



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# PUBLIC PETITIONS COMMITTEE

Tuesday 16 April 2013

Session 4

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**Tuesday 16 April 2013**

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**PUBLIC PETITIONS COMMITTEE**

**8<sup>th</sup> 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 PARTICIPATED:**

Jackie Baillie (Dumbarton) (Lab)

Aileen Jackson

Ian Jardine (Scottish Natural Heritage)

Graham Lang (Scotland Against Spin)

Elaine Smith (Coatbridge and Chryston) (Lab)

Andrew Thin (Scottish Natural Heritage)

Maureen Watt (Aberdeen South and North Kincardine) (SNP) (Committee Substitute)

**CLERK TO THE COMMITTEE**

Anne Peat

**LOCATION**

Committee Room 2



**Scottish Parliament**  
**Public Petitions Committee**

*Tuesday 16 April 2013*

[The Convener *opened the meeting at 10:01*]

**Interests**

**The Convener (David Stewart):** Good morning, ladies and gentlemen. I welcome you all to today's meeting of the Public Petitions Committee. As always, I ask everyone to switch off their mobile phones and electronic devices, as they interfere with our sound system. I hope that the wind does not interfere too much with our sound system, but unfortunately there is not much that I can do about that.

Apologies have been received from Adam Ingram and, on the committee's behalf, I wish him a great recovery from his recent illness—I am sure that the clerk will drop him a line on that. I welcome Maureen Watt, who is attending her first meeting as Adam Ingram's substitute.

Item 1 is a declaration of interests by Maureen Watt. In accordance with section 3 of the code of conduct, I invite her to declare any interests that are relevant to the committee's remit.

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** I cannot think of any specific interests but, if there is a petition in which I have a related interest, I will of course say so.

**The Convener:** Thank you.

**Decision on Taking Business in Private**

10:02

**The Convener:** Item 2 is a decision on taking business in private. Does the committee agree to take items 7 and 8 in private?

**Members** *indicated agreement.*

## Current Petition

### Wild Land (Protection) (PE1383)

10:03

**The Convener:** Item 3 is consideration of a current petition. We are considering PE1383, by Helen McDade, on behalf of the John Muir Trust, on better protection for wild land. As previously agreed, the committee will take evidence from Andrew Thin, who is the chairman, and Ian Jardine, who is the chief executive of Scottish Natural Heritage. Members have a note by the clerk and the submissions.

I welcome our witnesses to the committee—Mr Thin is a well-kent face. I am glad to see you both and I thank you for coming along. I invite Mr Thin to make a short opening statement of about five minutes. I will then kick off with a few questions, and my colleagues will ask some follow-up questions.

**Andrew Thin (Scottish Natural Heritage):** I ask you to note for the record that, although I was at one time a member, a trustee and indeed the chairman of the John Muir Trust, I resigned from all those positions some years ago and I have nothing to do with the petition.

We are here to answer the committee's questions, so I will make only four brief introductory points. First, I apologise to the committee for the time that it has taken to progress the wild land mapping. It has been a fiendishly complicated task—we have been trying to map something that has never been mapped before, using a novel and innovative methodology, and it has simply taken longer than we thought that it would.

In parallel to working with the committee and the John Muir Trust on that, we have responded to detailed requests from the Scottish Government as part of refreshing Scottish planning policy and the national planning framework, and that work is on-going. I apologise and thank members for their patience, and I apologise to the John Muir Trust, which has also been exceedingly patient.

Secondly, I agree with the inference from the petition that what the John Muir Trust calls wild land is a hugely important resource for Scotland. It is important for tourism—a lot of people come here because of it—and it is an integral part of the brand value that sells a great deal of produce in our food and drink sectors. To see that, we need only look at the packaging and labels on some types of smoked salmon or on some of our whisky exports.

Wild land is hugely important for recreation and gets an awful lot of people out every weekend. As a consequence, it is quite important for skills retention in Scotland—members would be surprised at how many people in the financial sector work in Edinburgh rather than in London because of access to that land. A lot of people feel that it is part of our national identity.

I have no problem in agreeing with the inference from the petition, but we need to be clear what we are talking about. Scotland has a managed landscape that has evolved over thousands of years, and there are probably no—or very few—areas of anything that one could call natural wilderness. We also need to remember that one person's wild land is another person's place of work.

