PUBLIC PETITIONS COMMITTEE

AGENDA

4th Meeting, 2015 (Session 4)

Monday 23 February 2015

The Committee will meet at 10.00 am in the Duncan Room, Easterbrook Hall, Dumfries.

1. **Consideration of current petitions:** The Committee will consider—

   - PE1105 by Marjorie McCance on St Margaret of Scotland Hospice;
   - PE1500 by Stuart Housden OBE, on behalf of RSPB Scotland, on the Golden Eagle as the national bird of Scotland;
   - PE1539 by Anne Booth on housing associations to come under the Freedom of Information (Scotland) Act 2006;
   - PE1482 by John Womersley on isolation in single room hospitals.

2. **Consideration of new petitions:** The Committee will consider—

   - PE1553 by Councillor Andrew S Wood on rendering industry regulations

and take evidence from—

    - Councillor Andrew S Wood;
    - Dr Sue McLeod, EnviroSource Limited;
    - Norman Watt, Dundas Chemical Company;

and will then consider—

   - PE1558 by John Thom, on behalf of the RNBCC Crayfish Committee, Ken Dee Catchment, on American Signal Crayfish

and take evidence from—

    - John Thom;

and will then consider—
PE1557 by David R Slater, on behalf of Save our Whitesands car parks and river views, on no Scottish Government funding for the Whitesands flood scheme

and take evidence from—

David R Slater;

John Dowson.

Anne Peat
Clerk to the Public Petitions Committee
Room T3.40
The Scottish Parliament
Edinburgh
Tel: 0131 348 5186
Email: Anne.peat@scottish.parliament.uk
The following papers are attached for this meeting—

**Agenda item 1**

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(Please note that the review referred to in the above letter is not yet publicly available)

**Agenda item 2**

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Public Petitions Committee
4th Meeting, 2014 (Session 4), Monday 23 February 2015

PE1105 St Margaret of Scotland Hospice

Note by the Clerk

PE1105 – Lodged 23 November 2007
Calling on the Scottish Parliament to urge the Scottish Government to guarantee retention of continuing care provision for patients who require on-going complex medical and nursing care, such as that provided at the 30 bed unit at the St Margaret of Scotland Hospice, and to investigate whether arrangements for funding palliative care provision at hospices in the context of HDL(2003)18 are fair and reasonable.

Link to petition webpage

Purpose

1. The Committee last considered this petition on 10 December 2013. It agreed to write to the Scottish Government seeking a timescale in which it expected the arbitration process relating to the dispute between NHS Greater Glasgow and Clyde and the Hospice to be concluded. The Scottish Government has provided two updates. The Committee is invited to decide what action to take on the petition.

Background

2. The St Margaret of Scotland Hospice opened in 1950 and has developed into a non-denominational facility with 60 beds – 30 continuing care beds for frail adult patients who require on-going complex medical and nursing care; and 30 palliative care beds.

3. Health Department Letter (2003)18 sets out the relevant guidance for independent voluntary hospices providing specialist palliative care for adults. It states that NHS Boards are expected to fund 50% of the annual running costs of hospices within their area. HDL (2003)18 also sets out the following principles and guidance:

- Each Board’s palliative care strategy and the palliative care elements in its local health plan, must be drawn up in partnership with any independent hospice in its area;

- Each Board should have a formal mechanism for discussing the service agreement between it and that hospice or hospices;

- Boards which currently do not meet the 50% target should plan to do so, on the basis of the guidance provided in this HDL as a matter of urgency, and no later than the beginning of financial year 2006-07.
4. In 2007, a dispute arose between NHS Greater Glasgow and Clyde and the Hospice over funding and the provision of care for patients with long-term complex medical conditions. On 1 November 2007, the Health Board published a news release highlighting the disputed issues:

“We want to keep elderly care beds at St Margaret’s but use them in a different way…Our analysis of patient needs shows that in the future there will be more demand for nursing and residential services and less for long-term NHS elderly care…These changes are not being made to save money and St Margaret’s would be fully funded for any alternative elderly care services they provide…”

5. In 2013, the Cabinet Secretary for Health and Wellbeing sought to appoint an independent arbitrator to assist in bringing the dispute between St Margaret of Scotland Hospice and NHS Greater Glasgow and Clyde to a resolution.

