



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 9 March 2022

Session 6



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Pàrlamaid na h-Alba

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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE
4th Meeting 2022, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Ruth Maguire (Cunninghame South) (SNP)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*Paul Sweeney (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Audrey Baird

Fiona Baker

Doug Howieson (Scottish Forestry)

Callum Isted

James Isted

Andy Leitch (Confor)

Monica Lennon (Central Scotland) (Lab)

Claudia Rowse (NatureScot)

Arina Russell (Woodland Trust Scotland)

Andrew Weatherall (RSPB)

Sue Webber (Lothian) (Con)

CLERK TO THE COMMITTEE

Pauline McIntyre

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 9 March 2022

[The Convener opened the meeting at 09:30]

Continued Petitions

Reusable Water Bottles (PE1896)

The Convener (Jackson Carlaw): Good morning, everyone, and welcome to the fourth meeting in 2022 of the Citizen Participation and Public Petitions Committee.

Agenda item 1 is consideration of continued petitions. PE1896, which was lodged by Callum Isted, calls on the Scottish Parliament to urge the Scottish Government to provide every primary school child in Scotland with a reusable water bottle. The petition calls for the disposable water bottle that is provided with many primary school lunches to be replaced with a sustainable, reusable metal bottle.

We give the warmest of welcomes to Callum, who is the Scottish Parliament's youngest ever petitioner. We are absolutely delighted that he has found time to come in and have a chat with us about his petition. We welcome his dad, James, who joins him, and his mum, Sarah, who is in the public gallery. His local MSP, Sue Webber, also joins us, and I am very jealous to see that she has already been gifted a very fancy and colour-appropriate reusable water bottle.

Callum, it is great to have you with us. To start off, tell us a bit about yourself—how old you are, which primary class you are in at school and why you decided to lodge the petition.

Callum Isted: I am seven years old and I am in primary 3 at Dedridge primary school.

The Convener: Is it a big class? Are there a lot of people in it?

Callum Isted: Yes, there are a lot of people.

The Convener: I hope that you have a lot—or a few—friends in the class.

Callum Isted: Yes, I have a few.

The Convener: Is it a big school with lots of people?

Callum Isted: Yes.

The Convener: What is your favourite subject at school?

Callum Isted: It is definitely maths.

The Convener: That is very encouraging. I was absolutely hopeless at maths.

You are here because you have lodged this petition. Can you tell us why you thought that the petition was a good idea and what you hope that it will do? Why did you think that it would be a good idea to write to the Scottish Parliament? Was it because we can get things done?

Callum Isted: I wanted to go to Nicola Sturgeon's house to speak to her about the bottles, but my mum said that it was not allowed, so we looked online and found out about petitions.

The Convener: I see—so we were second choice. In fact, I raised the fact that you were coming in with the First Minister last week at a meeting of all the committee conveners, and she was very keen to meet you. I gather that you are going to be seeing the First Minister in a little while, so that you can discuss the petition with her. Is that correct?

Callum Isted: Yes.

The Convener: That is great. What are you going to say to her?

Callum Isted: I really do not know yet. [Laughter.]

The Convener: I hope that you are going to do some straight talking and not let her flannel you or put you off—make sure that you get straight through it. Essentially, you want everybody to have a reusable water bottle. You have a water bottle with you today—is that the sort of bottle that you are thinking of?

Callum Isted: It is the yellow one, not the black one.

The Convener: What is special about the bottle?

Callum Isted: Instead of getting a reusable plastic bottle, I would get a reusable metal one, because the reusable plastic ones break too easily.

The Convener: That is great. We will all ask you a few wee questions, so that we can get a handle on the petition.

David Torrance (Kirkcaldy) (SNP): Good morning, Callum. In the 11 years that I have been on this committee, I cannot recall a petitioner twice your age, never mind one as young as you. Well done, and welcome to the committee.

Before I ask questions about the petition, what is your favourite sport?

Callum Isted: Football.

David Torrance: What team do you support?

Callum Isted: Manchester United and Rangers.

David Torrance: I will not say which Scottish team I support, because it is in the headlines quite a lot just now, but I am a Leeds United fan.

When did you first notice in school that there were lots of children using plastic bottles?

Callum Isted: In the last lockdown, in February 2021.

David Torrance: So nearly everybody in your class was using plastic bottles.

Callum Isted: Yes. In fact, everybody in my class was.

David Torrance: Why do you think that they should not use plastic bottles? I can see that you have lots of examples in front of you.

Callum Isted: Because animals could get injured or die from the litter and humans could get ill if they eat a fish that has eaten plastic. Those are called microplastics.

David Torrance: I can say, as somebody who does a lot of litter picks, that plastic bottles are probably the most common thing that we pick up from trees and bushes around Kirkcaldy and the surrounding areas. They are really bad for the environment, so I am extremely glad that you have brought your petition to the committee.

I am so impressed by what you have done, especially given your age. Usually, boys your age are looking to get money from tooth fairies and things like that, rather than bringing petitions to the Parliament, so well done—you have done really well.

Callum Isted: Thank you.

The Convener: Thank you, David. Callum might be looking for money for his teeth as well—don't short change him there!

Ruth Maguire (Cunninghame South) (SNP): Good morning, Callum. My name is Ruth. Thank you for coming to talk to us. Would you be able to tell me a little bit about your eco group? I heard that you did some work with it in your school.

Callum Isted: We have meetings, including meetings with other schools. We have teamed up with another school called Dunblane primary and we are trying to fix the broken taps.

Ruth Maguire: I was interested to read a little bit about that. You did something about the broken taps in your school—could you tell the committee about that?

Callum Isted: In my classroom, there is a hot tap and a cold tap, both of which are broken. Those are the only two taps in my area, so everybody who needs to use a tap has to come all

the way to our class. There is only one place to fill up your water bottle and that is in primary 4.

Ruth Maguire: Okay. Did you do something about it when the taps were not working? Did you get some help from one of the adults in the school?

Callum Isted: Yes.

Ruth Maguire: Who did you go to for help?

Callum Isted: Mrs Mohammed and my eco group.

Ruth Maguire: Did the janitor fix them for you?

Callum Isted: She has not replied to our letter yet.

Ruth Maguire: I am sure that she will. This will be a wee reminder for her.

Who else have you spoken to? You have not just come straight to the Parliament, have you? You have spoken to lots of people.

Callum Isted: I have spoken to my headteacher, Mrs French, and to STV, Forth 1 and Radio Scotland.

Ruth Maguire: I heard you on Radio Scotland this morning—you did very well. You sounded less nervous than some of my colleagues sound sometimes—you did a really good job.

Callum Isted: I also spoke to the council and to the BBC.

Ruth Maguire: Well done—you have done a really good job.

The Convener: Out of interest, Callum, what did the council say? The council manages all the schools, so it could be one of the groups that could give everybody a reusable water bottle. Is it away to think about it?

Callum Isted: The bottles cost money. The council made the bottles optional.

The Convener: We are paying for baby boxes. A water bottle does not seem like such a big additional expense.

Paul Sweeney (Glasgow) (Lab): Welcome to our committee, Callum. It is great to hear from you. I heard that you went to visit the 26th United Nations climate change conference of the parties—COP26—in Glasgow last year. Did you have a nice time there?

Callum Isted: Yes.

Paul Sweeney: What was your favourite thing about COP26?

Callum Isted: The big bouncy castle that had water inside it.

Paul Sweeney: Oh, right—I did not see the bouncy castle. I am gutted that I missed that. I saw the big giant planet that span round. That was really cool. I thought that that was really interesting.

Another thing that was really cool was that I got a reusable water bottle when I visited COP26. I think that everybody who visited Glasgow for the conference got one, so when you submitted your petition, I thought, “Why don’t we give our own children the same thing? Why are we giving all these VIPs metal reusable water bottles?” Do you think that it was a bit of a double standard? Is it important that we set an example and that, if we did it at COP, we should do it for kids as well?

Callum Isted: I did not even notice that they were doing that.

Paul Sweeney: Really? I will need to send you one, then.

Callum Isted: No, I have already got two—well, three.

Paul Sweeney: Okay—that is fine. I got one with “COP26” written on it, which was quite cool. It probably peels off after a while, so maybe it is not such a good thing.

Who did you meet at COP26? What kind of people did you go and see?

Callum Isted: I met the BBC and I met the boss, Stephen Breslin. He is very nice.

Paul Sweeney: Brilliant. There were a lot of bosses of different kinds at COP26, so at least you got to see some important people. Did you talk to him about your idea?

Callum Isted: Yes. He is the head of the Glasgow Science Centre. They already knew about my idea.

Paul Sweeney: That is fantastic. Did they agree that bringing reusable water bottles into schools was a good idea?

Callum Isted: Yes.

Paul Sweeney: So you have a ringing endorsement from the science centre—that is good to hear.

Callum Isted: He was at an award that I won.

Paul Sweeney: Really? That is fantastic. It sounds as though there is a lot of support for your petition and that a lot of important voices have backed you up, which is really promising. Now that you have had the experience of going to COP26, it looks as though you have a good basis for doing the project to roll out reusable water bottles. What would you like to happen next?

Callum Isted: I would like Parliament to buy the bottles, please.

Paul Sweeney: We will certainly look into that. We will see how much money we have left in our wallet. Thank you very much, Callum.

The Convener: Alexander Stewart will ask some questions about how Callum has handled the fundraising.

Alexander Stewart (Mid Scotland and Fife) (Con): Good morning, Callum. You did a long walk to raise some funds to make sure that you could buy some bottles for your school. Where did you walk and how long was it?

Callum Isted: I started walking in the last lockdown in February 2021. It was 134 miles. I was actually just round the back of the Parliament.

Alexander Stewart: How much did you raise?

Callum Isted: I raised £1,405.66.

Alexander Stewart: That is a fantastic amount of money. Who went with you on the walk?

Callum Isted: My mum and dad went with me, and also my puppy and my sister Matilda.

Alexander Stewart: What did people at your school say when you had raised that huge sum of money and were able to give them a bottle?

Callum Isted: They said nothing.

Alexander Stewart: How did you feel?

Callum Isted: I felt very surprised that I had raised so much money. It was actually over how much I had to have.

Alexander Stewart: So you beat your target.

Callum Isted: Yes.

Alexander Stewart: That is excellent. Now that you have done that, you want us to make sure that everybody can get a bottle.

Callum Isted: Yes.

Alexander Stewart: What will your next project be? Have you thought about that? Do you want to get this one finished first?

Callum Isted: Yes.

Alexander Stewart: That is good. Thank you very much for coming in. You should be proud of raising such a huge amount of money and proud to be here today. We are delighted to see you.

09:45

The Convener: Thank you, Callum. We wish you lots of success. You will be seeing the First Minister shortly. Before the committee agrees on its next actions, is there anything else that you would like to say to us?

Callum Isted: No.

The Convener: We have quite a clear steer on the petition. Out of interest, how many bottles did the money buy?

Callum Isted: I earned so much money that I was able to get some for the adults in the school, too.

The Convener: Crikey!

Callum Isted: I also bought some straws. I gave some to every class in my school and to the nursery, which is next door, and some to the adults. They have to share them.

The Convener: That is a lot of bottles.

James Isted: It was 250.

The Convener: That is fantastic.

Sue Webber is with us, as I said earlier. Sue, would you like to contribute to our thoughts and the discussion?

Sue Webber (Lothian) (Con): Thank you, convener. You can see why, when I first saw Callum's Facebook posts back in May, not long after I got elected, I was so keen to do everything I could to help this young, inspiring boy to aspire to his dreams. I followed him diligently when he walked the John Muir way. We went out and met him, his puppy and his parents in East Lothian with my old dog.

Callum Isted: And my teachers.

Sue Webber: That is right. We went out to see you as you got to the end of your long walk.

Callum Isted: And my auntie and uncle.

Sue Webber: Everyone was there. There were a lot of people.

It is tremendous that the committee has opened up and been so willing to endorse and support this young man's dreams and to get the First Minister involved. With everything that we aspire to do as parliamentarians, when there is something as tangible as Callum's petition, which will make a real difference to so many young people across the country, we would be foolhardy not to get on side and back it all the way.

