish Parliament Rural Affairs, Climate Change and Environment Committee. Public Petition PE01490 Letter from the Petitioner 31 October 2014.

http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/2014.10.31_-_SCF_response_to_the_Ministers_letter.pdf

¹² Scottish Parliament Rural Affairs, Climate Change and Environment Committee. Public Petition PE01490 Letter to the Minister 9 December 2014.

http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/2014.12.05_-_Convener_to_Minister_Goose_petition.pdf

has not yet been obtained despite the previous Minister confirming officials had written in July 2014.

9. **The Committee is asked to consider the written responses in the annexe to this paper and whether it wishes to write again to the Minister seeking the outstanding information highlighted in the petitioner's response.**

Clerks

**Rural Affairs, Climate Change and Environment Committee
27 March 2015**

Annexe A

Letter from the Minister for Environment, Climate Change and Land Reform

17 February 2015

Dear Rob

Thank you for your letter of 5 December following the Rural Affairs, Climate Change and Environment Committee's evidence session of 12 November on the control of wild geese arising from the Scottish Crofting Federation petition PE1490.

My detailed comments are in the attached Annex.

With kind regards

AILEEN McLEOD

ANNEX - PETITION PE01490: CONTROL OF WILD GOOSE NUMBERS

Goose species, populations and the international context

1. With regard to numbers of geese in crofting areas, the Goose and Swan Monitoring Programme provides count data for the UK. It is organised by the WWT with funding from JNCC and SNH. In addition, counts are undertaken to support existing goose schemes and the adaptive management pilots for resident greylag geese. These activities provide some information about all of the goose species summering and wintering in Scotland, but they cannot provide a complete picture. SNH has good data for some areas and limited information about geese at other sites, particularly where they are expanding their range. In response to representations from local crofters, SNH plan to improve their knowledge of the Greenland Barnacle goose population on the Uists and survey this population to gather more comprehensive data about its size to provide baseline information over the next year.

2. NGMRG carries out a review of goose management policy every 5 years so a review would be due this year. This has not been discussed yet by the Group which is still at an early stage in some of the work arising from the 2010 Review. This will be more useful if stakeholders, including SCF, engage with the Group.

3. My officials have written to administrations in the range states of Greenland Barnacle geese and the Netherlands, where goose management techniques were being trialled. To date we have received no response and are considering other avenues of approach.

4. You also ask about goose management on the Solway and in Aberdeenshire. Local farmers are supported by local goose management schemes on the Solway and at the Loch of Strathbeg.

5. The Solway scheme is the second largest goose scheme after Islay and supports a migratory population of approximately 38,000 Svalbard Barnacle geese. The scheme has been successful in retaining geese along the coastal strip and so preventing them from dispersing onto farms further inland. There are 55 farms within the count area covering 7,600 ha. Sixteen farmers, occupying 17 farms, receive payments. Like the other local schemes the Solway scheme is in the final year of its current funding arrangements and has submitted a bid to NGMRG for the next five year scheme.

6. The Chairman of NGMRG and officials visited the scheme, and I met with members of the scheme, earlier this year to hear their concerns over funding.

7. The Strathbeg scheme is a much smaller scheme which operates in the spring only when the level of agricultural damage from migratory geese is at its greatest. The scheme operates by scaring geese off winter cereals and onto sacrificial pasture. The scheme area supports geese on a designated site, covers eight farms over 16.5 sq km and six farmers have taken up membership of the scheme. The scheme supports pink-footed geese which are highly mobile in their feeding habits with up to 53,000 geese passing through the area on their migration.

Goose management schemes and the Machair Life Project

8. As referred to above, goose management schemes are currently in the final year of their current funding. Local groups were invited last year to bid for support for the next five years. Current funding for local goose management schemes and adaptive management pilots is set out in the tables below.