Committee Consideration

6. In his letter of 19 February 2014, the then Cabinet Secretary for Health and Wellbeing advised that although no time-table had been fixed to resolve the dispute, the parties had agreed to an ‘accountancy review’ supported by the Scottish Government. No further update has been received from the Scottish Government.

Action

7. The Committee is invited to consider what action it wishes to take in relation to the petition. Options include:

(i) To close the petition on the basis that an arbitration process has been agreed to by the Hospice and NHS Greater Glasgow and Clyde and the process will be supported by the Scottish Government;

(ii) To take any other action the Committee considers appropriate.
Public Petitions Committee

4th Meeting, 2014 (Session 4), Monday 17 March 2015

PE1500 on the Golden Eagle as the national bird of Scotland

Note by the Clerk

PE1500 – Lodged 7 December 2013
Petition by Stuart Housden OBE, on behalf of RSPB Scotland, calling on the Scottish Parliament to urge the Scottish Government to formally declare the Golden Eagle, Aquila chrysaetos, as the national bird of Scotland. Link to petition webpage

Purpose

1. The Committee last considered this petition on 25 November 2014 and agreed to seek time in the Chamber to debate the petition. No available time has been identified. In such circumstances the Committee is invited to reconsider what action to take on the petition.

Scottish Government Action

2. As part of the Year of Natural Scotland, a campaign called Scotland’s Big 5 ran from Spring until the end of October 2013. This asked people to vote for their favourite from the following species – Golden Eagle, Harbour Seal, Otter, Red Deer and Red Squirrel. The Golden Eagle received 38% of the 12,000 votes cast and was 18 points ahead of the next most popular species, the Red Squirrel.

Scottish Parliament Action

3. A previous petition (PE783) was submitted on the same subject in 2004 by Mr James Reynolds after a poll in the Scotsman newspaper voted the Golden Eagle the country’s most loved bird. The petition was referred to the Enterprise and Culture Committee, which was unable to identify a formal process to create national symbols for Scotland.

Committee Consideration

4. Following its initial consideration of this petition on 28 January 2014, the Committee sought the views of several stakeholders. The Scottish Raptor Study Group was supportive of the petition. Scottish Natural Heritage suggested that there were other species also worthy of consideration. The Minister for Environment and Climate Change said that a persuasive case had not yet been made for Scotland having a national bird. He emphasised the importance of public consultation on such matters and the desire to avoid proposing or designating national symbols on an ad hoc basis.

5. The Committee considered the petition again on 30 September 2014 and agreed to ask the RSPB whether it would be prepared to run a public consultation.
6. In its response dated 18 November 2014, the RSPB noted the Minister for Environment and Climate Change’s concerns that there has been insufficient debate on this issue.

7. In light of this, the RSPB invited the Public Petitions Committee to consider measures it could take to raise cross-party awareness and support for the issue, such as seeking time in the Chamber to debate the merits of the designation of a national bird. Alternatively, the RSPB invited the Committee to contact Visit Scotland, business leaders and the Scottish Council of Voluntary Organisations (SCVO) to garner wider opinion and support for the issue.

8. The RSPB was also supportive of a public consultation, but questioned whether it would be the appropriate body to facilitate a consultation.

9. At its meeting on 25 November 2014, the Committee agreed to seek time in the Chamber to debate the designation of a national bird. No time has been identified.

Action

10. On the basis that no available time in the Chamber has been identified, the Committee is invited to reconsider what action it wishes to take in relation to the petition. Options include—

   (1) To close the petition. But in so doing, to invite RSPB Scotland to undertake or arrange a public consultation on whether a national bird of Scotland is needed and if so what it should be. The results of that consultation could then be used by RSPB Scotland to take this issue forward either by bringing a petition back to the Scottish Parliament or seeking political support by other means;

   (2) To take any other action that the Committee considers appropriate.
Public Petitions Committee

4th Meeting, 2015 (Session 4), Monday 23 February 2015

PE1539 on housing associations to come under the Freedom of Information (Scotland) Act 2002

Note by the Clerk

PE1539 – Lodged 10 November 2014
Petition by Anne Booth calling on the Scottish Parliament to urge the Scottish Government to make an Order under Section 5 of the Freedom of Information Act (Scotland) 2002 to make all housing associations subject to the provisions of that Act. This will ensure that housing associations are more open, transparent and accountable to all their stakeholders, i.e. tenants and factored homeowners.

