



OFFICIAL REPORT
AITHISG OIFIGEIL

Public Petitions Committee

Thursday 14 September 2017

Session 5



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PUBLIC PETITIONS COMMITTEE
15th Meeting 2017, Session 5

CONVENER

*Johann Lamont (Glasgow) (Lab)

DEPUTY CONVENER

*Angus MacDonald (Falkirk East) (SNP)

COMMITTEE MEMBERS

*Michelle Ballantyne (South Scotland) (Con)

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

*Brian Whittle (South Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Alexander Burnett (Aberdeenshire West) (Con)

John Campbell (A77 Action Group)

Finlay Carson (Galloway and West Dumfries) (Con)

Janey Cringean

Harry Huyton (OneKind)

Christine Metcalfe (Avich and Kilchrenan Community Council)

Alan Mitchell (Avich and Kilchrenan Community Council)

Lorraine Murray

Willie Scobie (A77 Action Group)

Douglas Wynn

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Public Petitions Committee

Thursday 14 September 2017

[The Convener opened the meeting at 09:00]

Interests

The Convener (Johann Lamont): Welcome to the 15th meeting in 2017 of the Public Petitions Committee. I remind members and others in the room to switch their phones and other devices to silent.

I welcome Michelle Ballantyne to her first meeting of the committee. Agenda item 1 is a declaration of interests. In accordance with the terms of the Interests of Members of the Scottish Parliament Act 2006, I invite Michelle to declare any interests relevant to the remit of the committee.

Michelle Ballantyne (South Scotland) (Con): I just advise that I am still a sitting councillor on Scottish Borders Council.

New Petitions

National Scenic Areas (PE1655)

09:00

The Convener: Item 2 is evidence on new petitions, the first of which is PE1655, on Scotland's national scenic areas. The petition was submitted by Christine Metcalfe, on behalf of Avich and Kilchrennan community council. I welcome Christine to the meeting, along with Alan Mitchell, who is a member of the community council, and Douglas Wynn, who is assisting with the petition in a personal capacity. Thank you very much for attending. We look forward to hearing your statement. You have the opportunity to make a brief opening statement of up to five minutes, after which the committee will ask a few questions to help inform our consideration of the petition.

Christine Metcalfe (Avich and Kilchrennan Community Council): Good morning, everybody. The national scenic areas, or NSAs, were initially identified by the Countryside Commission for Scotland in its 1978 publication "Scotland's Scenic Heritage", which defined them as areas of

"national scenic significance ... of unsurpassed attractiveness which must be conserved as part of our national heritage."

They were incorporated into planning legislation by order of the Secretary of State for Scotland in 1980 and subsequently designated in 2010. They are now administered by Scottish Natural Heritage, which must be consulted on major developments within NSAs.

By far the most significant and widespread landscape impacts in recent decades have been from onshore wind farms. "Scottish Planning Policy" of 23 June 2014 states that wind farms will not be acceptable within national parks and NSAs. SPP adds that "significant protection" will be accorded conditionally to "wild land areas", as mapped by SNH in 2014.

The founding document of NSAs recognised that landscape conservation should be open to revision. It said:

"There will be many further areas which informed readers may consider could also have been included. We believe that many such areas will be of interest ... to local communities. In such cases it will be important for these areas to be identified and conserved by the local authorities concerned."

Despite that, the 40 NSAs have remained exactly as originally mapped in 1978 and still cover the same 13 per cent of the land area of Scotland. In 2015, in relation to an earlier petition, PE1564, the Scottish Government indicated that it had no plans to designate any further NSAs, and that position

was restated in late 2016, in answer to question S5W-05139.

In our judgment, the scale and rapid spread of major developments—largely but not exclusively wind farm construction—in Scotland’s most sensitive and vulnerable scenic areas requires a much more dynamic policy response from the Scottish Government than simple reliance on a four-decade old mapping of protected landscapes.

We accept that SNH’s 2014 wild land area mapping offers some protection to other valued areas, but that is conditional and explicitly can be “overcome by siting, design or other mitigation.”

In our judgment, the SNH wild land area mapping is not sufficiently robust, in its current scoping, to offer reliable protection to our remaining and rapidly diminishing wild landscapes. Unless or until there is a greater presumption against large-scale developments in the wild land areas, we suggest that the current severe threats to landscape conservation in Scotland require a thorough review and, ideally, expansion of the number and scoping of Scotland’s national scenic areas.

There has been considerable dispute in respect of the impacts of wind farms on the ability of remote settlements to attract foreign and domestic tourists and thereby diversify often fragile economies. In brief, the evidence shows an increasing tendency for tourists to perceive the presence of large wind farms as detrimental to their enjoyment of Scotland’s landscape and nature, with the proportion increasing strongly now with the current rapid expansion of wind farms. Evidence on socioeconomic outcomes is unavoidably much more difficult, as we have neither adequate data nor methodologies to allow any definitive conclusions. We will be happy to address any questions on this, and we believe that an expansion of NSAs, to give greater protection to our iconic landscapes in the undesignated 87 per cent, would help greatly to strengthen Scotland’s tourism offer.

There are many potential candidates for new designations, but we would suggest Loch Awe in Argyll as an example of an increasingly rare, tranquil environment in an unspoilt landscape. The loch is narrow and therefore vulnerable to significant detrimental impacts from any large renewable energy or infrastructure projects on either side. The area also includes the Glen Etive and Glen Fyne golden eagle special protection area. As you will know, this petition has the support of at least one minister. Should Loch Awe’s value and need to be so designated subsequently be approved, that would be greatly welcomed by the tourism industry, visitors and residents alike.

The Convener: You ask for a review of the process of designation of NSAs, and you have indicated that in recent years the Scottish Government has said that there are no plans to designate any further NSAs. Is there a flaw in the process, if the Government simply says that it is not going to do this, and how would you address that? Or is there a concern that, in policy terms, the Government has no desire to designate any further NSAs, presumably because it sees them as being in conflict with its policy on wind farms and renewable energy?

Christine Metcalfe: It speaks for itself that it has been four decades since there has been any increase. My colleague Douglas Wynn might have something to say on that.

Douglas Wynn: The issue is not the ability of the Scottish Government to review the designations process but its willingness. There is no doubt that the Scottish Government has been quite cautious in its approach to landscape conservation, to leave room for the carbon policies that it is following. The difficulty is that the areas of Scotland from which large industrial structures are visible, according to SNH’s own mapping, have increased over a five-year period—until it stopped recording such things in 2013—from 65 to 73 per cent of Scotland’s total area. SNH has not continued that mapping. In November 2014, it published the natural heritage indicator scheme. Our concern is that the weighting is too much towards liberating large-scale industrial development and not enough on landscape conservation. That is our perception.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Good morning. Your petition calls for an increase in the number of national scenic areas

“to protect the natural landscape and support the tourism sector.”

You addressed a lot of the points that I was going to ask about in your opening statement, but can you expand on your concerns about the scale and spread of the major developments that have taken place and what other options might be available achieve that protection?

Christine Metcalfe: When we look at what protection there is, and the ability of the Parliament to increase the areas covered by that, it is really down to the Government to make sure that we have enough national scenic areas and national parks to provide Scotland with the protection that it needs. At the moment, with local plans and such things, local authorities often cannot put their own protections in place because the Scottish Government has a particular will to impose policy for what it wants to do. Douglas Wynn may have more to say on that.

Douglas Wynn: The section 36 process takes the consenting of large-scale wind farms out of the hands of local authorities, as the committee will know. Over recent years, the majority of the applications have been successful—even some in quite sensitive areas. The wild land designations explicitly offer only conditional protection. SNH's wild land identification and map offer what the Government calls "significant protection", but that has been overridden in a number of cases. In the case of Stronelairg, the wild land map was redrawn in order to facilitate the wind farm, and another wind farm on wild land areas has recently received consent.

We are asking not simply for new national scenic areas but for the boundaries of existing ones to be considered. For example, if look at the map of wild land areas, Loch Awe and its surroundings are in wild land area 9. That includes the summit ridge of Ben Cruachan, which is an iconic mountain—I know that it is hollow because of the pump storage scheme within it, but from the outside, from a landscape perspective, that is not obvious. The summit ridge of Cruachan is within wild land area 9, but it is not within the national scenic area of Glen Coe and Ben Nevis. The sort of questions that should be asked include why that national scenic area does not include that iconic mountain, which is right on its borders.

We are not unreasonable; we understand that the Scottish Government wants to facilitate industrial structures. However, we doubt whether the balance is right between that wish and the conservation of iconic landscapes, and there is no wild land area mapping—it is not strictly a designation in planning law—within the valley or strath of Loch Awe.

09:15

Rona Mackay: If I understand you correctly, you are saying that you are not against the expansion of the renewables industry; you are concerned about mapping and the protection of scenic areas.

Douglas Wynn: It would be foolish to deny that renewables have a place in our mixed economy. Our concern is that, in the rush to facilitate onshore wind farms in particular, landscape is being unnecessarily damaged in some quite scenic and remote areas that depend on nature and landscape tourism for their livelihoods. It is the balance that is wrong. We would not presume to come here and say that the renewables policy as a whole is overinflated and silly—that would be stupid of us.

The Convener: Angus MacDonald, do you want to come in with a supplementary? You can ask your other question as well.

Angus MacDonald (Falkirk East) (SNP): Your sweeping statement suggested that most wind farms are approved. Is it not the case that in your area of Loch Awe, former member of the Scottish Parliament Jamie McGrigor's wind farm application was refused? It is worth pointing out that there have been refusals.

Douglas Wynn: Yes, indeed. I did not make a sweeping statement that all or most wind farm applications were consented. In recent years, the consent rate has varied between just over 50 per cent and 75 per cent, so you are quite right about that. I did not for one moment imply that all wind farms are consented.

Angus MacDonald: Thanks. In your opening statement you mentioned SNH's wild land area mapping. Would you agree that much of the wild land area map covers areas that were inhabited before and after the clearances? This is an argument that has been going on for some time in Parliament.

Christine Metcalfe: Yes, I think that I have heard that. I am not sure whether I am qualified to answer that question. I would like to come back on it.

Angus MacDonald: I can assist you before you go any further. You mentioned that SNH's wild land area mapping was not "sufficiently robust". Will you expand on that comment?

Christine Metcalfe: It goes back to the availability of base data on increasing the number of wind turbines specifically. I made some notes on that earlier, which might address what you are asking.

A lot of information is available in the energy consents unit databases on wind energy capacity and the Scottish Government's energy statistics for Scotland series, for those with the time and knowledge to seek it out and compile it into a useful form—it is not very easy. However, that information is usually in capacity terms—megawatts or gigawatts—often in inconsistent format and understandable only by cross-reference. Some of the data is recorded as all renewables, while other sources aggregate onshore and offshore wind capacity and yet others specify onshore and offshore wind capacity separately. With regard to "Energy Trends" table 6.1c, it would be enormously helpful if Parliament were to ask the Scottish Government to publish regular updates on the number of wind turbines in Scotland at any particular time, because that is the key information that is necessary to understand the increasing visual impact on tourist areas. SNH wind farm mapping stopped in 2013 and it needs to be urgently re-established, because transparency on the scale and number of developments is currently missing for the ordinary

citizen. It is very difficult for ordinary people to get at that.

