



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Citizen Participation and Public Petitions Committee

Wednesday 27 November 2024

Session 6



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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

18th Meeting 2024, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Foysoil Choudhury (Lothian) (Lab)

*Fergus Ewing (Inverness and Nairn) (SNP)

*Maurice Golden (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jackie Baillie (Dumbarton) (Lab)

Neil Bibby (West Scotland) (Lab)

Mairi Gougeon (Cabinet Secretary for Rural Affairs, Land Reform and Islands)

Patrick Harvie (Glasgow) (Green)

Michael Marra (North East Scotland) (Lab)

Edward Mountain (Highlands and Islands) (Con)

Mark Ruskell (Mid Scotland and Fife) (Green)

Graham Simpson (Central Scotland) (Con)

Paul Sweeney (Glasgow) (Lab)

CLERK TO THE COMMITTEE

Jyoti Chandola

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 27 November 2024

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Jackson Carlaw): Good morning and welcome to the 18th meeting in 2024 of the Citizen Participation and Public Petitions Committee. The first item on our agenda is a decision on taking agenda item 4, which relates to the consideration of evidence that we are about to hear, in private. Are members content to take item 4 in private?

Members indicated agreement.

Continued Petitions

National Parks (PE2089)

09:30

The Convener: Agenda item 2 is consideration of continued petitions. Our first petition is PE2089, lodged by Deborah Carmichael on behalf of Lochaber National Park—NO more group. The petition calls on the Scottish Parliament to urge the Scottish Government to suspend any action to create further national parks in Scotland, instruct an independent review on the operation of the current national parks, including assessment of the economic impacts on businesses and industries within the two parks—including, but not exclusive to, farming, forestry, crofting and angling—and to conduct a consultation with representatives of rural businesses and community councils in order to help to frame the remit of said independent review.

At our previous meetings, we heard from a variety of organisations in favour of and opposed to the creation of a new national park. We have also heard from NatureScot, which is currently undertaking its role as reporter for the consultation on the proposed new national park.

Today, we are joined by Mairi Gougeon, who is the Cabinet Secretary for Rural Affairs, Land Reform and the Islands, Brittany Brown, who is policy lead for new national parks, and Lisa McCann, who is head of biodiversity, at the Scottish Government. Good morning and welcome to you.

I invite the cabinet secretary to say a few words—this is an exception—and then we will move to questions.

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): Thank you very much, convener, and thank you to the committee members, too. I appreciate the opportunity to speak to you this morning.

I know that members of the committee are aware that the Scottish Government has introduced a proposal to designate a new national park, the proposed location for which is in the south-west of Scotland.

I believe that national parks play an important role in stimulating economic growth and supporting their local communities, as well as tackling the climate and nature crises that we face. The public opinion surveys that we have carried out show strong support for new national parks and there was cross-party support for them when we had the debate about them in the Parliament.

Earlier this year, following the appraisal of the five nominations that we received against a set of published criteria, we decided to formally take forward the proposal from Galloway to the next stage of the process. NatureScot was appointed as a reporter to investigate that proposal and to lead a statutory public consultation on it. That consultation started on 7 November and will continue for 14 weeks. We extended the consultation period by two weeks to take account of the festive period.

As well as the consultation surveys, NatureScot is organising a wide range of consultation events across the area that will be facilitated by an independent organisation and reported on by facilitators. Additionally, a series of drop-in surgeries and some separate consultation meetings and activities for businesses, young people and equality groups will take place.

As I have made clear, we are keen that everyone with an interest engages in that consultation and makes their views known. I also want to be clear that nothing has been decided—it is very much still a proposal and everyone's views will be listened to and taken into account before any further decisions are taken.

NatureScot will report on the findings of the consultation and those findings will then inform and shape the advice that it provides to the Scottish Government. Then, we will consider that advice and the consultation outcome carefully before we look to take any further decisions. I realise that there is significant public interest in the proposal and that there is both support for and opposition to it. That is why I am grateful to the committee for its consideration of the petition.

I am happy to take any questions that members might have.

The Convener: We do not have a national park in Eastwood, so I do not come to this with any particular axe to grind. I always say that what motivates us here is not any party-political position, but is the petition—our responsibility is to try to articulate and take forward the interests of the petitioner as best we can.

I will kick off. We already have two national parks, so what was it that caused the Government to say, “We will now develop another national park?” What was the motivating factor at that point?

Mairi Gougeon: As you mentioned, we have the Cairngorms national park and the Loch Lomond and the Trossachs national park, and it is over 20 years since those parks were created. As I outlined in my opening remarks, national parks bring a number of different benefits in relation to the economy and what they can do for communities in an area, as well as for climate and

nature. National parks are recognised for those reasons and for the landscapes that are in those areas. I should say that I have a fraction of a national park in my constituency, just towards the very edge, although it does not cover any massive population centres by any means.

I know that there have been calls, for a long time, on the Government to establish a new national park. When I was first appointed as a minister in 2018, I met campaign groups—largely from Galloway and the Borders—that were keen to see a national park developed in their areas. That is why we eventually came to where we are now and why we have reached this stage in the process.

Those campaigns have been on-going for a long time and consultations, surveys and engagement work were also undertaken during that period. A new national park became a programme for government commitment, and in 2022, we debated that in the Scottish Parliament, where there was cross-party support to continue with the proposal and agreement that a new national park should be created. Ultimately, that has led us to the point that we have reached today.

The Convener: What has puzzled us and is the nub of the evidence that we have heard to date is the distinction between a consultation and an independent review. Twenty years after the creation of national parks, it seems quite a sensible proposition to have a proper independent review that measures their success against the benchmarks that were originally established, considers the lessons that might have been learned from that, and how those lessons might inform how any future national park might be developed.

There is a degree of suspicion about the consultation route because NatureScot, which is leading the consultation, is also the instigator of the national park and therefore, the independence of the analysis that it brings to its consultation gives people the sense of it being poacher turned gamekeeper.

Moreover, there were 300 responses to the consultation from an area where 300,000 people could potentially respond. It is difficult to be certain whether a series of consultations or engagement exercises would genuinely articulate the information that would lead to lessons being learned, whereas an independent interrogator that looks at those things and proactively asks questions might be more likely to elicit that.

We have been puzzled because, it does not seem unreasonable to look independently—as we would in any ordinary circumstance—at what the success of a national policy such as a national park has been before, two decades on, we start on

the third one. Based on the evidence that we have heard from others so far, the Government has seemed quite intractable. What has been the Government's objection to using such a review as a point of reference in shaping its approach to the issue?

Mairi Gougeon: There are quite a few points in that, which I will try to address. The Government's decision was not based on consultations alone; there have been several detailed pieces of work. The general consultation found that about 89 per cent of people agreed that there should be a national park.

I appreciate the concerns that there can be around a national park, but that is the fundamental reason why, in respect of the proposal for a park in Galloway, we are asking people whether they want a national park in their area. It is important to get that information directly from people who live in the proposed area to hear what they think about it.

For a number of different reasons, taking forward an independent review is not something that we are considering. National park authorities are accountable to their boards for their performance. Those boards, which are accountable to the Scottish Government, look at the organisations' finances and how they are operating. All of that is open to parliamentary scrutiny, if it is felt that it is required. If we were to identify any issues through those processes, we would be able to look at them.

At no point during the debate in 2022 that I mentioned was there any suggestion, from any party, that there should be an independent review of national parks. In fact, members from every party across the chamber were extolling the virtues of national parks. If anything, some parties were calling for the timescale for establishing a new one to be shortened; others said that we should designate not just one additional park but two, three or four. As was evident from that debate, there was a very strong feeling that the Scottish Government needed to get on and deliver the new park, because our national parks provide benefits to Scotland.

The work on that is important. I mentioned the various surveys and processes that have been undertaken. It has not been a quick process, by any means, to reach a point at which we could introduce the proposal. We have got to this stage by building on the consultation that was undertaken and, on the back of that, seeking detailed advice from NatureScot. In that context, I do not think that an independent review is necessary.

The Convener: Please feel free to bring in your colleagues whenever it would be appropriate for them to join in.

As members of the Scottish Parliament, we regularly hear of consultation fatigue and suspicion from constituents. It seems that there is a consultation for everything—you have only gone to Marks and Spencer to buy something but you can hardly get home before you are asked to fill out a consultation on what your experience was like when you were buying it. People are exhausted with all of it. There is a growing suspicion in many people's minds—which, as an MSP, you must recognise—that consultations are now just part of the fabric of everything that gets done, and that they are there to serve the interests of the original proposal, rather than genuinely to allow people the opportunity to contribute their own thoughts if they are counter to what has been proposed.

I participated in a consultation, in which I was allowed only 100 characters to express what I thought. I do not suggest that that is happening here, but do you understand why we have had so many responses from people saying that the consultation itself is—potentially, in the minds of some people—a flawed mechanism, particularly when it is being conducted by the people who are promoting the idea in the first place?

Mairi Gougeon: I understand the point that you are making about consultations in general. I know about that from my own portfolio. However, consultations are critical to the decision-making process, and we have a duty to do them. I appreciate your point about consultation fatigue.

In relation to the work that NatureScot is undertaking at the moment, I want to stress something that I mentioned in my opening comments, which is that I am not coming at the consultation from a particular angle and that I genuinely want to hear what people in the south of Scotland think about the proposal. They are the ones who live in the area, so it is important that they want to have the park there.

There are other options in the consultation, too, in which, if a park is not what people want for their area, they can set out what they would like to see instead. The information that will come from the report will be critical. I really want to get the message across that no decision has been made and that we really are listening to what people have to say. I encourage people to take part in the process, which needs to be as open as possible, as can be seen from the number of events that NatureScot is holding as part of the consultation process, and the engagements that it has planned.

On the point about NatureScot being the reporter, it was appointed because it has the

expertise in the areas set out in the National Parks (Scotland) Act 2000. NatureScot did the work for the designation of the initial national parks, and it is the most appropriate body to take on this work, as set out in the legislation. It is important to remember that the work that NatureScot is doing, and the reporting process, will be independently evaluated before ministers consider it further.

I hope that as many people as possible will engage in the consultation. It is an open process, and we really want to hear what people think.

David Torrance (Kirkcaldy) (SNP): Good morning to the cabinet secretary and our witnesses.

The committee has heard different views on how national parks impact upon communities and rural livelihoods. Cabinet secretary, what evidence is there that the existing national parks are meeting their statutory purpose to promote sustainable economic and social development in their areas?