Link to petition webpage

Purpose

1. The Committee first considered this petition on 9 December 2014. The Committee agreed to seek views from a number of stakeholders. Submissions have been received and the Committee is invited to consider what action to take on the petition.

Background

1. In 2002, during Stage 3 of the Freedom of Information (Scotland) Bill, an amendment made at Stage 2, which added Registered Social Landlords (RSLs) (including housing associations) to the Bill, was removed before the Bill was passed.

2. It is possible to extend the coverage of the  Freedom of Information (Scotland) Act 2002 (FOISA) by means of an order made under Section 5 of the Act, which amends Schedule 1, the Scottish Public Authorities covered by the Act.


4. During the scrutiny of the Bill the question of housing associations being made subject to FOISA was raised. A Scottish Government official informed the Finance Committee that:

   “Ultimately, extension is a political decision. The Scottish ministers’ view on that is clear. They have consulted contractors, Glasgow Housing Association and various other bodies and the decision was made to defer the decision on extension.”
Scottish Government Action

5. In July 2010, the Scottish Government undertook a consultation on whether coverage of FOISA should be extended to other bodies, including the Glasgow Housing Association (GHA). In its response to the consultation the Government noted, that in the responses which mentioned it, there was near universal support for an extension to apply to all RSLs. The decision to consider extending coverage solely to GHA was seen as particularly anomalous. The Government also noted that it would be consulting on a draft Scottish Housing Charter, which might contain a requirement on the provision of information to the public by registered social landlords on their housing services and governance arrangements.

6. The FOISA consultation resulted in a draft Section 5 order which covered arm’s length culture, sport and leisure trusts, but not RSLs. It was the Scottish Government’s intention to consult further in due course on extending freedom of information coverage to other arm’s length organisations.

7. The Scottish Social Housing Charter was published in 2012. It includes an outcome that:

   “Social landlords manage their businesses so that:

   tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides."

8. This outcome covers all aspects of landlords’ communication with tenants and other customers. The Government saw the outcome as not just relating to how clearly and effectively a landlord provides information to those who want it, but also as a way of ensuring that tenants, and other customers, can use that information to improve services and performance. It does not require landlords to provide legally protected, personal or commercial information.

Submissions

9. The Committee considered this petition for the first time on 9 December 2014. It agreed to write to the Scottish Government, the Scottish Information Commissioner, a number of RSLs, tenants’ organisations and other interested parties. The majority of those approached have responded.

10. The RSLs and bodies that represent the housing sector were supportive of RSLs being open and transparent to their tenants and customers. However, a number of concerns were raised in regard to the petition.

11. It was argued that RSLs have duties to be open and transparent under the Scottish Social Housing Charter; the Scottish Federation of Housing Associations suggests that where a RSL does not provide information, a tenant has recourse to the normal complaints procedure (and ultimately to the SPSO)
or, in relation to duties under the Charter, they could report a “Significant Performance Failure” to the Scottish Housing Regulator.

12. The RSLs stressed that they do not consider themselves as public bodies. Fears were expressed that a designation under FOISA could lead to unintended consequences, e.g. the RSLs would be considered as public bodies for other purposes, for example debt held by RSLs being considered public debt.

13. Several submissions raised concerns about the administrative and financial burden of freedom of information requests.

14. The Scottish Information Commissioner is supportive of the petition. In her submission she notes that, in a special report published in January, she recommended that Scottish Ministers bring forward a Section 5 order to extend the coverage of FOISA to include, among others, all RSLs. The Commissioner states that the right to information brings benefits. She notes that social housing tenants whose local authority is their landlord already have rights under FOISA and that due to housing stock transfers, around 15,000 households have lost those rights. The Commissioner does not anticipate that costs to RSLs would be overly burdensome. She also explained that under the current system, only tenants and customers of RSLs are covered by the Scottish Social Housing Charter and that the regulator does not have the power to compel the release of information. In contrast, under FOISA, anyone may make freedom of information requests and Commissioner can order the release of information.

15. The Scottish Government intends to consult on extending the coverage of FOISA with a view to laying an order in Parliament later this year. The Government invited the Committee to express its view on extending FOISA to include RSLs.

16. The petitioner states that there is public support for her proposal and argues that the concerns raised by RSLs are unfounded.

