



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 22 January 2013

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PUBLIC PETITIONS COMMITTEE
2nd Meeting 2013, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Chic Brodie (South Scotland) (SNP)

COMMITTEE MEMBERS

Jackson Carlaw (West Scotland) (Con)

*Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP)

*Angus MacDonald (Falkirk East) (SNP)

*Anne McTaggart (Glasgow) (Lab)

*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

David Mackay

James A Mackie

Natalie Robb

Mary Scanlon (Highlands and Islands) (Con)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 22 January 2013

[The Convener *opened the meeting at 10:05*]

New Petitions

The Convener (David Stewart): Good morning. I welcome you all to the Public Petitions Committee and ask everyone to turn off their BlackBerrys and mobile phones, as they interfere with our sound system. We have apologies from Jackson Carlaw, who has been delayed. We expect him to be here later—I hope that he will be at the meeting at some stage.

Agenda item 1 is consideration of new petitions. There are four new petitions for consideration, two of which are from Mr James Mackie. As agreed, the committee will hear evidence on two of the new petitions. There has been a change of circumstance for PE1462, on the treatment of cystic fibrosis. I will go into detail about that when we reach that petition.

Hyperemesis Specialist Nurses (PE1454)

The Convener: PE1454, by Natalie Robb, is on hyperemesis specialist nurses. Members have a note by the clerk, the Scottish Parliament information centre briefing and a copy of the petition.

I welcome Natalie Robb and thank her for giving up her time to get here in very bad weather conditions. I ask her to give a brief presentation of about five minutes, after which I will invite Mary Scanlon to make some comments. I will then kick off with a few questions and ask my colleagues to get involved.

Natalie Robb: I thank the committee for inviting me to talk about putting in place hyperemesis specialist nurses in Scotland. Hyperemesis is severe nausea and vomiting in pregnancy, which can cause serious complications for the mother and the baby. According to the *BMJ*, the number of hyperemesis pregnancies is unknown, but it is said to range from three in 1,000 to 20 in 1,000.

I will explain exactly what I am petitioning for. Midwives, doctors and nurses are not given the training that is needed to care for women with hyperemesis. I contacted a senior lecturer in midwifery at Edinburgh Napier University to find out exactly what the students are taught. In the second year of their course, they have a complications in pregnancy module, in which there is only one session that covers hyperemesis. The

session covers aetiology, incidence, midwifery and psychological management. That is nowhere near enough to educate a midwife about something that up to 2 per cent of their patients may suffer from.

A research paper that was completed in 2004 by Dr Roger Gadsby of Warwick medical school in Coventry showed that the estimated cost of each hyperemesis admission is £470 a day. Obviously, in light of the date of that paper, the costs will now be far higher than that.

In total, I spent 15 days in hospital. I required an ambulance and used an out-of-hours general practitioner service on several occasions, as well as my own GP weekly. I also required consultant-led care due to hyperemesis. Those services might not have been required if I had been given the correct treatment. My hospital admissions alone would have cost more than £7,050. A hyperemesis pregnancy costs the national health service far more than it has to. Putting in place a specialist nurse could hugely reduce the costs.

Currently, there are no hyperemesis specialist nurses in the United Kingdom, but early pregnancy clinics throughout England and Wales—in Manchester, Birmingham and Cambridge, for example—treat women with hyperemesis as out-patients and administer intravenous fluids and medication as necessary. Many hospitals—the royal Berkshire hospital and the royal Cornwall hospital, for example—also have guidelines in place on how to treat women with hyperemesis as day patients.

In Scotland, only one hospital—Forth Valley royal hospital—appears to have those guidelines in place. The majority of those who suffer from hyperemesis are young and healthy women who can withstand rapid fluid replacement as day patients and can be sent home to their own environment with medication.

Many different routes could be taken to support women with the illness and reduce costs for the NHS. The role could be filled by a registered general nurse or a midwife. There could be support in a clinic in a hospital or in home visits in the community, perhaps. I think that a clinic in a hospital would be the best way forward. The nurse would be the point of referral from GPs for patients who may be at risk of becoming dehydrated and seriously unwell from sickness during their pregnancy.

The nurse's main roles would be to administer IV fluids, consider medication options for those who require it, monitor patients' weight and blood pressure and carry out blood tests. They would also ensure that there were no problems with the baby and offer support and advice to patients, their families and other health professionals.

I hope that the committee will consider placing hyperemesis nurses in Scottish hospitals, to help both the NHS and families who have to suffer from this awful illness.

The Convener: Thank you for your presentation. My colleagues and I have some questions. I should correct the record: Mary Scanlon is here for the next petition. Of course, if she has any particular interest in this petition, she is welcome to raise it.

Natalie, you mentioned Forth Valley royal hospital. Certainly, from the committee's papers and your petition, it appears that Forth Valley provides a good example of how to operate services in Scotland. Would you consider Forth Valley to be an exemplar of best practice in Scotland?

Natalie Robb: Because Forth Valley royal hospital has guidelines in place, it is obviously the best hospital for hyperemesis in Scotland. However, I do not know how it treats women, what the care is like or how well staff are educated about hyperemesis; I am aware only of the guidelines.

The Convener: The guidelines are certainly good practice.

Natalie Robb: Yes.

The Convener: You mentioned that there are no specialist nurses in the rest of the UK. Have you gone further afield? Do you have any examples from Europe, for instance?

Natalie Robb: No. I am not aware of any other examples.

Chic Brodie (South Scotland) (SNP): Thank you for your presentation. You said that the number of hyperemesis pregnancies can be 20 in 1,000. From your information—we have a good, concise report—do you know of any regional variations in Scotland where that might occur?

Natalie Robb: I do not understand you.

Chic Brodie: Are there more hyperemesis pregnancies in Glasgow, or more in Aberdeen, for example?