The Convener: We know that Callum will meet the First Minister. In considering Callum's evidence and taking forward the petition, does the committee agree to write to the First Minister following the meeting to outline the objectives that Callum has set and to find out what she and the Scottish Government might be able to do to advance the objectives of the petition?

Members indicated agreement.

The Convener: If there are no other suggestions, we will take forward the petition on that basis.

Thank you very much, Callum. It has been an absolute pleasure to have you here. I hope that you will have a great day. We will take forward the petition and, after you have met the First Minister, we will ask her to honour whatever commitments you can get out of her and we will see what we can do to put your petition into practice.

I suspend the meeting briefly.

09:48

Meeting suspended.

10:05

On resuming—

Ancient, Native and Semi-native Woodlands (Protection) (PE1812)

The Convener: Welcome back to the committee's fourth meeting in 2022. We will resume item 1, which is consideration of continued petitions, with an evidence session with petitioners.

PE1812, which was lodged by Audrey Baird and Fiona Baker, calls on the Scottish Parliament to urge the Scottish Government to deliver world-leading legislation giving Scotland's remaining fragments of ancient, native and semi-native woodlands and woodland floors full legal protection before COP26. Of course, COP26 took place last November, so that deadline has passed, but we are still interested in the aims of the petition and the issues at its heart.

When we considered the petition previously, in February, we decided to invite the petitioners in to hear from them directly. It is great that we are able to do that again, so I give a warm welcome to Audrey Baird and Fiona Baker. We will then be hearing from a number of organisations that are interested in the issues that have been raised.

Both our petitioners are here on behalf of Help Trees Help Us. We also expect to be joined by Jackie Baillie MSP, who spoke on the petition at its first consideration last month. She is on her way, so we will welcome her in due course.

We have a number of questions and an opportunity to test some of the objectives of the petition and what you might want us to do. What would the petitioners specifically like to say to us at this stage of our consideration, by way of an introduction?

Audrey Baird: Thank you for extending an invitation to come to your committee today. It is

very welcome. I will refer fairly extensively to notes, because this is such a complex issue and I do not come from a forestry background, so I need some prompts.

Over the two years since we submitted our petition, we feel that the case has been successfully made on an international stage for the world's old-growth woodlands to be protected in order to stem biodiversity decline and global warming. Sadly, however, deforestation of old-growth woodland continues unabated here in Scotland and across the world to meet growing demand for timber products from big economies such as those in China and England.

The tragedy is that most minds and hearts have not yet been won over by the case to save woods and trees for the future or for people who are losing their homes and their countries from flooding and so on from rising sea levels and indeed for the very survival of earth's habitable ecosystem.

For our local community, the ancient bluebell wood that gave rise to our petition two years ago is essentially our ground zero. The committee has photographs of that ancient bluebell wood before and after a bike track was built in it. In order to protect the wood, we feel that we need to identify the immediate threats to it. We cannot protect it unless we know what the threats are. That is the basic process that we are going through now; we are trying to identify the threats within a mile's radius of the wood.

The key points that we would like you to try to keep in mind are that Scotland has only 1 per cent of its ancient woodland cover; that is down from 80 per cent land cover 5,000 years ago. England has about 3 to 4 per cent of ancient woodland left. The term "ancient woodland" is not a legal term and does not bring any automatic legal protection. Most of Scotland's ancient woodland has no special designation, such as a site of special scientific interest, and therefore no legal protection.

In response to our initial petition, NatureScot wrote that, at present, more than half of Scotland's woodlands with a special designation

"are in unfavourable and declining condition"

and en route to eventual loss, and that so far the status

"of designated woodlands, and their priority for intervention and incentives is important, but has not been sufficient to prevent the decline and loss described".

NatureScot went on to say that the

"decline and loss is very likely to be worse in non-designated natural woodlands",

which includes our woodland.

Heads of Planning Scotland wrote:

"Specific national legal protection for Scotland's remaining ancient, native and seminative woodlands and woodland floors would be a long overdue start."

It went on to say:

"short of (properly enforced) statutory protection these assets will remain at risk and continue to be degraded."

In addition, and with regard specifically to the threat that is associated with commercial forestry, which is what seems to have brought us to the stage at which we have been invited to appear before the committee, around 16 per cent of Scotland is already covered in monoculture commercial forestry. Some areas, including Dumfries and Galloway, are 25 per cent afforested—I suspect that it is something similar in Argyll and Bute. The vast majority of forestry is non-native and invasive, and half of all forestry is one species: the highly invasive Sitka spruce.

In 2012, Sitka was blacklisted in Norway and Norwegian scientists labelled it an ecosystem engineer, because of its ability to spread rapidly: it grows to be three times bigger than native trees and it changes the soil and water acidity to suit its requirements.

We understand that Scotland is a net exporter of timber, so we already have enough timber to meet our population's needs and still sell some. When people in commercial forestry slam the United Kingdom for having the second biggest deforestation footprint in the world after China, they are actually talking about England.

The most recent United Nations Intergovernmental Panel on Climate Change report, which was issued just last week, includes a section on concerns about geo-engineering. Specifically, the IPCC is most concerned about the planting of the wrong trees in the wrong places, where they degrade water quality and soil and reduce biodiversity and indigenous plants and animals.

We feel that our local community in Argyll is powerless to stop the destruction of our immediate local environment. We described that powerlessness in our most recent submission.

Thank you.

The Convener: Thank you very much. Before I bring in colleagues, let me say that we saw the portfolio of photographs, which were striking. We found the series of images to be arresting. It is extraordinary how much stuff can just be dropped in and be so successful at invading a space and crowding round it.

What has got us to where we are now? Is it a lack of knowledge or a lack of regulation? Is it a lack of enforcement of the limited regulation that

there might currently be? You might say that it is all those things.

Fiona Baker: I would say that it is all three.

I do not think that people set out to damage the bluebell wood. People were not really aware of how much damage and destruction they were doing so easily to something that was so fragile.

There is no legislation. We have spent I do not know how many hours wading through guidelines, policies and the law. We had grown up always having the impression that bluebells and other wild flowers and ancient woodlands were protected. You did not disturb them; you did not pick wild flowers. We tried to find out what we could do to intervene to stop damage, but we found nothing. There is an inventory of designated ancient woodland, but that does not protect those woodlands.

That is why we submitted the petition. Legislation is needed to protect our native and semi-native woodlands and woodland floors.

The Convener: I suppose that, like you, I have made assumptions about the existence of a regulatory and legislative environment. Why do you think that we all thought that?

Audrey Baird: The Wildlife and Countryside Act 1981 contains provisions on wild flowers and specifically mentions bluebells. People have perhaps skimmed that and got an impression of what the legislation says. However, if you read the detail, you find that native bluebells are protected only if you are digging them up to sell them without the landowner's permission.

The Convener: In essence, then, there is protection against commercial harvesting without permission.

Audrey Baird: Yes.

The Convener: And commercial harvesting is okay if you have permission.

10:15

Audrey Baird: Yes, exactly. If you have the landowner's permission, you can do that. That may have been appropriate in 1981, when the law was passed, but it is not suitable 40-odd years later.

David Torrance: Your submission says that you are looking for protection for historic native woodlands larger than 0.5 hectares. Is there a lack of the data and information that would help you to achieve that? How would that help the Scottish Government or any other authority to take care of woods?

Audrey Baird: Your question relates to the ancient woodland inventory that already exists.

We cannot protect something if we do not know where it is. There is a terrible lack of knowledge among community councils and local authorities. They do not know that there is an ancient woodland inventory. The existing inventory is completely out of date. We need substantial investment to bring it up to date and make it relevant.

Fiona Baker: The inventory has not worked. It has not provided any protection. In the past two years in our community, across a less than two-mile stretch and under three different ownerships, we have seen ancient woodland destroyed with a bike track, ancient oak trees being burned and planted ancient woodland, which is another designation, being illegally felled without a licence.

All that happened within a short stretch. We can extrapolate that across Scotland. Since we started the campaign, we have heard of things happening across Scotland. It is incremental and it adds up. The inventory has not helped. It is great to have it, and to have it updated, but we really need legislation.

David Torrance: You have said that the 1981 act needs to be updated. The new national planning framework is out for consultation. Have you been able to see that? Have you fed into that process as a way of changing regulation?

Audrey Baird: Getting national planning framework 4 right is absolutely essential for our ancient and native woodlands. All weak or ambiguous language must be removed to ensure that local authority planning officers have the law at their backs when making recommendations about planning applications that threaten ancient and native woodland and other important nature sites to ensure that those are refused.

All the weaknesses come from ambiguous language. That wastes time in committees and causes stress for planning officers. They should be given the clarity that they need to make recommendations and to see them through, so that they can protect our ancient woodlands and other sites.

Permitted development rights for forestry plantations should be removed. Environmental impact assessments and the assessment of the impact of forestry plantation on communities should be attached as conditions to new planting schemes as a matter of course.

National planning framework 4 is a tremendous opportunity that we must not lose. António Guterres has told the United Nations that we are running out of time. We cannot afford to take risks or to have weak legislation that creates loopholes.

Alexander Stewart: Thank you for your comments and for imparting your knowledge through your statement and evidence.

Scotland is due to update its biodiversity strategy. That could be of real benefit, if it makes the progress that you want to see. What would you like to see in that strategy to assist you to achieve your goals?

Fiona Baker: We support the nature recovery plan for Scotland that was published in 2020 and that was created by the leading conservation organisations. They are the real experts.

Having said that, we have subsequently identified issues that are relevant to our petition. We feel that the current afforestation programme to plant 14,000 hectares per annum of forestry plantation by 2024 needs to be reviewed carefully and reconsidered, because we feel that we could be heading for a biodiversity catastrophe.

I will continue with what I have written down, which is that a Sitka spruce woodland is not a diverse woodland, unlike a native broadleaf woodland. A single statistic exemplifies that: the number of invertebrate species supported by a Sitka spruce is 37; the number supported by an oak tree is 423.

Biodiversity and climate change are completely interlinked—it is a circle—and we feel that the carbon capture argument for commercial forestry also needs scrutiny. Native broadleaf woodland will capture much more carbon over its lifetime than a 40-year cash crop will. There is also all the carbon that is locked up in the soils and undisturbed in the so-called marginal land—peatlands. I know that if peat is deeper than 50cm it cannot be planted with conifer plantations, but that top 50cm has captured plenty of carbon as well. If we look at how much carbon is being released by forestry, we see that it is not a gain but a loss if we keep afforesting vast areas.

We feel that the current afforestation programme is a strangulation of Scotland's biodiversity and that it is potentially catastrophic in the long term. Reaching net zero is one thing, but doing it in a sustainable manner is another. The other thing that I wrote down is an observation by one of Scotland's most famous sons and the founder of the global national parks movement, John Muir, who said:

"When we try to pick out something by itself, we find it hitched to everything else in the universe."

It is important to remember that.

Alexander Stewart: One of the main thrusts of your petition is the whole idea of how the conifer plantations come into the process. You want to identify and stop, or stem, some of that process,

so your views on how that should be balanced in the whole system would be useful.

Fiona Baker: We started because we were upset about our bluebell wood being disturbed and then about trees being burned. Simultaneously, there was an application for another 202 hectares of commercial conifers to be planted next door. I am a community councillor and the current convener of the council, and we were assessing that as well.

We went through the whole consultation programme and, at the end of it, we were left feeling completely disenfranchised and that communities have no influence or seat at the table with the forestry industry on what is happening in our local environment for our health and wellbeing. That is why we sent in the pictures of the logging trucks. That has been going on for years and there is now more forestry that will keep using the same roads. However, that is a separate issue.

You are right that it is about balance. We just feel that, with the current planting targets, as well as lots of other influences that come into it with commercial forestry and the money that is involved, which we might touch on later, we need to stop and assess the situation and get the correct balance. We know how important commercial forestry is to Scotland and we are not saying that we should not have it. It just needs to be done better.

Audrey Baird: Our issue with commercial forestry in relation to ancient native woodland is that commercial forestry involves planting species that are invasive and non-native. That issue has no profile in the media or elsewhere. There are several sources of evidence on it but, specifically for Scotland, in 2015, the Forestry Commission Scotland produced guidance on "Managing Invasive and Non-native Forestry Species". That is the latest version. It details how forestry managers should manage conifer escape and self-seeding, and says that time is absolutely of the essence.