Douglas Wynn: Specifically on your question, there are three areas of concern. One is the wild land area mappings. We know that that work was undertaken in close collaboration with the wild land research institute at the University of Leeds and that a rigorous enough methodology was used to identify the areas. You are quite right that in many wild land areas there are ruins of old sheilings, so your starting point is entirely correct.

Angus MacDonald: Not just shielings but townships.

Douglas Wynn: Yes. The areas are certainly not and were never thought to be wilderness, but they are wild land according to the definitions that SNH uses.

The second concern is that there has been considerable development pressure to have potential wild land areas removed from the map before the final publication of the wild land area map by SNH. That happened in an area that I know well in Rannoch. There have been removals of wild land area mapping to facilitate Stronelairg.

A third area of concern is the strength of protection that wild land areas offer against industrial development of all kinds, not only wind farms, although the developments are mostly wind farms.

The map itself seems to us to be fairly robust. I am a trustee of the John Muir Trust, which is concerned about the third of those elements but not so much about the first. We accept that, given the input of the wild land research institute at the University of Leeds, the methodology of the mapping was quite good.

Angus MacDonald: For clarity, are you saying that the map is sufficiently robust and is Mrs Metcalfe saying that it is not?

Douglas Wynn: No. We are here asking for a reconsideration of national scenic areas not the wild land area map, which is an ancillary issue. Essentially, we are asking for national scenic areas to be reconsidered after 40 years of inaction. Part of that reconsideration would certainly be the input of the expert advice from the wild land research institute and SNH in drawing up the wild land area maps.

Brian Whittle (South Scotland) (Con): Good morning. I will ask an ancillary question, if that is okay, because I feel that you have already answered the question that I was going to ask. You suggested that there is a vulnerability around the loch from industrial development that is too close to it. Are we talking about an impact on water quality or the water table?

Christine Metcalfe: Certainly. There is a water catchment area in north Loch Awe, and my colleague Alan Mitchell might want to say more about that. On the loch's geography, as we said, it is the longest freshwater loch in Scotland and, because it is so narrow, the impacts of industrial development are twofold, as they can easily be seen on both sides of the loch, whereas at other large lochs, developments can be quite a distance away.

Alan Mitchell (Avich and Kilchrenan Community Council): You asked about water quality.

Brian Whittle: Yes.

Alan Mitchell: A wind farm application is going through for Upper Sonachan, where possible pollution could affect the quality of water that people take from local burns. The reporter on the wind farm will consider and report on that issue. There have certainly been water-quality issues elsewhere as a result of disturbance when wind farms have been put in place after they have been approved.

Brian Whittle: I was looking specifically at the loch but, for burns and feeder streams, there has to be a limit to how far away industrial developments can be.

Alan Mitchell: Developments will be in a water catchment area wherever they are placed. The area that Avich and Kilchrenan community council covers borders a part of Loch Awe, so we are particularly concerned about that.

Christine Metcalfe: This is not only about wind farms. For instance, SSE wants to build something almost on the same footprint; it has had exhibitions on that and I think that there will be an application fairly soon. It would involve a huge substation about the size of 10 football pitches, which would be adjacent to the Upper Sonachan wind farm. There would be an impact on the loch from two developments—the subject of the section 36 application and the substation—on a similar scale in the same area.

There should be an environmental impact assessment for both developments because of their potential impact on the water and everything else, and we have asked for that. However, the cumulative impact of the developments is not being addressed by the Scottish Government or the Department for Business, Energy and Industrial Strategy, which should insist on an EIA for both developments. I do not know whether that would be a first or whether it has happened before. Perhaps you know, Mr Whittle.

Brian Whittle: To be honest, I was under the impression that there was supposed to be an environmental impact assessment.

Christine Metcalfe: Yes, there will be, but we are saying—

Brian Whittle: A statutory one.

Christine Metcalfe: We are saying that the EIAs are not being considered together—there is no overarching EIA for the two developments. That is just an example of the type of impact that infrastructure and renewable energy developments can have on a vulnerable area. Our concern is that the loch is vulnerable to the scale of the developments because it is so narrow.

Michelle Ballantyne: You have indicated that you have a lot of support for your petition from the community and particularly from your local MSP, Mike Russell, on the Loch Awe situation. Will you tell me about that support? Have people just come forward and signed the petition or is there an active body of support?

Christine Metcalfe: Before going down the road of constructing the petition and lodging it, we had to ask our local communities what they thought of the issue. I do not know whether you have looked at any of the comments that were made in support of the petition, but a lot were from local people with Scottish names and addresses. Prior to lodging the petition, we had to make sure that people were happy for it to go ahead.

Michelle Ballantyne: Did people come forward naturally or did you have to go around and knock them up?

Christine Metcalfe: We invited people to our community council meeting and talked about the issue at some length.

Alan Mitchell: We were not as efficient as we might have been in drumming up support. It just occurred almost naturally and organically.

09:30

Michelle Ballantyne: Your petition asks for a national review and consideration of more scenic areas everywhere. Are you aware of any other potential examples? You are from Loch Awe and you are focusing on that area, but are you aware of other areas that are calling for that approach?

Christine Metcalfe: Rannoch and Loch Ness are examples.

Douglas Wynn: There are areas around the Loch Tummel and Loch Rannoch national scenic areas in which some extension would be much appreciated, and I am sure that other areas provide examples.

In their original conception, the national scenic areas were never intended to be static. Our key concern is the lack of any revision of the 13 per cent of Scotland that is national scenic areas.

Circumstances have changed drastically over the past decade. To focus on wind turbines, as they are the most obvious intrusion into natural landscapes, according to the Scottish Government's figures there has been a sixfold increase in the number of wind turbines from when the so-called Moffat study was undertaken. Wind farm developers always rely on that study to say that wind farms have no impact on tourism attractiveness, but it is 10 years old and it was a study of visitors to built attractions, not to the countryside. Methodologically, it was a shambles. There has been a sixfold increase in the number of wind turbines in Scotland in the past decade, and the plan is to increase that number considerably.

Our central concern is that the fixity of Scottish Government landscape conservation policy, which relies only on national scenic areas with the recent addendum of wild land areas that have qualified protection, does not seem to fit with the dynamically changing built environment in our wildest and most scenic areas. After 40 years, it seems reasonable to ask for the number and precise mapping of national scenic areas at least to be reconsidered.

Michelle Ballantyne: Fundamentally, you are calling for an increase in NSAs. You referred to the fact that the Ben Nevis NSA does not cover its next-door neighbour, Ben Cruachan. Should the areas that current NSAs cover be part of the review? I am conscious that one of the big issues is that, when we put in a hard border, we get an impact on the NSA from its surrounds. Do you envisage existing NSAs standing?

Douglas Wynn: Yes. Some NSAs might even be drawn back if there has been development in the interim and the area is no longer worthy of being included in the national scenic areas. After 40 years, a review would be good.

The mapping of national scenic areas as they currently exist is one of the key things that we would like. The issue is not necessarily about creating new national scenic areas; it is also about adjusting existing boundaries. Ideally, we would like the use of NSAs to be increased to protect our increasingly rare and beautiful landscapes, which are being impacted on considerably. As I have said, the SNH map of the visibility of industrial structures showed that, in 2013, 73 per cent of Scotland's land area was within sight of major industrial structures. SNH has not repeated that mapping, although other people have done so to show the visual impact of the rapid development of building in remote areas.

Michelle Ballantyne: So you see the proposal as a blank page or a starting point for reviewing our landscape.

Douglas Wynn: I see a policy justification for moving away from the static reliance for 40 years on a mapping that has long since been superseded. The realities have changed on the ground. Why are national scenic areas not revisited and reconsidered in the current circumstances? It was always envisaged when they were created that they would be dynamic and constantly reviewed, but that has never happened. That does not seem rational.

The Convener: We have covered a number of issues. One thing that I would reflect on is that, in some remote and depopulated areas, what you call industrial constructions are opportunities for communities to regenerate themselves. There is evidence of that from communities across the islands and beyond.

I hear what you say about NSAs—that we should look at them again—but is the argument actually about the desirability or otherwise of wind farms and about their impact? That would be a different argument, would it not? It would not be just about landscapes; it would also be about the people who have, over time, had to move away from those places because there was no work or there were no sustainable communities.

Douglas Wynn: The job-creating aspects of wind farms are usually overstated by those who want to develop them, and the jobs tend to be temporary. Most of the structures are imported into Scotland—the great majority of turbines, nacelles and towers are fabricated abroad. As yet, there is little evidence of construction employment.

The knock-on from the construction period is also fairly modest, if we look at the details of individual wind farms and the evidence that has been submitted. The numbers of employees are typically not great, and they are specialists. They spend a couple of years building the wind farm, but the permanent employment is in specialist teams that tour the area. In the main, wind farms do not bring much local employment to such communities.

On the major employment opportunity, which is tourism, the evidence is deeply problematic. VisitScotland asks for a tourism impact assessment to be made of every wind farm but, to my knowledge, that has rarely been done. The methodologies that have been used so far to study tourism, which is a major employment generator, have been pretty poor, but two recent surveys by the Mountaineering Council of Scotland and the John Muir Trust show that there is an increasing tendency for potential tourists to say that they will not visit areas where wind farms are developed. I know that that is contentious, and the industry disputes whether that has any impact. However, the John Muir Trust's recent survey—it was in May this year—of declared intentions showed that, of a

random sample of more than 1,000 Scots people, 55 per cent said that they would be less likely to visit areas where there were major industrial developments, including wind farms. They were not outdoor fanatics but just ordinary people.

The Convener: Perhaps if things are described as “major industrial developments”, people have a different attitude to them than if they are described as wind power developments.

Douglas Wynn: The Mountaineering Council of Scotland surveyed its members—I accept that they are, by definition, people who are interested in landscape, mountains and the outdoors—and 67 per cent said that they would be put off visiting areas with wind farms. That survey was conducted by YouGov in 2016 and it did not include any structures other than wind farms.

The Convener: I am conscious that we are running slightly over time. Thank you for your presentation and for answering our questions.

Do committee members have suggestions about possible options for progressing the petition?

Brian Whittle: I have a particular interest in the subject of the petition, because wind farms are rather prolific in my area of the south-west of Scotland. My postbag is full—I get letters from all sides.

I am interested in the way in which the environmental impact assessment is conducted. This is not the first time that I have heard that the issue is not considered in the round and that the sum of all parts is not taken into consideration. Would it be relevant to our consideration of the petition to write to the Government about that, convener?