Natalie Robb: Not that I am aware of. The numbers are not very well known and not much research is done on the issue. The numbers vary on every site that is visited. I am not aware of any town or anything—

Chic Brodie: I was trying to establish how many specialist nurses we were talking about and what training might be needed.

I know that you said that there was not a lot of research, but the clerk's report states:

“research has found maternal complications including weight loss, dehydration, acidosis, abnormal liver function and vitamin deficiencies.”

Given that we know about deficiency of particular vitamins, is there any way that pregnant ladies can determine what vitamins they should take to try to avoid hyperemesis?

Natalie Robb: They should be given advice on what to take. I was not given any vitamins at all during my pregnancy, so I was very deficient.

Chic Brodie: Were you told about that only after the event?

Natalie Robb: Yes.

Anne McTaggart (Glasgow) (Lab): Thank you for your presentation. Does the illness recur?

Natalie Robb: Up to 80 per cent of women will have the illness in a second pregnancy.

Anne McTaggart: Wow!

You mentioned that you contacted the Royal College of Midwives and looked at training. I am not a doctor and neither are you, I suspect, but will you elaborate on the reason for not giving training?

Natalie Robb: I was not given a reason. The organisation was not very helpful, to be honest. It just told me what it taught and that it thought that that was enough.

Anne McTaggart: So no specific tuition is given on the illness.

Natalie Robb: One of the lectures in one module covers hyperemesis. That is all the training that midwives are given.

10:15

John Wilson (Central Scotland) (SNP): Good morning. Obviously it is quite worrying that we do not have any statistics; from what you said in your presentation, it seems that we have only the *BMJ* to tell us that 2 per cent of women might suffer from the condition. Do Scottish hospitals collect any figures on it? If not, why not?

Natalie Robb: I cannot find any figures for Scottish hospitals; the figures that I used come from research papers in England. I do not think that anyone is available to do the research in Scotland.

John Wilson: As far as you are aware, the incidence of the condition is not being recorded in Scottish hospitals.

Natalie Robb: It is not, as far as I am aware.

John Wilson: You have asked for the provision of specialist nurses to deal with the condition. Are you talking about nurses who concentrate only on

this area or about nurses or midwives who can deliver general services but who specialise in the condition and can be called on to deal with any patients who present with it?

Natalie Robb: I am not talking about having people who would carry out only the specific role. There could be a midwife who has more knowledge of the area than others and who could hold a clinic a couple of times a week. We do not necessarily need someone who does only that specific job.

John Wilson: You said that, although NHS Forth Valley has put guidelines in place, you are not aware that it has nurses or midwives who deliver that kind of support service.

Natalie Robb: No. There are just guidelines.

John Wilson: So, the guidelines have been put in place but no one has been identified to deliver the service when it is required.

Natalie Robb: That is right.

Chic Brodie: Is this the condition that Kate Middleton—or perhaps I should say the Duchess of Cambridge—suffered from?

Natalie Robb: Yes.

Chic Brodie: When women become pregnant, are they advised to go on to the NHS inform website? Do they receive any pre-advice about what they should look at or what they should do if, say, they cannot keep down fluids?

Natalie Robb: No. I can talk only from personal experience, but my GP did not know what was wrong with me. The condition was recognised only when I was admitted to hospital severely unwell.

Chic Brodie: The point is quite important, because it applies not only to hyperemesis. Did you receive any advice about what conditions you should track?

Natalie Robb: No.

Chic Brodie: You were not told about the NHS inform website.

Natalie Robb: No.

Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP): I am sorry that I missed the earlier part of your presentation. What support did you receive for your condition from your GP or others, particularly in the early days?

Natalie Robb: I did not get any support. Because I was so ill, I saw my GP every week, but I was given no support. I was told that it was just sickness and was sent away with different medication; I was refused medication that worked for me. It was not until I was about 27 weeks

pregnant that I was referred to a hospital consultant—that was the first support I received.

Adam Ingram: Are you aware that the Scottish Government has refreshed its framework for maternity care, part of which is an early pregnancy assessment service that people can be referred to? Did you ever hear of such a thing?

Natalie Robb: No.

Adam Ingram: You were certainly not referred to that service.

Natalie Robb: No.

Adam Ingram: Who referred you to the consultant?

Natalie Robb: A family member who worked with the consultant referred me. I was not referred by my GP or—

Adam Ingram: Or by anything in the system itself.

Natalie Robb: No. That is the only reason why I was referred.

Adam Ingram: Obviously you were very worried during those 27 weeks. Did you look for support from, say, Pregnancy Sickness Support?

Natalie Robb: I was not aware of that charity and did not find its website until well after the 20-week point.

Adam Ingram: Do you want national guidelines for health boards to ensure that some form of planned service is available to women who suffer from the same condition?

Natalie Robb: Yes.

The Convener: It makes a lot of sense to continue this really interesting petition and get further information from the Scottish Government. Pregnancy Sickness Support has been mentioned; I know from experience that the National Childbirth Trust is a very good organisation, and the Royal College of Midwives is another organisation that jumps out at me.

Anne McTaggart: If we are seeking GPs' views, should we also contact the British Medical Association?

The Convener: Certainly.

John Wilson: It might be useful to ask NHS Forth Valley why it felt it necessary to introduce guidelines on the issue and whether it has nursing staff or midwives who specialise in the condition.

The Convener: That is a good point.

Chic Brodie: Given that NHS Forth Valley appears to be the only health board that is following the framework for maternity care, we should ask the Government to survey the health

boards and find out exactly what is happening with the framework's implementation. From Natalie Robb's responses to me and Adam Ingram, it appears that, although the guidelines and the focus exist, no one is following them.

The Convener: I agree.

Adam Ingram: In addition to Mr Brodie's suggestion, we should ask for consideration of a guideline from the Scottish intercollegiate guidelines network on the condition, which is clearly distressing to those who suffer from it.