According to the guidelines and the UK forestry standard, forestry managers should be "rapidly" responding to self-seeding spread from conifer plantations. The guidance also lists all the species that are used in commercial forests. On Sitka spruce, for example, it says:

"Characteristics are well-known because of its widespread planting. Regeneration can be profuse in favourable conditions—early intervention would be needed."

Western hemlock is a species that is less used but has the

"Potential to be highly invasive particularly in native woodland—early intervention would be needed."

I hope that you got the impression from some of the photographs that I sent the committee and that you saw at the previous meeting with Jackie Baillie that many of the escaped conifers are many years old—10 or 15 years old. They are not being dealt with by the forestry industry in the way that they should be according to the UK forestry standard.

In addition, NatureScot, which I believe you will be talking to shortly, is already providing funding, through the nature restoration fund, for the removal of self-seeded commercial conifers. Why is the publicly funded nature restoration fund having to clean up after a vastly wealthy and highly profitable industry that is harming our country?

You will also be speaking to the Royal Society for the Protection of Birds, which said in a recent policy briefing:

“The threat of non-native commercial trees seeding out onto peatlands and other priority wildlife habitats must ... be addressed when considering where to plant trees. This is already a significant issue and drain on conservation budgets, and is likely to intensify in future, risking Scotland’s world-leading peatland restoration investments.”

In addition, there is all the photographic evidence that we have provided, and you might have had a chance to look at the Sky News piece that was filmed in rain forest in Argyll. The self-seeding of commercial conifers there, including directly on to the trees themselves, is very evident and obvious.

There is so much evidence that the issue is not being dealt with. One sixth of Scotland is already covered by commercial forestry, and clearly the industry is not able to manage that amount of forestry. Should we be adding more, when a big clean-up job already needs to be done?

Ruth Maguire: My questions were to be on the impact of commercial forestry, but we have covered that quite extensively. Speaking of the issues that need to be addressed, are you in a position to expand a bit more on what exactly needs to happen and what the industry should be doing?

Audrey Baird: It should be complying with the UK forestry standard and its own guidelines. What it should be doing is all there, and it is perfectly clear in its own guidelines, but it is not happening.

Fiona Baker: With the targets going up from 14,000 to 18,000 hectares a year, there is a huge burden now on Scottish Forestry to get all the planting schemes approved and pushed through. Perhaps they are not all being given the due diligence that is required to look at all aspects.

There should be greater buffer zones and better wildlife surveys, and all the schemes should have an environmental impact assessment. At the

scheme next to us, there was no wildlife survey. They said, “There are no otters in these burns”, but there are otters in those burns—people have seen them. They said that there are no—I cannot remember which kind of bird it was, but it was not black grouse. However, the RSPB people have seen short-eared owls and what have you up there. The archaeological survey looked pretty sketchy. There was a 100 per cent increase in findings in just a tiny area from the local society going up and having a look around.

I feel that things are getting pushed through in a rush and that there is no due diligence. There should be greater intervention and possibilities for communities to intervene.

I brought a picture with me. This is the local woodland that we are getting on our doorstep. The top picture is of what it looks like now, and the bottom picture is of what it will look like. We asked if we could have a community path through it, but there has been nothing. They said, “We are looking into a new road”, but the landowners have not heard anything, and there is no new road. They are fiddling around the edges. They are putting in a few broadleaf trees to screen the woodland and to make it look a bit better, but that does not enhance biodiversity.

10:30

There should be a root-and-branch review of Scottish Forestry. I feel that Scottish Forestry and the Confederation of Forest Industries are in each other’s pockets. Who regulates the regulator? They are marking their own homework. That phrase was used to describe the Forestry Commission in England and it should be borne in mind. Who is scrutinising the delivery of forestry?

Paul Sweeney: Thank you for your informative contributions. When I looked at the photographic evidence that you submitted, I was struck by example 2 and the brutal-looking clearance of ancient woodland and felling of trees in Argyll.

You say that, having investigated the felling work that was carried out, Scottish Forestry is pursuing a breach of the Forestry and Land Management Act (Scotland) 2018. What penalties are there in the act for that sort of breach? Penalties are often so utterly weak that infringements can be priced in. Some people take the risk of a parking fine: a £30 hit will not massively change their behaviour. What is the current provision for enforcement? When the rules are enforced, what are the penalties? I would like to know more about that.

Fiona Baker: The penalties are pretty substantial. I think that, for the example that we gave you, the penalty was £5,000 per tree and 100 trees were cut.

Audrey Baird: Yes.

Fiona Baker: The penalty was £500,000.

Audrey Baird: That is what the forestry officer told us at the time.

Fiona Baker: However, that was more than a year ago. We heard this week that there will not be any enforcement. They had a nice chat and everything will be fine. We are not to worry. That is basically what it boils down to.

Audrey Baird: We hope to provide more evidence about the threat and impact of commercial forestry in our next submission.

Paul Sweeney: Who is the landowner in that instance? Who was being accused?

Fiona Baker: The landowner is a private individual. The head of operations from Scottish Forestry came out and looked at it. We were there and helped to measure the trees. He was very upset at the time. He was swearing at some of the trees that had been cut down because it was so shocking. We were very surprised to find out that there will not now be any enforcement. We want to find out what happened in the follow-up.

Audrey Baird: Various measures were asked for, including fencing off the area of woodland that had been felled and putting nets over the stumps to protect them from grazing animals so that they could regenerate naturally by coppicing. The landowner has not done any of those things.

Paul Sweeney: What was the landowner's motivation for felling the trees?

Fiona Baker: They said that they wanted to have more grazing animals—more sheep.

It is a planted ancient woodland. The council was asked to put an emergency tree preservation order on it, and we are still pursuing that. The council has been up to look at it and at the neighbouring ancient woodland, which was being burned by the tenants. The council said that those are high-value woodlands.

We are hopeful, but it is a year on from the request for the emergency TPO. Tree preservation orders get broken all the time.

Paul Sweeney: What is Argyll and Bute Council's position? Has the council expressed a view on TPOs and enforcement?

Audrey Baird: I believe that the council has visited the woods, so a TPO might be on the way. We were in contact with NatureScot, the Scottish Environment Protection Agency, Scottish Forestry and the council on the incident. Twenty-three cubic metres were felled; you can fell up to 5m³ without a licence, but you need a licence for anything over 5m³.

Fiona Baker: That is per annum.

Audrey Baird: It is per quarter.

Fiona Baker: I thought that it was per annum.

Audrey Baird: We have it all in writing from Scottish Forestry and are pursuing it at the moment. We hope to be able to come back to the committee with more information on it.

Paul Sweeney: Do councils enforce tree preservation orders or are they a national thing? Can it be both?

Audrey Baird: No, they are administered by the local authority.

Paul Sweeney: There is a similar issue with the bluebell wood example. The landowner is at liberty to do what he or she likes with the asset and does not need planning permission to make any changes. Is something more akin to planning consent needed for forestry and woodlands? Should they be designated similarly to how listed buildings are designated? Is that what you look to achieve?

Audrey Baird: Yes. Our natural assets such as our ancient woodlands are not protected in the way that our scheduled ancient monuments are, but we rely on them for life. Ultimately, what you suggest would be great.

Paul Sweeney: So how we treat our built heritage is a valid comparator.

Fiona Baker: Listed buildings have protections but scheduled ancient monuments have much more legal protection. Something akin to scheduled ancient monument status would be more appropriate for woodlands than something akin to listed building status.

Paul Sweeney: Should that be carried out on a national basis rather than being left to individual councils, which might have radically different attitudes?

Fiona Baker: It should be a national system. Our opinion is that it should be Scots law.

Paul Sweeney: When the listed buildings system was first introduced, a national survey was done of all potential candidates and the list was compiled by experts at the Royal Commission on the Ancient and Historical Monuments of Scotland. Does something similar have to happen for trees and woodlands? Is there also a role for public nominations of potential sites?

Audrey Baird: That is a good idea. The more that we can involve communities in identifying their ancient woodlands the better. If they do not know where they are, it is difficult for them to know what the characteristics of an ancient woodland are.

Fiona Baker: The inventory or register should include native and semi-native self-generated woodlands. Our ancient woodlands have become fragmented—some of them are just tiny pockets—but it is still worth protecting and trying to preserve and regenerate them. We hope that any register would also consider the regeneration of ancient woodlands. In terms of carbon capture, they are our best bet for the future, not a short-life conifer cash crop.

Paul Sweeney: Is there any provision in law to deal with conifer contamination? Is it not treated in the same way as other contaminations?

Audrey Baird: To meet the UK forestry standard, you should deal with any invasive self-seeding spread.

Paul Sweeney: Is there no enforcement of that?

Audrey Baird: It does not look like it.

Fiona Baker: There is. It is against the law to allow any invasive or non-native species to spread or grow outside of its zone, but the forestry industry is exempt.

Paul Sweeney: That is really helpful. I just needed to get it clear in my head. Thank you for indulging me, convener.

The key point for me is the lack of enforcement. I was concerned that the petitioners mentioned that Scottish Forestry was initially gung-ho about enforcement in the case in Argyll and then seemed to have a gentleman's agreement to let it lie, which is a bit problematic. There is also the question of how we enforce more robust measures, like we do with ancient monuments.

That helps to clear the matter up for me. I do not know about the rest of the committee.

The Convener: I will touch on something that I noted in the petitioners' most recent written submission. We have talked quite a bit about commercial forestry and issues arising from that, but the submission also touched on mountain biking. I am not a mountain biker. Those days are behind me. However, as it happens, I do quite a lot of walking in the Alps, on the continent, where I have seen a fairly massive expansion of mountain biking as a pastime.

It is interesting to me that, in France, Switzerland or wherever else, an awful lot of Scottish families participate. I am aware of that because of being suddenly struck by the accents. There is a very strong Scottish thread through it. It is interesting for those of us who are walking in the Alps or wherever, going down, to see the various biking trails that have been put in place, which tend to be designed to get from the top to the bottom in the fastest possible time. They are not stopping for a picnic halfway down; they are

getting to where they have to get to. Clearly, that is an emerging and growing sport, and the thrill of it is that it is not through open country but through forested country—the whole thing is in the cuts and turns of doing it.

Given that that appears to be an emerging, growing and popular sport, for which there could be an ever-increasing demand, how do you see it being accommodated? It will have to be accommodated, if it is popular. How should such a thing be accommodated within the landscape? Where is it appropriate and where would it be better not to facilitate it? Does it need to be managed in some way, rather than just produced on a whim?

Fiona Baker: There is no doubt that mountain biking is really popular. In Highlandman's wood, which is the conifer woodland close to us, there are many mountain bike trails, which have been set up by the local mountain biking group, with the forestry company's permission. It absolutely can be and needs to be managed. To go back to archaeology and cultural heritage, there are mitigations. In any set of planning conditions, there are ways to mitigate everything.

We looked into the mountain bike trail that was being built in the bluebell wood. I cannot remember whether it was the mountain bike council of Scotland, or what the organisation was called, but it had quite a lot of guidance about building mountain bike trails—how to do that safely and things not to do. A lot of things about the trail would be considered dangerous and would not be done on a professionally built trail. If people had fallen and broken their necks, the landowner would have been liable.

It is a pretty developed sport and activity. There are ways of managing it. It is like building a hydro scheme or a wind farm, or as forestry should be: for example, acid flushes, archaeological monuments and ancient trees are avoided. It needs to be managed. The mountain bike council—I cannot remember exactly what it is called—would probably welcome Government assistance in creating standards. It is an Olympic sport, too. It can be done in a managed way.

The Convener: It is a fascinating thing to watch. I have to be honest and say that I walk down the mountains, not up; I tend to go up in a chairlift or a cable car, which allows me to look down on all the people who are doing the biking. A lot of reinforced body armour is associated with it now, because they expect to be thrown off their bikes at various points. However, as you said, it is an Olympic sport; it is one that is very much growing and for which there will be increasing demand. That was an interesting observation about its having an operating authority, which we might want to pursue.

Paul Sweeney, you wanted to come back in— just briefly, because we are coming to the end of our time.