09:45

Mairi Gougeon: There is quite a lot of evidence available on what national parks deliver for their areas, especially when we look at the economies of those areas. I will focus on tourism in each of the national parks, as an example of one aspect of that. In the Cairngorms national park, nearly 5,500 people are employed in the tourism industry. From the latest figures that we have seen, that generates about £420 million for the region's economy. In the Loch Lomond and the Trossachs national park, I think that the figures show a value to the economy of more than £500 million and that more than 6,000 people are employed in the tourist industry. What national parks can bring to the economy is really important.

However, national parks are not just about tourism; they are also about supporting communities. For example, the Loch Lomond and the Trossachs national park has run some community development projects. It helped to fund and take forward town centre regeneration work in both Callander and Killin and it is also working on various transport projects in its area. So, national parks bring a lot of benefits.

A key programme in the Cairngorms national park that is worth mentioning today is the Cairngorms 2030 programme, which brings together around 70 different organisations. The programme has £40 million of funding attached to it, about £10 million of which has come from the National Lottery Heritage Fund.

Cairngorms 2030 looks to address a number of different issues, such as improving the health and wellbeing of people living in the area. One of the

projects that that programme has delivered is an outdoor dementia centre. The programme is also considering what can be done to provide better connectivity, whether that is for walking, wheelchair access or cycling. There are a number of different climate and nature initiatives such as the restoration of peatlands and woodlands and also flood resilience.

I am only touching on some of the projects that show the benefits that national parks provide to local economies.

David Torrance: On the flip side, in the other evidence that we have taken, campaigners have said that national parks are not getting the basics right in things such as access to affordable housing and social housing and the pressure on infrastructure—even in respect of something as simple as litter bins. How does the Government see the involvement of national parks in such issues?

Mairi Gougeon: You mentioned several different issues. Of course, tourism and visitors bring additional pressures, as we saw in particular throughout Covid. The national parks are well equipped to deal with that through their ranger services and also through visitor infrastructure. I know that the Cairngorms national park has been looking at how it can better balance its visitor numbers across the off-peak seasons. It has seen some success in that and has increased the number of visitors in off-peak times by around 18 per cent.

There has also been wider infrastructure investment. Your question touched on housing. National parks cannot fix all the problems in a national park area; it is not their role to do that and they do not have the powers to do that. However, they have a strong part to play when it comes to collaboration and bringing together other bodies to try to address some of the issues that exist in the national park areas.

Each park has to bring forward a partnership plan. For both of the parks, ensuring the delivery of more affordable housing has been identified as a key priority. The amount of affordable housing that has been delivered through those plans in the Loch Lomond and Trossachs national park area is well above what even the Government asks for. We would expect the level of affordable housing to be about 25 per cent in national park areas, but I think that that figure is about 65 per cent in the Loch Lomond and Trossachs national park area.

Through their local development plans, national parks are working with local authorities to ensure that they are addressing such issues where there are known problems. As I said, the national parks cannot fix everything, but they have a strong

leadership role to play in trying to address some of those issues.

David Torrance: The Scottish Government says that new national parks are being pursued to help tackle the climate and nature crises. However, the committee has heard different views about the extent to which national parks have the powers to make a big difference in those areas. Can you describe what you see as their role, and can you give some examples of how national parks are tackling those twin crises?

Mairi Gougeon: Absolutely. I will touch on the Cairngorms Connect programme, which is part of the work that the Cairngorms national park is doing. Our national parks can be leaders by working at the landscape scale in trying to make an impact. The Connect programme is the UK's largest habitat restoration project, and it is backed by about £4 million of investment. Sixty members of staff are employed through that work, which concerns how the national park can deliver on planting more woodland and on peatland restoration.

Similar projects are being pursued in the Loch Lomond and the Trossachs park through its future nature programme, and the national park directly provides grants to communities for enhancing biodiversity.

The national parks work with farmers in their areas: there are schemes that work directly with farmers to do everything that we would all want to see—ensuring food production, ensuring that farming works for climate and nature and helping farming businesses to become more resilient. The Cairngorms national park is pursuing a future farming pilot to do exactly that.

Different aspects and elements of funding are available to farms within the national parks that are not available elsewhere. Both national parks have a strong leadership role in tackling the climate and nature crises. I believe that they are taking that action at park level to address the climate and nature crises that we know we are in. The work that I have mentioned is just a fraction of what is going on in both areas.

Maurice Golden (North East Scotland) (Con): The Scottish Government has said that any

“new National Parks should be designated in response to local community demand.”

What level of local buy-in do you consider necessary for a designation in order to progress?

Mairi Gougeon: That is a difficult question to answer, but I would return to the points that I made earlier. We need people to take part in the consultation, and I hope that as many people as possible participate in it, because we really want to hear people's views. One of the key things that we

asked the reporter to ascertain initially was whether people wanted a national park in their area, first and foremost, before then considering other proposals. It is really important that people take part in that process. We would consider that as part of the overall review. No decisions have been taken, however; we want to hear what people in the area think before deciding on any potential next steps.

Maurice Golden: There is a genuine difficulty for local communities in Galloway regarding the difference between the principle and the blueprint—you made a point about that. In Angus, if you were to ask the people of Forfar whether they want a train line from Forfar to Dundee, most of them would say yes. However, when we consider the costs of it, the elevation and the alternatives, people might come to a different point of view.

NatureScot has said:

“We do not know what the proposed national park in Galloway would look like”.—[*Official Report, Citizen Participation and Public Petitions Committee*, 13 November 2024; c 7.]

How, then, is it possible for local communities to make a decision on whether they want one?

Mairi Gougeon: I appreciate that point, and I appreciate the challenges that exist. That is where the initial engagement that NatureScot undertook was really important, as it informed proposals that are now in the consultation, where a few alternatives have been put forward for people.

I completely understand the frustration in that regard. I have met representatives of various groups and bodies and different stakeholders to discuss the proposals that have been put forward. Those proposals can be completely open to interpretation in some ways, and I understand that criticism that people do not know what they are voting for. At the same time, however, it is good to get the sense that, if people in Galloway want something, it is up to them to build it. It is not necessarily a case—in fact, it is not a case—of replicating the existing two national parks, which are different from each other. A national park in Galloway would be a very different proposition, by its very nature. It is ultimately up to people to design what it could look like.

The consultation that we have put forward provides different options for people to respond to, as well as asking for other ideas as to what a proposal could look like. That could include a different boundary or, if people do not want a national park, suggestions for how else we could work to improve the economy in the south of Scotland, in addition to addressing various other issues.

There is definitely now more information in the consultation, and there are different options for people to address and consider when they are responding to it.

Maurice Golden: Thank you for that. From the evidence that we have received, it appears that part of the issue is that there are no discernible benefits relating specifically to a national park. That applies even to some of the aspects that you have mentioned, such as dementia centres—Kirrie Connections, for example, is not in a national park area. There are also bike trails all over Scotland that are not the direct result of a national park. What, in your view, are the benefits that can be gleaned only via a national park?

Mairi Gougeon: I am probably going over some of the points that I have made previously. You are absolutely right—I have visited Kirrie Connections and I know that it is a fantastic centre, and we did not need a national park for that to happen.

However, where national parks have had a leadership role in being able to work at a landscape scale, that has been really important. For some of the projects that I have touched on today, such as Cairngorms Connect or the Cairngorms 2030 programme, it is about all the extra funding that they have been able to lever in on the back of that.

We can see, in the Cairngorms 2030 programme, the collaboration between 70 different organisations in the area. The ability to bring all those organisations together to work to improve the overall connectivity of the area, as well as general health and wellbeing and—as I said—the peatland and woodland on a wider scale, is really important. It would not have been the case if the parks had not been in existence or had not been able to work on that scale or with that level of investment. That is where I see the additionality that parks can bring.

Maurice Golden: Would you envisage a Galloway national park as having some of the facets that the other national parks have, such as Aviemore and Loch Lomond Shores?

Mairi Gougeon: If a national park were to proceed in Galloway, I think that it would be a very different proposition. There are a number of industries that are key to Galloway, such as farming and forestry. Given the importance of those sectors to the area, a park would have to represent that, so, again, it would be a very different proposition.

It is not for me to set out here today what a park should look like and what it has to cover. Ultimately, it is for the people to decide whether they want a national park, and what the shape of that should be and what it should look like.

Maurice Golden: NFU Scotland has raised concerns about existing national parks, and we have so far been unable to get any evidence to assuage those concerns. Is there anything that you could provide to NFUS in that respect today?

Mairi Gougeon: I am aware of those concerns—again, I have met with various stakeholders in relation to the proposals for a new national park.

There are differences in some areas. For example, agricultural policy inside and outside the national parks is different. To come back to one of my previous responses, I talked about the ability of farms in the park areas to access new programmes and, potentially, other avenues of funding, which is important.

There are some differences in relation to permitted development rights—for example, the size of sheds that people could have within and outwith a park area. I understand that there are some concerns about that. However, in general, the overall policy is not different inside and outside the park. The funding mechanisms are exactly the same in that regard.

Again, I am in discussions with stakeholders and I am trying to listen to and address those concerns as far as possible. I recognise that farming is key to Galloway—I have visited a number of farmers in the area, and that is what the area is about. The dairy industry there is critical, and we would not want that to change.

It all comes back to the fact that people need to be able to have their say in the consultation process and make their views known about what they want to see.

Fergus Ewing (Inverness and Nairn) (SNP): Good morning, cabinet secretary.

I am perhaps unique in at least one sense, in that I have been a resident in both national parks, and I have represented a large chunk of Cairngorms national park since it was established in 2003, and before that, the Cairngorm Partnership.

In their submission of 3 September, the petitioners said:

“a recent poll by a local community forum”—

the Aviemore and Spey valley community issues forum—

“asked its members if the Cairngorm National Park had performed well and 92 per cent said”

that it had not. A paltry 3 per cent said that it had. That is a North Korean-type majority.

The petitioners go on to make the point that

“surely a curious minister about to launch a third national park would want to find out why there was such overwhelming concern.”

What would the cabinet secretary say to them?

10:00

Mairi Gougeon: If there are particular issues, I want to dig more into them to find out what is behind them and what the concerns of the people who responded to that poll are. I do not have the details of the poll, know how it was undertaken or know whether any particular views were expressed in it.