Action

17. The Committee is invited to consider what action it wishes to take in respect of the petition. Options include:

(1) To write to the Scottish Government expressing a view on the petition. Before doing so, the Committee may wish to seek views from the Scottish Housing Regulator.

(2) To refer the petition to the Infrastructure and Capital Investment Committee to consider. It is responsible for the scrutiny of policy matters in relation to housing.

(3) To close the petition on the basis that the Scottish Government plans to consult on this shortly. In doing so, the Committee may wish to request that the Scottish Government invites the petitioner's input at the time of the consultation.
Public Petitions Committee

4th Meeting, 2015 (Session 4), Tuesday 30 September 2014

PE1482 on isolation in single room hospitals

Note by the Clerk

PE1482 – Lodged 15 June 2013
Petition by John Womersley calling on the Scottish Parliament to urge the Scottish Government to ensure that patients in new-build hospitals are given a choice to share a multi-bedded room with other patients or offered a single room; and to subject all the evidence on the single room policy to independent scrutiny.

Link to petition webpage

Purpose

1. The Committee last considered this petition on 30 September 2014. At that meeting, the Committee agreed to defer consideration of the petition until after the Scottish Government to complete a review of evidence on single bedded rooms in hospitals, expected at the end of 2014. The review has not yet been completed and the Committee is invited to consider what action to take on the petition.

Background

2. The petitioner was concerned about the apparent lack of evidence and public support for the policy of ensuring that new-build hospital accommodation and hospital refurbishment provides single-room accommodation for all in-patients. The petition asserts that the evidence base for such a policy is not robust and that a balance between single and shared accommodation in four-bedded bays would be the optimum option for necessary infection control and patient choice, as well as allowing better scope for future internal structural modifications.

3. The SPICe briefing outlines how the policy was developed in this area and research and evidence pertaining to single-room provision is available in the Appendix to the SPICe Briefing.

Scottish Parliament Action

4. There have been a number of Parliamentary Questions on the provision of single rooms, and about hospital acquired infections in relation to single rooms which can be found here.

Committee consideration

5. The Committee initially considered this petition at its meeting on 17 September 2013 and heard evidence from the petitioner. This is the seventh time the Committee has considered the petition.
6. The Scottish Government’s letter of 2 July 2014 stated that a review of evidence on single bedded rooms in hospitals was likely to be concluded by the end of 2014. The Scottish Government also stated that, at the conclusion of the review, it would be in a position to consider further analysis or work that could be undertaken, including possibly a Cost Benefit Analysis of the provision of 100% single rooms compared to 50%. The Scottish Government indicated that it would keep the Committee informed.

7. The Scottish Government wrote to the Committee on 18 February 2015 stating that it has completed an initial analysis on the provision of 100% single bedded accommodation in hospitals. The letter states that there is little data on the effect of 100% single bedded rooms and that the research in this area tends to be focused on a number of measures, of which single bedded rooms is one element. The Scottish Government will be seeking expert opinion on the findings of the initial report and has undertaken to keep the Committee informed. The Government has also indicated that it will measure the impact of single bedded rooms in the NHS in Scotland and consider its policy in the light of that work.

Action

8. The Committee is invited to agree what action it wishes to take on this petition. The Committee may wish to defer consideration of the petition for around six months to allow the Scottish Government time to publish the review and consider its findings.
Public Petitions Committee

4th Meeting, 2014 (Session 4), Monday 17 February 2015

PE1553 on rendering industry regulations

Note by the Clerk

PE1553 – Lodged 20 February 2015
Petition by Councillor Andrew S Wood Calling on the Scottish Parliament to urge the Scottish Government to review the regulations that meat rendering plants must comply with to operate in Scotland.

Link to petition webpage

Purpose

1. This is a new petition that the Committee is invited to consider and agree what action it wishes to take. The Committee has a SPICe briefing and the petitioner has been invited to speak to the petition; the petitioner will be accompanied by Dr Sue McLeod, an environmental consultant, and Norman Watt who is a representative of Dundas Chemical Company. The petition was open for signatures for 10 days and, at the time of writing, collected 98 signatures and two comments.

Background – the following is taken from the SPICe briefing

2. The petition raises the following concern:

‘Animal rendering in the UK operates in a highly competitive market but seemingly subtle differences in environmental regulation between England and Scotland puts Scottish renderers at a competitive disadvantage.’

What is animal rendering?