Paul Sweeney: Yes, convener. I briefly emphasise the point about what seems to be a grey area. The Cathkin Braes country park BMX trail, for example, was done as a result of planning permission for the Commonwealth games. I am astounded that such a development does not require planning consent. If a ski slope was developed in Glenshee, for example, planning consent would be required. There should be further investigation into where we draw the line. Why are councils not looking at that issue, perhaps not in relation to legislation but as a gap? There is also the issue of enforcement when people just do stuff without seeking planning permission.

10:45

Audrey Baird: If the site is deemed to be a dirt track and no additional materials are to be brought into the wood, planning permission is not needed. The fallen timber and, unfortunately, the stone dyke that had originally protected the wood were used as materials to create the bike track. That was not illegal, given that the landowner had given permission for it.

The Convener: As we come to the end of the evidence session, I want to give the witnesses the opportunity to mention anything that we have not touched on. Obviously, we will have the round-table session shortly, and I know that you are going to stay in the public gallery to observe that. Is there anything that you would like to add to our thinking?

Audrey Baird: I will make a couple of brief points. Estate agents market Scotland's marginal land as though it is in some way less important than productive land. However, the marginal land that is advertised for tree planting is essential for biodiversity, wildlife, tourism, walking and biking, as well as in allowing people simply to appreciate our beautiful country.

In the past couple of weeks, we have been reminded once again how important it is for local people to value their country. Obliterating it with monoculture evergreens and taking away all its colour, character and beauty is doing absolutely nothing for Scotland.

In the past couple of months, Confor undertook a survey of attitudes to commercial forestry in the Highlands. It reported that nine out of 10 respondents were very favourable towards additional forestation, but did it explain to those people the risks that are associated with commercial forestry, such as its invasiveness and the fact that it is non-native? I very much doubt it.

With respect, I think that, given that hearts and minds still have to be won over, an earth-first campaign is urgently needed to persuade everyone that old-growth woodland and other important nature resources are essential for life on earth.

Fiona Baker: Audrey Baird mentioned estate agents, which include Strutt & Parker. In the past year, the price of marginal land has increased from about £2,500 to £5,500 per acre—more than £3,000. That is all to do with the rush for forestry and the get-rich-quick schemes, as we know with Gresham House and in relation to all the stooshie with the Scottish National Investment Bank, which Jackie Baillie has referred to.

Agricultural communities are starting to be priced out and disenfranchised. The subject has already hit the headlines in Wales, and farming communities in Scotland have said that it might lead to another Highland clearance. There are more and more issues around it. Mistakes are being made, so we need to stop, review and understand the real impacts of the massive expansion of monoculture forestry on the climate emergency, health, wellbeing, the economy, biodiversity and the patrimony of our nation, which is very important to us all.

The Convener: Thank you, both, very much. I know that it was a very early start for you. I hope that you can see that the committee is very interested in your petition, which has opened up a number of issues that it would be worth while for us to pursue and further examine in some detail. That process began with your evidence this morning, and it will now continue with the round-table discussion. We will liaise with you as we take the petition and the discussion further forward.

I suspend the meeting briefly.

10:49

Meeting suspended.

10:57

On resuming—

The Convener: Welcome back. We resume our consideration of PE1812, on Scotland's remaining ancient, native and semi-native woodlands and woodland floors. We heard just a few moments ago from the petitioners, Audrey Baird and Fiona Baker, and I am now delighted to welcome to a round-table discussion a number of people who will be able to help us with our deliberations.

We have been joined in the committee room by Andrew Weatherall from the RSPB, Arina Russell from the Woodland Trust and Doug Howieson from Scottish Forestry. Joining us virtually are

Claudia Rowse from NatureScot and Andy Leitch from Confor. I hope that everybody can see them on the screens, although if you are at the far end of the table, it is quite a reach. I welcome you all.

We hoped that we would be joined by our colleague Jackie Baillie, but she is in another committee meeting and is unable to get here at this point.

This is the first round-table discussion that the committee has held in the current session. It has all been virtual up to now, so it is great to be able to have witnesses with us in person.

Rather than going round everyone on every question, I ask witnesses who want to contribute on a particular issue to catch my eye or the eye of one of the clerks, who will let me know that you would like to comment. Our two witnesses who are participating virtually should put the letter R in the chat box. The clerks will look out for that and they will intimate to me you would like to join the discussion. The microphones will be operated by our broadcasting team, so there is no need for those of you who are in the room to press any buttons or get preoccupied about that.

We heard from the petitioners about the value of ancient native woodlands and whether adequate protections are in place given the big expansion of commercial forestry and the potential that ancient woodlands have for recreational use. What is your reaction, in general terms, to the essence of the petition? What are your views on the biodiversity of ancient, native and semi-native woodlands? What is their value to Scotland? Why are the woodland floors that support them also important? By way of introduction, I will bring in each of you in turn to get your comments on those questions.

11:00

Andrew Weatherall (RSPB): There are quite a few different parts to that question. On the value of the petition, I think that it is really timely and important, and I thank Fiona Baker and Audrey Baird for lodging it. I was shocked to read in the excellent report that the Woodland Trust published last year on the state of the UK's woods and forests that, since 1999, 270 woodlands in Scotland have been lost to or damaged by development. I had no idea that the number was so high. I was really disappointed to see that 72 or 73 per cent of those that were threatened by development were subsequently lost. That is much worse than the position in the other devolved nations of the UK. Across the UK, 45 per cent of woodlands have been lost. There is a desire to protect ancient woodlands and there are lots of references to that in Government literature, but it is clearly not quite working at the moment.

There is lots of evidence on the biodiversity value of ancient woodlands. Scotland's forestry strategy mentions the value of ancient woods, and I have been reading a paper from last year by Elisa Fuentes-Montemayor and others about the special structural value that aids the biodiversity of ancient woodlands. They suggest that new woodlands do not begin to take on those characteristics until 80 to 160 years after they are planted. From the point of view of addressing the climate and nature emergencies, ancient woodlands are a precious resource and we need to address their protection.

Arina Russell (Woodland Trust Scotland): I thank Audrey Baird and Fiona Baker for lodging the petition and I thank the committee for the opportunity to discuss it in the Scottish Parliament today. Fiona and Audrey are ordinary members of the public who are very determined and passionate. The Woodland Trust is really grateful to them for their passion and determination and their continued dedication to ancient woodland protection, and we thank them for bringing the matter to the Parliament.

As a leading native woodland conservation charity in Scotland and the UK, we believe that the current protections for ancient woodlands are not sufficient. We know that their condition is unfavourable in some cases and that planning policy is not watertight enough to give our ancient woodlands the protection that they deserve.

Ancient woodlands are extremely biodiverse habitats. The forestry strategy for Scotland recognises them as the habitats that contribute most to biodiversity. To put it simply, they are irreplaceable. Once they are gone, they are gone. They cover less than 2 per cent of our land area, so we should be able to protect them better than we do.

Scotland's rainforests and Caledonian pinewoods also have cultural value. Scotland's rainforests have species that are not found anywhere else in the world. We owe it to the world to protect those species and this precious habitat.

Our ancient woods are also important carbon stores because they have been in existence for so many centuries. They have been shown to hold, on average, 30 per cent more carbon than other types of woodland. Beyond their biodiversity value, we should also take into account their cultural and carbon value when we consider policies for ancient woodlands and forestry in Scotland.

The Convener: Thank you. I will bring in the first of our virtual contributors: Claudia Rowse from NatureScot.

Claudia Rowse (NatureScot): Good morning. I hope that you can hear me. Like others, we welcome the petition being lodged. It is timely as

we look towards developing a new biodiversity strategy for Scotland and at how we can halt the loss of biodiversity in the next 10 years and restore it by 2045.

I echo what others have said about the value of ancient woodlands for biodiversity. They are some of Scotland's most valuable woodlands and they support a range of species of flora and fauna, whether that is in our Atlantic rainforests, as Arina Russell mentioned, or the upland oak woods, ash woods and birch woods. Structural diversity is also very important, and we recognise that in our site condition monitoring process, which monitors structural diversity as an important component of functioning woodlands.

I will flag up another point that has not been mentioned. At the moment, 25 per cent of Scotland's natural woodland area is protected by existing nature conservation designations, which is a significant proportion. With the Scottish Government's commitment to protecting 30 per cent of biodiversity by 2030, we are in a reasonable position on the protection of natural woodland.

Doug Howieson (Scottish Forestry): I have some data from the native woodland survey of Scotland in 2014. That survey recognised that there are 311,000 hectares of native woodland in Scotland, which is 22.5 per cent of the total woodland area. Another 120,000 hectares of woodland were present on ancient woodland sites, of which 65 per cent were native. Some of that is now plantation on ancient woodland sites. As foresters, we believe that ancient and native woodlands are some of our most treasured and beautiful woodlands in Scotland. They are iconic in their setting and they are fantastic places in which to spend time. As foresters, we would regret any further decline in the ancient woodland resource in Scotland, because it is so valuable and such a wonderful resource.

The two biggest elements that are endangering ancient woodlands are invasive non-native species and herbivore damage, principally by deer. We have a resource and we will not get any more of it that is of that status for 80 to 100 years. However, in the past four years, we have grant aided the creation of 15,000 hectares of new native woodland. We spend between £1 million and £1.5 million each year on the restoration, protection and enhancement of Scotland's existing native woodlands.

The Convener: Our second virtual participant is Andy Leitch. Welcome to the round table, Andy. I ask you to make a few introductory comments.

Andy Leitch (Confor): Thank you for inviting me along. I think that Doug Howieson had my script, because he has given you all the facts that I

was going to share. Ancient woodland is a key resource for Scotland. Other speakers have talked about key habitat structure, so I will not repeat those points. The Scottish Government should be proud of its target of 18,000 hectares of woodland creation per annum. At least 40 per cent of that will be native woodland. Although that will not increase the level of ancient woodland because of the age situation, it is certainly increasing native woodland.

I do not want to repeat what others have said. We totally agree with what has been said about the biodiversity and structural value of the ancient woodlands.

The Convener: I invite David Torrance to lead us into an area of discussion.

David Torrance: The Woodland Trust has campaigned for years for the protection of ancient woodlands. Has any progress been made on the commitments that were made by the Scottish Government? Will they offer greater protection?

Arina Russell: I guess that that is a question for me. The roots of our organisation are in protecting ancient woodlands; that is what we were founded to do. There has been progress, but the area that is most obvious is possibly the increased protections in England through the national planning policy framework. There is also an ancient woodland inventory in England, which is a map resource on the extent of ancient woodland in England. They are mapping habitats and updating that inventory at the moment.

There are issues with wild planning protections in England, although they have improved. Our experience is that we are seeing fewer direct impacts from inappropriate development, but more indirect impacts. We are seeing developments that are causing decline in woods next to ancient woodlands rather than directly in ancient woodlands. We are conducting a review of the past three years of evidence on planning applications that have affected ancient woodlands United Kingdom-wide, and we will share further data with Government and the committee if that is needed. I do not have an exact date when that will be available, but it will be in due course.

What was the second part of your question?

David Torrance: Will commitments by the Scottish Government offer greater protection to ancient woodlands?

Arina Russell: The Scottish Government has made commitments to protect and restore Scotland's rainforest, which is really welcome. It has also made the commitment that 30 per cent of land will be protected by 2030. There is a commitment to restore our riparian woodlands, and the current draft of the national planning

framework 4, which is with the Local Government, Housing and Planning Committee for scrutiny, contains improved protections. It is a draft document, but we hope that the wording will stay as it is or be slightly improved. There is a “should” that could become a “must” in order to make the policy as watertight as possible. If the national planning framework 4 is approved and a final version comes out, we will be in a better place in relation to protection from development.

As my colleague Doug Howieson mentioned, the biggest threats to our ancient woodland are overgrazing, mostly by deer, and invasive non-native species, particularly *Rhododendron ponticum*. At the moment, there is no overarching strategy, aim or clear direction to address those issues, although there are commitments. We are having on-going dialogue on the issues with Government but, given that we are in a nature and climate emergency, we would like to see more action on the ground to accompany the commitments, which we welcome. We just need to get on with it.

David Torrance: My next question is on NPF4. You said that improvements could be made to it to protect woodlands. What improvements could be made?