What is important is the work that park authorities undertake in developing their priorities and how they move forward. I believe that the Cairngorms National Park Authority is undertaking work across the park area to survey residents and gauge the opinions of people who live in the area as to whether the national park has a positive impact. That will be an important piece of work and I am keen to see the results of it.

Fergus Ewing: Mr Golden asked about how support in Galloway would be gauged. Indeed, I asked Francesca Osowska and Peter Rawcliffe that in a conference call that I had with them a few weeks back. Perhaps that is for later on, because NatureScot is going to meetings in Galloway and people are asking what the boundaries would be, what the national park authority’s powers would be, who would be on the board and what the authority would do but there are no answers to any of those questions. It is a bit of a pig in a poke at the moment.

If the idea of a new national park is taken forward, surely the only real way to measure opinion would be to ask the people who are resident within its proposed boundaries in a local referendum. I thought that our party was in favour of referenda.

Mairi Gougeon: We are in the middle of the consultation process at the moment. It is important that we see that through. I am more in favour of that process because we ask people whether they want a national park within their area but we also get wider, qualitative information out of that.

I understand what you say about the boundaries, but boundaries are proposed in the consultation to get people thinking about what a park could look like. However, it is also open to people to suggest what they would like to see in their area otherwise. Therefore, to pose the question in a binary way would not be helpful. It is important to be able to conduct the consultation in the way that NatureScot is doing so that we get the quality of information that it is getting and pick up a wide variety of opinion in considering all those matters.

Fergus Ewing: Are you ruling out a local referendum, cabinet secretary?

Mairi Gougeon: Yes.

Fergus Ewing: In his evidence, Ian McKinnon—I should say that I have known him for 20 years—said:

“If we cannot provide the basics of litter collection, toilets and parking—and we are not doing that in our existing national parks—we should not be considering creating another one in the future.”—[*Official Report, Citizen Participation and Public Petitions Committee*, 30 October 2024; c 12.]

Is he not right?

Mairi Gougeon: I read that evidence. I come back to some of the points that I have made. The national park authorities are in a better place to address some of those issues.

I cannot speak to individual instances of what Mr McKinnon experienced, but let us look at some of the investment. The Cairngorms National Park Authority is able to invest in visitor management and is doing that. Both national park authorities employ seasonal and full-time rangers to manage some of those pressures. The Cairngorms National Park Authority has invested £200,000 to deliver infrastructure improvements. That relates to the infrastructure that you are talking about, including public toilets and motor home waste facilities, as well as wider investments. The Loch Lomond and Trossachs National Park Authority has done exactly the same to manage those pressures.

That is not to say that there are no problems, but the parks are in a good place to address some of those issues and are investing in trying to do that.

Fergus Ewing: As a resident and representative of a large part of the Cairngorms national park, I beg to differ about that, and tend to agree with the 92 per cent of my constituents who said that the park is not performing well. I say that with some sadness, because it is not what one would wish.

However, to go back—and this is the last area that I want to address, convener—the beef of the petition is in point two, in which the petitioners call on the Scottish Government to

“Instruct an independent review on the operation of the current National Parks, including assessment of the economic impacts on businesses & industries within the two parks including, but not exclusive to, farming, forestry, crofting and angling.”

The parks have been in existence for 21 years. There has been no independent analysis of their performance. Yes, there are reports, and there are board members. However—and the petitioners make this point—board members are not allowed

to express public criticism of the national park. One wonders what the point of board members is if they are gagged in that way—and I know that they are, because I know many of them and have watched that in operation, sadly.

The central point is, why are we creating another body, when there has been no proper, thorough and entirely independent analysis of how the two existing bodies have functioned over 21 years? When I say “independent analysis”, I do not mean, as Peter Rawcliffe suggested in his evidence to the committee, that some university should be appointed to carry out an independent review of the work that NatureScot does. I wonder which university will be picked for that and whether it will be one that will produce answers that are congenial to NatureScot, which, plainly, wants another national park and is not impartial in any way.

Surely the case for independent analysis is unassailable. With respect, the answers that have been given so far by you and NatureScot have been completely inadequate. The so-called benefits that you alluded to—the economic benefits—have been created by businesses and people in the national parks, not by the national parks themselves. As you said, a national park has very limited powers; therefore, the idea that hundreds of millions of pounds have accrued from the oeuvre, the efforts, the labour, and the input of the national park is for the birds.

The Scottish National Party did not include the new national park in its manifesto. It is a Bute House agreement legacy promise, and the Bute house agreement has been torn up. Why is the Scottish Government going ahead with this when there are so many so many more important things to do? If you are intent on going ahead with it, surely there must be a properly independent analysis—which is the central ask of the petitioners.

Mairi Gougeon: There is quite a lot in that question, so I will address it as best I can. I have already outlined why we have reached our position. You are absolutely right—the commitment was made in the Bute house agreement; it then formed part of what we said we would take forward in the programme for government. There was an agreed process, which we are working our way through.

Again, the consultation and the reporting stage are critical to that. We are under no obligation to proceed, and the outcome of that will be important before we determine the next steps. However, in thinking of those next steps and the work that has been undertaken by various groups in different parts of Scotland, it is important that we have reached this stage and that we have continued, given that the process was widely agreed.

Again, I come back to that mandate from the Parliament and all political parties within it. Throughout the course of the debate, no concerns were expressed by any party about how national parks were operating or the benefits that they brought. In fact, it was quite the opposite—the Government was being told to get on, do it now, designate more and do it faster.

It is important that we have taken the time to do what we have done and to carry out the work in the way that we have done it. We are now at this stage in the process, and I will not stop the process in the middle of consultation. We need to see that through before we determine the next steps. In addition, I am not going to stop it in order to undertake an independent evaluation of national parks.

There are the processes that I outlined earlier, as well as the scrutiny and the accountability mechanisms involved, and, indeed, the Parliament could undertake work on the matter if it felt that it was necessary. However, now that we are at this particular stage of the process, I want us to see through the consultation before setting out next steps.

Foysoil Choudhury (Lothian) (Lab): Good morning. The Scottish Government has set out its intention to make changes to national park legislation in the proposed natural environment bill. Why is national parks legislation being reviewed, and will the proposed change make any significant difference to how national parks operate?

Mairi Gougeon: You have raised an important point about the work that is currently under way. You are absolutely right, and I think that, ultimately, the proposals for modernising the legislation on national parks came about as a result of a number of pieces of work. I have already mentioned some of the engagement work that had been undertaken and various consultations that had been carried out, and there is also the advice on national parks that NatureScot provided to ministers last year. On that basis of all that, we consulted on proposals that could be brought forward as part of the natural environment bill, which is in the programme for government and which we have committed to introducing to the Parliament this year.

Ultimately, this is about modernisation and recognising the national parks’ role in tackling the climate and nature challenges that we face and looking at their purpose and aims, the role of public bodies in that respect, the use of enforcement powers in the parks and their governance. It is not possible for me to say exactly when that legislation will be laid, but that is the reason for bringing forward the proposals. We published the results of the consultation only just

recently—in the past couple of weeks, actually—and we are still considering the responses to determine what will be in any legislation that is brought forward.

Foyso Choudhury: Will the Parliament be able to consider any legislative changes before or alongside a designation order so that it can scrutinise coherence across the proposals?

Mairi Gougeon: We are in a bit of a difficult situation in that respect at the moment, but we also want to provide as much clarity as we can. Obviously, it is hard for me to set that out, and, as I am sure you will appreciate, I cannot say when the legislation will be introduced to Parliament. Moreover, I have to see through the consultation process before any next steps are considered. However, I hope to provide that clarity as soon as we possibly can. I should say, though, that it does not fundamentally alter where we are with regard to the proposition that is being considered for the south of Scotland.

Foyso Choudhury: Lastly, NatureScot recommended that the Scottish Government produce a draft policy statement on national parks consultation alongside legislative proposals. Does the Scottish Government plan to double up and consult on a national policy statement on national parks?

Mairi Gougeon: That comes back to the advice that NatureScot provided to us last year, which I have just referred to. A few recommendations came on the back of that, one of which was the national policy statement that you have asked about. However, it is not an area that we are considering consulting on or bringing forward, because when we considered the advice and the recommendations, our feeling was that it was all set out in the purposes and aims of the national parks. Therefore, bringing such a statement forward is not part of our plans at the moment.

The Convener: I wonder whether I can come back on that, cabinet secretary. In your evidence, you have made various references to the debate that took place in the chamber. That will include what I said, too. I suppose that I just went along with the hype; the background noise that the debate was being held against was that these things had been a wonderful, magnificent achievement and that everybody was absolutely aglow with their success. As such, it never occurred to me to think that there might be an alternative view. How very naive of me, you might say; nonetheless, that was the kind of atmosphere that was attendant on the debate.

Therefore, I have been quite surprised by how, in the evidence that we have taken, people are talking about the issue as being divisive in communities and becoming really quite an ugly

stain when it comes to engagement between different organisations and people within the proposed landscape. As a result, although you can point to debates in the chamber, I do not know that they should stand as the benchmark against which all subsequent decision making must stand. Does it not alarm you that such a culture seems to be growing within the proposed landscape that you are operating in? Given that it is, how do you address it?

10:15

Mairi Gougeon: I absolutely appreciate the point. I have, as I have outlined, had various engagements with various stakeholders, and I have also met elected members for the area to hear their concerns.

You are absolutely right. It has been concerning to hear about the division that has been caused, because it is not something that we want to see in our communities. One key thing for me that I hope that I have been able to outline today and, indeed, which I have been trying to get across to people more generally, relates to the concern that this is a done deal and that, because the Government had a commitment to establishing a park, it would, regardless of what might happen, be taking place anyway. That is by no means the case. As I have said, I want to hear what people in the area think before I determine any next steps.

I cannot get carried away with hype—I have to base this on the best available information. I mentioned that debate, because the overall consensus in the room was that this was a proposal that we needed to proceed with. However, I am not just doing this on the back of a parliamentary debate; extensive work and engagement have taken place over the past few years to bring the proposal forward and to reach the stage that we are at today. We cannot forget about all the work that has been done, the extensive advice that has been taken and the various iterations of consultation. If a proposal were to proceed beyond this point, there would have to be more phases of such work; there would have to be another consultation as well as parliamentary consideration of the proposal.

Again, this is not a done deal. We are at this stage in the process just now, because we want to hear what people think. I just want to get across this point: this is still open, and we want to hear people's views as to whether this is something that they want in their area. If they do not, it will not happen. However, we need to hear those views and what people in the south of Scotland think.