Budget for Local Goose Management Schemes: Cash costs from 11/12 to 14/15

Scheme	2011/12	2012/13	2013/14	2014/15
Islay	£735,000	£868,258	£935,719	£935,719
Kintyre	£77,245	£80,628	£80,628	£80,628
Solway	£184,250	£178,125	£173,125	£168,125
South Walls	£16,230	£16,230	£16,230	£16,230
Strathbeg	£60,000	£12,000	£12,000	£12,000

Total	£1,072,725	£1,155,241	£1,217,702	£1,212,702
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Adaptive Management Pilots for Greylag geese: Cash costs supported

2012/13	2013/4	2014/15	2015/16	2016/17	Total (£)	
Orkney	17,500	18,000	19,500	18,000	18,000	53,500
Uist	1,800	2,000	62,600	45,400	35,400	147,200
Tiree	0	2,000	23,700	17,700	17,700	53,600
Lewis & Harris	0	0	22,790	18,250	18,250	59,290
Additional monitoring budget	0	0	0	9,000	9,000	18,000
Total	19,300	22,000	128,590	108,350	98,350	331,590

9. Furthermore, additional funding was made available for research in relation to developing the Islay Sustainable Goose Management Strategy. This amounted to £43,000 in 2013/14 and £106,000 in 2014/15. Further expenditure is planned but has yet to be confirmed.

10. Clearly, bids for funding exceed the budget available and there are ever growing demands on budgets across wildlife management. I do not anticipate additional funding being made available.

11. Regarding the Machair Life Project I would like to reiterate that there is a crop protection element within the adaptive management pilot for the Uists, and although the funding is lower than under the Life project, scaring is less costly because the pilot practices lethal scaring rather than non-lethal scaring. The Uists pilot receives a higher level of funding than the other pilots in order to deliver an exit strategy for the Machair Life project.

12. In any case, Life Projects focus on species of conservation concern, priority species that are in unfavourable condition. This does not apply to the geese with expanding populations that are causing damage. So Life is not a good vehicle for funding additional measures that are being considered in relation to most goose species in Scotland.

Adaptive Management Plans

13. The current policy is based on national goose policy informed by regular reviews and guided by NGMRG, but the local approach allows for the development of schemes suited to local needs. Their governance is, therefore, a combination of local goose management groups at the local level and SNH at the national level, and informed by the information and advice that stakeholders supply via NGMRG and other means. Additional monitoring requirements have been identified through this process and SNH has allocated appropriate funding for their delivery including

additional funds for damage monitoring and crofter perceptions survey work. The adaptive management pilots have improved with experience and I am sure that the pilots are now pursuing best practice. However, budgets remain under considerable pressure and there are substantial demands on funding for goose management and other wildlife management.

14. On scaring methods, officials and scientific advisers are considering what research options might be pursued although this is at a very early stage. In addition the Islay strategy will yield useful information on scaring methods and diversionary feeding.

15. On training, please see a table below which sets out progress made in relation to the adaptive management pilots and principally the necessary qualifications required for the sale of wild goose meat.

AM Pilot	2012/13	2013/14
Orkney	December 2012: 7 stakeholders attended a practical demonstration and review of shooting methods to consider safe use of non-lead shot.	July 2013: 3 shooters completed the Wild Game Meat Hygiene Level 2 (FSA) training.
Uists	N/A	February 2014: 7 persons trained in Meat Hygiene as above
Lewis & Harris	N/A	November 2015: 45 persons trained in Meat Hygiene as above
Tiree	N/A	No training conducted as yet. LGMG to organise when they are ready.

16. Training has been arranged for the AM pilots in meat hygiene controls, to enable hunters to sell wild goose meat. Where this training has been arranged, the LGMGs have had the opportunity to have additional training in shooting methods and the use of non-lead shot if they wished it.

Data gathering, the environment and public health

17. All pilots are carrying out monitoring of agricultural damage, methods vary according to local circumstances but monitoring focuses on damage to silage or cereal crops. The Islay Strategy is intended to reduce damage so monitoring is an important part of the Strategy. Damage will be monitored via sward height measurement.