3. As set out by the UK Renderers Association, rendering involves the processing of those parts of meat animals that are not used for human consumption. Those parts include the head, feet, bones, intestines, blood and various other tissues, which we cannot or choose not to eat. Processing involves the crushing or grinding of the raw material, followed by heat treatment to reduce the moisture content and kill micro-organisms. The resulting material is used for products such as fuel, soap and glue.

European Regulations for animal rendering plants

4. The Industrial Emissions Directive (IED) aims to minimise pollution from various industrial activities throughout the European Union. Operators of certain industrial installations that are covered by the directive are required to obtain an environmental permit from the authorities in EU countries. These permits provide operational measures to control emissions to the environment.
5. Regulation 22 of the Directive sets out a requirement that a condition of a permit is that an operator use the best available techniques (BAT) for ‘preventing, or where that is not practicable, reducing emissions from an installation or mobile plant.’

**Regulations for animal rendering plants in Scotland**

6. In Scotland the IED has been brought into effect by the Pollution Prevention and Control (Scotland) Regulations 2012, which are otherwise known as ‘PPC’. The Scottish Environment Protection Agency (SEPA) is the designated regulator responsible for enforcing the regime within Scotland.

7. Operators are required to demonstrate to SEPA that they will adhere to the general principles of PPC which include:

   - Using "Best Available Techniques", which balance the benefits to the environment against the costs to the operator, to prevent or minimise pollution
   - Minimising waste produced by the process, and recycling waste where possible
   - Reducing the amount of energy used
   - Using less hazardous substances, and taking account of the nature, effects and volume of emissions from the facility
   - Preventing accidents
   - Restoring the site once operations cease
   - Minimising heat and noise emissions.

8. There are currently two animal rendering plants operating in Scotland.

**Regulations for animal rendering plants in England and Wales**

9. In England and Wales the IED is implemented by Environmental Permitting (England and Wales) Regulations 2010. These regulations refer to two types of installations.

   - A1 installations which tend to be larger and are regulated by the Environment Agency, and
   - A2 installations which tend to be smaller and are regulated by Local Authorities.

**Guidance for regulating animal rendering activity**

11. The guidance sets out the Best Available Techniques (BAT) for the processing of animal remains and by-products. It allows for local considerations to be taken into consideration. It states that (p 1) –

“... for each processing of animal remains and by-products installation, local authorities (subject to appeal to the Secretary of State / WAG) should regard this guidance note as a baseline, but ensure they take into account any relevant case-specific factors such as the individual process configuration and other characteristics, its size, location and any other relevant features of the particular installation.”

12. Permits in England and Wales are subject to appeal to the Secretary of State or the Welsh Assembly Government. Permits in Scotland are subject to appeal to Scottish Ministers.

13. To support the implementation of the BAT approach information referred to as ‘BAT reference documents’ (BREFs) are drawn up at an EU level for particular sectors based on an exchange of information between member states and industries. The BREFs describe applied techniques, emissions, BAT conclusions and emerging technologies and are designed to provide information for regulators to consider when determining permit conditions.

14. The process of writing a BREF for the Animal Rendering Industry will begin later this year, led by the European IPPC Bureau. A member of SEPA staff will be the UK lead to this process. It will take a number of years to complete. Once complete this will be used as guidance in both England and Wales, and Scotland. In the meantime Note IPPC SG 8 remains the guidance followed.

Scottish Government Action

15. The Scottish Government consulted in late 2012 on a new set of Regulations to implement the Industrial Emissions Directive. A partial Business & Regulatory Impact Assessment was produced. Revised draft Regulations were approved by the Scottish Parliament and came into force from 7 January 2013 as the Pollution Prevention and Control (Scotland) Regulations 2012.

Action

16. The Committee is invited to consider what action it wishes to take in relation to the petition. The Committee may wish to write to SEPA and the Local Government Association to seek their views on the petition.
PUBLIC PETITIONS COMMITTEE

4TH MEETING, 2014 (SESSION 4), MONDAY 17 FEBRUARY 2015

PE1558 ON AMERICAN SIGNAL CRAYFISH

NOTE BY THE CLERK

PE1558 – LODGED 20 FEBRUARY 2015

Petition by John Thom, on behalf of RNBCC Crayfish Committee Ken Dee Catchment, calling on the Scottish Parliament to urge the Scottish Government to amend the existing licencing regime to allow for the commercial trapping of American Signal Crayfish in Scotland.