The Convener: What are the trigger mechanisms here? According to the consultation, the core funding provided by the Scottish

Government for national parks was £20.9 million, and the core budget of the Galloway national park might not be as large as that required by the other two parks. However, given the context of finite resources, what will be the trigger mechanism that will determine for you whether a national park is the best course of action, compared with alternative ways or routes by which, as Maurice Golden and others have suggested, some of the benefits that it might generate could be achieved?

Mairi Gougeon: It is important to recognise that the Galloway and Southern Ayrshire Biosphere is in the area, too, and I have heard from other stakeholders about the roles of other organisations and how that sort of thing can be used. That information is really important, as is hearing what people think about everything else that is happening in their area at the moment.

You are absolutely right to touch on the issue of the budget, as it is an important consideration that we will have to factor into our decision making. As you have said, resources are finite at the moment. We do not have a specific budget allocation for the national park, because we do not know what that proposition might look like; its composition could be entirely different from that of the current national parks. If a proposal were to proceed, it would have to do so in as efficient and streamlined a way as possible, recognising the financial situation that we are in.

Again, I cannot outline today what the trigger mechanism would be. All I can say is that they are all going to be important factors in our overall decision making.

The Convener: I have a final question before I ask for follow-up questions from colleagues. This is called the Galloway national park, but as we have heard from people in South Ayrshire, it will go a bit wider than that. Are you satisfied that the scope of the national park is fully appreciated by all communities?

Mairi Gougeon: It is really important that everybody in communities knows that. I have heard that concern directly, and I know that NatureScot has been carrying out engagement work to ensure that everyone in every part of the overall proposed area is aware of the proposals.

There was a specific issue about some initial information not being made available to everyone, but I believe that that has now been resolved. There will be further opportunities in that respect, and leaflets will be sent out to everybody in the area, in appreciation of the fact that not everybody is online and that people need to have that information to hand. We want to make sure that NatureScot is communicating as widely as possible and ensuring that people are aware of the

proposals and know how they can take part in the consultation.

The Convener: I see that colleagues have no follow-up questions. Do you have anything further to add, cabinet secretary?

Mairi Gougeon: No, thank you, convener. I think that we have covered everything.

The Convener: In that case, thank you very much for your evidence. I am sure that your colleagues were providing moral support to you this morning, but thank you all very much.

If members are content to consider this evidence later, we will have a short suspension just now.

10:19

Meeting suspended.

10:21

On resuming—

Rest and Be Thankful Project (PE1916)

A82 Upgrade (PE1967)

The Convener: Do members agree to consider the next two petitions together? I propose that we discuss each petition in turn, with a common suggestion for how we might go forward.

Members *indicated agreement.*

The Convener: PE1916, lodged by Councillors Douglas Philand and Donald Kelly, calls on the Scottish Parliament to urge the Scottish Government to instigate a public inquiry on the political and financial management of the A83 Rest and Be Thankful project, and to provide a permanent solution for the route. We are joined by our MSP colleague the indefatigable Jackie Baillie, who is a regular contributor to our proceedings and maintains an interest in this and our subsequent petition, as well as other petitions.

We last considered the petition at our meeting on 21 February 2024, when we agreed to write to the Cabinet Secretary for Transport, who has responded to the committee. The cabinet secretary states that

“delivery of a permanent and resilient solution is a priority”,

with the publication of draft orders expected by the end of the year. Time is running out. The Scottish Government estimates that the cost of the permanent long-term solution will be between £405 million and £470 million, with a more accurate estimate of the cost expected as work to progress stage 3 of the design manual for roads and bridges develops. The cabinet secretary has

also provided information about the medium-term solution, including improvements to the old military road, which is expected to take 12 months to complete once construction gets under way, subject to weather conditions.

We have also received a submission from the petitioners detailing the concerns of the Rest and Be Thankful campaign group. Those concerns include Transport Scotland's unwillingness to provide a two-way road as part of the medium-term solution; the continued threat of landslides on the route and whether that risk has been properly evaluated; and concerns that funding decisions are made annually, which means that there is no guarantee that the money will be in place when it is needed to complete the project.

Before we consider anything afresh, I invite Jackie Baillie to address the committee.

Jackie Baillie (Dumbarton) (Lab): Thank you, convener, and thank you for your kind words, which I hope will be sustained throughout the meeting.

The petitioners are calling for a public inquiry, born out of frustration at the on-going lack of progress. Discussion about the A83, never mind the petition, has been going on for years. It strikes me that, at this rate, the planning will take longer than the building. I and others look forward to the draft orders at the end of the year, but seeing is believing.

In May, Transport Scotland promised at the A83 task force meeting that a permanent fence would be constructed to protect the road from falling rocks and that the road would be returned to two-way use in the autumn. Clearly, autumn is a loose concept. We are now in November, and there is no fence or two-way road use. I could paper my office with emails advising that the old military road will be used because of bad weather.

The petitioners remain unconvinced that the best solution is being progressed in the short, medium or long term, and they feel that money is being wasted on activity that has not succeeded in opening the road to two-way traffic. They also point out that, at the most recent task force meeting, the cabinet secretary said that the Government was committed to funding the project. However, as you rightly pointed out, convener, Transport Scotland is nervous about the fact that decisions are made only on an annual basis and wonders about future commitment. Therefore, it would be helpful to know whether the Scottish Government is truly committed to the project. I invite the committee to keep the petition open until we are clear about that point.

I have a final comment. If rural Scotland is to thrive and survive, it needs infrastructure to avoid

depopulation. Whether it is about ferries or roads, it seems that rural Scotland is being left behind.

The Convener: This petition runs through the parliamentary DNA of David Torrance and me because we have lived with it parliamentary session after parliamentary session. We have stood on various sites and looked at the different options, so I feel that I know more about the A83 and the intractability of many of these problems than I do about the subjects of many other petitions. The fact that there is even a nominal solution is progress of sorts.

We will come back to that in a moment. In the meantime, we will consider petition PE1967, which is on protecting Loch Lomond's Atlantic oak wood shoreline by implementing the high road option for the A82 upgrade between Tarbet and Inverarnan. The petition, which was lodged by John Urquhart on behalf of Helensburgh and District Access Trust and the Friends of Loch Lomond and the Trossachs, calls on the Parliament to urge the Scottish Government to reconsider the process for selecting the preferred option for the planned upgrade of the A82 between Tarbet and Inverarnan, and to replace the design manual for roads and bridges-based assessment with the more comprehensive Scottish transport appraisal guidance.

This is another petition that concerns Jackie Baillie's constituency, so she is with us for it. We last considered the petition on 6 March 2024, when we agreed to write to the Cabinet Secretary for Transport. The cabinet secretary tells us that the Government is progressing detailed development and assessment work on the scheme but is not yet in a position to confirm a timescale for the publication of draft orders and the associated statutory consultation period. In response to our questions about the estimated cost of the time required to complete a STAG appraisal of the A82 Tarbet to Inverarnan corridor, the cabinet secretary tells us that that would likely take 12 to 18 months, but that doing so would return the project to the very start of the process, resulting in several years' delay to the scheme as well as significant additional cost. It is the cabinet secretary's view that that would unnecessarily repeat work that has already been carried out and would not provide any value for the Scottish taxpayer.

We have also received a submission from the petitioner, which draws our attention to the construction of a new timber extraction road along the line of the proposed high road, which the petitioner suggests demonstrates the feasibility of that option.

The submission also raises concerns about the accuracy of cost estimates that have been used to compare the high road and lochside proposals.

Jackie Baillie, would you like to contribute any thoughts?

Jackie Baillie: I welcome John and Anne Urquhart to the public gallery; their presence shows the importance of the petition to the local community.

I have invited the committee to enjoy a sunny day at Loch Lomond to have a look at the situation. I cannot promise the sunshine just now, but I think that such a visit would be instructive. The offer of a guided tour is still very much on the table and would help to illustrate to the committee the damaging implications for the local and wider economy that the Scottish Government's planned upgrade to the A82 would have.

As you have said, convener, the Scottish Government has reiterated its view that the STAG-compliant assessment has already been completed, but so much time has now passed between the costing and design work that the petitioners feel that the assessment is out of date and irrelevant.

There is a continuing feeling that Transport Scotland should carry out a full and proper STAG appraisal, but, at the very least, an update of its existing appraisal would be preferable. If Transport Scotland will not do that, the petitioners feel that the Parliament should conduct an inquiry into the issue.

The Convener: I am surprised that you cannot promise sunshine—I thought that Labour was promising sunshine for all.

Jackie Baillie: If it will bring you out to the A82, I will promise sunshine for you, convener.

The Convener: Colleagues, I am looking at both the petitions and I think that we are now driven in a similar direction as to how we might take them forward. We are going to keep both petitions open.

10:30

David Torrance: This is the third Parliament session during which I have been involved in discussions about the Rest and be Thankful. I say to Jackie Baillie that it was a sunny day when we visited previously.

The Convener: It was.

David Torrance: I chaired a meeting of the Public Petitions Committee there.

This has been an on-going issue for the local community and all the measures that have been put in place there so far have failed to keep the road open. I would like to invite the Cabinet Secretary for Transport to give evidence on both

these petitions, and on others that focus on road transport, at a future meeting.

Fergus Ewing: I support Mr Torrance's suggestion. I was also struck by the petitioner's most recent submission, of 12 November, which I hope the cabinet secretary will respond to at any such evidence session, and in particular, what might be regarded as a bull point, or the bull point, that

"We are amazed that anyone would try to build a road on the existing route under constant threat of landslides from 200,000 tonnes of unstable material. Work will constantly be stopped every time there is movement on the hillside, increasing building costs, and delay delivery of a solution."

The submission goes on from there. Incidentally, the petitioner's original submission, in December 2021, referred to a figure of 100,000 tonnes, which seems to have grown to 200,000.

No matter what the tonnage is, there is an awful lot of material. I am familiar with that particular area from the Munro-bagging days of my long-distant past and we all know that there is a constant threat of landslides in that area. I am mystified as to why that route could be chosen, particularly after it has gone through the process of preferred route selection. I am not as experienced, or as long in the tooth, as the convener and deputy convener when it comes to this petition—I am just a junior—but I find it baffling that we would spend £400 million or more on a solution that seems patently flawed. I wanted to make that point *ad longum*, as *m'luds* might say, because that has not been explained to me and I would like to know the answer.