18. The provision of hunting bag data was considered by the Parliament in the course of the WANE Bill. A proposal for a compulsory bag return system for geese was discussed but withdrawn due to there being significant flaws in the proposal. Ministers proposed the development of voluntary scheme instead and a group was formed to develop a reporting scheme for all gamebirds and wildfowl. Agreement on the principles of such a scheme was reached and proposals are due to go Ministers shortly.

19. There are restrictions in place on the use of lead shot over wetlands to protect waterfowl. These restrictions are observed in the course of goose management schemes. The Lead Ammunition Group was set up in England by Defra and BASC to examine the effects of lead ammunition on the environment and food safety. Ministers will wish to consider the Group's findings when they are published.

20. Clearly, heavy fouling will deny pasture for a time to grazing animals. There has also been discussion about possible disease risk from geese. It is known that geese, like other birds, can carry various pathogens but it is thought that the overall risk they pose are likely to be lower than other species e.g. carrion feeders, gulls and garden birds, which, through their feeding and social behaviour, have been shown to be more likely to be exposed to higher levels of the bacteria involved. Diagnostic surveillance centre data is fed into the UK 'VIDA' database which is designed to alert authorities to 'hotspots' for particular diseases. Currently, our veterinary advisers are not aware of any reports to indicate an above expected incidence of, for example, Salmonella abortion or Avian TB in livestock.

21. Scottish Water is investigating the causes of eutrophication and its impact on water supply and water management on Orkney and has liaised with SNH on Orkney in the course of this work. There is no output from this project to date..

Market opportunities

22. I would like to reiterate my predecessor's comments about taking account of legitimate concerns over avoiding the possibility of commercial exploitation of wild geese. This was underlined by the European Commission when they were last consulted on permitting the extension of sale of wild goose meat to additional areas.

23. Whilst I would not like to see any of the current controls relaxed, clearly there is no harm in seeking to market a greater proportion of wild goose meat available. On Orkney a high proportion of the available goose meat has been marketed, but the proportion is lower elsewhere. Local goose groups should consider initially what might be done to increase sales where wild goose meat is available.

24. Sport shooting does make a significant contribution to the adaptive management pilots. Average figures for the pilots are provided below and a projection for the Lewis & Harris pilot. Actual numbers are reviewed each year in response to the count data.

Resident greylag populations, current populations, target range and annual take

Island	Population at start of Pilot	Target population range	Average number of birds to be shot per annum (total)	Average number of birds to be shot per annum through Pilot	Average number of birds to be shot by sport shooting /under licence
Orkney	21367	9000-11000	5500	2500	3000
Tiree & Coll	3003	1650-2200	1275	850	325
Uists	9650	3600-4400	2600	1650	2700
Lewis & Harris	8650	2500 - 3100	1950	1450	500
Total	42,670	16,750 – 20,700	11,325	6,450	6,525

(Extract from Adaptive Management Sub Group Paper 2 – 30 September 2014)

25. There are no proposals to look at sporting rights in relation to crofting land within the Land Reform Bill. I would urge SCF to engage with NGMRG and to present evidence as to the nature and extent of the problem.

Scottish Government

February 2015

Annexe B

Petitioner (SCF) response to the Minister's letter to RACCE Committee: Petition PE01490 control of geese

SCF response to SG letter of 17 February 2015

We appreciate that the Scottish Government have given a comprehensive reply to the letter from the RACCE of 05 December 2014 and that they have addressed issues raised in the annex, if not in the order raised. However, overall we feel the SG letter is somewhat evasive and incomplete.

We have a few points to comment on that we feel were inadequately addressed or that we feel the SG response to was disappointing. We have added some endnotes which are comments from our local contact.