The Convener: It would be worth raising that question with the Scottish Government. We could ask why it is not reviewing the national scenic areas process. It is clear that the petitioners view a review of the NSA process as an opportunity to open up a conversation about the impact of wind farms, but it is entirely legitimate for them to ask whether the Government is not reviewing the process because of its policy on wind farms. It would be interesting to explore that with the Government. In particular, it would be interesting to find out its policy view on whether to extend or recast the national scenic areas. The Government might feel inhibited, because that would conflict with policy on renewable energy.

Is there anyone else we should contact?

Michelle Ballantyne: The point is that, as Douglas Wynn said, the process should be dynamic. It is not a case of making a judgment about what the outcome would be; it is a case of revisiting the designation process. I think that there is an argument for shrinking—or perhaps

even removing—some national scenic areas; there is not just an argument for creating new ones.

I sat on my council's planning committee for a long time, and I know that there are complications in the existing process. I do not think that there would be any harm in revisiting it.

Angus MacDonald: To pick up on a point that Christine Metcalfe made, if we are to write to the Scottish Government, we should call for the Parliament to be provided with regular updates on the cumulative impact of wind farms and with a list of all the wind farms that have been given consent.

Michelle Ballantyne: Local government has that. Scottish Borders Council has a mapping of all the wind farms that have been consented and all those that have been constructed.

The Convener: An interesting question to ask is whether, if there was a policy of increasing the number of national scenic areas and a policy on renewable energy, we would end up with an accumulation of wind farms in areas where, sadly, the landscape is not beautiful, with the result that some parts of Scotland would suffer from a cumulative effect. In places such as Ayrshire, there is concern about the cumulative impact of wind farms. However, we might be straying too far.

I think that we agree that we should contact the Scottish Government. Should we write to Scottish Natural Heritage as well?

Rona Mackay: I think so.

Michelle Ballantyne: We should consult local authorities, too, because they deal with planning on a daily basis. It would be wise to seek their opinion.

The Convener: Perhaps we could do that through COSLA in the first instance. We could ask whether it has looked at the matter and whether there are issues in particular areas.

I thank the witnesses very much for their attendance. We will be in touch once we get responses from the Scottish Government and others.

I suspend the meeting to allow for a changeover of witnesses.

09:43

Meeting suspended.

09:46

On resuming—

A77 Upgrade (PE1657)

The Convener: PE1657, which was lodged by Donald McHarrie, is on a proposal to upgrade the A77. I welcome Finlay Carson MSP, who is here to support the petition.

The committee has received a written submission from P&O Ferries, which is included in our papers. Since the papers were published, the committee has received a further written submission from Dr Daniel Goodare, which is available on the petition web page.

Unfortunately, Donald McHarrie is unable to attend today's meeting, but I welcome John Campbell and Willie Scobie, who are both members of the A77 action group, and invite them to make a brief opening statement of no more than five minutes, after which we will move to questions from committee members.

Willie Scobie (A77 Action Group): Good morning. Thank you for accepting our petition and for agreeing to hear the evidence that we would like to lead. I am accompanied by John Campbell from Maybole, who is also a member of the action group. As you said, convener, we do not have the petitioner with us—Donald McHarrie had an accident with his knee, and he sends his apologies.

In the short period that we were allocated in which to receive signatures, the petition received 1,599 signatures online and a further 1,652 offline, which comes to a total of 3,251. That seems to be a reasonably good response to the petition and shows that people are concerned about the A77—not only its condition but the fact that it is an arterial route.

The petition calls for the A77 to be upgraded to a dual carriageway from Whitlets roundabout to the ferry ports of Cairnryan and Stranraer—there is an extension from Cairnryan towards Stranraer that connects with the A75 trunk road, which is a European route.

In June 2005, PE859 was submitted to the Public Petitions Committee by Sheena Borthwick of West Sound, who gave a presentation to the committee along with Alan Gordon, the route director of Stena Link. At that time, Stena was threatening to move away from Loch Ryan altogether but, fortunately, it remains there. That petition called for improvements to the A77 and A75. Subsequently, five passing places were installed on those routes. However, we do not feel that that went far enough towards the upgrading of the roads.

The two major international ferry companies that are involved in the issue have invested around £500 million, but that investment was not matched by investment in the A77 or the A75, as can be seen if we compare that with investment elsewhere. Some £0.5 billion was spent on the A55 in Wales to upgrade the dual carriageway, £125 million was spent on dual carriageway and motorway improvements for the link road to Heysham, and, in Northern Ireland, there is motorway the whole way from Larne to Belfast and then right down to Dublin. Compared with connections to other ferry ports, the A77 seems to be the one that has been neglected.

Following the closure of the Troon to Larne ferry—P&O has submitted evidence to the committee on this—there has been increased traffic from Troon. The A77 is a major link road to four major cities—Edinburgh, Glasgow, Belfast and Dublin—and it is essential that it serves the economic and social wellbeing of the area, including the needs of the agricultural sector. We have had the support of NFU Scotland for the upgrade.

In 2015, about £1 billion of exports to Northern Ireland and the European Union member state of the Republic of Ireland have been carried along the A77 and through the UK's third busiest passenger ferry gateway and freight hub.

In the economy in the south-west of Scotland there are areas of deprivation and run-down areas, leading to increased unemployment and reliance on state benefits. Our young people are leaving the area. We have to try to boost the whole economy, both in Ayrshire and in Dumfries and Galloway.

We have noticed recently that there has been an improvement to the A737 Dalry bypass, which is not dissimilar to the A77. I will let John Campbell speak more on other areas. We have not seen the same improvement to the A77 as has happened at the A737 at Dalry, which is a lot less necessary to the ferry ports. We wonder why.

Other aspects include safety. The road has to be fit for purpose and the demands of modern traffic. The A77 poses a risk for people who live alongside it, with 44-tonne lorries constantly passing by 24 hours a day. The impact on the people of the area is not just physical but psychological.

We welcome the recent announcement from the transport minister, Humza Yousaf, on the Maybole bypass, which has been a long time coming. That does not go far enough, however, in that it is not going to be a dual carriageway or have cycleways or electric vehicle chargers and so forth—things in which, if the Government had delivered them, we could have taken pride.

Another major safety concern is the two landslip sites, at Lendalfoot and particularly at Marchburn, a kilometre north of Cairnryan. It was only last week that we saw the removal of the traffic lights at Lendalfoot, which have been there since January. People have had to suffer the traffic lights at Marchburn for four years, and we do not often see any work going on to sort the landslide there. We are seriously concerned about that.

Another safety issue is around sections that are closed due to road collisions. In 2016-17, there were 21 road closures. When there is a road closure, we have a diversion and, because there is no other route south of Ballantrae, the diversion is the A714 from Newton Stewart to Girvan, which is definitely not fit for purpose. At times, heavy goods vehicles have to take to the embankments because they cannot pass each other on the road. That is a serious concern, not only in terms of safety but in economic terms, as road hauliers have increased transport costs because of fuel and so forth.

We consider that the south-west of Scotland needs a fit-for-purpose road infrastructure. We feel that improvements would certainly help to bring regrowth to Ayrshire and the south-west of Scotland and would help to make better successes of the events that take place in the south-west of Scotland, such as the Scottish air show, golf tournaments and many other events. Also, we want the road to be seen as a tourist route, because we are remapping Stranraer as a destination spot, and the A77 and A75 are crucial to that.

I mentioned the 21 road closures. Of those, 11 were for planned roadworks, where it was not safe to convoy the traffic, so it had to be diverted. One closure was because of the weather and flooding and a further nine were due to road traffic accidents, involving, sadly, three fatalities. The convener referred to the submission by Dr Daniel Goodare, which is on access from the south-west to Glasgow and the medical centre of excellence there. The A77 is crucial in that regard. If someone has a heart attack, we need to get them to Glasgow within what is referred to as the golden hour, but there is a fear that, at times, the road will be closed.

I will finish with three points. We are looking for the Public Petitions Committee and the Scottish Government to immediately prioritise dealing with the landslide at Marchburn, which has been an issue for far too long. We ask that that be sorted as a matter of urgency. We ask that the road be improved by resurfacing to deal with the potholes, which are constantly mentioned on social media. In the long term, we look for the upgrading of the A77 to dual carriageway status.

The Convener: Thank you very much. We will now move to questions. I ask Finlay Carson to come in first, because I understand that he is unable to stay for the whole of this item.

Finlay Carson (Galloway and West Dumfries) (Con): Thanks, convener. I appreciate the opportunity to speak in support of the petition. I also put on record my thanks to the committee for coming down to Dumfries and Galloway last week to consider evidence on the A75. The A75 and A77 are very similar. Members will realise that Dumfries and Galloway is not particularly well connected when it comes to road infrastructure, and that the A77 and A75 are absolutely crucial to the on-going economic sustainability of the area.

Unfortunately, I can speak only very briefly, but I want to highlight Willie Scobie's point about the traffic lights at Marchburn. Brian Whittle will remember that, last year, there was a transport summit in Dumfries at which we had a personal commitment from Humza Yousaf to look at why the traffic lights have been there for such an extended period. Unfortunately, as happens in so many cases, the request was passed on to Transport Scotland and we got the bog-standard response. As I think the committee has experienced in the past, the buck seems to have been shifted.

I emphasise the importance of the A77 to Stranraer. Stranraer should be seen as a gateway to Scotland, with its ferry port making it the shortest sea route to Northern Ireland. That sea link will become even more important when the United Kingdom leaves the European Union.

Stranraer is a town that has not had the investment that it should have had. The A75 and the A77 really need to be upgraded before we can expect anybody to invest in that corner of Scotland. What we really want is equity of spend. The A77 needs to be recognised as an important route. The evidence that the committee has received from P&O—and may receive from Stena—indicates just how important the A77 is, not only for freight transport but for the tourism industry.

10:00

There are complaints when the route is closed. As Mr Scobie said, the road has been closed 25 or 30 times recently and there is a huge outcry because people are expected to take an hour's detour. There are no alternative routes—it is either the A75 or the A77; if it is not one of them, it is some B-class roads that are far from adequate to carry the sort of traffic that comes through Stranraer. I urge the committee to consider the petition very seriously, and not just in light of the road safety issues on the A77. It is unlike a lot of

routes in Scotland—its whole length is designated as dangerous. We know that it is dangerous because of the average-speed cameras on some sections. That alone should indicate that work is needed to upgrade the route.

Equity of spend in the south-west of Scotland would be very much welcome—it is what we deserve.

The Convener: I am not quite sure that that qualifies as a question but thank you for that.

Angus MacDonald: Mr Scobie, in your submission and opening statement, you referred to investment in the A77 relating to safety improvements. One of the projects that you mentioned, which is soon to begin, is construction of the Maybole bypass. The local member, Kenny Gibson MSP, has campaigned for the bypass, among other projects, for some time. To what extent do you think that the bypass will address the concerns that you have raised in the petition?