My final point is that the argument will not disappear. Jackie Baillie and I have been around for quite a long time and we know that serious arguments, which can seem to the ordinary punter to be unassailable, do not go away. They just fester and that festering process results in disillusion with Governments and Parliaments. I wanted to make that point as best I could.

The Convener: I am grateful for that broadcast to the nation, Mr Ewing, and I commend you, as I always do, for delivering it with impeccable grammar from start to finish.

Does that mean that you concur with the suggestion of bringing the cabinet secretary to a future meeting?

Fergus Ewing: I certainly concur.

The Convener: Are we agreed?

Members *indicated agreement.*

The Convener: The Convener: That is what we will do. I hope that, by that time, we will have the orders that we have been promised and will be able to investigate the matter that Fergus Ewing

spoke about, which is that a high road appears to be being delivered on a temporary basis.

We will keep both petitions open and will ask the cabinet secretary to address them at a subsequent meeting.

Mental Health Accident and Emergency for Children (PE2008)

The Convener: We move to PE2008, lodged by Kirsty Solman, which calls on the Scottish Parliament to urge the Scottish Government to provide funding to create a separate accident and emergency department for children and young people presenting with mental health issues.

We last considered the petition at our meeting on 7 February 2024, when we agreed to write to the Minister for Social Care, Mental Wellbeing and Sport.

In that letter, we asked about the training and resources available for Police Scotland and the Scottish Ambulance Service. The minister's response highlights the work of the education and training advisory group, which has developed an induction training framework for the wider mental health and wellbeing workforce, volunteers and carers. The response also highlights more than £6 million in funding to Police Scotland, the Scottish Ambulance Service and NHS 24 since 2020 to support the pathway from Police Scotland or the Ambulance Service to the mental health hub. It also highlights £180,000 of funding in 2023-24 to support the Scottish Ambulance Service's delivery of mental health training and education.

His Majesty's Inspectorate of Constabulary in Scotland's report on mental health and policing, published in October 2023, highlighted a gap in training relating to mental health. Two recommendations were made and a delivery group has now been set up

"to drive activity relating to those recommendations."

For children under 12, more than 52 per cent of calls to the mental health hub resulted in a referral for a follow-up to a local out-of-hours general practitioner service, 28 per cent were signposted back to their own GP and 1.7 per cent were referred to accident and emergency.

The petitioner's view is that the submission does not sufficiently focus on children's mental health services. She also notes that, for each referral through the mental health hub, children are being put on long waiting lists.

So, colleagues, do we have any comments or suggestions as to how we might proceed, given the response that we have received from the Scottish Government?

David Torrance: Considering the response that we have had, I would like to close the petition under rule 15.7 of standing orders on the basis that the Scottish Government does not believe that there is merit in funding a separate mental health A and E for children and young people, given the existing and developing mechanisms for providing mental health care.

The Convener: Essentially, you are arguing that this is as far as we can take the petition, given the Scottish Government's position. Do colleagues have any other comments? It is an important area but, given the Scottish Government's response, it is difficult to see what more we can actually do to take the issue forward. On that basis, are colleagues content, however reluctantly, to close the petition?

Foysoil Choudhury: I think that there is a gap, which the Scottish Government recognises. Can it not do anything to fill it?

The Convener: Well, there is a gap. Two recommendations were made and a delivery group has now been set up

"to drive activity relating to the recommendations."

I am content to follow up on progress in relation to that, Mr. Choudhury, if you would like us to do so. Do other colleagues have a different view? Mr Torrance has suggested that we close the petition—

David Torrance: I genuinely do not think that the committee could take it further.

Fergus Ewing: Regretfully, I agree that the committee cannot do much more. If there is a gap—I do not doubt that there is one—it will not be filled by the particular recommendation that the petitioners make, which is to have a kind of separate system. If there is a gap, the ask will not fill it.

The Convener: No.

Fergus Ewing: I sympathise with Foysoil Choudhury's point, but I am not sure that prolonging the life of the petition will—

The Convener: advance the aims of it.

Fergus Ewing: or benefit the aims of it.

The Convener: I am reluctantly of that view.

Fergus Ewing: The aims are very worthy and we all have great sympathy with them, because of the profound mental health problems that exist among young people in Scotland. It is a very serious point indeed.

Foysoil Choudhury: I am happy to close the petition, but I think that we should write to the Scottish Government to say, "Look, there's a gap. What are you guys doing about it?"

The Convener: So, are we content to close the petition, with some reluctance?

Members *indicated agreement.*

Universities (Fair Access) (PE2009)

The Convener: PE2009, which was lodged by Caroline Gordon, calls on the Scottish Parliament to urge the Scottish Government to ensure fair access to Scottish universities for residents in Scotland and the United Kingdom by reviewing university business models and Scottish Government funding arrangements.

As we have been when we have considered the petition previously, we are joined by our MSP colleague Michael Marra. Good morning.

We previously considered the petition at our meeting on 6 March, when we agreed to write to the Commissioner for Fair Access, the Scottish Government and Universities Scotland—on Mr Marra’s suggestion, I think. We asked those organisations whether data from each university on how many Scotland-domiciled students are accepted on to each course annually could be published.

The Commissioner for Fair Access, Universities Scotland and the Scottish Government all noted that publishing that data alone could be misleading and raised concerns about the complexity of sharing complete data that would be useful to prospective students. The commissioner’s submission explains that

“A low count of entrants does not necessarily imply that it is more difficult to gain entry, just as a high count of entrants does not necessarily imply that it is easier to gain entry.”

Universities Scotland noted that

“The use of contextual admissions and minimum entry requirements ... adds a level of complexity”

to the data picture. Its submission states that that

“would need to be captured and reflected in any student-facing data ... so that the applicants ... are not misinformed.”

The Scottish Government’s submission states:

“It is for the universities themselves to decide: how to distribute the places between faculties; the courses they offer; and how many of the total funded places will be available on each course.”

Universities Scotland’s written submission states:

“the number of funded undergraduate places available to Scottish-domiciled applicants for academic year 2024/25 sits above the pre-pandemic, high watermark level.”

The petitioner’s written submission highlights the growing financial challenges that universities face, and she believes that widening access initiatives look

“like a sticking plaster on a gaping wound”.

Her submission urges the committee to call for the publication of admission figures so that they can be analysed to

“consider what needs to change”.

On the face of it, the options for the committee to take the petition much further forward are limited. However, given that Mr Marra has been invariably creative in his contributions to the committee, we wish to hear from him before we take any final decision.

Michael Marra (North East Scotland) (Lab): I really appreciate the time that the committee is giving me. I thank the committee for its consideration of the petition and its support of my constituent over the past 18 months, and for the work that you have done. I also place on record my thanks to my constituent, Caroline Gordon, for her representations on behalf of young citizens across the country. Our democracy is enhanced by that form of citizenship, as is so often demonstrated through the work of the committee.

I note the evidence that the convener has referred to, and I tend to agree with the conclusions that he has reached. It strikes me that there has been something of a circling of the wagons, if I can put it that way. Judging by the responses, there appears to be real resistance to presenting the transparency from university entrance data that Ms Gordon and I have been calling for, despite the representations made by the committee.

I find the rationale that has been set out by the Government, the sector and the commissioner not to be particularly credible, frankly. If there is no issue, as they have claimed, there should be no problem with presenting the data publicly. Perhaps it is just that I have greater faith in the Scottish public’s ability to understand complex issues than some of the people involved perhaps do. That is a great pity, given that some of them are in higher learning institutions.

The committee has probably taken the issue as far as it can at this stage. It is potentially now a political question ahead of the 2026 election. I would imagine that, at the very least, citizens might call for greater transparency through the election of new MSPs in 2026.

I wanted to put on record those reflections and to thank the committee for its time. I will leave it to the committee to consider what, if any, action it wishes to take next.

The Convener: You have nicely summarised some of the frustrations that we feel with the responses that we have received. Given the evidence that we have received and Michael Marra’s contribution, are there any suggestions

from committee members as to how we might proceed?

David Torrance: In the light of the evidence that the committee has received, I wonder whether the committee would consider closing the petition under rule 15.7 of standing orders, on the basis that the Commissioner for Fair Access has not found any evidence to substantiate the petitioner's concerns about funding arrangements to block access to Scotland-domiciled students or that such arrangements are leading to students pursuing higher education elsewhere in the United Kingdom. The number of non-controlled funded places available for Scotland-domiciled students increased by more than 11,000 from 2019-20 to 2024-25, and Universities Scotland has stated that, across the sector, there are sufficient university places available for suitably qualified Scotland-domiciled undergraduate students.

The Convener: Are we content to close the petition?

Members indicated agreement.

The Convener: I thank Caroline Gordon for bringing the petition to us. The issues might well persist, and I very much encourage her to monitor events and potentially lodge a fresh petition in the next session of Parliament, when there might be a different perspective abroad as to how such matters might be addressed.

Recreational Drones (Use in Nature Reserves) (PE2050)

10:45

The Convener: PE2050, which was lodged by Lee Watson on behalf of Ythan seal watch, calls on the Scottish Parliament to urge the Scottish Government to amend the current guidance on flying recreational drones on national nature reserves so that their use is prohibited without a permit; that permits include a flight time, date and agreed flight path; that operation is in accordance with the drone code; and that advice on the legal status of the wildlife and habitats is provided.

We previously considered the petition on 21 February, when we agreed to write to NatureScot, Police Scotland and the United Kingdom Government. All committee members were intrigued by the issues raised by the petition and the use of drones in respect of wildlife. Police Scotland's response states:

"there is only one reported and prosecuted wildlife crime case involving drone use in recent memory."

Its submission explains that it is "challenging" to quantify the number of investigations into suspected wildlife crimes of this nature but that,

since 24 January, Police Scotland has logged 400 drone incidents, the vast majority of which were

"notifications of legitimate drone use."

All wildlife crime liaison officers in Police Scotland were canvassed and reported that, beyond that one noted earlier incident, there were no significant incidents of drone-related wildlife crime.

On the question of byelaws, NatureScot states that it

"would only consider creating byelaws for"

national nature reserves

"or any other protected area where there is clear evidence of their need and the likely benefits to protected species, as well as evidence that a byelaw is the only or best way to address a particular issue."

The NatureScot submission also notes:

"The process for making byelaws is very complex and time consuming, and ensuring compliance can also be resource-intensive."

I was quite surprised by the evidence that we received. In the light of that, do colleagues have an idea of how we might proceed?

