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# **Rural Economy and Connectivity Committee Comataidh Eaconomaidh Dùthchail is Co- cheangailteachd**

## **Subordinate Legislation considered on 29 March 2017**



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# Rural Economy and Connectivity Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Economy and Connectivity.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/rural-committee.aspx>



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# Committee Membership



**Convener**  
**Edward Mountain**  
Scottish Conservative  
and Unionist Party



**Deputy Convener**  
**Gail Ross**  
Scottish National Party



**Peter Chapman**  
Scottish Conservative  
and Unionist Party



**John Finnie**  
Scottish Green Party



**Rhoda Grant**  
Scottish Labour



**Jamie Greene**  
Scottish Conservative  
and Unionist Party



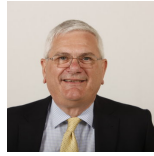
**Richard Lyle**  
Scottish National Party



**Fulton MacGregor**  
Scottish National Party



**John Mason**  
Scottish National Party



**Mike Rumbles**  
Scottish Liberal  
Democrats



**Stewart Stevenson**  
Scottish National Party

# Executive Summary

1. This report details the Rural Economy and Connectivity Committee's consideration of the following instruments:

## Affirmative

- Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017;
- Transport and Works (Scotland) Act 2007 (Environmental Impact Assessment) Regulations 2017; and

The Committee agreed to recommend to the Parliament that it should approve both of these instruments.

## Negative (motion to annul lodged)

- The Shellfish (Restrictions on Taking by Unlicensed Fishing Boats) (Scotland) Order 2017

The Committee debated and subsequently disagreed to a motion to annul this instrument.

# Committee Membership

2. The membership of the Committee changed during the course of this piece of work. Fulton MacGregor joined the Committee on 30 March 2017, replacing Mairi Evans.

# **The Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017 and the Transport and Works (Scotland) Act 2007 (Environmental Impact Assessment) Regulations 2017**

The Committee reports to the Parliament as follows—

3. The Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017 and the Transport and Works (Scotland) Act 2007 (Environmental Impact Assessment) Regulations 2017 draft instruments were initially laid before the Parliament on 8 March 2017, and were withdrawn and re-laid on 23 March to correct minor errors noted by the legal advisers to the Delegated Powers and Law Reform Committee. The instruments are both subject to the affirmative resolution procedure.

## **Purpose of the instruments**

4. The regulations update existing acts to take into account the requirement in EU Law to integrate environmental impact assessments into the planning of certain projects. This includes projects related to trunk road development and the Transport and Works regime.

## **Delegated Powers and Law Reform Committee consideration**

5. The Delegated Powers and Law Reform (DPLR) Committee considered both instruments at its meeting on 28 March 2017 and agreed not to draw the Parliament's attention to the instruments on any grounds within its remit. The DPLR Committee's report can be found at the following link—

[https://digitalpublications.parliament.scot/Committees/Report/DPLR/2017/3/28/  
Subordinate-Legislation-considered-on-28-March-2017#Introduction](https://digitalpublications.parliament.scot/Committees/Report/DPLR/2017/3/28/Subordinate-Legislation-considered-on-28-March-2017#Introduction)



## Rural Economy and Connectivity Committee consideration

6. At its 11th meeting of 2017, held on 29 March, the Rural Economy and Connectivity Committee took evidence on these instruments from Humza Yousaf, Minister for Transport and Islands, and his officials.
7. The Committee questioned the Minister on the timescale following completion of projects during which environmental impact would continue to be factored. Members also sought clarification on whether projects would be considered in isolation or if cumulative impact assessments would be conducted as part of the regulations. Committee members were also interested to establish whether environmental impact assessments would be carried out on upgrade projects in addition to new projects.
8. During discussion, members queried the likelihood of any conflict of interest arising under the new "Competent authority - avoidance of conflict of interests" section in the Roads (Scotland) Act 1984. In addition, the Committee asked about the cost and timing implications of the regulations.
9. The Minister subsequently moved the following motions in his name—

S5M-04878—That the Rural Economy and Connectivity Committee recommends that The Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017 [draft] be approved.

S5M-04879—That the Rural Economy and Connectivity Committee recommends that The Transport and Works (Scotland) Act 2007 (Environmental Impact Assessment) Regulations 2017 [draft] be approved.
10. The Committee agreed both motions without division.
11. The Official Report of the meeting is available at the following web page—

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10880>

## Recommendation

The Rural Economy and Connectivity Committee recommends to the Parliament that it approves the following draft instruments—

- Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017
- Transport and Works (Scotland) Act 2007 (Environmental Impact Assessment) Regulations 2017

# The Shellfish (Restrictions on Taking by Unlicensed Fishing Boats) (Scotland) Order 2017

The Committee reports to the Parliament as follows—

12. On 2 March 2017 the Shellfish (Restrictions on Taking by Unlicensed Fishing Boats) (Scotland) Order 2017 was laid in Parliament and was subject to negative parliamentary procedure. A motion to annul the instrument was lodged by Mike Rumbles MSP on 8 March 2017.

## Purpose of the instrument

13. The instrument introduces daily take limits for lobster, nephrops, scallops and four species of crab that an unlicensed fishing boat can take per day from the Scottish zone. The Scottish Government states that the intention of the catch limits is to prevent unlicensed fishing boats from taking shellfish on a commercial basis, under the guise of hobby fishing activity.

## Delegated Powers and Law Reform Committee Consideration

14. At its meeting on 14 March 2017, the Delegated Powers and Law Reform Committee considered the instrument and determined that it did not need to draw the attention of Parliament to the instruments on any grounds within its remit. The Committee's report can be found at the following link—

<https://digitalpublications.parliament.scot/Committees/Report/DPLR/2017/3/15/Subordinate-Legislation-considered-on-14-March-2017#Introduction>

## Rural Economy and Connectivity Committee consideration

15. At its 11th meeting of 2017, held on 29 March, the Rural Economy and Connectivity Committee considered the instrument. As a motion to annul had been received in advance of the meeting Fergus Ewing, Cabinet Secretary for Rural Economy and Connectivity, and his officials, were present to give evidence.
16. The Committee questioned the Scottish Government on the appropriateness of the measures set out in the instrument, the practicalities of its enforcement and the other options which had been considered to deal with the issue of unlicensed fishing for shellfish. The Committee also sought to establish whether the specified catch limit, as set out in the order, was appropriate and the discretion which marine

enforcement officers would apply to genuine hobby fisherman who are not the intended target for the instrument.

17. In addition the Committee also discussed the health and safety dangers to the public of buying illegally caught shellfish and the positive impact that the instrument may have on shellfish numbers and conservation efforts.
18. Mike Rumbles MSP subsequently moved the following motion in his name —  

S5M-04500—That the Rural Economy and Connectivity Committee recommends that the Shellfish (Restrictions on Taking by Unlicensed Fishing Boats) (Scotland) Order 2017 (SSI 2017/57) be annulled.
19. After debate, the motion was disagreed to (by division: For 3, Against 8, Abstentions 0).

The Official Report of the meeting is available at the following link—

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10880>

## Recommendation

20. The Rural Economy and Connectivity Committee disagreed to a motion to annual this instrument. The Committee made no further recommendation to Parliament in relation to the Order.