Arina Russell: The policy that deals with ancient woodlands and, more broadly, with all native woods in Scotland is policy 34, of which paragraph b) says that planning applications or developments “should not be supported” if they would damage ancient woodland, including indirectly. The wording is much clearer than it used to be and will, if it is implemented correctly, go a long way towards improving the situation. It would, however, be ideal if that “should” could become a “must”. That would speak to the aim of there being no further loss of ancient woodland. We would like to see that reflected in the policy.

11:15

Such habitats are irreplaceable and cover only 2 per cent of our land. There is no need to continue to develop them. Our planning policies should not come at the cost of those precious habitats.

How policy is implemented is also important. The wording has been improved in England, but we are aware of cases of the policy not being implemented as well as it could be. We need expert tree and biodiversity officers in local authority planning departments. They will be key in implementing the policy. It is good to have a policy, but policy is only as good as its implementation.

Data is also important. Scotland has only a provisional ancient woodland inventory, so we do

not really know the full extent of ancient woodland. We cannot protect what we do not know is there.

To sum up, I say that planning policy has become better, but what matters is how we implement it. We need more data to tell us where our ancient woodland is, so that we can look after it.

Paul Sweeney: I would like some clarification. During opening remarks, there was consensus about the importance of Scotland’s ancient woodland. For the record, I am directing the question to the witnesses from NatureScot, Scottish Forestry and Confor. Do your organisations agree that the current protection regime is insufficient? I would like to have the answer explicitly established and to hear each of you agree or disagree.

The Convener: Doug Howieson.

Doug Howieson: I am sorry, convener. Do you want to speak?

The Convener: I am letting people know who is speaking. There can be confusion about voices. It is not always clear who will speak.

Doug Howieson: We are about to launch the second implementation plan for Scotland’s forestry strategy. One aspect of that plan is that we will work more closely with delivery partners, including NatureScot and other parts of the Scottish Government, on implementation of the plan as it relates to ancient woodland.

We are currently considering how we can pool our resources in order to do the best that we can do, specifically on deer management. Herbivore damage is an existential threat to native and ancient woodland. We had a meeting with NatureScot last week to discuss how we can combine forces to do our best for ancient woodlands, and we made some good progress. There is recognition that the whole is greater than the sum of its parts: we can do better if we work together. We are looking to establish a series of project areas, including ancient woodlands, and to pool our resources so that we do the best that we can do. We have moved forward.

The Convener: Paul—you wanted to ask Andy Leitch the same question.

Paul Sweeney: Yes.

The Convener: First, we will go to Andy Leitch, then to Claudia Rowse, then to Andrew Weatherall, after which we will come back to Paul.

Andy Leitch: Could you repeat the question?

Paul Sweeney: Do your organisations agree that the current protections are inadequate? That is the nub of the petitioner’s issue.

Andy Leitch: Yes. As has already been said, the key threats are herbivores and rhododendrons. We must also consider what protection measures we should take, and what impact they would have on other areas. I agree in principle, but the devil is in the detail of how we address the matter. Does that make sense?

Paul Sweeney: That is helpful.

Claudia Rowse: The crux of the matter is what is meant by further protections. As I said, Scottish Forestry figures show that a little under 25 per cent of Scottish woodland is already under formal protection. The Government has a plan to increase biodiversity protection to 30 per cent in the next 10 years.

The impact on woodlands' condition is what is important, which we recognise: 49 per cent of Scotland's natural woodlands are in poor condition. The issue is not necessarily protection, but policy and its implementation. That is what we have been talking about.

I will touch on deer; there is a strategy to address deer impacts more coherently. The independent deer management working group reported to the Scottish Government and, to implement its findings, new deer legislation is planned in the programme for government. Doug Howieson talked about the forestry strategy side; a new strategic deer group has been set up to take a collaborative and collective approach to managing deer impacts, particularly in order to secure restoration of woodland and its biodiversity values. That is an important element.

The Convener: Paul, are you happy with that answer?

Paul Sweeney: Yes—that was very helpful.

The Convener: Can I come back to you in a moment, then?

Paul Sweeney: Certainly.

The Convener: I think that Andrew Weatherall was going to follow up on what Arina Russell said before we moved to that question.

Andrew Weatherall: I will try to tie the two threads together. The RSPB is calling for greater protection of Scottish nature networks in NPF4. We also want to identify, through NPF4, where there are opportunities for targeted natural woodland expansion, colonisation and, perhaps, some planting.

It is important to remember that we are in a nature and climate emergency. The work that was done last year showed that biodiversity intactness in Scotland is about 56 per cent. The Woodland Trust's work has shown that most ancient woodlands are smaller than 5 hectares. We are

talking about isolated and very vulnerable fragments.

It is not just protection that is needed. Because of climate change, pests and diseases, we have to go further—there has to be enhancement, improvement and expansion, as well as a whole package of protection. That includes restoration of plantations on ancient woodland sites. If our ancient seminatural woodlands are our best woodlands, plantations on ancient woodland sites have the potential, when restored, to be part of that resource again.

Wales uses a mapping categorisation called restoration of ancient woodland sites or RAWS—another acronym, I am afraid. That enables mapping of success in converting or restoring ancient seminatural woodland status, which is sort of the best value in ancient woodlands.

When you look at the figures, you see clearly that woodlands are still being lost and damaged by development. Deer and rhododendron are problems as well. It is not enough to say, "We've protected woodlands. That's it", because they will be impacted by things. We have to protect, improve and expand. I think that Doug Howieson would recognise that as something that Scottish Forestry would talk about.

Alexander Stewart: I have a question specifically for Claudia Rowse from NatureScot. Some of the submissions that we have received have mentioned, as a barrier to protecting ancient woodlands, the lack of resources at NatureScot. That could be having an impact on surveys, monitoring, managing and updating inventories, and dealing with planning applications. Is that an issue that NatureScot recognises? If so, how should it be addressed?

Claudia Rowse: NatureScot's overall resources have declined over the past 10 years, through Government pressures, challenges and priorities. I am sure that the committee is already aware of that.

That said, we have just negotiated our budget and resources for next year, and the emphasis is absolutely on supporting the programme for government and the priorities that have been set out. It is clear that we will provide whatever resources we can provide for woodland restoration, biodiversity restoration, deer management and other issues that have been mentioned.

Funding will always be a constraint. We cannot take action everywhere that we might like to take it. For example, in looking at woodland areas and where we want to prioritise deer management, we will need to look at areas where we can make the greatest impacts most quickly in order to restore biodiversity by 2030. It is important not to forget

the longer-term target of restoring nature biodiversity by 2045. As we work through future budgets, there will be more time to look at how resources are allocated.

That is the world that we live in. I hope that that gives members an indication of where we are.

Alexander Stewart: You acknowledge that that issue is a concern, and you have indicated that you have to deal with priorities. In doing that, your organisation must at times feel frustrated that it is unable to progress to the level that it would like to achieve because of financial constraints. The submissions that we have received reinforce that.

Claudia Rowse: It is not only our resources or other public money through Scottish Forestry that are the essential elements. Most woodlands in Scotland are privately owned, so it will be imperative—in taking forward what is set out in the petition, and in improving biodiversity outcomes in ancient and seminatural woodland—that landowners and people who live and work on the land come forward so that we can work with them. The issue is not only about our resources; it is also about landowners, land managers and communities, and bringing them with us.

Ruth Maguire: I have heard everyone say that deer management and invasive plants—rhododendron, for example—are the greatest threats, but we have spoken a lot about encroachment of commercial plantation tree species into ancient and native woodlands. I would like to hear the witnesses' opinions on that. My first question is specifically for Doug Howieson from Scottish Forestry. What do you do to prevent that encroachment? How are you tackling that with new plantations? What are the opportunities to address the issue through "The UK Forestry Standard"?

Doug Howieson: There were a few questions in there. In general, there are localised areas in which seeding in of commercial species occurs. We do not see that in all our ancient woodlands in Scotland because of their fragmented nature and their locations, but we recognise that encroachment is an issue in some areas.

As part of the forestry grant scheme, we have a woodland improvement grant, which does a number of things. Part of it is to do with habitat and species management and improvement. It provides specific capital grant funding for the cost of removing conifer trees and unwanted species from ancient woodland. This year, the total grant is £1.8 million. Therefore, we have that covered. In general, the call on that grant is for two things: for fences to exclude deer and for exclusion of the *Rhododendron ponticum* invasive non-native species. Generally, we do not see—

11:30

Ruth Maguire: And that grant is available to landowners for improvements. How is its availability publicised?

Doug Howieson: The Scottish Forestry website gives access to all the information about grants. We have also have five conservancies in Scotland and a number of woodland officers who regularly deal with inquiries from customers and clients.

Ruth Maguire: Thank you. I am sorry for having interrupted you.

Doug Howieson: The vast majority of the spend is on deer management through deer fencing and on removal of rhododendron. People get a capital grant for clearing rhododendron, but the biggest problem for us is that, because it is invasive, it regrows. We will probably need to think about a future grant scheme that provides funding not just for cutting the plant away in the first place, but for managing regrowth.

"The UK Forestry Standard", which is the technical standard for the four United Kingdom Administrations, is currently being reviewed, with the latest version being due for publication by December. By far the biggest issue in that respect is the percentage of native trees that are allowed in a scheme. For example, when someone wants to plant conifers, we always insist that at least 25 per cent is made up of native tree species, other more diverse conifers and open space. The biggest issue with the UKFS is whether the proportions are right and whether the single-species element should be reduced. We have to balance that with sustainable economic growth in forestry which, after all, contributes at least £1 billion gross value added to Scotland's economy. There needs to be a discussion about that.

I therefore do not see the UKFS as the principal mechanism for resolving the impact on ancient woodlands. Instead, that will happen through Scottish Forestry's strategy, the implementation plan and our work with delivery partners.

Ruth Maguire: I suppose that I know the answer to this question, but why would a landowner not wish to implement that best practice, and what can we do to encourage them? For example, I was surprised to hear that the proposal for a bit of community woodland was refused. Can that sort of thing be addressed through stronger planning approaches such as community benefit clauses? How do we encourage those who do not wish to do the best, to do the best? I agree that commercial forestry is important to our economy, but we have to ensure that it does not come at too high a cost.

Doug Howieson: I am not aware of the specific case that you have referred to, but I can come

back to you on that if you can provide me with some detail.

As for the community aspect, our minister Màiri McAllan has made it quite clear that, along with climate change mitigations and the biodiversity and climate crisis, what is important is community engagement, community benefit, just transition and community wealth building. As a result, we are developing our public register, which is a consultation mechanism for woodland creation, felling permissions and long-term forest plans. Through that, we will strengthen community engagement by linking it to the Scottish Land Commission, guidance on engaging communities with regard to decisions on land that affect them and the land rights and responsibilities statement in the land use legislation. We are seeking to do much more to have much better and much more integrated community engagement, community benefit, woodland creation and sustainable forest management in future.

As our guidelines for grants are well laid out on our website, I do not know why a community group would not be successful in that respect. That does not sound right but, as I have said, I am more than happy to follow that up if I can get the details.

The Convener: I note that Arina Russell was nodding quite a bit to some of that. Do you want to contribute to this conversation, Ms Russell?

Arina Russell: Yes, convener, now that you have given me the opportunity to do so.

We at the trust think that there are two parts to the issue of the encroachment of non-native species such as Sitka spruce on to ancient woodland sites. In the past, there have been plantations on ancient woodland sites. That practice is not being carried out at the moment, which is absolutely an improvement with regard to sustainable forest management in Scotland.

In the past, native woods were underplanted with conifers, creating a plantation on an ancient woodland site, or PAWS. Restoring those sites would bring them back to being restored ancient woodland. Those sites were planted with conifers and we need to restore them. The Woodland Trust has an example of that at our Loch Arkaig site. That Caledonian pinewood was underplanted and our non-governmental organisation is putting resource into the site to restore it. That work is under way at the moment.

There is also the issue of current Sitka spruce plantations seeding into ancient and native woods, particularly in open habitat. Where we manage a site and the seed source is within our site, we will address the issue and remove it. However, there is also an issue around bigger plantations where there are mature Sitka spruce. They are very good at seeding all around and the seed gets into other

people's sites. I do not know about the costs for that. Why should public money be used to remove someone else's seedlings? There might be grants available, but can people go and find those trees before it is too late? Therefore, we have concerns about that.