Fergus Ewing: In the light of the responses from Police Scotland and NatureScot that you have described—I will not repeat what you have said—there does not really seem to be any basis on which we can proceed further. Therefore, I suggest that we close the petition under rule 15.7 of the standing orders.

The Convener: It is an interesting issue, and it might well be that the prevalence of drones will lead to this being a more relevant matter subsequently. However, given the evidence that we have received, I think that that is the correct course of action. Do members agree to close the petition?

Members indicated agreement.

Prostate Cancer (Screening Programme) (PE2062)

The Convener: PE2062, which was lodged by Bill Alexander, calls on the Scottish Parliament to urge the Scottish Government to introduce a national screening programme for prostate cancer. Again, we are joined for this petition by Jackie Baillie.

We previously considered the petition on 7 February 2024, when we agreed to write to the United Kingdom National Screening Committee. Its written submission explains that it

"does not recommend prostate cancer screening because the prostate-specific antigen (PSA) blood test, which is usually the first step towards a diagnosis, is not nearly reliable enough as a primary screening test."

It has contributed to thinking on the design of the TRANSFORM randomised control trial, which will

“aim to establish if various testing strategies, including using MRI scans up front for screening, could tip the balance in favour of a screening programme, for example by detecting disease that PSA testing misses and by reducing the amount of insignificant disease found.”

The screening committee is

“commissioning an analysis of prostate cancer screening in response to”

submissions

“that were put forward during”

the

“annual call for topics”.

The screening recommendations are reviewed every three years.

I am content to invite Jackie Baillie to comment again.

Jackie Baillie: Thank you very much, convener. Of course, since you previously considered the petition, the number of prostate cancer diagnoses in Scotland has increased. Although that is very welcome, some notable people in Scotland have had a diagnosis, including Sir Chris Hoy.

Not all men have symptoms in the early stages and they are often not diagnosed until much later on, so there is a need to do something. We know that catching symptoms early is key to increasing survival rates, and a screening programme would help to catch more diagnoses sooner rather than later. The Scottish Government says that it will consider recommendations made by the UK National Screening Committee. That is welcome, but it acknowledges that there is a duty to ensure that as many early cases of prostate cancer as possible are picked up in the intervening period.

I understand that the review of the Scottish cancer referral guidelines will include PSA testing and will be published in spring 2025. The cabinet secretary has written in support of prostate cancer screening to the UK National Screening Committee, which is still considering the matter and has yet to report on the review and further testing. However, given the seriousness of the condition and the need to do something and not wait, will the committee consider writing to the cabinet secretary to ask what the Scottish Government will do to improve diagnosis between now and when it gets information from the UK National Screening Committee?

The Convener: As someone who had a high and then an increasing, if not yet alarming, PSA reading, which has led to more than one MRI scan and a biopsy to establish my own situation, I can very much testify that that process offered what I thought was a model route to a safer outcome.

I am interested to know what the TRANSFORM trial will generate, but I concur with Jackie Baillie that, if the committee is content, we should write to the cabinet secretary to ask what might happen in the interim. We should also write to the UK National Screening Committee to seek an update on the analysis of the prostate cancer screening.

This is a major issue. Across the country, the mentality among what I call west of Scotland men is still that they tend to hope for the best. Frankly, we need to be a little bit more proactive and comprehensive if we are to properly address and save people from the consequences of prostate cancer, which, if properly diagnosed, can be properly treated.

Fergus Ewing: I endorse what the convener and Jackie Baillie have said. Plainly, thanks to the courage and campaigning efforts of Sir Chris Hoy, this has been very much a matter of public debate and concern. It affects a huge number of people, including men in the west of Scotland and furth of the west of Scotland.

In addition to what has been said, I note that the submission from the screening committee is dated 20 February 2024, and we are now some distance away from then. The NSC commissioned an analysis of screening in response to submissions of six proposals for screening of various categories of people who might be thought to be at particular risk—I will not go through them all now. Given the urgency of the matter, I would very much like to know the timescale for the completion of those studies. When will they conclude? Will they drift on for ever while more people die, or is a time limit being placed on those efforts by the UK Government and the Scottish Government, I hope, working together?

The Convener: Are we content to keep the petition open and proceed on that basis?

Members indicated agreement.

The Convener: I do not know whether my own declaration was one of a personal interest, but, if it is seen as such, it is on the record.

New Petitions

10:53

The Convener: Item 3 is consideration of new petitions. As always, I say to those who might be tuning in or joining us for the first consideration of their petition that, ahead of so doing, we invite the Parliament's independent research body, the Scottish Parliament information centre, to offer the committee a briefing on the issues raised. We also ask for a preliminary view from the Scottish Government. We do those two things because, historically, when we considered petitions, those were the first two things that we did and we then had to wait until the next meeting before we took any further action. The current approach allows us to progress with a little bit more speed.

Pump Storage Hydro Schemes (Impact on Salmon) (PE2109)

The Convener: PE2109, which was lodged by Brian Shaw on behalf of the Ness District Salmon Fishery Board, calls on the Scottish Parliament to urge the Scottish Government to create a moratorium on any further development of pump storage hydro operations on Scottish lochs that hold wild Atlantic salmon until the impact of such developments on wild Atlantic salmon migrations is understood.

We have been joined for consideration of the petition by our colleague Edward Mountain. Good morning, Edward.

The petitioner feels that the economic case has been made for pump storage hydro but that the environmental impacts have been glossed over, denied or ignored. The SPICe briefing explains that operating a pump storage project requires planning permission or a section 36 energy consent from, respectively, the local authority or Scottish ministers. The Scottish Environment Protection Agency and NatureScot, as statutory consultees, would also be expected to comment on any planning or energy consent application in respect of impacts on hydrology, the water environment and nature conservation. The briefing states that the Scottish wild salmon strategy notes pressures on wild Atlantic salmon, including obstacles to fish passage that can be created by infrastructure or changes to the water.

The Scottish Government's response states:

"The legal position of the Scottish Government is that processes under planning would examine the relevant environmental impacts and reach a conclusion, on the basis of evidence and facts relating to the particular development."

Edward Mountain, do you wish to address the committee?

Edward Mountain (Highlands and Islands) (Con): I would like to, convener, if there is time.

The Convener: Please do.

Edward Mountain: Thank you, convener. I remind members of my entry in the register of members' interests, which shows that I own part of a wild salmon fishery. I should also point out that I managed fisheries on the Ness and Loch Ness until 2006. My family has a strong connection with Loch Ness, having funded various expeditions to try to find the monster in the 1950s.

The petition has come about because of the work that is being proposed for pump storage in Loch Ness. I accept the importance of pump storage to our net zero demands in Scotland. It provides us with green energy and the ability to have a black start, should there be a complete failure in the national grid.

However, the pump storage at Loch Ness has proven that there are real threats to the environment that we do not yet fully understand. Pump storage will increase the temperature of the water that goes back into the loch. It will invariably require the feeder loch to have its height increased, which is what is being suggested for Loch Ness. That will damage the edge of the loch and cause problems for flora and fauna. The very edge of the loch is probably the most oxygenated area. NatureScot has objected to the proposal.

I know that it would be difficult for the committee to make a recommendation to stop everything when it comes to pump storage, because it is important to Scotland. However, we need to understand what we are doing when it comes to generating electricity.

As a member of the Net Zero, Energy and Transport Committee, I say this with a bit of trepidation, because other members might not thank me for it, but this committee might think it appropriate to refer the petition to the Net Zero, Energy and Transport Committee so that it can undertake work to ascertain whether there is a problem. I am not volunteering that committee's services, because I might be killed when I return to it, but it might be an idea.

The Convener: It is generous of you to spoil all our fun. I am sure that we might want to consider some of the issues raised in the petition in the first instance while you go on your next trip to area 51 and your various monster quests.

Are there any suggestions on how we might proceed?

David Torrance: I wonder whether the committee would consider writing to the Scottish Government to seek a further response to the petition, particularly on whether it is sure that a pump storage hydro scheme would not have a

significant impact on wild Atlantic salmon, and on how its policy on pump storage hydro schemes is informed by the Scottish wild salmon strategy, which recognise the impact of infrastructure and changes to water on the fish.

Fergus Ewing: I second David Torrance's suggestion and support further examination of the consequences of pump storage, as Edward Mountain has eloquently set out, not least because of the potential for disturbance of the habitat of my most famous, albeit elusive, constituent, Nessie.

There is a great deal of support for pump storage schemes in principle, and I am among the most enthusiastic of supporters. I should say for transparency that I am due to speak to Mr Shaw later and have been in correspondence with him about the issue.

11:00

The concern about the impact of pump storage schemes is an enduring one, and the right time to bottom out the issues is now, not when it is too late. I do not know what the answers are. Mr Mountain has expertise in this area, and so do many other people. I have had many discussions, over many years, with the Ness District Salmon Fishery Board and others who are interested in the success of our wild salmon sector. The petition addresses an enduring concern that will not go away. We must bottom things out. This is the time for the Government to get to grips with the issue.

I have a supplementary suggestion to make. I would like to find out what work has been done by the developers. Plainly, all the developers will have commissioned their own research. In the interests of openness and transparency, I suggest that we write to the developers, including the developers of the project in question, and to SSE. I suspect that they will have already commissioned reports on the impacts on wild salmon. In order that we can have a proper debate, we should ask them to make those reports public, to avoid any suggestion that any unwelcome or inconvenient truths that might have emerged from those reports are being kept secret. We need to get to grips with the issue. If we do not, others in decades to come might well question what we were doing.

Maurice Golden: I agree with Mr Torrance and Mr Ewing. I am concerned about the cumulative effect of such schemes, of which there are a number. In that regard, I have two suggestions to make. One is that we need to understand the context. Globally—whether in relation to the Hoover dam in the USA, the three gorges dam in China or the Gabčíkovo-Nagymaros dam between Hungary and Slovakia—there is a massive body of evidence on the environmental impact of dam

building. If a particular pump storage scheme is looked at in isolation, that might lead to unintended consequences in the long term. Academia—I am thinking, in particular, of the UNESCO centre for water law, policy and science, which is based at the University of Dundee—might be where we should go to look at the wider context.

Secondly, we need to get an understanding from the Scottish Government of whether the planning system can adequately cope with and assess the cumulative impact of a number of such schemes.

The Convener: A considerable number of suggestions have been made. If Mr Golden is ever on “Pointless”, I think that he might win the money if his question involves naming dams. [*Laughter.*]

Are colleagues content for the committee to keep the petition open and to take up those suggestions?