Willie Scobie: Maybole is in Ayrshire. I live in Stranraer, in Dumfries and Galloway, and we see the Maybole bypass as a crucial improvement. The town's High Street is dangerous and very narrow. If there are any accidents, it is completely cut off. We welcome improvements in Maybole. However, we would have much preferred to see the road upgraded to dual carriageway standard.

John Campbell (A77 Action Group): I was born and brought up in Maybole and spent 33 years as a part-time firefighter there. I went to hundreds of crashes and have seen dozens of fatalities up and down that road. Even though we were a part-time station, for many years we were one of the busiest stations of any kind anywhere in Scotland for crashes. We carried more equipment than the full-time appliances and were well experienced. We covered an area for crashes that was twice the size of the area for house fires. At one point, we went to five times more crashes than we did house fires or other serious fires.

The first time that the Maybole bypass was pegged out was in 1936 by a Mr Howie, an apprentice surveyor with Ayr County Council. The council went to the farmer and asked to buy the land. The landowners will tell you that the council has been four times since to buy the land—in the 1980s, the 1990s and the early 2000s. The money was given to us and then taken away again at the last minute.

Because the High Street is so dangerous, Maybole is, I believe, the first place in Britain where a section of a trunk road has been given a 20mph limit. In the past 100 years, there have been four fatalities that I know about—there may have been more—and lots of serious injuries.

We have also had a total building collapse. Some of the buildings are from the 1700s. With the bottom castle and the top castle, at one time it was the only high street in Scotland that had two castles. Parts of the oldest building date back to the 1400s. The castle at the bottom of the High Street—the Kennedy's castle—dates back to the 1500s. That was when the High Street was built, and it was built for horse and cart. It was where Robert Burns's mother and father met at the market. It is a very small, narrow street, and it is now being used for 44-tonners—brand-new 40-foot-long vehicles that are twice the size of the vehicles even 20 years ago. They are allowed to be there, but they are only inches away. Where the road is nearest to a building, the pavement is 36 inches wide. In two other places, the pavement is just over 36 inches wide.

As I said, we had a total building collapse. The engineers had been saying for many years that that would happen because of the vibration. At 4 o'clock one Sunday afternoon, the father was in the house with his family, his wife and two children. He heard a loud crack and shouted to everyone to get out of the house as quickly as possible. They got out, and the eye-witnesses whom we spoke to after everything was made safe said that the father was the last one out and that the cloud of dust was following him out. That was in the middle of the High Street. In addition, a lorry jack-knifed at the traffic lights and went right through a shop window.

Lots of things have happened, and we have heard promises from many transport ministers who have come down to Maybole over the past few decades. One of them actually said, "I won't forget Maybole. It will definitely get a bypass." That has happened time and time again.

The people of Maybole used to say, "We won't believe it until we see the diggers in." Now they are saying that they will not believe it until they are driving along the road. That is only one part of the A77 that has been ignored. The gentleman who pegged out the bypass in 1936 said in his retirement speech, as one of the top surveyors for Ayr County Council, "I pegged it out but it's still not built." There is story after story about the Maybole bypass, and nobody in Maybole believes that it is actually going to happen.

Angus MacDonald: It looks as if it is on the cards now but, as you say, we will have to wait and see.

You mentioned the proximity of heavy goods vehicles to housing. When the committee was looking at the A75 last week, we saw a couple of villages where that is certainly the case, so I can imagine how bad it is in Maybole.

Willie Scobie: Can I maybe just add—

The Convener: I will allow you a few moments at the end to contribute, but I am keen to get through the questions.

Brian Whittle: I need to declare an interest, in that Maybole is part of the region that I represent. I have been working with the A77 upgrade committee and it is my fault that we are sitting here now, because I encouraged the group to submit the petition. As Finlay Carson said, transport minister Humza Yousaf and John Swinney attended a symposium in Dumfries. If I am brutally honest about it, the issue has been on the agenda since then and I have seen nothing happen. Over the years, the size of the ferries and lorries has increased, as has the amount of traffic on the road. I drive on that road often and it is without doubt one of the most dangerous roads in Scotland, notwithstanding the fact that it is a main arterial route down to Cairnryan.

We have talked about the temporary traffic lights that have been there for four years. Perhaps Mr Scobie could tell the committee how many times a ferry unloads a serious amount of traffic—I understand that it can be up to 100 lorries—and what impact that has at those temporary traffic lights.

Willie Scobie: On any given day, 26 ferries come into Cairnryan, with P&O Ferries and Stena Line. As a ferry lands, it can unload 110 44-tonne heavy vehicles within a half-hour turnaround. That means 110 vehicles accessing the A77 or the A75, which has a major impact on the temporary lights, causing a tailback of maybe a mile. Thereafter, people will want to pass convoys of heavy vehicles, and there are very few passing places. I have referred to the improvements on the road, but there are still very few places to pass safely. With that mile-long tailback—that convoy of traffic, with all the heavy goods vehicles and cars trying to get by—people start to take risks and chances, which increases the safety issues on the road.

Rona Mackay: Your submission talks about the benefits of major events such as the golf open at Troon. Would the action that you are calling for make the area more attractive to such major events, and what impact would that have on the economy and communities?

Willie Scobie: We are trying to promote the south-west of Scotland as a festival area and, in that respect, I highlight the Scottish air show as an example. As for golf, I point out that the American President Donald Trump now owns Turnberry, where the open has been held in the past.

There are attractions in the area, but the situation is putting people off. With the road closures, a number of people south of Ayr just decided, "I'm not going to go." That sort of thing has a major impact not only in Dumfries and

Galloway but on events in Ayrshire, because people who use the stretch of road from Stranraer to Newton Stewart find it a long trek, and indeed, it is not in good condition or fit for purpose.

The situation is having a major impact. As I have said, Stranraer is trying to re-map itself as a destination. For those who come on the ferry, it should be pointed out that Stena has now moved its operations 6 miles up the road. There has been a serious impact on Stranraer's economy; to attract more tourists into the town, we need to rebrand it as a destination instead of its being synonymous with ferry ports. However, the A77 is a turn-off.

John Campbell: We believe that Turnberry is now the number 1 golf course in the whole of Britain, and a lot of people want to play there. However, the Royal and Ancient Golf Club has indicated on a few occasions now that it is not happy with giving the open championship to it because of the roads. Indeed, one of the things that it has highlighted is the stretch from the Whitletts roundabout, where the A77 stops being a dual carriageway.

Last year, the open was at Royal Troon, and the independent report that came out in January reckoned that the area alone made about £110 million. After all, it is not just about people going to the area for the four days; there is a huge build-up to the event, and television companies, the media and so on are there for weeks, setting everything up and using the local facilities. Turnberry is a huge facility; it employs about 400 people part-time, full-time, directly and indirectly. At one stage, however, the main hotel came very close to closing down; many people do not know that, but for various reasons people just did not want to go there. In fact, golf agents stopped sending people down to the area because it was taking so long. Americans would be here for weeks, driving around Scotland and spending an absolute fortune on, for example, Scottish golf courses, clothes and so on, but they stopped getting sent down to that part of the country, because they were wasting part of their holiday just having to travel there. This is having a huge impact on that part of that economy.

I should also point out that, further south, you have the caravan sites. There are hundreds of jobs down there, because of the beautiful scenery. However, people come once, and they do not want to come back. It is quicker for a family in Glasgow to go to Berwick-upon-Tweed and the north-east of England than to go to Portpatrick, which is absolutely crazy.

Michelle Ballantyne: As you will be aware, the committee was down in Dumfries and Galloway last week to hear evidence on the petition regarding the A75, and there was mention of the

summit that has been talked about this morning and which I think Brian Whittle has referred to. Was anything else discussed at the summit that you would like to highlight to the committee and which has not been mentioned so far?

10:15

Willie Scobie: I think that there has been mention of it. I attended the summit that Humza Yousaf promised he would hold within 100 days. It has been mentioned that he gave a personal commitment to me that he would get something done about the landslide, which is just a catastrophe waiting to happen because the landslide is at the top and the bottom of the road and it is really only the road that is holding it all together. However, there has been no action since that time. I think that they are relying on the road to be sorted through revenue funding.

Four years ago, Scotland TranServ attended a council meeting in Stranraer and laid out that, given the maintenance budget, it would be 20 years before it would finish that particular road. There has been no capital investment to fix that road. In comparison, landslides on the A82 at the Rest and Be Thankful and on the A9 were fixed in a matter of days or weeks. We have had a landslide for more than four years, but the new Forth crossing was built in six years.

Humza Yousaf said that he would look at the economy and take on board the points that were well made at the summit, but there has been no improvement since.

The Convener: Thank you. Do you want to highlight any final points? I know that you wanted to make another point earlier.

Willie Scobie: With regard to the question posed by Angus MacDonald on the Maybole bypass, we welcome the bypass, which is essential for Maybole. However, on the 47-mile stretch from Whitletts to Stranraer, eight towns and villages have to be passed through. I know that the committee was in Dumfries and Galloway recently and, when travelling on the A75, you would have passed through two villages. However, there are eight towns and villages on the A77—no doubt you travelled through them on the way home—and I do not know how many roundabouts and speed restrictions of 30mph and so forth. John Campbell has a map of Scotland that shows very few, if any, other major trunk roads pass through towns and villages, because they are all bypassed. The A77 has eight towns and villages on its route, which far exceeds what is the case on such routes in the rest of Scotland. The area of the A77 and A75 trunk roads is almost like the forgotten corner in terms of investment in the infrastructure of arterial routes.

John Campbell: Convener, I have a map that I have taken to meetings in Newton Stewart, Stranraer and all the way up to Ayr. I have taken it to about a dozen meetings since February. The map shows the distances that can be travelled without going through a 30mph limit. If you would not mind, I could show you on a map of Scotland the different road systems going north and south.

The Convener: I wonder whether it is possible to find a way of sharing that information with the committee afterwards.

John Campbell: Yes.

The Convener: I am conscious of the time and practicalities involved in our seeing that information. Perhaps you can speak to the clerks at the end of the evidence session and see whether a way can be found for us to see that information. However, I thank you for your evidence. You make a very interesting and substantial case around the economic, environmental and safety issues that you have highlighted. I think that the committee has found it very interesting and thought provoking. However, I do not know what action we will want to take on the petition.

Brian Whittle: As has been said, the area that we are talking about has been called the forgotten part of Scotland. It is in danger of becoming the ignored part of Scotland because it is no longer a secret that there is an issue there.

I have struggled to get a coherent response from the Government about a longer-term strategy for the A77 and A75. Given the seriousness of the issue and the real possibility, according to the ferry port owners, of taking the route from Dublin to Holyhead—getting from Belfast to Birmingham through Holyhead rather than Stranraer has now only a 20-minute difference—if we do not do something, we are in danger of losing the port.

I ask that we bring Humza Yousaf, the Minister for Transport and the Islands, to the committee to allow us to tease out the Government's plans for that part of the world. The matter is really serious.

The Convener: Do members have any other views?

