



The Scottish Parliament
Pàrlamaid na h-Alba

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

AGENDA

20th Meeting, 2012 (Session 4)

Wednesday 26 September 2012

The Committee will meet at 10.00 am in Committee Room 2.

1. **Subordinate legislation:** The Committee will consider the following negative instrument—

the Bathing Waters (Scotland) Amendment Regulations 2012
SSI/2012/243.

2. **Land Reform Review Group:** The Committee will take evidence from—

Dr Alison Elliot, Chair, and Professor James Hunter, Vice Chair, Land
Reform Review Group.

3. **Woodland Expansion Advisory Group report:** The Committee will take
evidence from—

David Howat, Deputy Director, and Jo Ellis, Land Use and Climate Change
Policy Adviser, Forestry Commission Scotland.

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The papers for this meeting are as follows—

Agenda item 1

Cover note

RACCE/S4/12/20/1

[the Bathing Waters \(Scotland\) Amendment Regulations 2012
SSI/2012/243](#)

Agenda 2

Cover note

RACCE/S4/12/20/2

Agenda item 3

Cover note

RACCE/S4/12/20/3

[Woodland Expansion Advisory Group final report](#)

PRIVATE PAPER

RACCE/S4/12/20/4
(P)

Subordinate legislation cover note for SSI/2012/243

Title of Instrument: Bathing Waters (Scotland) Amendment Regulations 2012
SSI/2012/243

Type of Instrument: Negative

Laid Date: 3 September 2012

Circulated to Members: 21 September 2012

Meeting Date: 26 September 2012

Minister to attend the meeting: No

Drawn to the Parliament's attention by Subordinate Legislation Committee: No

Reporting Deadline: 22 October 2012

Purpose

1. These Regulations amend the Bathing Waters (Scotland) Regulations 2008 concerning the management of bathing water quality. These Regulations also establish symbols for information to the public on bathing water classification and any bathing prohibition or advice against bathing.

2. A copy of the Executive Note is included with the papers.

Procedure

3. 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 Subordinate Legislation 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.

4. 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 Subordinate Legislation 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.

Subordinate Legislation Committee

5. The Subordinate Legislation Committee considered this instrument at its meeting on 18 September and agreed that no points arose.

EXECUTIVE NOTE

These Regulations amend the Bathing Waters (Scotland) Regulations 2008 (SSI 2008/170) ("the 2008 Regulations") to clarify some points to further transpose Directive 2006/7/EC concerning the management of bathing water quality. The European Commission considered that these points were originally inadequately transposed. These Regulations also transpose Commission Implementing Decision 2011/321/EU which establishes symbols for information to the public on bathing water classification and any bathing prohibition or advice against bathing.

The points of clarification are in respect of the requirements of SEPA and Local Authorities in carrying out their monitoring and public information duties at designated bathing waters and include further detail on:

- the definition of 'short-term pollution'
- identifying the reasons for failure to reach 'sufficient' status at 'poor' bathing waters
- implementation of measures to prevent, reduce or eliminate the cause of pollution at 'poor' bathing waters
- dissemination of information on bathing waters including classification of bathing waters and advice against bathing
- management measures at bathing waters subject to short-term pollution.

These amendments are due to come into force in October 2012. The requirement for bathing water classification signs will take effect from end of the 2015 bathing water season in accordance with regulation 10 of the 2008 Regulations.

Land Reform Review Group

1. In Session 3, the previous Rural Affairs and Environment Committee commissioned a report¹ from the Centre for Mountain Studies on the access, community right-to-buy, and crofting community right-to-buy provisions of the Land Reform (Scotland) Act 2003.
2. The current Rural Affairs, Climate Change and Environment Committee subsequently held an evidence session², on 21 September 2011, with the authors of the resulting final report. Following this session, the Committee sent a letter³ to the Scottish Government summarising its views on these matters. The Scottish Government responded⁴ to the Committee's letter, and indicated that it intended to carry out a review of the 2003 Act, which would be carried out by a working group to be established in 2012.
3. On 24 July 2012 the Scottish Government announced that it was setting up a Land Reform Review Group that it said "will oversee a wide ranging review of land reform in Scotland." The group is to be chaired by Dr Alison Elliot, with Professor James Hunter and Dr Sarah Skerratt as vice-chairs. A further ten advisers are expected to be appointed to the group soon.
4. The Scottish Government outlined the group as follows—

"It is anticipated that the Land Reform Review Group will report in a series of stages to Scottish Ministers, providing consideration of what the outcomes of land reform should be and what reforms are required. By the end of 2013 the Scottish Government would expect a report on any legislative changes that are required to allow this to be taken forward."
5. In agreeing its forward work programme at its meeting on 12 September 2012, the Committee agreed to monitor the work of the Land Reform Review Group, and invite its Chair and Vice-Chairs to give evidence to the Committee on progress at appropriate times over the next 18 months, starting with an initial session on the remit of the group to be arranged as soon as is practicable.