Link to petition webpage

Purpose

1. This is a new petition that the Committee is invited to consider and agree what action it wishes to take. The Committee has a SPICe briefing and the petitioner has been invited to speak to the petition. The petition was open for signatures for 10 days and, at the time of writing, collected 32 signatures and five comments.

Background – the following is taken from the SPICe briefing

2. The American Signal Crayfish (Pacifastacus leniusculus) is an invasive non-native species (INNS). The Scottish Environment Protection Agency (SEPA) defines INNS as “those non-native species that have the ability to spread rapidly and become dominant in an area or ecosystem, causing adverse ecological, environmental and economic impacts”.

3. Signal Crayfish inhabit freshwater environments and, according to GB Non-Native Species Secretariat and SEPA, are wide spread in England and Wales, less so in Scotland but there are well-established populations in places including Dumfries and Galloway. They can have a significant impact on native freshwater plants and animals through preying on young fish and fish eggs, and through competition for food and habitat. In running water, extensive burrowing by Signal Crayfish can destabilise banks, causing erosion, and bank collapse.

Coordinating bodies and licencing

4. Scottish Natural Heritage (SNH) is the overall lead body responsible for INNS issues with SEPA responsible for coordinating response to INNS issues in freshwater habitats. SEPA have identified the adverse impact that Signal Crayfish have on freshwater habitats. However, they consider it very unlikely that the Signal Crayfish can be eradicated from a watercourse once they have been introduced.

5. SNH is responsible for licencing trapping of crayfish. According to the SEPA website:
“[SNH] only issue licences for survey work to monitor the distribution and spread of Signal Crayfish in Scotland. They don’t issue licences for the purpose of catching crayfish to eat because this creates incentives for people to move them to new areas.”

6. As described below, licences have also been given for research to study the feasibility of eradication. In England and Wales, commercial trapping of Signal Crayfish is permitted with a licence granted by the Environment Agency.

**Trapping and potential for eradication**

7. In 2009, the Galloway Fisheries Trust and Marine Scotland were involved in a research study to understand the Loch Ken Signal Crayfish populations and investigate possible controlled trapping. This study found that the prawn creel trap was useful for catching crayfish and that the crayfish could be effectively killed on the boat with an industrial boiler. The study also suggested that larger male crayfish were caught first by the traps. It was recommended that the trapping programme continue on Loch Ken for a further three years with part justification that the initial research had suggested that a heavy trapping programme may have a significant impact on the crayfish population. However, no further action has been taken on this recommendation.

8. Commercial trapping, as proposed in this petition, has been suggested as a means to reduce the Signal Crayfish population. However, SEPA state that:

   “trapping trials have concluded that although numbers may be reduced during the short-term, traps may favour the capture of larger individuals. An unintended consequence of selective harvesting is the increased growth and earlier maturation of juvenile crayfish, which can cause the population to increase.”

9. Regarding current action, SEPA’s position is that:

   “no long-term solution has yet been found to eradicate Signal Crayfish… until a long-term solution can be found the only way of protecting unaffected water bodies is to prevent the movement of any crayfish or their eggs”

**Scottish Government Action**

10. The Wildlife and Natural Environment (Scotland) Act 2011 makes amendments to section 14 of the Wildlife and Countryside Act 1981. It includes the power for Scottish Government to produce a code of practice relating to non-native species including INNS such as Signal Crayfish.

11. On 28 June 2012, the Scottish Parliament approved the Non-Native Species Code of Practice which came into effect on 2 July 2012. Section 10 assigns responsible bodies, giving the overall lead coordinating role to SNH and freshwater habitat coordinating role to SEPA. The role of Scottish Government is: “to continue to lead on strategic policy on invasive non-native species in Scotland. This will include:
• coordination at the Great Britain and European level;
• coordination, development and strategic oversight of policy within Scotland;
• chairing the Scottish Non-Native Species Working Group;
• leading on matters relating to non-native species policy work including risk assessment, prevention, legislation and research.”