Michelle Ballantyne: The arguments about the A77 and the A75 are pretty much the same, but with some differences. How should we link those together more tightly? They are two separate petitions, but the economic arguments and the issues about the ports and the movement of traffic are the same. I wonder if we should hear them both together. If there were to be an upgrade, a decision might be needed about prioritisation.

The Convener: If we were to hear evidence from the minister, it would make sense to put the two together. I do not think that anyone would

have any objections to that. The issues are the environment, the economy and safety. My only question is whether those issues go beyond the transport minister's remit because the economy goes beyond simply transport issues. We could ask the Scottish Government who would be the most appropriate person to come to the committee.

Rona Mackay: As the petition is new—although the saga is long-running—we should write initially to ask the Government for its views. We could then link the two petitions for gathering evidence, as Michelle Ballantyne suggested.

The Convener: If we write to the Scottish Government, our expectation would be that, ideally, the minister would come to talk about both issues and how to address the area's economy. The points made about threats to the port are significant, as are those about the other developments around it.

Michelle Ballantyne: Could we ask particularly about the Government's engagement with the port? I spoke to the shipping lines last week about important economic discussions and their future impact.

The Convener: We will write to the Scottish Government and raise the issues and the simple specific questions, which might include the timetable for the Maybole bypass and Humza Yousaf's commitment that was mentioned earlier and now sits with Transport Scotland. The bigger picture questions that we can highlight for both petitions are about the impact on local communities, the long-term plan and recognition of the economic consequences of not doing anything.

Brian Whittle: With regard to inviting the minister, we will write to the Government and get its reply, and then we will ask him to come in. Can we circumvent that?

The Convener: We will write to the Government about the petition, and ask for a written response with a view to the minister coming to the committee beyond that. That is not to cause delay; when we schedule a visit with whoever the Government minister is, they will already have provided written evidence, which affords the opportunity for the petitioners to respond ahead of our session with the minister.

Michelle Ballantyne: We would presumably need the minister's support for any suggestions going forward, so he would have to be on board and briefed anyway.

The Convener: I thank the witnesses for attending the meeting; we appreciate it. We will keep in touch about a Government response and the scheduling of any future consideration of the

petition. I suspend the meeting briefly to allow for a change of witnesses.

10:24

Meeting suspended.

10:25

On resuming—

Tick-borne Diseases (Treatment) (PE1662)

The Convener: The next petition for consideration is PE1662, on improving treatment for patients with Lyme disease and associated tick-borne diseases. The petition was lodged jointly by Janey Cringean and Lorraine Murray.

I welcome to the meeting Alexander Burnett MSP, who led a members' business debate on the issue earlier this year, and both Janey and Lorraine. Thank you for attending. You have the opportunity to provide a brief opening statement of up to five minutes, after which we will move to questions from the committee.

Janey Cringean: Thank you for inviting us to the committee to discuss improvements to treatment for patients with Lyme disease and associated tick-borne diseases. Lyme disease is an infection that is passed to humans by the bite of a tick. It is caused by bacteria known as *Borrelia*. The best known species is *Borrelia burgdorferi*, but multiple species exist, of which at least five are prevalent in Scotland.

Typical initial symptoms of Lyme disease are a bull's-eye rash and flu-like illness. More serious symptoms may develop weeks, months or even years later if the disease is left untreated. Later symptoms include joint pain and swelling, headaches, extreme fatigue and problems affecting the nervous system, heart and membranes surrounding the brain and spinal cord. If infection is caught early, most patients recover with standard treatment. However, 10 to 20 per cent of patients go on to develop a debilitating chronic illness.

On average, 5 per cent of ticks in Scotland are infected with *Borrelia*. In 1996 there were fewer than 30 laboratory-confirmed cases of tick-borne disease in Scottish patients, but by 2014 there were around 230 cases. However, the true number is likely to be much higher, because general practitioners estimate that only 20 to 40 per cent of cases are referred. Lyme disease is not notifiable, so nobody really knows. Tests on donated blood have concluded that 4.2 per cent of Scottish blood donors have positive *Borrelia* serology. That equates to 225,000 people having been infected, although not everyone who is infected has current symptoms. The prevalence of

positive serology was even higher in the Highlands, with 8.6 per cent infection in the Inverness area.

Earlier this year, Alexander Burnett MSP—who is here today—lodged a Scottish Parliament motion on “Lyme disease: the need to do more”. In June, in the debate on the motion, Liam Kerr MSP stated that Lyme disease is expected to

“reach epidemic levels by 2028.”—[*Official Report*, 14 June 2017; c 116.]

There are numerous issues with testing and diagnosis. A patient may not remember a tick bite. Nymph ticks are the size of a poppy seed and are easily missed. There may not be a bull's-eye rash—in the recent Scottish study, only 48 per cent of patients had such a rash. Testing is unreliable; in a recent analysis of test kits, it was found that Lyme disease generated more than 500 times more false negative results than HIV testing. In addition, immune response has been found to be undulatory, which means that test results can be negative during infection. There are no tests for two of the five species of infection that are found in Scotland, and ticks can transmit multiple infections from a single bite. Co-infections have been found to increase the length and severity of illness and there are no tests that cover all species of such co-infections. Given the unreliability of testing, it is very easy for Lyme disease and its related co-infections to be misdiagnosed.

10:30

There are also issues with treatment. There are a huge number of uncertainties in the treatment of Lyme disease. However, there have now been more than 700 peer-reviewed papers demonstrating the persistence of *Borrelia* after antibiotic treatment. Dr Berkowitz, a Lyme disease consultant who spoke at Holyrood in June, stated:

“there is now a mountain of good and indisputable scientific evidence that Lyme disease and its co-infections can become persistent and that various organisms have survival techniques to survive and even to thrive through courses of antibiotics.”

In fact, *Borrelia* has been found to be one of the most complex bacteria known to man.

The treatment of Lyme disease in Scotland has followed guidelines that were developed by the Infectious Diseases Society of America—IDSA—in 2006, before the recent medical understanding of the complexities and persistence of *Borrelia*. They have been removed from the US national guideline clearinghouse because they are now considered to be too out of date, and IDSA has not produced more recent guidelines.

In 2011, the British Infection Association issued a position paper that supported the IDSA point of view, stating that a diagnosis of chronic Lyme

disease should not be made without “clinical or laboratory evidence.” Without reliable tests for Lyme disease and co-infections, there is no evidence to allow patients to get treated appropriately. Abandoned by the national health service in Scotland, many patients, including us, seek private treatment abroad.

What needs to be done? First, there should be improved testing. A test should be provided that does not rely on antibodies. A commercial Lyme antigen test that does not depend on the presence of antibodies and is described as

“a game changing tool for Lyme disease diagnosis”

is now available in Europe, but it is not yet available to Scottish patients. Also, more testing should be provided for all *Borrelia* species and co-infections.

Secondly, there should be improved treatment through the provision of better guidelines. Guidelines are needed that acknowledge the recent research showing that Lyme bacteria can persist through courses of antibiotics. The National Institute for Health and Care Excellence has been asked by NHS England to develop guidance on the diagnosis and management of Lyme disease, which is expected to be published next year. If the guidelines do not acknowledge persistence, we in Scotland should develop our own.

We should also establish a specialist treatment centre. We want a Scottish vector-borne illness treatment centre to be established to deal with complex cases that has a multidisciplinary team of specialists in infectious diseases, immunology, functional medicine and nutrition. In addition, the resources should be provided for research into and development of treatment of chronic tick-borne infections in Scotland.

Thirdly, education should be improved. Consultants, general practitioners and medical students should be taught to ensure that they are fully up to date on the persistence of *Borrelia* and co-infections and the complexity of treatment. The public must be taught to ensure that they understand the dangers and how to protect themselves. We want landowners to be required to display suitable warning notices at, for example, visitor centres and car parks.

We call on the medical and political leaders in Scotland to follow France’s example in ensuring that the recent acknowledgement of the complexities of Lyme disease is followed by a change of policy regarding treatment and that more resources are put into tackling the condition, which is increasing in prevalence and poses a great danger of negatively affecting the tourist industry and placing a burden on Scotland’s wider economy. If Lyme disease is going to reach epidemic levels by 2028, now is the time to act.

The Convener: Thank you very much. I appreciate that the issue is personal to you, and your evidence is more powerful because of that.

In your petition, you state that you have written a report for discussion with the chief medical officer and that you met Healthcare Improvement Scotland. What outcomes or feedback have you received from those discussions?

Janey Cringean: I got a letter back from the chief medical officer, who agreed with many of the points that I made but did not commit to any change. I also had a meeting with Dame Denise Coia, who was supportive of what I told her and has kept in touch.

The Convener: But no specific commitments have been made as a consequence.

Janey Cringean: There has been no action at the moment. Well, that is not the case: Dame Denise Coia has met lots of people and has been involved in discussions, I believe.

Brian Whittle: Good morning and thank you for your evidence. I feel a bit of a personal interest in this. One of the athletes down at the track contracted Lyme disease—apparently, it was down to the grass not being cut often enough at the stadium—so I have a little bit of understanding of the issue.

You said that there are numerous issues with testing. I would like to explore those with you. You have quoted Lyme Disease Action as saying:

“There are no conclusive tests ... currently in ... use in the UK that will accurately diagnose Lyme disease or distinguish active from past infection.”

Are you aware of other countries that use such tests? I know that you alluded to that.

Janey Cringean: A lot of the tests just do not detect Lyme disease. There are no markers of active infection for *Borrelia*—that is part of the problem. The new Lyme antigen test might prove to change that, but it is too early to know.

Lorraine Murray: There is another test out there—the lymphocyte transformation test, LTT-MELISA—which they are using on people who are not being picked up through the blood test. It works as follows.

“Conventional laboratory diagnosis involves demonstration of *Borrelia* antibodies in ELISA followed by confirmation of positive ... results in Western Blot. However, due to cross-reactivity with antigenically-related microorganisms”

such as the Epstein-Barr virus,

“delayed or failed antibody production, or ... IgM persistence, serological diagnosis alone is often ambiguous.”

That is where LTT-MELISA comes into play. MELISA stands for memory lymphocyte

immunostimulation assay. It differs from an enzyme-linked immunosorbent assay—ELISA—and Western blot in that the foreign antigen part of the Lyme bacterium is added to the patient's blood and the degree of lymphocytic reaction is measured from that. The bacteria is added, and if there is a response with the memory cells, that is how Lyme disease is detected.

Janey Cringean: That test is used in Germany.

Lorraine Murray: It is used in Germany and in some places in the United States.

Brian Whittle: Are there reports on the success rate?

Lorraine Murray: I am not aware of the statistics, but I am sure that they will be out there. Certainly all the people who are coming back negative in relation to expecting an immune response are being picked up with that other test because it is more focused on their memory cells rather than relying on the antibodies. You have to realise that Lyme disease and all the different co-infections that people get suppress the immune system. That is what the test is based on.