SNH is focusing on the quality that people experience as wildness or wild land character and on protecting that. If 100 people are taken for a walk into the Scottish hills, there will be little consensus at all about when they have crossed a line into wild land. There might be rather more agreement about the sense of transition that is experienced through degrees of wildness.

Thirdly, I acknowledge the petition's focus on what the John Muir Trust terms the "best areas" of wild land. Those major areas of wild land character are of greatest national importance, and they provide us with what is, in European terms, a unique selling point as a country.

However, that is not to say that there are not countless small and locally important opportunities to experience wildness all around Scotland, including opportunities close to our urban settlements. Those are important too, but they may well be better protected through local planning policies. SNH is happy to—and does—advise local authorities on the identification and, if appropriate, the protection of those local areas.

Fourthly, I question the petition's assumption that a new national statutory environmental designation is the best way of protecting that resource. There may be other, more effective ways of achieving the same objective. We need a planning mechanism that can recognise the gradation of experience that we are talking about and accommodate the fact that not all activities or developments have a significant impact on wildness. Contrary to some media commentary, that is not to be confused with the issue of intervisibility indicators on what can be seen from any given place. It is about the impact on an experiential quality.

Scottish planning policy and the current national planning framework 2 already recognise the importance of safeguarding areas of wild land character in Scotland. The primary focus of our

work has been—and continues to be—on ensuring the effectiveness of those policies so that they work well for everyone. At the end of the day, the issue is facilitating good developments in the most appropriate places, which requires a policy tool that is clear for all and effective in its intended purpose and which avoids unintended consequences.

I thank you for inviting us—we will do our best to respond to your questions. This is a very significant area of work for us.

**The Convener:** Thank you, Mr Thin. I have a couple of questions, and I invite Ian Jardine to come in at any stage.

First, I would like you to clear up some confusion in my mind. As you know, the Minister for Environment and Climate Change has said that he is

“not persuaded that there is a case for a new statutory designation for ‘wild land’”.

However, you will probably also be familiar with the fact that some of the tabloids have reported the First Minister as saying that wind farms may be banned from wild land. Surely that would involve some form of designation.

**Andrew Thin:** I do not think that it would need a designation. A designation is an option, but I question whether it is the best option. Planning policy is an equally effective tool for controlling different types of development.

**The Convener:** Are you quite comfortable that there is a clear and absolute definition of what we mean by wild land?

**Andrew Thin:** I will turn to Ian Jardine on that. We have done an awful lot of work on the issue, but clearly an experiential quality is exceedingly hard to define. I ask Ian to say where we have got to.

**Ian Jardine (Scottish Natural Heritage):** We need to be honest about the fact that there is no single national or international definition of what we mean by “wild land”. In our mapping work, we have to be clear that we can map only things that can be mapped, so we need to use as a proxy, if you like, the things that are associated with the sense of wildness that people talk about, such as remoteness and the lack of visibility of structures. We can map those, and that produces a map.

The view on what constitutes wild land requires some consensus and agreement, probably at a political level, about what we want to protect. We cannot offer a clear definition of what is or is not wild land, as a lot of that is to do with perception. Sooner or later, someone must take decisions about what we mean by wild land and what we will do about it.

**The Convener:** That is the point that I made to Andrew Thin. This seems to be a bit of a vague area, whereas we have two national parks with defined boundaries.

I have a technical question for Mr Jardine. I understand that SNH has a natural heritage indicator N3, which shows where Scotland is visually unaffected by built development, but that has not been publicly produced since 2010. Will you explain why that is not currently available?

**Ian Jardine:** I would be happy to write with all the technical information, but the issue is that we have had technical problems with updating that indicator. I should emphasise that N3 is a different indicator from the wild land or wildness indicator, in that N3 concerns simply visibility. N3 is one of the things that we have used in looking at how to define wild land, but it is not the only thing.

I cannot provide all the technical details just now, but we have had technical problems in using some of the data on visibility and transferring that into a mapped form so that it can be mapped. We will be able to produce that information later this year, but at the moment I am told that we will not have that available until something like June.

**The Convener:** Many constituents have written to us recently, not least because of the petition, to argue that the development of wind energy is the main threat to Scotland’s wild land. What is your view on that?

**Ian Jardine:** That is one of the significant developments affecting wild land and landscape issues across the country. As we all know, in the context of promoting the Government’s energy policy, difficult decisions are being taken about what should be permitted and whether some developments might go too far and should not therefore be allowed.