The Convener: That is a fair point. It would also be interesting to ask the Royal College of Nursing for its views. After all, this is all about putting specialist nurses in place. If members have no other points, I think that members are happy with the course of action that has been outlined.

Thank you for your evidence, Natalie—we certainly appreciate your contribution. As you have heard, we are very interested in your petition. We will continue it, seek evidence and, when we get that evidence, consider our next steps. The clerks will keep you in touch with developments.

I suspend the meeting to allow a changeover of witnesses.

10:23

Meeting suspended.

10:25

On resuming—

Coastal Erosion Protocols (Review) (PE1459)

The Convener: Our second new petition is PE1459, by James Mackie, on a review of coastal erosion protocols and responsibilities. Members have a note from the clerk, the SPICe briefing and a copy of the petition.

I welcome our petitioners, James Mackie, David Mackay and William Sievwright. Thank you for travelling in such terrible conditions—I hope that your Land Rover was fine all the way through to Edinburgh. I invite Mr Mackie to make a short presentation of about five minutes. Mary Scanlon—whom I have with the right petition this time—will follow that. I will ask a few questions and then my colleagues will continue. The witnesses should feel free to intervene at any stage, should they wish to.

James A Mackie: Thank you very much, convener and ladies and gentlemen. This is a repeat visit to the committee on this subject. The previous time that I submitted a petition on the subject was in 2005. At that time, the committee of

the day decided that that petition was ahead of its time, so it was dropped. Things have moved on quite a bit since then and certainly to the detriment of the environment, particularly in our area.

At the outset, because of things that have happened outside the committee, I want to state clearly—for the committee's benefit and the record—that the petition was written and submitted by me as a personal petition; it is in no way related or supported by any organisation that I may have been or am currently a member of. Mr Mackay and Mr Sievwright are from the same village. They appear here on a personal basis and not in connection with any organisation that has an interest one way or another in the petition.

The reason why I have resubmitted the petition is that, following my petition in 2005, we have seen continued erosion on the beach where we live. Furthermore, my business is involved in aquaculture and, through that, I travel extensively through the west coast of Scotland and I was seeing similar problems in other areas.

Erosion will always happen. There are areas where that may well be good for the environment; in other areas, where there is human habitation, I suggest that steps must be taken to protect the houses and livelihood of communities. We accept that an odd house here and there must go, but when you have a community such as ours, with more than 100 houses and families, erosion is a major issue.

Over time, the issues in our village got so bad that in October 2010, Richard Lochhead, our MSP, and Angus Robertson, our MP, were being bombarded by some of the villagers about the situation with the beach and the added separate problem of the River Spey. They called a public meeting at which the Scottish Environment Protection Agency, Scottish Natural Heritage and the various agencies and quangos were called in to discuss the issue. More than 200 villagers turned up at that meeting. It was not so much a tea party; rather, it was a riotous affair because of the fear and the things that have gone on.

Since then, questions have been asked of the various agencies and quangos. Our experience particularly relates to that on our own doorstep, but I have noticed the same thing in other parts of Scotland. We must note that the Scottish coastline is the second-longest in Europe, after Norway, and accept that we have a major problem with it.

To cut a long story short, initially we looked at about half a mile of our own beach but, as we looked further east and west from there, we started to notice that the erosion in that area was causing problems elsewhere. We wondered where all the material from the sea coming in and eroding the coastline was going. We have calculated that

about 6 million tonnes of gravel has disappeared from our beach. Where has it gone? Suddenly the penny dropped. Because the three of us were brought up in the village and have spent most of our days there, we suddenly realised that the sea was getting shallower and shallower, that seabirds were disappearing and that the anglers had stopped catching fish. We noticed that not only was the erosion coming inland and threatening the houses, the eroded material was going into the sea and creating problems on the sea bed. We are now hearing that what might be our gravel is turning up in other areas.

10:30

Over time, discussions have been held with the various organisations. We felt that, basically, we were being stonewalled. I have with me copies of an email in which we asked one of the council officers for information. The questions got simpler and simpler. We asked him whom he would consult if the council decided that it was going to do some work to stop the coastal erosion, whether on our beach or somewhere else. He came up with a list of about 50 or 60 organisations that he felt he would have to consult.

On 15 December, as members of the committee will all know, we had a horrendous storm on the east coast of Scotland. Our community, Kingston, took a massive battering, to the extent that, over a 500m stretch, the sea demolished a 2.5m-high shingle bank that was more than 30m wide and the high-water mark was moved 35m inland. There was the sea, the shingle bank and then a lagoon. The force of the sea has reduced the bank and pushed it right in. Experts, including council workers, now say, "It's okay. The shingle bank is there; it's just that it's changed its shape."

As part of the process, we have asked different agencies who has responsibility. We are laymen, but what we can see from looking through the legislation is pure and simple: no organisation has the power to go in and carry out engineering works of any kind to protect any coastline. That is the main point that we would like to raise with the committee. Perhaps you could ask Mr Mackay about ownership of the sea bed, the high-water mark and the land. We have other issues, but that is my opening address.

The Convener: Thank you very much, Mr Mackie. Before we ask you questions, I will bring in Mary Scanlon.

Mary Scanlon (Highlands and Islands) (Con): I thank the committee for allowing me to speak to the petition.

My son lives in Garmouth, which is quite close to Kingston. A week past Saturday, we went down through the play park and walked along the

shingle bank. I could see the change in the shingle bank, which seems to be shifting from east to west. Many villagers feel that it is a buffer to prevent the waves from getting to their homes.

I read the summary of the petition this morning. Given what it and other background papers say, I do not think that it is unreasonable to say that there is a need for clarity. The second section of the petition summary says:

"Richard Lochhead stated publicly ... that coastal erosion is not a Government matter".

I am not in any way being critical of Mr Lochhead, but there has been confusion for years about who is responsible. I think that the review that the petition asks for would go quite a way to clearing up that confusion.