Brian Whittle: You have identified some other issues including cost, the lack of sensitivity of tests and the difficulties that that creates in terms of being used in the market for treatment response. The committee's briefing refers to the online guidance, which identifies the possibility of false positive results. However, a number of comments that we have received on the petition mention false negatives. Will you comment on that?

Janey Cringean: There is a lot of controversy in the area of Lyme disease, so you will read different things in different places. There are different definitions of Lyme disease. It can be thought of as being caused by *Borrelia burgdorferi*, but there are multiple species, so we need tests that cover the whole range of infections. When people talk about Lyme disease, they may be thinking specifically about *Borrelia burgdorferi*. There is more information on that, there are more tests and more research has been done. However, patients need more than that, because there are at least five species in Scotland, for two of which there are no tests at all.

It is so easy for people to get a false negative because the tests do not test for the species that they happen to be infected by. That is what happened to me. When I was first tested in 2007, I was told that I had a high level of antibodies but they did not know what it was. I was given a clinical diagnosis of Lyme disease at the Western general hospital here in Edinburgh. I had three years of treatment, at the end of which they said, "You have had the treatment. You have no doubt had Lyme disease, but there's nothing more that we can do for you, so you are discharged."

At that point, I was still seriously ill and I went for private treatment. Four years later, I had a positive test for *Borrelia garinii*. I found out later that, when I was originally tested in hospital in Edinburgh, I was never tested for *Borrelia garinii*. It was not part of the test that I was given at that time, so it was 10 years from the point at which I was bitten until I got a test result that came up with anything. In that time, I had become too ill to recover.

Michelle Ballantyne: To clarify, are you saying that, on a retest of the false negatives, the LTT test will pick up all the elements of *Borrelia*, including the two that we cannot test for currently?

Janey Cringean: We are not experts on the medical side of things, but many patients are being diagnosed using the LTT-MELISA test. When they are tested in the UK, they are not being given a diagnosis, so they do not get treatment. They then go abroad to try to get an answer to what is wrong. In using that test, they get an answer, although it might not be the full answer.

Michelle Ballantyne: I presume that the increased activity in memory recognition will tell them that something is going on but not necessarily the form of *Borrelia* that is present.

Lorraine Murray: It depends upon the *Borrelia* that has been added to the test. They have about 20 different strains and they use the most common European strains. They also test for co-infections such as *Babesia*, which is a parasite. I got that from a tick and the NHS in this country could not test for it.

Janey Cringean: Many tests are not available. I believe that I might also have been infected with *Bartonella* through the tick bite. I have asked for *Bartonella* testing to be done and been told that no *Bartonella* tests are being done in Scotland now. There are also multiple species of *Babesia* and I have been tested for only one of them.

The Convener: Do you have an understanding of whether there is consistency of testing across Scotland? You are clearly saying that some tests are not available in Scotland, but is the position different within Scotland?

Janey Cringean: I believe that that is consistent throughout Scotland.

Rona Mackay: Your petition says that the guidelines that are used in Scotland were developed in America in 2006 and that they are now considered to be out of date in America. Please expand on your concerns about the guidelines and why you are concerned that they might also be out of date here.

Janey Cringean: The guidelines that are used in the UK recommend two to four weeks of antibiotic treatment. In some cases, they

recommend intravenous antibiotic treatment, but it is mostly oral.

Rona Mackay: How does that compare with the guidelines that are published in America? Are they the same?

Janey Cringean: The guidelines that are being used here are based on out-of-date guidelines from the States. Many doctors, particularly in the US, believe that long-term treatment is necessary for Lyme disease and that it must be treated much more aggressively because of its persistence.

Rona Mackay: The tendency here is to stick to the 2006 guidelines.

Janey Cringean: Very much so, yes.

Lorraine Murray: The research has discovered that the *Borrelia* bacterium is very clever. It can go into biofilm or into cyst form. It has been discovered that a multi-antibiotic approach to cover all the co-infections that have been found is getting people well, but that is not a quick treatment; it is done over years.

Rona Mackay: What would your preferred treatment options be? If you could change things, what would you prefer to be done?

Lorraine Murray: I would go with the research that is already out there. Dr Horowitz, who comes from New York, has gone as far as writing and designing symptom checklists for patients and doctors. Purely by looking at those, he can narrow down the chances of someone having, for example, a co-infection of *Babesia* along with the *Borrelia* bacteria that cause Lyme disease. That determines what medication each person has—that is how the checklists work.

10:45

Rona Mackay: The process is individualised.

Lorraine Murray: In America, they do not focus on tests because they are so up to date with the symptoms and the progression of the different bacterial infections or parasites.

Rona Mackay: Are there any specialists in Scotland that you know of?

Lorraine Murray: No—I am not aware of any.

Janey Cringean: Roger Evans at Raigmore hospital has been involved a lot on the testing side.

Rona Mackay: However, when it comes to treatment, there are not six top people or even one person who might be called in.

Janey Cringean: As patients, we do not know of anyone who has been helped significantly by care in Scotland.

Lorraine Murray: Can I make you aware of what happens to patients? Those who have not noticed the tick or the bull's-eye rash—they might not have even developed the rash, which could have alerted them to the fact that they have been passed the bacteria—will go to their local doctor and it will be missed, because the doctor is not aware of the symptoms or is not familiar with the progression of Lyme disease and might never have seen a case before. I was diagnosed with chronic fatigue syndrome. Every symptom that I had was brushed off. Patients sometimes never mount an antibody response with the current test, especially if the disease has been left for years, as their bodies are overwhelmed by all the infections. Ironically, Lyme disease causes immune system suppression, so it is no surprise that there is no response.

Those people, without positive tests or adequate treatment, are left seriously ill and are often moved about the NHS system without an accurate diagnosis. They might be passed to an infectious disease specialist, but they will be denied treatment because they have not tested positive. What is more alarming is the fact that the patients have all the classic symptoms of the progression of Lyme disease. Unfortunately, they are denied treatment because the NHS relies on outdated guidelines and limited tests, and the symptoms are completely ignored.

Rona Mackay: I am sorry to interrupt, but if someone goes to the doctor and says that they feel dreadful and were bitten by a tick, would that result in their being sent for immediate treatment? Is it up to the person to say that they have been bitten? If someone goes to the doctor with the symptoms, might the doctor not necessarily suspect that it is Lyme disease?

Janey Cringean: I do not know whether things might be slightly different now from when I was first bitten. I was bitten in 2004—I know the exact date when it happened—and I went to the doctor with a rash and an initial flu-like illness. The first thing that he said was, "Have you been anywhere in America where you could have got Lyme disease?" However, he did not believe that you could get it in Britain.

Rona Mackay: Were you aware that you had been bitten at that point?

Janey Cringean: Yes. That opportunity for treatment was completely missed. When people do not know that they have been bitten and have not had a bull's-eye rash, there is even less chance of it being picked up.

Rona Mackay: Thank you.

Michelle Ballantyne: On the issue of treatment, you have indicated that you would like the establishment of a Scottish vector-borne illness

treatment centre with a multidisciplinary team in place. Will you expand on that suggestion and tell us what you would like? You have said that there is a lack of specialists in Lyme disease, so I suppose that we would be starting from quite a low point.

Janey Cringean: The trouble with Lyme disease is that, because it is a multisystemic illness, it has all sorts of implications. Although there are specialists in infectious diseases, that specialty is not sufficient to cover the range of things that happen. The infections can modulate the biochemical mechanisms that occur in the body; therefore, functional medicine specialists are needed to understand that. For instance, someone might need supplementation with vitamins or other supplements to compensate for the things that happen. There are also nutritional aspects. For me, Lyme disease caused a complete intolerance to gluten and I have had to modify my diet significantly to stay stable. It would be really helpful to have specialists who could cover that side of things.

We do not believe that any one specialty has enough knowledge. If you focus on a specialty, you are not focusing on the whole person, and, because Lyme disease is multisystemic and has so many consequences, it would be much better treated by multiple specialties. When patients go abroad for treatment, they get organisations that are geared up for having multiple specialties looking after their patients.

Michelle Ballantyne: Have you had much support throughout your journey? You have obviously seen a lot of people over a long period of time. Have you had much support for these suggestions from the medical profession at an operational level, or have they all come from you?

Lorraine Murray: There is no support for people like us who have been affected by Lyme disease. If someone does not get better as a result of the couple of weeks' antibiotics that they are offered, they are just left on the shelf, seriously ill.

Janey Cringean: I was discharged from the Western general hospital in Edinburgh in 2010 and told that no more could be done for me. I asked for a second opinion from Glasgow, but the consultant refused to see me because I had never had a positive test. My GP decided that, because two consultants had said that they would not help, he would not help either. Between 2010 and about two years ago, I had no help at all from the NHS.

Michelle Ballantyne: You were discharged from the infectious diseases department at the Western general.

Janey Cringean: I was discharged by the infectious diseases department and my GP. I felt

completely abandoned, with no help at all. I have gone for private help and have survived with that.

Michelle Ballantyne: Does the model that you are talking about exist in other countries?

Janey Cringean: Yes. It exists in America privately and France has a national plan for Lyme disease. Specialist treatment centres are being set up throughout France. It has that model in mind although it is not fully implemented.

Angus MacDonald: I thank Janey Cringean and Lorraine Murray for bringing the petition to us. Until now, I thought that a Lyme disease test was fairly straightforward. Having had a number of tick bites myself over the years, I have had it on my to-do list to have the test. I did not realise that it was far from straightforward.

The final aspect of your petition relates to education and public awareness. What roles within the medical profession do you feel would benefit from education? Do you have any thoughts on who might deliver the relevant education and on how it would be delivered?

Janey Cringean: There is a need for education at every level. A lot of the barriers that patients encounter relate to the fact that, when they reach the consultant, the consultant follows the guidelines. We are abandoned because the guidelines are being followed and we just drop off the end of the treatment.

We would like a specialist treatment centre to be set up that would involve consultants working with doctors who believe in the persistence of chronic Lyme disease. The consultants would learn from them, and other consultants in Scotland could then learn from the specialist treatment centre.

There is also a need for GPs to be brought up to date with the treatment. The issue also needs to be considered as medical students come through.

Lorraine Murray: Can I add to the list for GPs? A good idea that could be rolled out immediately would be for GPs to have the symptom list and multisystemic infection table on the progression of Lyme disease that is already out there. From that, they could immediately see whether a patient who had been sick for a few years but had not been picked up was likely to be suffering from Lyme disease regardless of the fact that their tests came back negative. Something like that could be rolled out to all doctors in the NHS.

Janey Cringean: There is already some training out there. Lyme Disease Action has produced some training in conjunction with the Royal College of General Practitioners. An online training course is available and is part of the continuous professional development element of general practitioners' training. However, the last

that I heard was that only 3 per cent of GPs had actually done that training.

Lorraine Murray: It does not really alert them to all the symptoms of Lyme disease, either.