12. In 2014, Environment and Climate Change Minister, Paul Wheelhouse, held a meeting in New Galloway to discuss Crayfish issues in Loch Ken. In response, the minister said that the Scottish Government would:

“undertake a study of fish stocks over the next 10 months and propose to explore opportunities for physical barriers to contain the migration of crayfish”

Scottish Parliament Action

13. The Rural Affairs, Climate Change and Environment (RACCE) Committee has previously taken evidence and made recommendations on the Wildlife and Natural Environment (Scotland) Bill (now 2011 Act) and on the Non-Native Species Code of Practice. In evidence on the code of practice, Alex Fergusson MSP for Galloway and West Dumfries stated that:

“In the case of the American signal crayfish, there is a strong case to be made for a properly controlled commercialisation of the species.”

14. The then Minister for Environment and Climate change, Stewart Stevenson, responded:

“Commercial exploitation of a non-native species has been tried south of the border, but it was not successful. There is a tension between trying to manage down the numbers of such species and the risk of commercial exploitation sustaining their populations. It is thought that commercial exploitation could lead to their further spread.”

15. The issue of INNS and Signal Crayfish have subsequently been raised at the Rural Affairs, Climate Change and Environment Committee by evidence from European Commissioner, Janez Potocnik, and in recommendations to government on a revised strategy for biodiversity.

16. On 3 April 2014, a question (S4W-20621) was lodged by Joan McAlpine to ask the Scottish Government:

“whether there are plans to control or eradicate North American Signal Crayfish in (a) Lochrutton and (b) the Lochfoot Burn in Dumfriesshire”.

17. On 29 April 2014, Paul Wheelhouse answered:

“I am advised by [SNH] that they have not yet identified an effective method for the eradication of North American signal crayfish in water bodies such as
Lochrutton and the Lochfoot Burn, albeit this is an objective the Scottish Government is keen to pursue if at all possible.”

18. With regard to current action being taken he stated that:

“The Fisheries Trusts and [SEPA] are working together to raise awareness of appropriate biosecurity measures that water users can take to avoid spreading the species … this includes launching a number of biosecurity campaigns across Dumfries and Galloway this spring and summer to raise awareness of invasive non-native species”

19. A biosecurity campaign run by SNH gives advice to water-users such as anglers that can help avoid the spread of Signal Crayfish.

Committee Consideration

20. A joint submission from SEPA and SNH dated 16 February 2015 has already been received. It notes that SNH only issues licences for trapping signal crayfish for surveys to monitor their spread or for specific research projects. SEPA and SNH do not support the view that signal crayfish in Loch Ken can be controlled by establishing a commercial fishery and do not believe that trapping is an appropriate method for controlling this invasive species.

21. SEPA and SNH are not aware of any evidence to support the petitioner’s claim that signal crayfish have caused lost revenue or jobs, but the cost to Scottish angling is estimated to be £325,000.

22. Whilst signal crayfish adversely impact on biodiversity, SEPA and SNH are not aware of any impact on river walks, farmland or the marine environment. SEPA and SNH believe the best way to stop the further spread of crayfish population is by raising public awareness.

23. A letter from the petitioner of 17 February 2015 outlines the benefits of commercial licencing to reduce the cost of proposed studies into American signal crayfish populations. The petitioner also highlights other support for trapping as a means of population control.

Action

24. Having considered the joint submission by SEPA and SNH, the Committee is invited to consider what action it wishes to take on the petition. Options include—

(1) To refer the petition to the Rural Affairs, Climate Change and Environment Committee;

(2) To write to the Scottish Government to seek its views on the petition and the evidence heard and to provide an update on what progress has been made towards finding a long-term solution to the problem of American signal crayfish;
(3) To take any other action that the Committee considers appropriate.
Public Petitions Committee

4th Meeting, 2014 (Session 4), Monday 17 February 2015

PE1557 on no Scottish Government funding for the Whitesands flood scheme

Note by the Clerk

PE1557 – Lodged 20 February 2015
Petition by David R Slater calling on the Scottish Parliament to urge the Scottish Government to rule out additional grant funding for Dumfries and Galloway Council for their proposed flood prevention scheme on the Whitesands river frontage in Dumfries that will obscure our important river views forever and take away important safe car parking.

Link to petition webpage

Purpose

1. This is a new petition that the Committee is invited to consider and agree what action it wishes to take. The Committee has a SPICe briefing and the petitioner has been invited to speak to the petition and he will be accompanied by Mr John Dowson. The petition was open for signatures for 10 days and, at the time of writing, had collected 3 signatures and no comments.