In the two plantations on ancient woodland sites, we need to put clear targets in our biodiversity strategy to secure the sites and ensure that they are not in critical condition by 2030. I think that it is realistic to restore them or have them under restoration by 2045. However there is also the issue of Sitka seeding. Sometimes it is within our sites and we can manage it, but we need to consider how the issue should be addressed when the seeding goes from one landowner to another.

Andrew Weatherall: I would like to come in with an RSPB point of view on the point that Arina Russell made for the Woodland Trust. I like to think that the stakeholders here in the room have quite good join-up around deer and rhododendron, so the issue predominantly concerns the invasive non-native conifers. It is also an issue for peatland restoration—in the flow country, for example—and on high-conservation-value open habitats. It is not restricted to forestry, so it is perhaps a wider issue that needs to be considered elsewhere. The issue is that the principle of the polluter pays, which should apply, does not apply, because there is an exemption for these non-native conifer species. My understanding is that that is because they are used in commercial forestry.

The UK forestry standard is a well-intentioned document that I think improves with every iteration. As stated, it is under review at the moment, so we look forward to more changes around maximum numbers of a single species and other issues. However, one of the main challenges is that it stops at the forest edge. It is about the management of the woodland, not what is beyond, which could be open habitat, peatland restoration or somebody else's ancient woodland. In this instance, the issue is wider than forestry and more about land use strategies, of which forestry is one important component. That gives a bit of context from our perspective.

Paul Sweeney: This has been a very interesting discussion, because it is establishing where the balance lies between providing positive incentives for people to undertake best practice in management and ensuring that there are sufficient penalties for malpractice. I will be interested to hear witnesses' views on where that balance should lie.

The petitioners presented an example from Argyll of a private landowner who had cleared 21m³ of ancient woodland and was reported to Forestry Scotland. An enforcement exercise was

pursued, but apparently that has quietly been dropped. The penalty is something like £5,000 per tree felled—I think that that is the level of penalty that is levied. I am concerned that enforcement was not pursued for quite an egregious breach of the 2018 act. Is there a problem with enforcement?

The point was raised about public money being used to clean up other people's mess. Do we have a perverse situation in which the community is cleaning up for private interests that profit from the land but do not contribute anything to cleaning up their contamination or bad practice?

Claudia Rowse: I was going to pick up the previous question, so I do not have an answer to Paul Sweeney's question about the regulation and incentives.

I will clarify the point about the impact of encroaching tree species from plantations. The only evidence that we have is that, although it happens, the impact is relatively small.

The Convener: Would someone like to pick up Paul Sweeney's question?

Doug Howieson: We certainly do not condone the clearance of 21 hectares of ancient woodland.

Paul Sweeney: It was cubic metres, not hectares—that would be extreme.

Doug Howieson: We would always pursue such incidents. If it has not been consented through planning, we will pursue for illegal felling, but if it has been consented through planning, that tends to trump the legal felling process for us. However, we place a restock direction on people who have felled ancient woodland or any woodland that is protected to ensure that they replant it. Generally, we like that to happen where it has been felled but, sometimes, it can happen in a separate location, but not on an ancient woodland site. I will follow it up.

Paul Sweeney: That is helpful. How easy is it to enforce that or to compel the landowner or landlord to comply with those instructions?

Doug Howieson: It is fairly difficult to be successful on an illegal felling prosecution, so we need to choose our cases carefully, because we want to ensure that we get a prosecution. Part of the 2018 act that came into force on 1 April 2019 allows us in a majority of cases to issue a restock direction, because it is so difficult to achieve a prosecution.

In a prosecution, you get into discussing all manner of minutiae such as when a tree is dead and when it is alive, so the restock direction is a means to overcome those difficulties. It enables us to say to the person concerned that, even if we decide not to prosecute, we will issue a restock

direction, which is a legal compulsion on them to replant. They can appeal against it and that appeal can get bogged down, but the restock direction is another tool for us to use to help to protect not only ancient woodland but all woodland.

Paul Sweeney: That is helpful. The issue with restocking is that, if someone has felled a load of trees that have been around for centuries, it will take another 100 years for the landscape to recover. It feels like the damage is done permanently, at least in a human's lifetime.

Doug Howieson: If we know that the felling is going to take place and we can get there before it is completed, we can issue a legally binding stop notice to stop any further activity. If we do not know that the trees in an ancient woodland have been felled until it has happened, we are as upset as anyone else is. The best that we can do is to get it replanted as quickly as possible.

Ancient and native woodlands are special places. There is a seed bank in the ground, so they will regenerate. Mother nature is a wonderful thing. However, if we can get there before felling happens, we can issue a stop notice.

Paul Sweeney: Would a fixed-penalty scheme to immediately impose a financial penalty on such an infringement help to drive behaviours better? If there was a beefier or more robust sanction on bad practice, it would probably drive behaviours. As you said, prosecutions are difficult to achieve, so you might end up in a situation where prosecution is hardly a viable sanction and you are trying to close the stable door after the horse has bolted.

Doug Howieson: A couple of years ago, we managed to get a prosecution for illegal felling in Grampian. That person has a criminal record and was fined £5,000. I would not like to have a criminal record, so there is some teeth to enforcement. We manage to get prosecutions, but it is difficult.

11:45

Arina Russell: Earlier, Doug Howieson, I think, made the point that, if someone has consent through planning permission, they can go ahead and fell the wood. At the beginning of the session, we said that our planning protection policies are improving, but the current policies are not affording enough planning protection. It is more than a little unclear whether planning permission can trump the need not to fell ancient woodland.

We often get contacted by members of the public about cases of suspected illegal felling. We have had positive communications with colleagues in Scottish Forestry conservancies who have gone out to investigate as soon as possible. The

communities are the eyes and ears on the ground, so they let us know about cases and we advise them on what to do. Scottish Forestry is contacted, and it serves stop notices.

Ideally, we would not get to that point. Our aim that there be no further loss of ancient woodland should be well communicated. We need to do more to let people know that the loss of ancient woodland or other irreplaceable habitats is absolutely unacceptable.

We are aware of cases in which the felling was considered to be too insignificant to go through all the motions to get to prosecution. However, in many cases, appropriate action has been taken. It has been helpful to work with colleagues in Scottish Forestry conservancies on the issue. We have had positive experiences, but I know that not everyone has had them.

The Convener: An hour has evaporated pretty quickly. Before I bring the session to an end, I ask each witness to give any reflections on the conversation that we have had or to make a point that they think we have missed or not focused on enough.

Andy Leitch, we have not heard from you for a while, so I will come to you first. You have been able to hear much of what has been said. Would you like to leave us with a final thought?

Andy Leitch: I will add one or two things to the previous conversations. We have talked about how private landowners contribute to the management of ancient woodland and so on. The grant scheme is well recognised for the woodland improvement grant, which is probably why most of our landowners are applying to fence rather than to do anything else. That goes back to the recognition that herbivores are the largest threat to ancient woodland, so private woodland owners are looking to fence out deer. That is why the woodland improvement grant is very important to us.

On the incursion in relation to the introduction of seed-source species, whether that be spruce, hemlock or, in fact, sycamore, I was pleased that Claudia Rowse made the point that those are local issues, which are not prevalent across much of the country.

Those are the main points that I want to make.

Andrew Weatherall: A question might have been asked about international examples. I do not have any, because I want Scotland to be the international example of leading on ancient woodland protection and improvement. I have a UK-wide role at the RSPB, and I would like to be able to go to the other devolved nations and say, "Look at Scotland," especially following the Glasgow declaration on forests and land use,

which prioritises conserving and improving natural woodlands.

My final point is that this year is the 30th anniversary of the earth summit in Rio de Janeiro. In that summit's report, principle 3 states:

"The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations."

My argument is that the best time to protect and improve ancient woodlands was 30 years ago, but the next best time is right now.

Claudia Rowse: My last point is to re-emphasise what I think everyone is agreed on—the high biodiversity value—and to say that we welcome the petition. The other key point is that a lot has been done to work on the protection and improvement of biodiversity, but there is a lot more still to do, and the next 10 years is going to be critical in implementing the issues that we have been discussing in order to halt biodiversity loss. The policies are in place and are coming forward in the parliamentary programme. A new environment bill is going to have statutory targets for nature, which will also be important. The steps are there, but on-going scrutiny is needed to make sure that we are all held to account and that they are implemented.

The Convener: Excellent. Thank you very much.

Doug Howieson: First, I thank the petitioners and the committee for giving us the chance to have this conversation. It has been great.

Secondly, I thank Claudia Rowse and NatureScot for reaching out to us to work together as delivery partners. The threat of deer to our ancient woodlands is huge, and we have to get to the bottom of that.

Thirdly, if the committee has not spent any time in an ancient or native woodland, go to the native woodland survey of Scotland on the internet, find your local ancient woodland and go and stand in it. It is fantastic.

The Convener: Out of interest, where is the nearest native ancient woodland to where we are just now?

Doug Howieson: It is probably on the outskirts of Edinburgh.

The Convener: Maybe we will go. I am all for an outdoor outing. It might be quite useful to us.

Arina Russell: On that point, I guess that I could extend an invitation to Woodland Trust Scotland sites, should the committee wish to have an outing. We would be delighted to host you, and we have the privilege of looking after sites up and

down Scotland—including rainforests, which are fantastic to see—so please visit.

I am glad that there is agreement on the deer management issue. We stand ready to work together. It will require collaborative effort to do that.

We would like to see a policy aim of no further loss of ancient woodland. As Claudia Rowse from NatureScot noted, the biodiversity strategy is coming up. We would like not just ancient woodlands but all of nature and biodiversity to be better prioritised and better funded if we are to address and reverse nature's decline. However, in that biodiversity strategy, we need targets for protecting and restoring our ancient woods. That is our next best opportunity.

We also have the opportunity to include legal protections for ancient woodlands in the upcoming environment bill, which is expected in the third year of the parliamentary session. We are grateful for that commitment to bringing forward a bill with nature restoration targets. We welcome the Government's amendments on Scotland's rainforest, the ancient woodland register and deer management. As I said, we are all waiting. We want to collaborate and we want to provide expertise as a leading environmental NGO. The Parliament needs to ensure the on-going scrutiny of those issues and of the implementation and delivery of those commitments.

Finally, I am grateful for the opportunity to give evidence to you today, and it has been lovely to be back in the Parliament, after what has been too long. Thank you.

The Convener: Thank you all very much. It has been incredibly helpful. Given that we are coming into the summer, I like the idea of sensing the thing for ourselves—because, potentially, we all think that we know about it; certainly, we all have an investment in it; and, from everything we have heard, there are some serious issues underpinning the petition that the committee will want to reflect on in the light of all the evidence that you have given us this morning and that we heard from the petitioners.

I thank you all—those who have come here and those who have joined us virtually. That has been very helpful. I briefly suspend the meeting.

11:54

Meeting suspended.

11:57

On resuming—

Taxi Trade (PE1856)

The Convener: We will continue with the balance of item 1, which is the consideration of continued petitions. PE1856, on supporting the taxi trade, was lodged by Pat Rafferty on behalf of Unite. Members will recall that the petition calls on the Scottish Parliament to urge the Scottish Government to protect the future of the taxi trade by providing financial support to taxi drivers, setting up a national stakeholder group with trade union driver representatives and reviewing low-emission standards and implementation dates.

At our last consideration of the petition, we agreed to write to key stakeholders and to seek information directly from people in the sector. In particular, the committee sought figures on the number of taxi licence holders prior to the Covid-19 pandemic and the current number.

So far, we have received responses from 12 local authorities and the Scottish Taxi Federation. Five of those local authorities provided details of taxi and private operator figures, which indicated that there were 3,748 operators before the pandemic and that the number has now fallen to 3,258 operators. That illustrates a reduction of 490, with four out of the five local authorities seeing a reduction in the number of operators in the area.

Twelve local authorities provided details of taxi and private driver licences, which indicated that there were 11,436 licences before the pandemic and that there are now 9,348 licences. That is a reduction of 2,088, or nearly 20 per cent, which is pretty significant, with 11 out of the 12 local authorities seeing a reduction in the number of driver licences.