The third section of the petition summary says:

"Local Authorities have legal responsibilities but no legal obligation to do anything about coastal erosion".

That sort of statement is confusing.

Forgive me if my remarks are a bit disjointed; I am just going through the papers that I have in front of me.

The next point that I would like to raise is from the SPICe briefing, which says that coastal management methods fall into two main categories: hard engineering and soft engineering. I do not think that any of us around this table are engineers, so none of us here today can decide which would be most appropriate.

The briefing also says:

"The main piece of legislation related to coastal erosion is the Coast Protection Act 1949 which gives local authorities powers to carry out coast protection works. Local Authorities must decide how to fund such works from within the block grant they receive from the Scottish Government."

What I am going to say is not new. As a list member for the Highlands and Islands, convener, I am sure that you will understand that the situation in Moray has been exceptional in recent years. I understand that the relevant money in the block grant is less than £50,000. From memory, I think that the cost of the Elgin scheme, which is currently under way, is over £100 million.

James A Mackie and David Mackay *indicated agreement.*

Mary Scanlon: The council is being asked to do something for £48,000 and just one of the schemes will cost more than £100 million. *[Mary Scanlon has corrected this contribution. See end of report.]* That shows you the scale of the problem in Moray.

There have also been schemes in Rothes and Lhanbryde, and the Forres and Elgin schemes are

on-going. We are talking about tens and hundreds of millions of pounds. I should also say that those four schemes are associated with rivers, whereas the petitioners are talking about coastal erosion. I do not know whether that means that a different pot of funding is involved. I feel that we could do with some clarity on that issue.

To be fair—I sound like a Government spokesperson today—Roseanna Cunningham said that the Government had provided funding of £23 billion from 2008 to 2010, so the issue is not that the Government has not been forthcoming with the funding; it is to do with the clarity around how the schemes are funded and what is needed.

The main legislation is the Flood Risk Management (Scotland) Act 2009. It contains powers for local authorities to promote flood prevention schemes. It is all very well for local government to promote them, but there has to be unanimity about what is required in terms of hard or soft engineering. When you talk about trying to hold the waves back, you have to accept that it is different from dealing with a river. Think of Robert Burns:

“Nae man can tether time or tide”.

Although local government has powers to promote flood prevention schemes, we need more clarity around the issue of responsibility. I spoke to the petitioners before the meeting and we think that it is not only the Government and the local authority that should be involved—although, obviously, there are local concerns—but also the Crown Estate. I am not entirely sure what its responsibilities are in this regard. Although the petitioner has been talking about Kingston, we are aware that, in recent weeks, there have been similar situations around the coast of Scotland, although I do not know whether they have been as bad.

The petition is reasonable. Most people would agree that there should be a review of the situation so that, when flooding occurs or there is a fear of flooding, people know where the money that is required urgently will come from and where the short-term and the long-term measures will come from.

The Convener: Thanks for that full run-through of the points that were raised in the petition.

Mr Mackie, although you focused on Moray, your petition takes a Scotland-wide view.

James A Mackie: It does. The focus on Moray is a result of the storms of 15 December.

The Convener: That is understandable. As we are facing severe fallout from climate change, we should expect the situation to get worse. Mary Scanlon touched on the defensive remedies, which involve either hard or soft engineering, and

the briefing highlighted the fact that, in Scotland, we have done much less defensive work in relation to coastal erosion than has been done elsewhere, which I am sure you are concerned about.

Mr Mackie, one point that I picked up from your general comments in the petition was that you felt that there was perhaps too much bureaucratic consultation and not enough action. Is that a fair summary of your philosophy on the issue?

James A Mackie: That is it exactly. There is consultation after consultation, and monitoring, but when push comes to shove, nothing is in place to stop the sea coming in. There is all the legislation around flooding and everybody talks about flooding, but we are talking about erosion—the land is being washed away. It is not necessarily about the water coming over the land and doing the damage; it is about the land completely disappearing.

We had a first-hand example of the gap in guidance and legislation when one of our councillors asked Moray Council in a meeting on 18 December whether the council could take a machine down to Kingston to drag some of the gravel back up on to the beach to protect it. The executive director said no, because the council would be spending money, the council would have to go out and do a survey of the area, cost the project and put it out to tender. Meanwhile, 10 miles along the road in Lossiemouth, the harbour wall was pushed over, but because that was part of an established structure they were able to go in that week, clean up and start rebuilding that wall without any consultation whatsoever. That difference is one of the reasons for our frustration.

The Convener: Mr Mackie, you may know that the committee has looked at the wider issue of flooding. We had some evidence about flood insurance and there may well be further follow-up on that issue. I remind colleagues that, in this case, we are talking about coastal erosion rather than generic flooding.

Chic Brodie: I was just about to make that point—although there is a conjunction in some ways between erosion and flooding in certain areas, we are talking about coastal erosion.

Mr Mackie, you have just explained what happened with Moray Council. Based on whatever information you have, do you think that that approach is shared by other councils around the coast?

James A Mackie: As far as we understand it, from looking at legislation and at the roles of the various agencies, what we see on our doorstep is standard procedure across Scotland. The councils have the responsibility to monitor what is going on but they do not have the rights or the powers—as

far as we can see—to go and do emergency work to protect buildings or livelihoods.

I could speak for about 20 minutes on the agencies' different powers but, basically, Marine Scotland's area is from the high-water mark to the sea. We have spoken to it; it does not want to know anything about coastal erosion until somebody applies for a permit to do engineering. Once you come over the high-water mark on to dry land, as we call it, it is SEPA's area and SEPA has attitudes of its own. Moreover, the area below the high-water mark is owned by the Crown Estate. Mr Mackay has more knowledge about that than I do—perhaps he could make a couple of points about ownership.