2. The Committee has a policy of not becoming involved in the operational decisions of local authorities. For the purposes of consideration by this Committee, the petition’s focus is on funding available from the Scottish Government for the Whitesands flood prevention scheme.

Background – the following is taken from the SPICe briefing

3. Dumfries and Galloway Council is proposing a “new vision” to protect the Whitesands area in Dumfries from flooding, and on its website it states:

“A heritage-led vision has been developed. This has been achieved by working with our design team, local residents, business owners and other interested parties. The plans include new flood defences within an attractive landscape design. This offers the potential for the Whitesands to become a revitalised civic space in the heart of the town. The project has been through an extensive community engagement programme.

...

“Once the scheme is approved, detailed design will be completed to allow a contract to be prepared for construction. Grant funding will be sought from the Scottish Government. The start of construction works will be dependent on the funding being available from the Scottish Government.”
4. Dumfries and Galloway Council A Draft Whitesands Masterplan is available [here](#).

**Scottish Government Action**

5. The Flood Risk Management (Scotland) Act 2009 creates a general duty for Scottish Ministers, SEPA and responsible authorities to exercise their functions with a view to reducing overall flood risk. Responsible authorities include local authorities, Scottish Water and other public bodies designated by Scottish Ministers. The SPIce Briefing [Flooding Frequently Asked Questions](#) sets out key aspects of flooding responsibilities, as does SEPA’s webpage on [Flood Risk Management Planning](#).

6. For individual projects, it is up to the local authority to apply for, and agree to a funding package with the Scottish Government, depending on eligibility – as set out in joint Scottish Government and COSLA [guidance](#), agreed in December 2011. A [letter](#) published alongside the guidance states:

   As part of the 2008 Local Government settlement a number of former specific grants were rolled up and became part of the General Capital Grant paid to Councils. The flood prevention and coast protection capital grant was one such grant which was rolled up in this way.

   Local authorities have identified that this has had implications for councils wishing to undertake large flood projects. As part of the Spending Review 2011, which covers the period 2012-2015, it has been agreed with COSLA that the distribution methodology for the flooding component of the General Capital Grant will change. The new distribution methodology is to allocate the flooding component only to large flooding projects.

7. As set out below (PQ S4W-20986) the Whitesands Project was not successful in securing funding from the Scottish Government, and this decision is the subject of an ongoing appeal.

**Question S4W-20986: Sarah Boyack, Lothian, Scottish Labour, Date Lodged: 02/05/2014** To ask the Scottish Government which of the flood improvement schemes proposed in each local authority area in 2013-14 it (a) approved and (b) rejected, broken down by the (i) cost of and (ii) timescale for setting up the scheme.

**Answered by Paul Wheelhouse (19/05/2014):** A joint COSLA/Scottish Government panel was established to evaluate the seven flood protection scheme applications received. The two successful applications are set out in the following table.

<table>
<thead>
<tr>
<th>Council</th>
<th>Scheme</th>
<th>Cost £</th>
<th>Construction Timescale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angus</td>
<td>Brechin</td>
<td>16,383,000</td>
<td>Nov 2014 - Mar 2016</td>
</tr>
</tbody>
</table>
The five unsuccessful applications are set out in the following table.

<table>
<thead>
<tr>
<th>Council</th>
<th>Scheme</th>
<th>Cost £</th>
<th>Construction Timescale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dumfries and Galloway</td>
<td>Whitesands</td>
<td>12,201,665</td>
<td>Jul 2015 - Dec 2016</td>
</tr>
<tr>
<td>Dundee</td>
<td>Dundee Central Waterfront</td>
<td>1,620,999</td>
<td>Aug 2014 - Dec 2016</td>
</tr>
<tr>
<td></td>
<td>Broughty Ferry</td>
<td>1,649,377</td>
<td>Jun 2014 - Mar 2015</td>
</tr>
<tr>
<td>Inverclyde</td>
<td>Inverclyde</td>
<td>3,156,684</td>
<td>May 2014 - Mar 2016</td>
</tr>
</tbody>
</table>

8. The Scottish Government’s response to another PQ by Elaine Murray (S4W-19083) indicated that Whitesands is one of 250 locations in Scotland where SEPA offers a targeted flood warning service.

**Action**

9. The Committee is invited to consider what action it wishes to take in relation to the petition. The Committee may wish to write to the Scottish Government and SEPA seeking their views on the petition.