Members *indicated agreement.*

Fergus Ewing: I am glad to hear that you watch daytime television.

The Convener: Well, I am a pensioner.

We will have a brief suspension, because a veritable galaxy of parliamentary collegial talent is about to join us for the next petition.

11:03

Meeting suspended.

11:04

On resuming—

Bus Franchising Powers (PE2116)

The Convener: Our next petition is PE2116, lodged by Ellie Harrison on behalf of Better Buses for Strathclyde, which calls on the Scottish Parliament to urge the Scottish Government to improve the process for implementing the bus franchising powers that are contained in the Transport (Scotland) Act 2019 by introducing, without delay, the regulations and statutory guidance that are required to give bus franchising powers full effect; amending the 2019 act to remove the requirement for proposed franchising frameworks to be approved by a panel appointed by the traffic commissioner, and instead empowering regional transport partnerships to have the final say on approving proposals; and providing additional funding to help support regional transport partnerships in preparing franchising frameworks and assisting them with the initial set-up costs once frameworks are approved.

We have assembled a galaxy of parliamentary talent this morning. I welcome to the meeting Neil Bibby, Patrick Harvie, Mark Ruskell, Graham Simpson and Paul Sweeney. We had also hoped to have Katy Clark with us, but unfortunately she is unable to attend.

For some of you—I am looking at Mr Sweeney—it is a return to familiar territory. I think that we have also had Mr Ruskell at the committee before, but it is Mr Harvie's first appearance—during my tenure, at any rate.

Patrick Harvie (Glasgow) (Green): Yes, during your tenure, convener.

The Convener: I welcome you all.

Members will be aware that, although section 38 of the Transport (Scotland) Act 2019, which makes provisions for local bus service franchising, came into effect in December 2023, the full suite of secondary legislation and guidance for the introduction of local service franchising is not yet in place. Transport Scotland, in its initial response to the petition, indicates that a number of substantive regulations have been laid, stating that “The remaining regulations and statutory guidance to bring the franchising provisions into effect will be provided before the end of this year.”

The initial response also states that the Scottish Government has no plans to revisit the primary legislation to remove the requirement for an independent panel to be convened to approve or reject a local transport authority's franchising proposal.

As has been highlighted in the submissions that we have received from the petitioner, although the delay in enacting provisions is, in their view, “inexcusable”, events have now slightly overtaken us. As members will likely be aware, the Net Zero, Energy and Transport Committee, at its meeting on 29 October, considered a Scottish statutory instrument relating to the traffic commissioner's role in appointing the independent panel and recommended that the SSI be annulled. A motion to annul the SSI was subsequently lodged in the chamber, and was not agreed to. That means that the regulations are in place, and, indeed, they came into effect on 1 November.

During the NZET Committee's consideration of the recent SSI, it has become apparent that the remaining regulations and associated guidance will now be published in the new year. There is a lot of information to consider, which is detailed in our papers for today's meeting, and it includes developments relating to bus franchising in other parts of the UK. We have also received a written submission from Paul Sweeney, which is included in our papers, too.

I invite all colleagues who have expressed an interest in the matter—as I welcome the interest of parliamentary colleagues in relation to petitions—to address the committee. We thought of having an opinion poll to see in which order we should hear from you all, but, ultimately, we opted simply to invite you to speak in alphabetical order. I know that the clerks have asked you, if you can, to complement, rather than repeat, one another's evidence. The committee would very much appreciate that.

We will begin with Neil Bibby.

Neil Bibby (West Scotland) (Lab): Good morning, convener. I understand that you want us to be brief—and I will happily be brief.

Although I am delighted to be at the committee, I am, to be frank, fed up with talking about this particular issue. However, I am not nearly as fed up as my constituents in West Scotland are about being failed by an utterly broken bus market.

I commend Ellie Harrison and the Better Buses for Strathclyde campaign for lodging the petition. As members will know, I represent the West Scotland region, including Renfrewshire, which last year saw a 13 per cent cut in bus services. That drastic cut that has had real consequences for people in West Scotland. Young people in Erskine are struggling to get to college; disabled residents in Gallowhill are being abandoned; there are veterans in Erskine without a nearby bus stop; national health service workers from Barrhead and Neilston are facing challenges in making it to their shifts at the Royal Alexandra hospital; and working mothers in Johnstone are finding it impossible to drop their kids off at school and get to work on time. In Foxbar, a dialysis patient is now having to make a daily taxi journey, because of early morning bus cuts. All the while, people in Glasgow and the west are paying among the highest bus fares anywhere in the UK.

Frankly, people have had enough, which is why you have so many MSPs in front of you this morning. Young people and older people alike are now asking what the point of a free bus pass is if there is no bus to get on. I focused on Renfrewshire, because I can offer that particular perspective, but the same stories are being replicated across Glasgow and the west.

Private bus operators clearly want to keep the status quo, but that is not an option; reform is long overdue and needs to be accelerated in the ways that the petitioner has put forward. Bus passengers in the west need and deserve change. The same franchising powers have been implemented in places such as Manchester, Liverpool and Leeds—and if it is good enough for those areas, it is certainly good enough for Greater Glasgow and Clyde.

The process for putting local buses under local control should be accelerated, and transport authorities should be provided with the necessary resources and information to make that happen urgently. I welcome the petition.

The Convener: Thank you, Mr Bibby. You have illustrated your evidence with examples from communities adjacent to my constituency in Eastwood, where there are similar concerns. Given that I regularly—indeed, almost daily—receive representations on the inadequacy of bus services, particularly in what is a growing community that feels that it is not at all well served by those services, I understand the points that you have made.

I invite Patrick Harvie to contribute.

Patrick Harvie: Thank you, convener. I am grateful to you and the committee for making time for so many colleagues to address you. The fact that so many of us are here should be the first demonstration to you of the clear breadth of political support for greater urgency in this area.

I have seen very positive engagement by the campaigners—certainly those based in Glasgow, who are working with all political parties that represent the city. There is clear consensus that there needs to be fundamental change. In fact, the passing of the 2019 act demonstrates that there is already clear consensus on the need to move in the direction of franchising and to support local areas that choose to do so. The passing of the 2019 act was intended not only to make that possible but to make significant progress in that direction.

Even when the Parliament was considering that legislation, the committee that was doing so took a litany of evidence at stage 1 that the process, including the panel, would simply take too long. Many organisations—the Society of Chief Officers of Transportation in Scotland, Glasgow City Council, the Strathclyde Partnership for Transport, the Scottish Association for Public Transport and the Urban Transport Group—raised concerns about the timescale involved and the level of bureaucracy and lack of democratic accountability in that process.

Since the bill went through the Parliament and became an act, faster progress has been made elsewhere than is being made in Scotland, despite the political consensus that this should be the direction of travel. It is very clear that, if we are going to see communities such as the one that Neil Bibby described and, indeed, right across Scotland benefit from the required change, we need to accelerate the process. If that means the Scottish Government making relatively minor changes to primary legislation, that is what should happen.

Mark Ruskell (Mid Scotland and Fife) (Green): I am a member of the Net Zero, Energy and Transport Committee that recently scrutinised the regulations that were approved—if very narrowly—by the Parliament.

It is important that bus services, which are public services, are run in the public interest. Franchising is an important part of the public control that is needed, and that is reflected in the 2019 act. As Patrick Harvie has said, the issue is that, in the years since the act was passed, franchising has progressed very rapidly in England, while we have yet to see that kind of progress in Scotland.

Some of the reasons for that are down to the fact that we have not had the legislation in place to enable us to proceed. However, the petitioners also have concerns about whether the decision-making process for a franchise for bus services could be influenced by vested interests.

At the moment, the process that was agreed by the Parliament focuses on the role of the traffic commissioner, who is appointed by the UK Government, not by the Scottish Government. It is the traffic commissioner who appoints the panel that ultimately makes the decision. That is a problem, because one of the traffic commissioner's stated objectives is to minimise the regulatory burden on operators. If operators who are actively frustrating bus franchising go to court to challenge the bus franchising process, their interests could effectively be represented in a roundabout way through a decision-making panel. That would put the panel in direct opposition to what the 2019 act was trying to achieve, which is to encourage more public control through franchising.

The initial consultation on the act indicated that ministers would make the decisions on franchising, but now, it is the traffic commissioner and a panel that will do that. That requires more examination. The NZET committee has yet to approve the final piece of legislation in the jigsaw that would allow franchising to go forward. This committee could look at the issue again, take evidence from the petitioners and look critically at the issue of a potential conflict of interest between the traffic commissioner and the panel.

11:15

Graham Simpson (Central Scotland) (Con): This is also my first time at the committee, and it has been fascinating and entertaining. I must come back.

Others have laid out the case for franchising. As you know, convener, too many areas of Scotland are not well served by buses. I describe some of those areas as bus deserts. I live in a place where

the bus service is not good enough, and it leads to many people using their cars, because they do not have a choice. Franchising, if implemented, has the potential to provide a solution, but the frustration that colleagues have already expressed is that, in Scotland, it is taking far too long. I think that that is where the petitioners are coming from, too.

I invite the committee to look at the process. It might also wish to look at some of the suggested legislation from the new UK Government. There is the proposed buses bill, which will speed up the process of franchising down south. I think that we need something similar in Scotland, because of the frustration that things are taking far too long. Mr Ruskell mentioned, quite rightly, the Parliament's recent tied vote on bus franchising, in which the final vote went to the Presiding Officer. The concern in that respect related to the undemocratic nature of the panel, which could quash any work that had already been done on franchising.

The only game in town at the moment is the Strathclyde Partnership for Transport, which covers the convener's constituency and is looking at franchising. If it did go down that road, it would spend a lot of time and money only to, ultimately, come up against a three-person panel that could stop it from going ahead. I do not think that that is a very good system at all.

The Convener: I call Paul Sweeney to speak on his written submission.

Paul Sweeney (Glasgow) (Lab): Thank you, convener. I appreciate your kindness in allowing me to speak in addition to my written submission.

In addition to what colleagues have already outlined in relation to the dysfunctional nature of the bus network in the west of Scotland and greater Glasgow area, I highlight that the control of the fare box is a critical factor in a franchising structure. It is not about nationalising the assets of bus companies—going down that route would be a red herring. It is about centralising and having public control of the fare box, which would allow for rational, coherent management of an integrated bus system and enable its integration with other transport modes, such as rail, subway and so on.