Chic Brodie: Before we get to Mr Mackay, I note that the Crown Estate is a profitable organisation that is investing a lot through coastal communities provisions. It seems paradoxical that, while it is making a lot of money off the coast—and despite some of the funding that it provides—it does not consider the serious implications of this issue for its “business”. What approach is the Crown Estate taking on this?

David Mackay: The Crown Estate owns about two thirds of the solum of the sea bed beyond the high-water mark around Scotland. It does not own all of it—I do not think that it owns any property around Orkney and Shetland. Any dealings that I have had with the Crown Estate as an individual were years ago up in Sutherland and more recently in Moray. It is very difficult to track down. The beach is not the Crown Estate's immediate responsibility—the Crown Estate goes back to the Coast Protection Act 1949 and says that that is the responsibility of the council.

However, the Crown Estate grossed something like £320 million last year, with net figures of about £6.7 million in Scotland and £72 million in England. I am not saying that it should be totally responsible, but my concern is why it, as a landowner, should put the onus on the taxpayer. Should there not be a clear-cut policy? For example, nothing was done for Kingston during the storm on 15 and 16 December, because the council did not have the facilities. However, the council was not the landowner. Surely there should be something in place that would say to the Crown Estate, as landowner, “Get down there and do something, even if you just put sandbags along the top of the beach in case the tide comes up overnight.” There is no clear-cut legislation in that regard.

10:45

Chic Brodie: I have some sympathy with that view. However, given the answers that the minister gave in 2009 and 2011, surely the local

authority, under the 1949 act, must understand exactly what its responsibilities are. Part of that must surely be to establish some relationship with the Crown Estate regarding responsibilities for the coast, as has happened in some cases with offshore wind. Are you aware of any conversations or meetings that have taken place between the local authorities and the Crown Estate?

David Mackay: I have been river flooded frequently over the past 20 years, but that is not the issue that we are talking about. I have involved myself quite deeply in coastal issues and flooding issues, but any meeting that I have gone to in that regard rarely has a representative from the Crown Estate, even if they have been invited.

Chic Brodie: That is consistent.

David Mackay: I have found that to be the case for many other dealings that I have had with the Crown Estate. If it does not want to know, it goes somewhere else. It is responsible to the Crown Estate Commissioners, who report to the First Lord of the Treasury, who is—if I am right—the Prime Minister. Is that not a total cop-out? I am sorry if that is not a proper expression to use in this place.

Chic Brodie: It is also compounded by the Sovereign Grant Act 2011, whereby the royal family enjoy 15 per cent of the profit from the Crown Estate. You might wish to appeal to them at some stage.

The Convener: Mr Mackay, are you aware of the Westminster Scottish Affairs Committee, which has looked into the Crown Estate and recommended that power over its revenues in Scotland should be delegated to the Scottish Parliament? Further, it has been suggested that that delegation should go down to harbour trusts, community landowners and so on, so that there would be what has been called tertiary devolution. In other words, if there was a harbour trust in your area, any sums generated from marine rights there would go to the trust rather than to the Crown Estate, so the trust would have another source of income. That aspect is at a slight tangent from the issue that we are discussing, but I wondered whether you were aware of it.

David Mackay: I had heard of it, but I have not studied it. The word “harbour” clicked with me when the matter was first mentioned to me, but I pushed it away. The principal consideration of Mr Mackie and me is what is happening to the coastline. Harbours are basically self-maintaining, if there are funds from local harbour trusts or councils. However, we are looking at areas for which there appears to be no funding available and which do not have a management scheme, which is the principal point. There is no legislation

in that regard such that someone could say, "This is what we do."

The Convener: Sure. I just thought that I would highlight that point for you.

David Mackay: Thank you for that. I will drive the 200 miles home and have a look at it.

The Convener: It is an interesting point. We debated the matter, and I think that it is fair to say that there was strong support for changing the management in the way that the Scottish Affairs Committee suggested.

James A Mackie: My understanding is that there are a lot of places that are in a similar situation to us, particularly in the Western Isles. There are no harbours involved, but communities are being damaged.

The Convener: Yes. However, the Scottish Affairs Committee report suggested that community land groups, such as the Harris trusts, could access certain rights. I recommend that you look at the report, which is very useful.

Angus MacDonald (Falkirk East) (SNP): Convener, some of us are looking forward to not just the Crown Estate's powers transferring to the Scottish Parliament.

Good morning, panel. In your written submission, you refer to the setting up of a local forum in, I presume, the Kingston area that has no powers. Is there a local coastal partnership that covers the Moray coastline or, indeed, a shoreline management plan that you are aware of?

James A Mackie: There is mention of such a plan and any reference to it points back to Moray Council as having responsibility for that area. We found that six north of Scotland and Highland local authorities had come together as a consortium to draw in consultants to examine particular issues. The consortium is controlled by Argyll and Bute Council and, when I wrote to the council under freedom of information legislation, I was told that only one council had ever asked for the group's services. From our experience and the drift that I am catching from other areas, it appears that, when there is a threat to the coast—it does not matter which part—the local authority is assumed to be responsible for it. It looks at the threat; its internal engineers say, "Yes, there's a threat," and the first thing it does is to get in experts to look at the issue, draw up plans and tell it what is going wrong. Over the years, three or four different experts have been brought in on the council's behalf to draw up plans that have then been shelved. Nothing happens under the current system.

When I asked Moray Council whether it had a register of the areas of its coastline that are under threat of erosion, it turned out that it did not even

keep a record of that. Moreover, as far as we understand it, there is no record or database of areas under threat around the Scottish coast. I understand from a discussion with Richard Lochhead that there is something in the pipeline that will organise these matters in terms of areas but, at the moment, no one seems to be keeping a record or wants to know.

Angus MacDonald: So, as far as you know, no records exist. You have highlighted the situation in Moray as an example, but you have also mentioned areas in the Western Isles that you have become aware of through your travels in your work. What specific examples have come to your attention?