Janey Cringean: Also, it is now somewhat out of date.

Angus MacDonald: Another issue is that urban GPs may not be as aware of Lyme disease as GPs in rural areas.

Janey Cringean: Yes. I understand that a lot of GPs in the Highlands are much better educated about it than GPs elsewhere.

Angus MacDonald: You will be aware that there has recently been some media interest in and coverage of Lyme disease, and there is support for your petition from gamekeepers and moorland managers. Are you encouraged by that?

Janey Cringean: Yes. We have had a lot of mentions of support—if not publicly, at least privately. A number of bodies have been in touch to say that they are prepared to provide support.

Angus MacDonald: What other initiatives or stakeholder involvement would raise awareness out there?

Lorraine Murray: We would like to go as far as raising awareness through the National Trust, as it owns monuments and things out in the countryside. We would like awareness to be rolled out everywhere, if possible. I believe that there are now leaflets in the Lake District because someone who suffers from Lyme disease is distributing them there, but there is not much information out there for the public.

Angus MacDonald: The leaflet has been funded privately.

Lorraine Murray: Yes. We ring up the charity Lyme Disease Action and ask, “Can we have some leaflets?” I then go down and put them in my GP surgery. That is basically all the awareness raising that is done.

Angus MacDonald: Okay. Thank you.

Janey Cringean: There are a lot of stakeholders that could have input. I have a list of doctors and organisations that might be of interest.

The Convener: If you can share that with us, that will be useful.

I will bring in Alexander Burnett. We will then need to wind up, given the time.

Alexander Burnett (Aberdeenshire West) (Con): I thank the convener for allowing me to attend the meeting and speak to the petition, and I thank Janey Cringean and Lorraine Murray for

informing the committee about what is a truly terrible and debilitating disease.

As the convener mentioned, I led a members’ business debate on the subject earlier in the year. I am grateful for the cross-party support that I received not only from members with rural constituencies but from others. There might have been a misconception that cases of Lyme disease occur only in rural areas, but, as Angus MacDonald alluded, we have been very successful in getting more people from urban areas out into the countryside and that has brought its own challenges. When those people return to their homes, their local GPs are often not aware of the problems. That goes to the heart of the point about awareness and education.

After the members’ business debate, we held an event that was extremely well attended. There had been some IT problems with members signing the petition, and the number of people who attended the event was greater than the number who were able to sign the petition—that should be noted for the record. The event was attended not only by people from across Scotland who have suffered from the disease but by people from across the United Kingdom and abroad who are working to eradicate it by removing vectors for ticks.

Lyme disease should be recognised as a truly global issue, and it is one that we have an opportunity to address today. It is terrible that this Parliament has now looked at Lyme disease for over 10 years. I believe that it has a responsibility both to sufferers and to countryside users. We are encouraging schools, people on Duke of Edinburgh schemes, scouts, guides and people of all ages, including groups, to go out into the countryside, yet we are failing them and, I think, being negligent in not informing them of the grave dangers that exist if they catch Lyme disease.

It is clear that the disease is not getting the attention that it needs. I hope that the Public Petitions Committee will take the opportunity today to address the situation and that, in turn, the Scottish Parliament will take the opportunity to catch up with the many other countries that are dealing with it. Thank you.

11:00

The Convener: In your opening statement you mentioned the development of NICE guidelines and the feedback that you have received from the chief medical officer and Healthcare Improvement Scotland. Has any reference been made to the development of guidelines by the Scottish intercollegiate guidelines network?

Janey Cringean: No.

The Convener: We can pursue that. Thank you for your attendance.

We now need to think about how we want to take forward the petition. I sense that we want to take it forward. There is an issue of responsibility, and the work in this whole area needs to be developed—we have heard powerful arguments for that today. Can I have suggestions from the committee about what we should do?

Rona Mackay: We should write to the Scottish Government, the UK Government and the various interested stakeholders, such as Lyme Disease UK, Lyme Disease Action, SNH and NICE. I was quite shocked to hear that only 3 per cent of GPs have undertaken the training. Maybe we could write to the GP body—I do not know what you call it—asking for a response on that.

The Convener: Okay. The witnesses said that they can suggest stakeholders that it would be worth contacting. It would be excellent if they gave that list to the clerks at the end of the meeting.

We are keen to progress the petition. Rona Mackay has suggested writing to a range of organisations. Perhaps we can also write to NHS boards, which have to give advice within their own systems.

Angus MacDonald: I suggest that we also write to NFU Scotland and Scottish Land & Estates to get their views on the issue.

Michelle Ballantyne: I do not know whether we want to write to the British Veterinary Association, but awareness of Lyme disease is being promoted in the equine world at the moment. There is a growing awareness of it and people seem to be doing quite a good job. It might be worth linking up with some organisations on the animal welfare side as well.

Janey Cringean: The chairman of the Scottish health protection network Lyme disease sub-group is Professor Dominic Mellor, who is a vet. He would be well worth contacting.

Michelle Ballantyne: They have done a lot of work.

The Convener: As I said, if you have a list, please ensure that the clerks get access to it so that we can get as much information back as possible.

Lorraine Murray: Is there some way in which we could get information from the doctors who have all the research and are curing people at the moment, such as Dr Horowitz? I think that he would be quite happy to work with the Government.

The Convener: My sense is that, in the first instance, we should write to stakeholders. You clearly have in mind somebody who is regarded as

an expert elsewhere, and we can reflect on their involvement once we know what the medical profession and related organisations in Scotland and the United Kingdom are doing. We would not close our door to that.

I thank the petitioners for their evidence. We will get back to you about the responses that we receive. We will tell you when we will next consider the petition and you will have an opportunity to respond further.

I suspend the meeting to allow for a change of witnesses.

11:03

Meeting suspended.

11:04

On resuming—

The Convener: I want to say something before we move to the next item of business.

Our discussions this morning have, to say the least, run over a little longer than we expected, which is understandable, given the evidence that has been given to us. It is really important that witnesses feel that their case has been properly heard, but that has meant that we have less time to discuss other new petitions on the agenda. We are keen to give proper time to considering them as well. In order to ensure that they are given full consideration, I suggest that we reschedule to consider them at our meeting next week. That would mean that we could afford a proper opportunity to discuss the next petition. We have to be finished by 20 minutes to 12 today. Rather than putting ourselves under pressure in considering that petition and not giving proper time and respect to the other new petitions, do members agree that we should deal with the other new petitions next week?

Members *indicated agreement.*

Mountain Hares (Protection) (PE1664)

The Convener: In that case, the final petition on which the committee will take evidence today is PE1664, on greater protection for mountain hares. The petition was lodged by Harry Huyton on behalf of the OneKind charity. I invite him to give a brief opening statement of no more than five minutes, after which we will move to questions from committee members.

Harry Huyton (OneKind): On behalf of our supporters and those who signed the petition, I thank the committee for taking the time to consider it.

Mountain hares are native to Scotland and are a conservation priority at the EU level—they are listed in annex V of the EU habitats directive. At the UK level, they are a priority species under the biodiversity action plan, and they are on the Scottish biodiversity list. However, very large numbers of mountain hares are culled and killed for recreation across the Highlands and the Borders—that is their range in Scotland.

The killing outside the close season, which is 1 March until 31 July, is unregulated and not monitored, and the mountain hare population is not systematically monitored. It is therefore impossible to say what impact the killing is having on the mountain hare population or, indeed, on the welfare of individual mountain hares, but we know that a large number of mountain hares are killed each year. The only study that SNH has commissioned found that approximately 25,000 mountain hares were killed in 2006-07. That is thought to be somewhere between 5 and 14 per cent of the mountain hare population.

It appears that, in recent years, large-scale culling has become a routine part of intensive grouse moor management in the belief that it will result in lower transmission of the louping ill virus to red grouse chicks and therefore higher red grouse populations. That is consistent with accounts and photos of large-scale culls, which we have summarised in a report that I have with me. That report, which was published on 1 August, is available on our website.

I draw the committee's attention to the most recent example. A wildlife photographer who was just north of the Cairngorms national park was out taking photos of red grouse and a vehicle drove past him. He took the photo that I am showing to the committee, which shows the clean-up after a cull. There are a lot of mountain hare carcasses there. The photo was taken at around 4 o'clock on 28 February, which was in the last few hours of the mountain hares open season.

In addition to those systematic culls, it is important to note that recreational killing raises serious conservation and welfare concerns. It involves a large number of animals. Our research found that around 25 companies offered recreational killing online. They usually offer eight to 10 animals per gun for walk-up hunts and up to 200 a day for a driven hunt.

The Scottish Government has made a number of significant interventions, three of which I will highlight. First, in 2014, the Scottish Government called for voluntary restraint on large-scale culls. Since then, it has made it clear that its policy is not to support large-scale culls. Secondly, earlier this year, SNH confirmed that it would no longer permit the snaring of mountain hares. We welcome that as significant progress because of the serious

welfare concerns around that practice. Thirdly, on 31 May, the Cabinet Secretary for Environment, Climate Change and Land Reform announced that an independent group would be established to look at the environmental impact of grouse moor management, including mountain hare culls.

Our petition calls for greater protection of mountain hares, and in our submission to the committee we put forward a number of recommendations on how that could be achieved. I hope that they will be considered by the Scottish Government in the inquiry. I would also like to underline a simple and practical recommendation that we have made, which is that mountain hare culling could be licensed by extending the close season so that it continues all year round.

I want to stress the point that, although we have an inquiry, a number of issues are not being addressed, and I hope that the inquiry will consider mountain hare culls and their impact in full—that is, on welfare and conservation—and put forward a long-term solution. However, we all have to realise that it will take some time to go from the inquiry to the point of implementation—the group has not yet even been formed. I therefore want to emphasise the urgent need for some kind of interim protection for mountain hares that could take effect in time for this year's culling season. The culling season is generally in the winter.

The Scottish Government has a long-held policy against large-scale culls. The calls for a voluntary approach to restraint appear not to have worked, which is leading to the continued unwarranted persecution and suffering of this species. It also undermines the authority of the Scottish Government, given that nothing is happening even though it has said for some time that it is against this. Further, it makes it impossible for Scotland to demonstrate that it is meeting its obligations in relation to this species under the habitats directive. Therefore, we ask the Scottish Parliament to call on the cabinet secretary to acknowledge that the voluntary approach is not working and to use the existing powers to introduce interim protections for the mountain hare while the inquiry considers the issue in full and develops a long-term solution to the problem.

The Convener: In your submission, you refer to proposals that you have made to the Scottish Government to improve the protection of mountain hares. What has been the response to them?

Harry Huyton: About this time last year, we wrote to the cabinet secretary with those proposals. We have been told that they are under consideration and that the Scottish Government wants more evidence of culls taking place.

The Convener: Does it want you to provide that evidence or is it seeking it?

Harry Huyton: I think that there was a general call for evidence, as it were. People were asked to make the Scottish Government aware of any culls that they knew were happening. That is partly why we produced the report that we published in August. It pulls together all the reports of culls that we are aware of.