The Scottish Taxi Federation's response highlights a number of issues for its members, including an ageing workforce—I think that I read that taxi drivers tend to be in their mid-50s or, increasingly, older still. Other issues include low-emission zones and their possible impact on the viability of the taxis that many owners have invested in and the high cost of low-emission zone-compatible vehicles. I imagine—although it has not been suggested in advance of today's meeting—that a very immediate challenge could well be the price of fuel, which we know will be affected by the current international situation.

12:00

In the light of all that, I certainly found the reduction in the number of taxis in my local authority quite significant, given the post-pandemic

challenges in relation to the restoration of bus and rail services. With a 20 per cent reduction in the number of available taxis, they could become an increasingly difficult to obtain and even more expensive option. There are some really serious issues underpinning all of this.

Do colleagues have any comments or suggestions on how we might proceed?

Paul Sweeney: I will put on record a written question that I submitted to the Scottish Government:

“To ask the Scottish Government whether it will consider providing grants to support taxi drivers to upgrade their cars to sustainable, low-emissions vehicles.”

I understand that one of the big issues that taxi drivers in Glasgow currently face is the imminent implementation of a low-emission zone in the city centre. Certainly, the petitioner, Unite—the trade union that represents taxi drivers in the city; I am a member of Unite, just to declare an interest—has indicated that the LEZ could significantly affect the already difficult situation that the taxi trade faces, reducing numbers further or killing the trade in the city altogether.

Anecdotally, I can say that it is very difficult to get a taxi in Glasgow, especially on weekends, when it is busy.

The Scottish Government response to my written question was:

“The Scottish Government currently offers a number of funding schemes, through Transport Scotland, to support businesses (including taxi owners) make the shift to low and zero-emission vehicles. Applications for these funds can be made through the Energy Saving Trust who administer the schemes on our behalf.

Available support includes:

- the Switched-on Taxi Loan scheme which offers an interest free loan up to £120,000 to enable taxi owners and operators to replace their current vehicle with an eligible ultra-low emission vehicle.
- the Low Emission Zone (LEZ) Retrofit Fund for taxi owners operating within LEZs. This provides up to 80% grant funding to replace existing diesel engines to meet the Euro 6 standard for driving within a LEZ. The grant provides up to £10,000 per wheelchair accessible taxi installing re-powering technology, or £5,000 per taxi installing exhaust after-treatment systems.
- the Low Emission Zone (LEZ) Support Fund, which is available to eligible microbusinesses and sole traders (including taxi operators), operating within a 20km radius of Scotland’s LEZs. The fund provides a £2,500 grant towards the safe disposal of non-compliant vehicles as an incentive to take older, more polluting vehicles off the road.”—[*Written Answers*, 6 January 2022; S6W-05239.]

Those are the schemes that are available. The first one, the switched-on taxi loan scheme, sounds as though it would more than meet the

cost of a vehicle replacement, but the other ones do not seem to come close to meeting the capital outlay that a driver might face in trying to replace a vehicle that does not meet the standard, so I think that there is a gap there that needs to be interrogated.

The Convener: One of the suggestions before us is that we might have an evidence session on the petition at a later date, which might allow us to bring that point in.

Alexander Stewart: I agree with that, convener. It is very important to have an evidence session.

I was surprised and shocked by the numbers across the local authorities. Obviously, the situation with the night-time economy and other issues in communities have had an impact, but there has been a massive erosion of the taxi industry. It would be really useful for us to collect some information from the federation and the petitioner. They could come and give us an update, because, if the industry is not supported, the demise of taxis could be a massive issue in some communities the length and breadth of Scotland.

The Convener: I would still like to hear from some of the other local authorities that we have not yet heard from, because there are some big local authorities involved in all of that as well.

David Torrance: I thank the 12 local authorities that responded to our call for evidence. However, out of 32 local authorities, that is a pretty poor response; all the local authorities have licensing boards in place.

I support the call for an evidence session before the committee. I would also like to write to the Scottish Government to highlight the 20 per cent decrease in the number of taxi drivers to see what the Government would be able to do. Will it monitor the situation and see what it can do to encourage people back into the taxi business?

The Convener: It would be useful to draw the attention of the Scottish Government to the evidence that we have received about that reduction. I agree with what you say. Given that there are local taxi licensing boards, I would have expected that we would get a fuller response.

We have quite a full schedule ahead but, as this will be an on-going issue, do we agree to seek to have an evidence session around the issues that are raised by the petition?

Members indicated agreement.

Wheelchair Users (Improvements to Bus Travel) (PE1866)

The Convener: The next continued petition is PE1866, lodged by Daryl Cooper. It calls on the

Scottish Parliament to urge the Scottish Government to introduce legislation so that wheelchair users can face forward when travelling on a bus.

At our most recent consideration, the committee agreed to write to Pam Duncan-Glancy MSP to seek her views on the petition. I am pleased to say that she has sent a response that sets out a number of issues for wheelchair users attempting to access bus services, including: a lack of accessible buses that can lower to allow wheelchairs on board; no seating at some bus stops, meaning people with mobility problems cannot wait for the bus without being in significant pain or distress; poor joined-up transport, meaning that some routes are only partly accessible by bus; and only one wheelchair user being allowed on a bus at a time, meaning that wheelchair-using couples or friends must split up, which is unhelpful at the best of times, but is particularly challenging when travelling late at night.

We were slightly unimpressed by the responses that we received prior to writing to Pam Duncan-Glancy. I think that we thought that there was a bit of fudging in some of what we heard.

Do members have any comments or suggestions for action?

Ruth Maguire: This is an important matter. Pam Duncan-Glancy's response shows that it warrants a full investigation, and I wonder whether a subject committee could take on the petition. I do not know which would be the best committee for that—perhaps the Net Zero, Energy and Transport Committee or the Equalities, Human Rights and Civil Justice Committee—but it would be helpful for a committee of this Parliament to investigate the matter properly and fully.

The Convener: Do members agree to let the clerks sound out whether there is any indication that one of the appropriate subject committees might be able to take on the petition and do more work with it?

Paul Sweeney: I agree with that suggestion. There are provisions in the Transport (Scotland) Act 2019 to place additional conditionality on operators to adhere to certain standards, whether the service is involved in a bus service improvement partnership, is subject to a franchise agreement—although I do not believe that a franchising scheme has yet been established in Scotland—or is in direct public ownership, which is the case with regard to City of Edinburgh Council-owned Lothian Buses. Therefore, I suggest that we ask the Scottish Government what scope there is to introduce conditionality on operators to adhere to standards that improve accessibility. Given the amount of public subsidy of the industry,

the Government has significant leverage in that regard.

The Convener: Do members agree to the suggested action?

Members indicated agreement.

Autistic Pupils (Qualified Teachers) (PE1870)

The Convener: The next continued petition is PE1870, lodged by Edward Fowler. It calls on the Scottish Parliament to urge the Scottish Government to introduce legislation requiring teachers of autistic pupils to be appropriately qualified to improve educational outcomes.

The petitioner points out that special conditions apply to the employment of teachers of hearing impaired and visually impaired pupils, noting that those teachers are required to obtain appropriate qualifications. The petitioner suggests that the same principles should be applied to teachers who work with pupils with autism.

At our previous consideration of the petition, on 1 December 2021, we agreed to write to teaching unions, and we have since received responses from the National Association of Schoolmasters Union of Women Teachers and the petitioner. The NASUWT notes that initial teacher education is just one element in supporting the wellbeing of pupils and that improved initial teacher education on additional support needs

“will not provide a quick fix on its own to guarantee that appropriate ASN support is available to all schools, teachers and learners across Scotland.”

It notes that initial teacher education already covers a wide range of issues and, in order to add in a new topic, consideration would need to be given to the question of which existing topic to remove.

The submission highlights pressures on teachers arising from an on-going reduction in specialist support for pupils with additional support needs, including in relation to managing challenging behaviour in the classroom. In his submission, the petitioner points to a wider issue: he believes that pupils are becoming overwhelmed in mainstream classrooms and are unable to cope. The petitioner explains that many teachers are not sufficiently trained to manage children with autism and co-occurring conditions and that, without the right supports and strategies, that can trigger challenging behaviour.

The petitioner believes that, at the moment, the system is failing both the teachers and the children.

Do any members have comments to make?

Alexander Stewart: I have a great deal of sympathy for the petitioner and with the issues that the union has identified. Having a number of individuals in a classroom who require additional support in order to undertake their mainstream education can be a big issue for schools today, and providing that support potentially has a detrimental effect on the rest of the class.

The petitioner makes some strong points, and I am aware that the local authorities in my region have issues in this regard. I believe that the matter could be looked into more; therefore, it might be useful to write to the Scottish Government to ascertain what assessments are taking place in teacher training and to ask about producing guidance that recognises the link between the communication needs of certain children and the behaviour that takes place in the classroom.

The strain on the teachers is immense. At First Minister's question time the week before last, a question was asked about the situation in Aberdeen. A survey showed that there are daily situations in classrooms because the specific needs of children are not being addressed. That puts a burden on teachers, and the survey showed that a large number of them are contemplating leaving the profession as a result.

There is real scope for us to look at the matter.

The Convener: I see that members have no other comments or suggestions to make. We could write to the Scottish Government to ask whether it intends to undertake a child rights impact assessment of initial teacher training and the continuing professional development for teachers to ensure that the needs of all children with additional support needs, including those with autism, are being met, and to produce guidance for teachers along the lines mentioned by Alexander Stewart. Do colleagues agree to that approach?

Members indicated agreement.

Mental Health Services (PE1871)

The Convener: The next continued petition is PE1871, which is on a full review of mental health services. It was lodged by Karen McKeown on behalf of the shining lights for change group. The petition calls on the Scottish Parliament to urge the Scottish Government to carry out a full review of mental health services in Scotland, which should include consideration of the referral process, crisis support, risk assessments, safe plans, how integrated services work together, first response support and the support that is available to families that have been affected by suicide.

Members might be aware that the petition arose from the petitioner's own experience. The

petitioner's partner, Luke, died by suicide in 2017 after asking for mental health support up to eight times in the week before his death. I remember that we were quite affected by the submission when we first considered it.

Once again, Monica Lennon joins us, as she has an interest in the petition. I will come to Monica in a moment.

At the previous consideration of the petition, the committee agreed to write to the Cabinet Secretary for Health and Social Care and key stakeholders. We have received several detailed responses, which I will summarise briefly.

In his response, the cabinet secretary highlights how the Scottish Government plans to improve mental health support across Scotland, including by providing additional funding, improving how systems work together, establishing service standards and investing in community support for adults. In September this year, the Scottish Government and the Convention of Scottish Local Authorities will publish a new suicide prevention strategy, which will be accompanied by an initial action plan. A lived experience panel is being set up so that people with lived experience can advise on and inform mental health policy development.

In its submission, the Scottish Association for Mental Health suggests that almost one in four adults continue to wait longer than four months to access psychological therapies. SAMH's research into service users' experiences of mental health services during the pandemic revealed that more than a quarter of respondents indicated that their specialist treatment and support had stopped altogether because of the pandemic. That has been the experience of my constituents, and I am sure that it has also been the experience of other MSPs' constituents.

The petitioner has provided two further written submissions to the committee. The first summarises a freedom of information request that she made to NHS Lanarkshire, which revealed that 74 per cent of patients were not admitted to hospital after attending accident and emergency for mental health reasons. The second is in response to the cabinet secretary's submission. The petitioner states that, although she welcomes the increased funding, it is crucial to establish how the funding will be used, noting that a review—the aim of the petition—is

“necessary to determine which areas are failing and need reconstructed.”

She also suggests that a specialist crisis centre for mental health is needed.

I invite Monica Lennon to comment.

12:15

Monica Lennon (Central Scotland) (Lab): I thank the committee for having me back. I am grateful for the work that has been done and the submissions that have been made to the committee, and I welcome much of what the cabinet secretary has said. I had a brief chat with Karen McKeown this morning—we are in regular contact—and she is really grateful for the attention that the committee is paying to the petition. She knows that you will understand the issues because of your local experience in helping constituents.

I was struck by some of the comments in the SAMH response. One that stands out is:

“recovering and renewing the previous system will not be good enough.”