James A Mackie: One of the major problem areas is Mike MacKenzie MSP's home village. Problems also arose in the Uists when the causeways that had been created started to cause coastal erosion and, indeed, deposition. Initially, we were looking at erosion in the Moray Firth, but we now understand that deposition of materials is becoming a major problem not only on the coast but on the sea bed and elsewhere in the environment.

Angus MacDonald: In your petition, you refer to "academics", "ideologists" and—in a colourful phrase—"tree huggers". What is your own background on this issue?

James A Mackie: Very simply, I spent the first four and a half years of my life in Kingston and the next 12 in the village of Garmouth; I joined the police force when I was 16 and left when I was 27; and since 1985 I have been primarily involved in developing veterinary medicines for aquaculture. During that period, I have worked on sea cages not only in Scotland but overseas. I take quite an interest in agricultural and environmental issues and was a founder member and trustee of the Forth Fishery Conservation Trust, which was originally set up to stop salmon poaching but got involved in other areas.

My comments about academics come from their presentations at public meetings. For example, documents published by SNH on the Spey Bay area of the Moray Firth, which is where we are, have made it quite clear that no work should be done to prevent river or coastal erosion; that mother nature should be allowed to take her course; and that any man-made structures in the way should be allowed to go. SEPA takes much the same approach. As I have mentioned, there is a problem with the river but, according to SEPA guidelines on such situations, the bank should not be touched and the water should not be entered.

We laypeople look at the environment, live with it, enjoy it, use it, and see what is happening. Then we see others who appear with letters after their

names, and we wonder what the heck they see. We see a situation and they come up with completely the opposite. They say, "Just leave it and let it go." It is very frustrating.

Those comments are very much what the whole community says, not just what I say.

Angus MacDonald: Given that response, have you personally, or has a group that you represent, engaged a flooding engineer? Has a flooding engineer given a report to the Kingston community?

James A Mackie: It comes down to the fact that the local groups and the community in general simply do not have funding for that. Should the community council or local amenities want to go down that route, it is not on. The local groups probably have an annual budget of between £1,500 and £2,500. We know that Moray Council brought up a consultant. He was on site up in Moray twice, so for two days. We understand that it cost Moray Council between £5,000 and £8,000 just for one man to appear for two days and then to say that the beach is okay.

I come back to the fact that the issue is not about flooding; it is about total erosion and removal.

John Wilson: Mr Mackie, you said in response to a question that you believe that Moray Council has drawn up plans on at least four occasions, but they have been shelved. What were the plans to which you referred for?

James A Mackie: The question of the erosion of Kingston beach goes back decades. Every now and again when the subject arises, the council's first reaction seems to be to engage an expert to draw up a report. It is as if that keeps the natives quiet. Something is seen to be done. However, as soon as a report is produced, is in the public domain and is discussed, it is quietly shelved.

John Wilson: The reason why I asked is that the arguments in your submission clearly undermine Moray Council's argument that it needs to spend between £1 million and £4 million on commissioning a report on the coastal area. If reports have already been commissioned and have been produced and are in the public domain, surely the council could simply revert back to them.

James A Mackie: The last expert that the council brought up said that the previous report would not work. At the end of the day, it is all opinions. Only one piece of work has been done on Kingston beach, which I think was 30 years ago. There was £178,000 just to shore up one part of the beach.

David Mackay: Twenty-five years ago, the back of the beach was shored up. That is the only part

of the beach that has never moved, because that worked.

John Wilson: So work was carried out 25 years ago.

David Mackay: Yes. Hard core and rock armour were dumped. That would not be allowed now, because the area is now a site of special scientific interest, and SNH would not allow alien stone, as it calls it, to be brought in.

To supplement Mr Mackie's answer, Babcock and the University of Aberdeen did a massive combined research project on the beach and the River Spey in 1992 or 1993. They were on site for six months. I remember that they offered six to eight options, which started at £480,000 and went up to around £25 million for various solutions.

The next report was in around 2000. When it was brought up that there was a previous report that those people could possibly use as homework, they were told that it was time served—that it was out of date and would not work. The trouble with shingle beaches and such like and the Spey is that they are dynamic—they change all the time. The reports have gradually become fewer and fewer.

Mr Mackie's petition does not intend to undermine Moray Council but, for several years, the council has offered only two choices: do nothing or do the minimum. Nothing seems to have been done, and the minimum certainly has not been done.

11:00

John Wilson: The issue is what can be done to stop the tidal erosion. What is the best solution? In an ideal world, what should the council do to stop the erosion?

David Mackay: That would have to be analysed by a proper coastal expert. We will never stop the sea and we will never prevent beaches from moving. I come back to the fact that a consultant would have to be used. Moray Council admitted to me in a private conversation that it does not have the specific knowledge that is required.

James A Mackie: Kingston sits immediately to the west of the mouth of the River Spey. If you go east, you have the village of Tugnet, and then you go through the village of Portgordon into Buckie. In circa 1985, the erosion at Tugnet was such that the sea came in and started to remove the cesspools for the houses. Grampian Regional Council went in immediately and put in armour rock along the leading edge of the beach to protect the houses. Since that armour rock went in, the beach at Tugnet has built out by 70 or 80 yards, whereas on the Kingston side it has come in by 70 or 80 yards. East and west of where we

are, wherever a council in the past put in armour rock, the beach has stayed steady and the land behind it has been absolutely rock solid and safe but, wherever the armour rock finishes, the sea starts to come in.

At present, there seems to be a block from the academics, who say that we cannot use armour rock on a beach, because it will create a problem elsewhere. However, the problem that we have is creating bigger problems locally and, as we now know, on a wider field. The cost that John Wilson mentioned of between £1 million and £4 million is basically for a computer study. We believe that there is no data from the area that could be used in a computer study.