Mountain hare culling is not a regulated activity in any way. Because it happens mostly in the middle of winter in quite remote locations, public encounters with culls are relatively rare. The wildlife photographer happened to get the photograph that I showed you earlier because he was leaning out of his car window looking at the red grouse through his long lens when the vehicle that I told you about happened to drive past. I would not say that he was lucky—that would be the wrong word—but it is a relatively rare occurrence for someone to encounter a cull and be able to report it.

The Convener: The evidence that we have been given suggests that mountain hares are strongly associated with the heather moorland that is managed for red grouse and that they benefit from the habitat management and predator control that is aimed at improving grouse densities. Something seems a bit counterintuitive there. I probably have this completely wrong, but does that mean that there are more mountain hares precisely because of this human-made habitat that has been created for the benefit of grouse sport?

Harry Huyton: Part of the management regime for grouse moors creates a good environment for mountain hares. Predator control that is done for the benefit of grouse will create a good habitat for mountain hares, so you will find that mountain hares do well on grouse moors. However, it is difficult to talk precisely about the overall population trend, because there is no systematic monitoring—I think that that is covered in the committee's briefing. The Scottish Government has commissioned research into developing better methodologies for counting mountain hares, and I hope that that will, at some point, lead us to an actual population estimate so that we can provide an authoritative overview of how the population is doing. However, until then we can only go on the bits of data that we have, which come from monitoring that is conducted by the British Trust for Ornithology. It monitors some mammals, including mountain hares, as part of its breeding bird survey, and its data from 1994 to 2014 suggested a significant decline in the population of mountain hares. In recent years, the population has gone up a little bit, so it might be a cycle of population—it is hard to tell. There are also reports of more localised extinctions or reductions in populations. For example, the Mammal Society has noted a number of moors on which mountain hares were once common but are no longer

common. Adam Watson, who is a leading ecologist in this field, also notes areas, particularly in the west Highlands, where there are greatly reduced numbers of mountain hares.

11:15

Michelle Ballantyne: You have referred to the Scottish Government's response to the call for a package of measures to protect birds of prey. How do you think that those measures would address some of the problems that you are talking about?

You state that some actions need to be taken immediately and you refer to the fact that the group has not been set up yet and that it will take a while to implement any findings. However, I confess that I am slightly confused by the fact that you have said that the very habitats in which the culls are taking place are the ones in which there are increasing numbers. Would you expect there to be increasing numbers during your moratorium?

Harry Huyton: It would be interesting to monitor that. Your first question was about what we want to happen after the inquiry is set up—is that right?

Michelle Ballantyne: How will the actions that have been taken in relation to birds of prey help mountain hares?

Harry Huyton: We have yet to see what the inquiry will recommend. However, one measure that it has been asked to look at is the licensing of grouse moors. How effective that is depends on how that licensing is constructed. It could, for example, require estates to report on the control of mountain hares and other species. Remember, we are operating in an environment in which we have very little data, so anything that we can do to increase transparency about what is happening will certainly help. However, I would hope that the inquiry will consider specific measures to protect mountain hares.

Your second question concerned the apparent paradox in relation to the fact that grouse moors are quite good habitats for mountain hares. Our point is that that fact does not justify culling them.

Michelle Ballantyne: No, my question was to do with whether you would expect to see a large increase in mountain hare numbers if there was a three-year moratorium.

Harry Huyton: It would be quite hard to measure that, because we have no baseline data but, yes, we would expect to see them doing better if there was a moratorium on killing them.

Rona Mackay: Your petition mentions that you have liaised with the Cairngorms National Park Authority. What was the outcome of those discussions?

Harry Huyton: My understanding is that the Cairngorms National Park Authority has considered the issue at board level and that it is encouraging estates to increase transparency in relation to how their estates are managed, what culls are taking place and the numbers of animals that are involved in those culls.

Rona Mackay: You talked about licensing and registration. How straightforward would that be? Would there be a huge administrative burden? Would people be likely to take that up? Do you mean that that should be legislated for?

Harry Huyton: The licensing of grouse moors will hopefully be a bigger policy, in that it will consider a lot of issues and problems related to grouse moor management. A recent study that was published by SNH into how hunting is regulated in other EU countries showed that Scotland is one of the more loosely regulated countries, so I think that there is space to introduce new regulation—that is certainly what these problems suggest. I think that the inquiry will be able to answer your question in full, because it will be able to consider how a licensing scheme should be constructed, what it should include and how it could be delivered.

Angus MacDonald: You have already referred to the research project that is being conducted by the Scottish Government, but can you tell us more about who is involved in it, what its scope is and when you understand its findings will be available?

Harry Huyton: An update would be useful, but I can certainly relay to the committee my understanding in that respect. I understand from Scottish Natural Heritage that the work, which has been commissioned through the James Hutton Institute, is on developing and trialling a methodology for a mountain hare population census. It has been trialled on a number of estates, and the work should be published towards the end of the year.

The challenge, though, is that that work will not immediately—or, indeed, for some time—answer a lot of the questions that we have. For example, it will not give us a national population estimate, nor will it tell us much about the impact that culling and recreational killing are having on the population. For that to happen—this, again, is my understanding—further research would need to be done to apply that methodology effectively.

The project is welcome, but these are baby steps. The fact that it will be some time before it begins to answer those questions again underlines the importance of having some interim measure to protect mountain hares.

Angus MacDonald: Your preferred interim measure would, I presume, be a three-year moratorium.

Harry Huyton: A moratorium seems like the obvious approach. It is compatible with the Scottish Government's position against large-scale culls, and it has support from conservation organisations.

We have tried to put forward a number of approaches. The other possibility would be a simple extension of the licensing regime. Given that the current regime applies five months of the year, why not just extend it to apply the whole year round? If we ran it for a few years, it would not only result in fewer mountain hares being killed but provide quite essential data on the level to which the species is being controlled.

I point the committee to a similar arrangement that was introduced five years ago for seal killing in Scotland. In that example, the move from unregulated to licensed activity not only resulted in a big reduction in the number of seals killed but brought transparency to the sector. Every three months, SNH publishes the latest data on the number of licences that have been issued and the number of seals that have been killed under licence, and that is essential from a conservation and, indeed, a welfare perspective.

Angus MacDonald: Thank you. It is helpful to get that on record.

Brian Whittle: Your petition recognises that the culling of mountain hares is a way of controlling the tick-borne louping ill virus among grouse. We have had petitions raising the issue of ticks on one hand and highlighting the economic benefit of driven grouse shooting on the other. That shows that there is some conflict between the petitions that are coming before the committee, and I wonder whether you recognise the concerns about the impact of mountain hares on other activities that might bring economic benefit to Scotland.

Harry Huyton: Indeed, and I listened to the evidence on the previous petition with strong interest.

Let me start at the beginning. According to the SNH-commissioned study that I cited earlier, about 50 per cent of the hares killed in that year were killed as part of organised culls on grouse moors to control ticks, with the aim of reducing the prevalence of louping ill in red grouse chicks. In effect, the aim is to sustain a high population of red grouse for shooting by controlling the tick vector. The problem, though, is that there is no evidence that such an approach works. SNH scientific experts who looked at the scientific literature on the issue have concluded:

“there is no clear evidence that mountain hare culls serve to increase red grouse densities”.

I think, therefore, that the approach is based more on an assumption rather than on any actual evidence.

Obviously, louping ill is different from the virus that was highlighted in the previous petition that the committee considered. I have heard people claim that it might result in reduced prevalence of Lyme disease, too, but I have seen no evidence of that, either. Indeed, there is no evidence of any case of Lyme disease being transmitted by mountain hares or that control of mountain hares results in lower prevalence of Lyme disease among humans. Moreover, the health aspect is not part of the serious proposal that is being considered by the Scottish Government and such like. As far as I am aware, the two issues are not linked in that way.

Brian Whittle: Thank you.

The Convener: I find it interesting that other petitions have reflected some of the challenges that we have heard about with regard to protecting the mountain hare and the fact that it is thriving in a managed environment that, in other cases, some environmental groups might be concerned about, and the implication with regard to a condition that clearly has been neither properly addressed nor understood by the medical profession. A number of interesting connections and questions have been highlighted, although dealing with them is perhaps above our pay scale.

Does the committee have any suggestions for taking the petition forward?

Brian Whittle: Given the Government's previous interest in the issue, we should write to it to find out its current thoughts on the petition.

Angus MacDonald: It is also worth seeking the views of stakeholders, including SNH, SLE, the Scottish Wildlife Trust, the James Hutton Institute and the Game and Wildlife Conservation Trust.

The Convener: If members think of any other stakeholders that might have a view, they should feed them in to us, and we will address that.

Does the committee agree to the proposed approach?

Members *indicated agreement.*

Michelle Ballantyne: I note the petition's request that we clarify that the snaring of mountain hares is illegal. Presumably, doing so would be straightforward.

The Convener: We can raise that with the Scottish Government, too.

Angus MacDonald: The petition actually says that the issue

"has now been satisfactorily addressed in the recent SNH review of snaring."

Harry Huyton: Since the petition was drafted, SNH has indeed clarified that it will no longer license the snaring of mountain hares, which we welcome. No action is required on that.

The Convener: I think that we have agreed how we will take the petition forward. Again, Mr Huyton, you will have the opportunity to comment on any evidence or response from the Scottish Government and others. Thank you very much for your attendance.

I briefly suspend the meeting.

11:27

Meeting suspended.

11:28

On resuming—

Continued Petition

Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 (Review) (PE1593)

The Convener: I remind the committee that we will not be taking agenda item 3, which is consideration of new petitions on which we are not taking evidence.

Instead, we move to the final item on the agenda, which is consideration of a continued petition. PE1593 calls for a full review of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. We last considered the petition at our meeting on 29 September 2016, when we agreed to defer further consideration of it until the outcome of James Kelly MSP's consultation on a proposed member's bill was known.

As members will be aware, the outcome of the process was that Mr Kelly was able to secure sufficient support for his proposal, and he has now introduced the Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill, which is currently being considered at stage 1 by the Justice Committee. The question for us is whether the petition has continuing relevance, given that what it calls for is now being actively pursued through the legislative process.

Angus MacDonald: I think that the petition should be closed, given that, as you have said, action is already being taken by the Justice Committee, which would make further work on it by our committee seem redundant. As we know, a review on hate crime is also under way and will include a look at the 2012 act.

The Convener: The proposal is that, under rule 15.7 of standing orders, we close the petition on the basis that the action that it calls for has been reflected in the Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill, which has been introduced by James Kelly. The Parliament will have the opportunity to vote on the bill in due course, and I think that Angus MacDonald's comments on the work of the Scottish Government in this area are relevant, too.

Is that agreed?

Members *indicated agreement.*

The Convener: I thank members very much for their attendance, and I close the meeting.

Meeting closed at 11:30.

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