¹ Centre for Mountain Studies (September 2010) Post Legislative Scrutiny of the Land Reform (Scotland) Act 2003 Final Report. Available at:

<http://archive.scottish.parliament.uk/s3/committees/rae/documents/Inquiryplanningsheet.pdf>

² Scottish Parliament Rural Affairs, Climate Change and Environment Committee, *Official Report*, 21 September 2011, available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=6679&mode=pdf>

³ Scottish Parliament Rural Affairs, Climate Change and Environment Committee, letter to the Scottish Government, available at:

[http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/Letter_to_Scottish_Government_re_Ag_Tenancy_issues_2012_09_20\(1\).pdf](http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/Letter_to_Scottish_Government_re_Ag_Tenancy_issues_2012_09_20(1).pdf)

⁴ Scottish Government response to the Rural Affairs, Climate Change and Environment Committee, available at:

[http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/Letter_to_RACCE_Committee_-_Imple_of_the_Land_Reform\(S\)_Act_2003_2012_03_06.pdf](http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/Letter_to_RACCE_Committee_-_Imple_of_the_Land_Reform(S)_Act_2003_2012_03_06.pdf)

6. The Committee also agreed to send the Group a copy of its work to date on land reform issues.

7. Dr Alison Elliot and Professor James Hunter will therefore be giving evidence to the Committee at its meeting on 26 September 2012, to outline progress on establishing the Group, and to update members on its remit and programme of operation.

Clerks

Rural Affairs, Climate Change and Environment Committee

Woodland Expansion Advisory Group

Background

1. In 2011, the Scottish Government published its land use strategy¹. In terms of forestry, the strategy states—

“The Government has committed to increasing the rate of woodland expansion, so as to realise a range of benefits such as carbon sequestration. Such expansion would take Scotland's woodland cover to 25 per cent by 2050. In achieving this, we must continue to ensure that the right trees are planted in the right places - avoiding, for example, areas of deeper peat soil where the carbon losses from soil disturbance could outweigh the gains in climate change mitigation. In addition, it is important to protect the woodlands that we already have, and so woodland removal will only be permitted where it will result in significant additional public benefit. In some cases, new trees may need to be planted on site or elsewhere to compensate for those removed, as described in our Policy on Woodland Removal.”

2. The strategy contains a list of specific proposals, which includes the intention to publish an action plan in due course. The proposal relating to forestry states that the Scottish Government is going to—

“Identify more closely which types of land are best for tree planting in the context of other land-based objectives, and promote good practice and local processes in relation to tree planting so as to secure multiple benefits.”

Woodland Expansion Advisory Group

3. To take this work forward, the Scottish Government established a Woodland Expansion Advisory Group (WEAG)², which issued a call for evidence on 13 October 2011.

4. At its meeting on 26 October 2011³, the Committee took evidence from the Chair of the Group, Dr Andrew Barbour. The purpose of the session was to give Mr Barbour the opportunity to update the Committee on the work of the Group, and how it intended to proceed with its work, and to give members the opportunity to ask any questions.

¹ Scottish Government (2011). *Getting the best from our land - A land use strategy for Scotland*. <http://www.scotland.gov.uk/Publications/2011/03/17091927/0>

² Details available at the Woodland Expansion Advisory Group website: <http://www.forestry.gov.uk/weag>

³ Scottish Parliament Rural Affairs, Climate Change and Environment Committee, Official Report, 26 October 2011, available at: <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=6680&mode=pdf>

5. In June 2012, WEAG published its final Report⁴ to the Scottish Government. This made 24 recommendations, including a suggestion for a new target of 100,000 hectares of new woodland to be planted over the period 2012-22. This differs from the previous aspirational target of 25% forestry cover by 2050.

6. The Scottish Government has yet to respond to the final WEAG Report, but is expected to do so shortly.

7. In agreeing its work programme⁵ at its meeting on 12 September 2012, the Committee agreed to hold an evidence session with WEAG representatives on its final Report. The Committee will then consider any next steps on this issue following the evidence session.

8. Therefore, the WEAG secretariat, David Howat and Jo Ellis, will give evidence to the Committee at its meeting on 26 September 2012.

Clerks

Rural Affairs, Climate Change and Environment Committee

⁴ Report of the Woodland Expansion Advisory Group (2012). Available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=6680&mode=pdf>

⁵ Scottish Parliament Rural Affairs, Climate Change and Environment Committee Work Programme (12 September 2012). Available at:

[http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/RACCE - web work prog - Sept 2012.pdf](http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/RACCE%20web%20work%20prog%20Sept%202012.pdf)