John Wilson: Mr Mackay referred to a proper coastal expert who could carry out a study. Will you define “a proper coastal expert”? It appears that every study that is carried out contradicts the previous one. Who would you determine to be a proper coastal expert? That is the wording that you used.

David Mackay: I mean a proper coastal engineer. I honestly could not answer that, but there has to be an answer somewhere.

While Mr Mackie was talking, I was thinking that, across on the Ardnamurchan peninsula, where I go quite a lot, there is a new road from Mallaig down towards Fort William. The old road has been made into a wee scenic route, and there used to be some lovely coves and beaches along there. For some reason, Highland Council put armour rock in some of the coves, and the wee beaches are still there, but you go round the corner and the lochan is practically coming up to the road because, as we all know, sea levels are rising. Somebody has had common sense, although I do not know why they have not done it everywhere.

We have to come back to Kingston, because it is the most recent example. It does not encourage people who have lived next to the sea for 55, 60 or 70 years to be told by an expert—a proper coastal erosion engineer—that not much can be done for Kingston beach and that Kingston will not be there in 50 years anyway. Those were his words in public. A lot of ideas have been put forward, but they are immediately rejected. Nobody sits down and listens to them. One thing that we are looking for is some sort of legislation or definitive instruction that says, “Throw everything into the pot before you get a consultant engineer, and something might just come out of it.” People who have lived next to the sea all their lives know it better than anybody else. They know how it moves and they know the nuances.

As I said, we are never going to stop the sea. The way that things are going globally, it looks as if the sea will keep rising, and currents change.

Rather than just look at books of facts and figures, we have to look at the live thing, and the live thing is the coast. That is a little bit dramatic, but it is the best way that I can put it.

Chic Brodie: I shall treasure for ever the image of my friend Mike MacKenzie sitting like King Canute on his local beach.

Mr Mackay has said that Mr Mackie’s petition does not criticise the council, but I note that, according to the flood risk assessment, 125,000 houses are likely to be at risk from flood damage. If 17 per cent of those houses are around the coast, that means that we are talking about 21,000 houses. I do not know how many of those are in Moray, but I would have thought that the council and SEPA might be persuaded to consider a pilot to deal with what is clearly a problem in the petitioners’ locality and I would have assumed that, having procured experts on flooding, SEPA would also be able to tap into coastal experts. Nevertheless, it seems to me that the council and the Crown Estate are not taking the responsibility that they should be taking on the matter. If I may, convener, I will make a comment in that respect at the end of the discussion.

The Convener: Certainly.

James A Mackie: I completely agree with your final statement, Mr Brodie. We have repeatedly pointed out to council officials and councillors that, in the Kingston community, there are houses with a face value of more than £10 million and that, if the sea breaches at that point and rolls through to the next village, it will affect public utilities that it will cost in the region of £14 million to replace. However, all we get is, “We need to do reports,” or, “We need to do studies.” Nothing is happening, except that the sea is getting closer and closer to the houses and creating fear in some of the community.

Chic Brodie: What do the insurance companies say to those who live in what are potentially exposed areas?

James Mackie: Mr Mackay should respond to that, as he has first-hand experience of the matter.

David Mackay: I knew that you were going to ask that.

I should split the issue into two aspects: the River Spey and the beach. I realise that we are here to talk about the beach but, in answer to your question, I should point out that I have been flooded 19 times since 1990 and I still get insurance. However, it is not for a lot and it costs me a fortune; indeed, I have also had to spend a fortune on my house.

The situation has not yet affected the insurance premiums of anyone in our postcode area. As far as I can remember, only one house in Kingston

has flooded in the past 30 years but, as it happened, that was because of a tidal burn, so one cannot say that it was caused directly by the tide. No one has ever moaned to me that their insurance premiums have gone up because of their postcode. In fact, Kingston has a separate postcode.

Someone asked me whether their house would be devalued as a result. I am a layman, in as much as I have not sold a house for about 30 years, but I said that, if they had to get a pre-sale survey, any surveyor worth his salt would find out whether there had been flooding or property damage, which there has not been. I assume that the same applies to insurance, but of course the situation could change.

The Convener: I am afraid that we are a bit short of time, but I should refer the petitioners to another debate that we have had. As you might know, the UK Government is negotiating with the insurance industry on the agreement, which runs out in June, to underwrite insurance companies that insure people who have been flooded. The committee is also looking at that aspect of flooding, so you might be interested in reading our recent discussion with Professor David Crichton, because it ties into the wider flooding issue.

I thank the petitioners for their evidence; it is now up to the committee to consider its next steps. I think that we should seek more information on this very interesting petition, particularly from the Scottish Government, SEPA and the Scottish coastal forum. The Crown Estate Commissioners have also been mentioned and I think that it would be useful to write to the Crown Estate, which is a crucial organisation in this respect. I am sure that my colleagues will have other suggestions.

Chic Brodie: That was primarily my suggestion, convener. Neither the council nor the Crown Estate can be absolved of their responsibility on this matter, and it is incumbent on us to ask the Crown Estate for its view of the situation—after all, what it says will be of interest to the rest of Scotland—and to write to the local council.

The Convener: We also need to be clear about the questions that we are asking those organisations, and I suggest that they reflect the questions that are posed in the petition.

John Wilson: Although the petition has emanated as a result of issues in Moray, we should also ask the Convention of Scottish Local Authorities about its guidance to local authorities that are faced with such situations. We should also ask SNH for its views on the mitigation measures that could be taken to protect coastal areas that are threatened by coastal shifts as a result of erosion or the movement of sandbanks in high water.

The Convener: If members have no other comments, does the committee agree that this is a really interesting petition, that we concentrate on the coastal erosion aspects and that we ask the various organisations for their views on the petition and the questions that it raises?

Members indicated agreement.

The Convener: I thank our witnesses for taking the time to travel so far and in such bad conditions to give evidence. We appreciate their hard work in that respect and their presentation. We will obviously keep you up to date on developments. I also thank Mary Scanlon for helping our consideration of the petition.