That is absolutely correct. The Royal College of Psychiatrists has also made some important points. It talks about needing a “radical refresh” of the current mental health strategy and, importantly, about the experience of the workforce, who are already stretched and exhausted. We know that burn-out is a real issue for clinicians and people on the front line in healthcare roles.

I hope that the petition will be kept open and that we will do everything possible to ensure that people do not fall through the gaps. The Government clearly has good intentions, but there are legitimate questions about the additional resource and how it will be used. I go back to the point, which SAMH makes eloquently, that we have to do more than just recover and renew the system. We know that it was far from perfect and, sadly, too many people have fallen into crisis, or deeper into crisis. For many, that has resulted in them losing their lives. We know that suicide can be prevented.

I am here to again offer my support to my very courageous constituent Karen McKeown. Karen has been a real rock to many other people who have found themselves in a similar dark place. Nothing will ever make up for her loss. Karen will not mind me saying that, following Luke’s death, it has been an on-going battle for her and her young children to get support. Karen’s son has autism and her daughter has required on-going support. I want to be honest with the committee, because I represent people who rely on NHS Lanarkshire, that the support is not always there—the waiting times are excruciating. As members know, that is not unique to Lanarkshire.

We have to keep everything on the table. We have to let people right across Scotland know that there is no complacency on the issue. People’s lives are worth more than any amount of money. The points that Karen has made about ensuring that the money and resources get to the right places are important, and we must continue to

listen to lived experience, including that of many of the workforce, who have their own mental health issues.

I know that the committee gets a lot of petitions, so I am grateful to you for the time that you have given to this one, which is relevant to everyone in Scotland. I know that, no matter what happens next, Karen will continue to fight to ensure that the system improves so that no one falls through the gaps. The convener read out the statistics. Karen is beaver away with her own freedom-of-information requests, but we know that, when people present at A and E and do not get the help that they need, it is an appalling missed opportunity. There is space to provide more specialist support in order to try to ensure that we have a trauma-informed support response across the board. Thank you for listening.

The Convener: Thank you, Monica. It is extraordinary in many respects, because when I first came to this Parliament in 2007, so much of the discussion that we had in the chamber was about the destigmatisation of mental health. Many of the mental health charities and organisations changed their names to become more accessible, and all of that was designed to destigmatise mental health issues and encourage more people to come forward.

The problem that we have is that, notwithstanding the expansion of services that there has been, people’s willingness to come forward with acute mental health conditions that they probably did not come forward with previously means that, in some acute situations, help is just not there. I think that we all assume that it is there, but there is increasing evidence that there is considerable pressure on services.

Do colleagues have comments or suggestions on how we might proceed?

David Torrance: The petition is very important, but can I ask that the clerks check the work programme of the Health, Social Care and Sport Committee? If it is going to hold an inquiry on the issue, I would like to pass the petition on to it. The petitioner could also give evidence to that inquiry.

The Convener: That seems perfectly sensible. If it does not hold such an inquiry, I will be keen to invite the petitioner to come to this committee. I think that we would also want to hear from the Cabinet Secretary for Health and Social Care about the issue that underlies the petition, which is the need to have a full review of our mental health services. We might also be interested to know the petitioner’s view on the recruitment of the lived experience panel that is being established and, potentially, to highlight that as an opportunity for active participation.

As colleagues have no other suggestions, are we content to proceed on that twin track?

Members *indicated agreement.*

The Convener: I thank Monica Lennon very much. We will keep the petition open and see where we go from here based on any work that might be done elsewhere in the Parliament.

Inheritance Law (Estranged Spouses) (PE1904)

The Convener: PE1904, which was lodged by Christina Fisher, is on changing Scots law to disqualify estranged spouses from making claims on an estate. The petition calls on the Scottish Parliament to urge the Scottish Government to define in law the difference between a legally married cohabiting couple and a legally married non-cohabiting couple for the purposes of ensuring that an estranged spouse cannot inherit their spouse's assets.

When the committee considered the petition previously, we agreed to write to the Law Society of Scotland, the Family Law Association, the Faculty of Advocates and the Scottish Law Commission. We have now received some detailed submissions from the Scottish Law Commission and the Law Society of Scotland, which have been very helpful. Members have had sight of both submissions in their papers for this meeting, so I do not need to repeat what they say in detail, but I will mention some general points.

The Scottish Law Commission explains that

"There is no legal definition of 'estrangement' for the purpose of Scots family law ... When spouses and civil partners separate, there is no change of legal status"

until

"they divorce or their civil partnership is dissolved".

It also notes that

"many couples who separate reach agreement on financial matters before"

that divorce or dissolution.

The Law Society of Scotland advises that, in its response to the Scottish Government's 2019 consultation on succession law, it suggested that a solution might be to use

"the test of 'living together as husband and wife/civil partners' before the surviving spouse could inherit"

where there was no will to

"resolve current anomalies".

The current submission acknowledges that that test might be unfair to couples who are separated due to one partner being in long-term care.

The Law Society suggests that there might be

"merit in considering the potential introduction of a time-requirement before excluding a survivors' prior rights and legal rights".

The submission also notes that it is open to anyone

"to alter the terms of their will following a separation should they wish to do so".

It further notes that, although there may be situations in which a deceased person

"had no longer intended or wished for a separated spouse or civil partner to benefit from their estate, but they had not amended their will accordingly ... such 'hard cases' would not merit altering the law",

given the impact that that might have more widely.

There is recognition of the issue, but there is also a clear view that tackling it could have much wider ramifications than the injustice that it would potentially address would merit. Do colleagues have comments or suggestions?

David Torrance: Considering the Scottish Government's statement in its submission that it will do more research in the area, I wonder whether we should close the petition under rule 15.7 of standing orders. In doing so, however, we could consider how the petitioner could feed into the research that the Scottish Government is going to do.

The Convener: As there are no other suggestions, I think that we are content with that. It is an important issue but, given that the legal experts do not support action at the moment, I think that we just want to ask the Scottish Government what more it is going to do, potentially, and to close the petition at this stage.

New Petitions

Higher-rate Tax Threshold (PE1923)

12:24

The Convener: Agenda item 2 is consideration of new petitions. The first new petition is PE1923, which was lodged by Peter Watson. It calls on the Parliament to urge the Scottish Government to change the Scottish higher-rate tax threshold to £37,501, aligning it with the rest of the UK—it invites the committee to set the Government's budget, in part. That threshold was correct at the time when the petition was submitted.

The petitioner believes that that alignment should happen due to the recent uplift in the block grant for Scotland. He notes:

“the increased revenue to the individuals and families will be recycled through the economy creating growth, whilst rewarding hardworking people.”

The Scottish Government explains in its submission that, although the UK Government announced what was described as a significant increase in the block grant for Scotland, it believes that there has been a real-terms cut in day-to-day funding in each year of the spending review. The Scottish Government goes on to state that it does not support the action that is called for in the petition as it believes that it would provide a tax break to higher-income earners while disproportionately affecting those on lower incomes.

Do members have views on the petition?

David Torrance: The Scottish Government highlights in its submission that it would lose £552 million to invest in public services. It says that it does not support what the petition calls for, so I do not think that there is anywhere for the committee to take the matter. I am happy to close the petition under rule 15.7 of standing orders.

The Convener: I might take issue with the Scottish Government's justification for not taking the action that is called for, but it is clear that it does not intend to take it. In the absence of any willingness on the Government's part to consider the petition's aims, I am minded to endorse the suggestion that we close it. Does that have the committee's support?

Members *indicated agreement.*

Women's Health Services (Caithness and Sutherland) (PE1924)

The Convener: PE1924, which was lodged by Rebecca Wymer, calls on the Scottish Parliament to urge the Scottish Government to complete an

emergency in-depth review of women's health services in Caithness and Sutherland.

The petitioner believes that there is a Highland gynaecology crisis that predates Covid, with funding

“funnelled into Orkney or Inverness.”

She believes that serious conditions such as ovarian cancer are potentially being missed due to a lack of specialist training for general practitioners, and she notes that there are currently no miscarriage, menopause or fertility services available in the area. She highlights the logistical difficulties that are associated with patients from Caithness having to travel to Raigmore hospital for help along roads that are often closed or dangerous to drive.

The Cabinet Secretary for Health and Social Care explains in his submission that the Minister for Public Health, Women's Health and Sport is actively engaging with her constituents on the issues that the petition raises. She has now arranged to meet NHS Highland senior management and clinicians to discuss the delivery of gynaecological services and she will feed back to her constituents on progress.

The cabinet secretary's submission also provides further information on scoping work for the creation of a centre of excellence for rural and remote medicine and social care; a community midwifery unit that is being built at Caithness general hospital; improvements to maternity and neonatal units at Raigmore hospital in Inverness; and co-ordination between transport and other agencies to explore how access to healthcare can be improved, specifically in relation to the A9 and A99.

In her submission, the petitioner reiterates that all women need access to a gynaecologist, but she says that, to her knowledge, no in-person gynaecology appointments have taken place at Caithness general hospital since 2019. She is concerned that the cabinet secretary is unaware of how bad the situation with the roads is. She states that the rural unit framework has been incredibly successful for MRI machines, breast screening, cancer screening and, more recently, vaccination clinics. She suggests that it might include appointments with a gynaecology nurse or consultant to filter out who needs to be on a surgical list and who could be treated in the short term to reduce waiting lists across the board.

Do members have comments or suggestions on the petition?

Ruth Maguire: In a future evidence session, we will discuss a number of petitions on healthcare in Caithness. I suggest that we invite the petitioner to join us at that meeting and that we examine all the

petitions in that evidence session. Although they are all important individually and they are distinct, they are all part of the same theme and it would be helpful to speak to everyone together.

The Convener: Indeed. We have three petitions—PE1845, PE1890 and PE1915—that touch on parallel issues, so that is a sensible suggestion. Are we content to combine consideration of the petition with the others that we have in relation to Caithness?

Members indicated agreement.

Heavy Goods Vehicle Speed Limit (PE1925)

The Convener: Our final new petition today is PE1925, which is on changing the heavy goods vehicle speed limit on major trunk roads to 50mph, in line with other parts of the UK. The petition was lodged by David Singleton, who points out that that speed limit is 40mph in Scotland. He urges us to urge the Scottish Government to increase it to 50mph so that there is consistency.

The Scottish Government has stated that, in 2018, it conducted its

“own evaluation of the potential impacts of increasing speed limits for HGVs in Scotland”,

and it found that there would be

“small safety benefits and marginal environmental impacts”

in doing so. A pilot scheme that increased the speed limit for HGVs to 50mph on the A9

“showed positive road safety benefits”.

The Scottish Government is considering its policy on HGV speed limits as part of the national speed management review. That review, which has commenced, will consider appropriate vehicle speeds for Scotland’s roads and will include stakeholder and public consultation.

However, the petitioner remains unconvinced that the Scottish Government is planning to increase the HGV speed limit on major trunk roads. He urges Scottish Government officials

“to travel with a driver of an HGV on the 100 mile A75 trunk road in both directions on the same day”,

going

“One way at the 40 mph limit and the other way at a higher speed when and where it is safe to do so.”

The petitioner believes that doing that

“would give them some idea of the problems caused by slow moving traffic”

and some comfort in relation to an increase in the speed limit.

The petition is interesting, as the petitioner has highlighted something that the Scottish

Government is looking at. However, he is not convinced that that will necessarily lead to anything.

Do members have any comments or suggestions for action?

The Scottish Government says that it is having a review. We might reasonably ask for some clarity on when it thinks that that might come to fruition. Maybe we should ask whether there is any way in which the petitioner or others can engage with the Scottish Government in relation to the underlying issues. I am not sure that the Scottish Government will want to take up the offer of an HGV lift up and down the A75, but I am sure that we would be happy to draw that to its attention.

Are colleagues content with that approach?

Members indicated agreement.

The Convener: It has been a long meeting but a great one, too, with our youngest-ever petitioner, a very sensible and worthwhile discussion about woodlands, and the consideration of a number of important petitions. I thank everybody for their participation and confirm that the committee’s next meeting will take place on 23 March.

We have one item to discuss briefly in private. I close the public part of the meeting.

12:32

Meeting continued in private until 12:34.

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