A general comment is that SG repeatedly refers to Islay where a vast amount of public money is spent on goose management. However, whilst this information is appreciated, the petition subject is the Uists and SG appears to avoid addressing what is happening there.

Following the RACCE order of requests for response:

The RACCE asked for a response to the communications with Netherlands. SG response in their point 3 is disappointing and does not provide the information asked for.

The RACCE's request for a response to the Crofting Commission's point that the goose populations are forcing crofters to be in breach of crofting regulation, appears to be ignored by SG.

SG's response to the RACCE comment that "the current approach and methods of controlling geese require to be reviewed" is inadequately answered in saying that the NGMRG "is still at an early stage in some of the work arising from the 2010 Review". Will time-frames like this "ensure that goose populations, and their impact on agriculture and the environment, are effectively managed"?

SG have supplied a lot of useful information on funding of goose management schemes and research, which is appreciated. Whilst this wasn't specifically asked for the total of £1,041,719 being spent on Islay in 2014/15 against £62,600 being spent on the Uists the same year is startling. The stated Uist budget reduction to £45,400 and then £35,400 in subsequent years is deeply disappointing and SG fails to demonstrate how it would endeavour to make up the shortfall needed to run an adequate control programme in the Uists, as asked for by RACCE.

SG has supplied some useful information in their response concerning adaptive management schemes and training, which is appreciated. It appears that they have still failed to address the crucial points raised by RACCE under this section, that "the Committee is of the view that this is a national problem that requires to be addressed by the Scottish Government as a matter of urgency" and that the "committee recommends that the Scottish Government reconsider its approach to the funding of goose management programmes and allocate additional resources to crop protection and Adaptive Management Plans, ensuring that these programmes follow best practice in terms of stakeholder involvement, management, design, implementation and monitoring".

The issue of data-collection in the pilot schemes is, again, inadequately addressed in SG response.

The SG outline of its approach to marketing of goose meat is very thin. It would be a positive approach to the goose problem and is recommended by RACCE. A more comprehensive answer to this would be appreciated.

SCF has been in discussion about attendance of NGMRG meetings and SNH have been very helpful in facilitating this through VC. We will attend in person next week.

Endnotes

1. Numbers of Barnacles in Uists now @4000 (90% concentrated in N Uist) in Feb count and same count of pre- breeding pop of greylags was @5600. Pressure on spring bite of grass in N Uist therefore significant. What are explanations for increase in Barnacles according to RSPB? Their management needs to look at pressure from elsewhere and holistic system of control.
2. AM coming to an end. Uists have not hit their targets of 3400-4400. Now at 5600. Why? Has SNH failed to deliver? Maybe some questions about targets for AM being met needed in all regions. And Figures to demonstrate this. No goose count figures supplied from Feb Count. If not met (as I suspect for Uist) how will funding continue to achieve this?
3. Continued lethal scaring of geese will be essential over breeding season. Cereal crops will always be very vulnerable so crop protection needed as well as population control at other times of the year. Uists has different system to Tiree etc with its reliance on machair corn growing (and this is last bastion of traditional cropping, a sympathetic wildlife management system and key habitat now under threat from geese etc)
4. Goose meat opportunities do not seem to be developed outside Orkney. Why? Some geese meat sales on Uists but could be more and opportunities for use in school dinners/ OAP/care homes etc have not been developed/researched. Research new markets. Sales on island only too restrictive? Use of goose meat in public services could be adopted in Harris and Lewis.
5. Suggestion that sport shooting can help to control geese is optimistic. Figures for Uist are wrong (table does not add up) Suggests 2700 (should be 950) geese to be shot by sport pa. If this is to be the case, how to work better with estates to secure this figure. Not realistic. Better results on Tiree where goose shooting is encouraged by Duke's factor.
6. What is tourist potential of geese? Eg: Barnacles on Uist.

We thanks the RACCE for their interest in this vital issue that has such a devastating effect on crofters and ask that the issues raised above be pursued with Scottish Government.