I suspend the meeting for a minute to allow our witnesses to leave.

11:11

Meeting suspended.

11:12

On resuming—

Cystic Fibrosis (Ivacaftor) (PE1462)

The Convener: The third new petition is PE1462 by Marion Ferguson on behalf of the Ivacaftor patient interest group on a new treatment for cystic fibrosis. Members have a note from the clerk, a SPICe briefing and the petition.

Matters have moved on since the petition was submitted and the committee invited the petitioner to attend. Although the Scottish Medicines Consortium had decided not to recommend Ivacaftor for use in the NHS in Scotland, the Cabinet Secretary for Health and Wellbeing announced earlier this week that the Scottish Government would launch a fund to cover the costs of medicines for individual patients with rare conditions that are not available for routine prescription. The fund itself is for medicines that are not recommended for routine use by the Scottish Medicines Consortium.

At the end of last week, the cabinet secretary and the Ivacaftor patient interest group issued a joint statement that the drug would be funded through the new fund and that the Scottish Government would take action to ensure that there is no barrier to clinicians' prescribing it. On that basis, the petitioner is satisfied that there has been a successful outcome to the petition.

Members might not have had a chance to read this as it was submitted as a late paper, but evidence that we have received from the group says:

"Whilst the IPIG's specific concerns in relation to access to Ivacaftor ... appear to have been addressed meantime

through the creation of the new rare conditions medicines fund, this may not always be the case for similar future medicines and conditions.”

Because the petitioner’s conditions have been satisfied, it seems sensible to close the petition, but it might be useful to let the Health and Sport Committee know about our discussion and its outcome. I formally suggest that we close the petition. Is the committee agreed?

Members *indicated agreement.*

Trout Stocks (Effects of Farmed and Hatchery-reared Trout and Salmon) (PE1450)

The Convener: The fourth and final new petition is PE1450, again by James Mackie, on the environmental and genetic impact on natural stocks of sea and brown trout. Members will have a note from the clerk, a SPICe briefing and the petition.

I understand that some members want a wider debate on the petition, but I recommend that we refer it to the Rural Affairs, Climate Change and Environment Committee under rule 15.6.2, to consider as part of its scrutiny of the Aquaculture and Fisheries (Scotland) Bill. Are members agreed?

Members *indicated agreement.*

Angus MacDonald: As a member of the Rural Affairs, Climate Change and Environment Committee, I should make it clear that this is a complex issue and that there are strong views on both sides of the argument. The draft stage 1 report is coming before the committee tomorrow, and a number of issues that are raised in the petition have been examined in our extensive evidence taking and research. Indeed, we visited a hatchery with wild and farmed fish in separate areas. As I have said, the members of that committee are aware of the various issues, but I am sure that we will welcome sight of the petition.

The Convener: I thank Angus MacDonald for those comments and the committee for agreeing to the suggested course of action.

Current Petitions

Mental Health Services (PE1438)

11:15

The Convener: Agenda item 2 is consideration of current petitions. The only current petition for consideration is PE1438, by Lynsey Pattie, on improving services for people with mental illness. Members will have a note from the clerk—it is paper PPC/S4/13/2/5—and various submissions. Although I welcome comments and recommendations from members, I suggest that we continue the petition, because quite a number of notifications from health boards and others are still outstanding and it would be useful to get that information.

That said, I seek comments from members.

Adam Ingram: I was interested in the response from the Scottish Association for Mental Health and Penumbra, both of which go into some detail on the issues that need to be addressed, particularly the implementation of the mental health strategy, timetabling and other such matters. I think that when we get all the evidence, it will be useful to pull it together and consider where we take this matter. Given that the Health and Sport Committee does not seem to be hugely focused on mental health at the moment, what alternatives are available to us in taking forward the issues that the petition exposes?

The Convener: That is a good point. As members have made clear over the past year and a half, we are not just a referral agency to other committees. There are, of course, a number of reasons for that; for a start, some petitions straddle a number of committee remits and we as individuals might have a lot of expertise in some of the subjects that are raised. Our committee should have a wider role and should be able to make other sorts of reports—indeed, we are about to have a private discussion about the petition on child sexual exploitation—to use the chamber occasionally, to have special events on Fridays and to visit, say, mental health institutions. The committee can do more than simply refer petitions to other committees. In the meantime, however, it would be useful to get some of the information that we require before we make any final decisions.

I also note that on Thursday afternoon there will be a Scottish Government debate on mental health, so members with a particular interest might wish to raise some of the subjects in the petition. I certainly intend to do so when I speak.

We also have a two-hour chamber slot in May and, as members might recall, we agreed to decide nearer the time the subject of the debate.

As we head towards May, a burning issue might well emerge that the committee feels to be most appropriate for that slot; indeed, we have a number of subjects on the agenda, including flooding and child sexual exploitation. Of course, committee members will have their own views on what the best subject will be.

Do we agree to continue the petition to ensure that we get the information that is outstanding?

Members *indicated agreement.*

The Convener: As the committee agreed to go into private session for the final agenda item, I close the public part of the meeting.

11:19

Meeting continued in private until 11:39.

Correction

Mary Scanlon has identified an error in her contribution and provided the following correction.

Mary Scanlon:

At column X, paragraph Y—

Original text—

From memory, I think that the cost of the Elgin scheme, which is currently under way, is over £100 million.

James A Mackie and David Mackay *indicated agreement.*

Mary Scanlon: The council is being asked to do something for £48,000 and just one of the schemes will cost more than £100 million.

Corrected text—

From memory, I think that the cost of the Elgin scheme, which is currently under way, is over £85 million.

James A Mackie and David Mackay *indicated agreement.*

Mary Scanlon: The council is being asked to do something for £48,000 and just one of the schemes will cost more than £85 million.

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