The concern relates to the lack of progress with the implementation of the provisions in the 2019 act. We feel that it is bizarre that UK legislation within a similar timescale has been implemented but implementation has not happened nearly as quickly in Scotland. One could surmise that it might be that the Government was reluctant in the first place to entertain the amendments to the 2019 act, which introduced provisions for franchising and that, therefore, it was not as eager

to enact the provisions. However, we are where we are.

There is contention over the act's provision on the traffic commissioner's panel having veto power over democratic decisions made by regional transport authorities on the implementation of their preferred structures. Therefore, I wonder whether the committee could take further evidence from, say, the Law Society of Scotland on the differences between the UK and Scottish legislation and what can be done to improve it. It could also ask for evidence from SPT and, indeed, seek evidence from the Better Buses for Strathclyde campaign, which initiated the petition, about the nature of its concerns with regard to the legislation. After all, it has studied it in great detail and understands the issues with it in great depth.

The committee could also consider inviting the Secretary of State for Transport and, perhaps, the UK Minister for Buses—Louise Haigh and Simon Lightwood—to offer their views on the appointment of a new traffic commissioner for Scotland. That role is currently vacant; it was advertised earlier in the year, but the appointment process was disrupted by the general election. Given their policy position, it might be interesting to get their perspectives with regard to their support for franchising in Scotland and how they might be able to assist colleagues in Scotland with its implementation, through the appointment of a bus traffic commissioner who would be minded to support such measures.

The Convener: Thank you. A number of suggestions have been made that I think that we might want to pursue, and I would note those made by Mr Sweeney and Mr Simpson, particularly in relation to legislation and other such matters. Do colleagues have any suggestions for action?

David Torrance: I was considering suggesting that the petition be referred to the Net Zero, Energy and Transport Committee, but, gentlemen, you have been so convincing that I would like the committee to continue with the petition. Can we write to the seven statutory regional transport partnerships, seeking their views on the ask in the petition? I wonder whether we should also consider writing to the Confederation of Passenger Transport, Bus Users Scotland and the traffic commissioner for Scotland. I would also like the committee to write to the Bee Network in Greater Manchester, the West Yorkshire Combined Authority and Transport for Wales, seeking information on their experience of developing and introducing bus franchising in their areas.

The Convener: Perhaps we could also ask SPICe to have a look at the proposed better buses bill at Westminster and to give us a little bit of information on that.

Do you want to comment, Mr Ewing?

Fergus Ewing: Yes. I am not familiar with the circumstances in the central belt of Scotland, but certainly in the north of Scotland, many rural communities have no bus services whatsoever. With the bus services in Inverness, which are provided by Stagecoach, the problem has not been one of regulation or otherwise; it has been a lack of drivers. Indeed, it is a very serious problem. The very detailed exchange that my constituency office has had with Stagecoach indicates that it has gone to great lengths to sort the problem, and it has recruited more drivers. I thought that I would make that point, convener, because I am genuinely unfamiliar with the issues that the members have raised, and I defer to their experience.

The Convener: Is that a potential future career option for you, Mr Ewing?

Fergus Ewing: I suspect not—actually, definitely not.

I suggest, just for the sake of balance, that we ask the key operators in the relevant areas for their views, because we on this committee have a duty to listen to all sides of the argument. I would be interested to know what the operators' view is, particularly with regard to the costs of franchising. I recall how, 20 years ago, when this issue was raised with the Local Government and Transport Committee, of which I was a member, we found cost to be a significant factor in the equation, because the costs of running a process are costs that could, some might argue, be better deployed in delivering a better transport system.

The Convener: I think that it is perfectly reasonable to invite others to contribute evidence to the committee, and I think that we are going to hold the petition open.

As a final thought, I might not usually do this but, if any of those who have addressed us this morning have any other suggestions of other things that they might like us to take evidence on, they should speak up quickly now. I am quite happy for them to do so. Mr Bibby?

Neil Bibby: I have nothing to add.

The Convener: So you are quite content. Mr Sweeney?

Paul Sweeney: I just want to emphasise the point about UK ministers having input to the committee—

The Convener: I heard you make that point, yes—it was not lost on me. As you know, the Parliament has been very successful at acquiring the contributions of UK ministers. *[Laughter.]* We can put in a long-term request and see what success we have in due course; maybe something

will be made available to us before Parliament dissolves.

I note that a number of supporters of the petition are in the gallery this morning—thank you for joining us. We will keep the petition open and advance the interests as has been suggested. As we move on to our next and final new petition this morning, I thank everyone very much for their participation.

Flood Risk Management (PE2118)

The Convener: The last of our new petitions, PE2118, lodged by Tobias Christie on behalf of the Speymouth Environmental Partnership, calls on the Scottish Parliament to urge the Scottish Government to review the Flood Risk Management (Scotland) Act 2009 and improve flood alleviation and management processes by appointing an independent panel of engineers, economists and geomorphologists to support the design of flood risk management plans.

Douglas Ross MSP had hoped to be able to join us for our consideration of the petition, but he is unfortunately detained in another committee.

In the background to the petition, concerns are raised that those responsible for designing the flood risk management systems are often distant from and unaffected by the risks and that the system is designed around flood warnings rather than flood prevention, management or alleviation. Responding to the petition, the Scottish Government tells us that it has implemented a comprehensive framework under the Flood Risk Management (Scotland) Act 2009, which places flood risk management at the core of its environmental policies.

The response also refers to a joint Scottish Government and Convention of Scottish Local Authorities flood risk management working group, which is considering funding and governance arrangements for flood protection schemes. The Scottish Government is also developing the country's first flood risk strategy, which it says is focused on enhancing community flood resilience by integrating people, places and processes. It also notes that it is the responsibility of local authorities to develop specific actions to address flood risk and improve resilience.

We have also received a submission from the petitioners, which highlights the point that local communities are not aware of the public consultations on flooding and that, when SEPA has issued questionnaires, the questions appear to have been designed to reinforce its perspective—that brings us back to the arguments that we had on consultations at the beginning of the meeting. The petitioners also raised concerns about the processes that SEPA uses to model

future flooding and the challenges that communities face in trying to share views and ideas for flood management with SEPA and relevant local authorities.

Do members have any suggestions on how we might proceed?

Maurice Golden: I have a few. First, given the Scottish Government's policy of compliance with current European Union legislation, I would like to clarify whether its policy is compliant with the EU floods directive and water framework directive.

I find the response from the Scottish Government incredibly disappointing. It just about strategies and working groups. I do not know Speyside well but, in Angus, 60 homes are being demolished as a result of inadequate flood defences. Planning was consented for homes, which led to flooding last year and, a year on, there has been no action whatsoever. As we heard from the Scottish Government, no one is responsible for providing leadership over riparian basin management, so I would appreciate hearing the Scottish Government's views on a single body being appointed to be responsible in that regard.

In Scotland, local authorities are taking one view in respect of planning. SEPA is notionally in charge of flood management plans but is not able to implement them if there is disagreement with other interested parties. There is a lack of foresight over flood basin management with landowners and food producers and there are consultations with people who feel that their voices are not heard.

Leadership is necessary. It does not matter whether it is SEPA or another body, but the people of Scotland deserve to know who and which organisation is responsible. If it is the Scottish Government, that is great. If it is SEPA, that is fine, but we need to know who manages our flood risk management approach and, as the petitioner seeks to do, consider whether that approach is correct. However, we do not know who is responsible at the moment. There may be some other points, convener.

Fergus Ewing: I was struck by the arguments that are contained in the petitioners' written submission of 10 November, submitted by Mr Jim Mackie, who points out:

"Communities are not aware of any public consultations on flooding".

Communities and community councils seem to be excluded from the process.

In its response, the Scottish Government said:

"We are committed to further strengthening these efforts, with a focus on community engagement".

What does that mean? Does it mean consulting community councils, for example, which take an active role?

Over the years, the problems in my constituency have been serious. They have perhaps not been quite as serious as those of people in Angus but, nonetheless, they have been very serious. There seems to be complete control by SEPA. Mr Mackie points out that the

"Cost of flood damage in Potentially Vulnerable Areas ... is calculated centrally using the Multicoloured Manual, a book first published in 2003",

which

"contains flood statistics from three river basins in England. The figures produced are fictional. No research is done at a community level"—

none. What is that about? That sounds extraordinary.

Secondly, he says that, as Mr Golden pointed out,

"Councils have no legal responsibility".

Who has responsibility? That buck is constantly being passed around.

He also says—this is the meat of it:

"Rivers and streams carry sediments, trees, and bushes downstream. More so in floods. These catch in the riverbed and/or banks. Sediments build up and raise riverbeds and banks. ... Riverbank erosion is seen as a 'natural process'"

NatureScot and SEPA prevent practical solutions by landowners and community councils that know what the problem is. You cannot take soil or gravel from one area and put it into another area because of rules that SEPA and NatureScot apply. Therefore, obstructions build up, thus exacerbating or causing flooding problems. I have encountered that many times in my constituency. Every occasion ends up with SEPA saying no. Often, SEPA's officials do not bother to come to visit anybody anyway. That is part of their modus operandi. It is not to get out of their office but to issue edicts from the warmth of their office, wherever it may be.

I feel strongly that Mr Mackie and Mr Christie, through their efforts and very detailed knowledge—they have really impressed me—have brought to us a set of serious issues. In due course, we might wish to obtain evidence from them so that the Parliament can hear directly from them about those concerns.

The Convener: Are you suggesting, Mr Ewing, that we contact the Scottish Government to highlight the petitioner's concerns about the lack of a consultation process and to get some sort of reaction to that?

Fergus Ewing: Absolutely. Preferably not the general, vague answers that we are familiar with,

but specific answers to the points that the petitioners have made. After all, that is our job. If we do not get specific answers, they can be sure that the committee will do its job.

The Convener: We have suggestions from Mr Golden and that suggestion. Perhaps we should write to SEPA asking for the make-up of the local information advisory groups. We might want to hear a bit more about that. We might also want to hear what action SEPA is taking to ensure that the knowledge of local communities is properly included, given the issues that have been raised in other petitions as well. Are members content that we proceed on that basis?

Members *indicated agreement.*

The Convener: We will keep the petition open and seek that information.

That concludes the public part of our meeting. The next public meeting of the committee will take place in a fortnight's time on Wednesday 11 December. We move into private for agenda item 4.

11:34

Meeting continued in private until 11:40.

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