However, we should not get entirely obsessed by wind energy, as that is not the only issue affecting wild land. Other kinds of development can have an impact and those impacts can vary. Often, the issue is not black and white. Features such as upland tracks, which have also been in the media, can affect wild land. Different types of development have different types of impact, and people experience them differently and feel differently about them.

**Chic Brodie (South Scotland) (SNP):** Good morning, Mr Thin and Mr Jardine. There is no such thing as wild land, is there, Mr Thin?

**Andrew Thin:** I was careful to say that wildness is an experiential quality. It is the experience that people have that is wild; it is not the land that is wild.

**Chic Brodie:** When you gave evidence to another committee on which I sit, you said that you

thought that we were talking at cross-purposes. I quote:

“First, let me be clear that Scotland is an entirely man-made landscape”.

You went on to repeat:

“Scotland is entirely a man-made landscape, or a people-made landscape, to be clear.”—[*Official Report, Economy, Energy and Tourism Committee*, 21 March 2012; c 1214.]

In our discussion this morning, it has already become clear that we cannot define what wild land is. Therefore, are we not trying to square a circle?

**Andrew Thin:** No, I do not think so. Scotland is entirely a man-made landscape or a people-made landscape. There is no question but that it has been made by people over thousands of years and there is almost nothing that is pristine wilderness in Scotland. However, we are not talking about wilderness, so let us be clear about that. We are talking about the experience that people have in certain parts of Scotland, which they describe as experiencing wildness. I prefer the term that is used in Scottish planning policy; it talks about “wild land character”, which is much more helpful than the concept of wild land. That is why I made it clear that I am not sure that we can simply draw lines on maps and say that one area is wild land and another area is not, as there is a gradation.

10:15

**Chic Brodie:** I am still confused. However, on that basis, let us look at the University of Leeds report of 2010, which states:

“In Scotland, effort to safeguard wild land has focused on maintaining the qualities that are valued for recreational use ... Areas of wild land character in some of Scotland’s remoter upland, mountain and coastal areas are very sensitive to any form of development or intrusive human activity.”

Who defines what is intrusive human activity? We seem to be saying that wild land is for recreational use, but we also seem to be saying that there should be no invasion of human activity to impact on wild land. How did the report even attempt to reconcile those views?

**Andrew Thin:** I find that a difficult definition from the University of Leeds. Actually, the vast majority of Scotland is also somebody’s workplace. For a stalker or a keeper, the land is their place of work.

**Chic Brodie:** Depending on their perspective, some people might consider that an invasion of so-called wild land.

**Andrew Thin:** That is possible, but it is clear that Scottish planning policy states that we should

protect “wild land character” or wildness. That in no sense precludes many such activities.

**Chic Brodie:** In talking about wild land, another issue that we discussed in the other committee was land registration. Who owns the wild land that you are mapping? When will that mapping be complete?

**Andrew Thin:** Scotland is owned by a lot of different people. Off the top of my head, I cannot tell you how much of the wild land is—

**Chic Brodie:** What if the owners do not wish their land to be characterised as wild land?

**Andrew Thin:** Planning policy of any kind does not necessarily take that into account. Planning policy applies to land, whoever owns it. The question of who owns the land is not necessarily for planning policy.

**Chic Brodie:** I will ask one direct question that I have already asked. Is it not the case that the issue has nothing to do with the definition of wild land but has grown because of the development of wind energy?

**Andrew Thin:** Wind energy is one of the planning challenges that Scotland has to tackle effectively at the moment and over the next few years, but it is only one of a number of challenges. We need an effective planning system, whatever developments come forward.

**Chic Brodie:** I do not think that you answered my other question. When will the mapping of wild land be completed?

**Andrew Thin:** The mapping has been completed. That is why we are here.

**Angus MacDonald (Falkirk East) (SNP):** Good morning, Mr Thin and Mr Jardine. In his introductory remarks, Mr Thin mentioned the responsibilities of local authorities, and he has just mentioned the need for an effective planning system. In my experience, planning authorities and planning committees can depart from their local plan, sometimes with no rhyme or reason. Indeed, planning officers’ recommendations often do not give due weight to wild land, which is contrary to the national importance that it is given in NPF2 and in SPP. Does SNH consider that current policy provides adequate protection for wild land? How should your work be incorporated into the forthcoming NPF3 and SPP?

**Ian Jardine:** Obviously, given its timing, the consultation on the revisions to SPP and NPF3 is very much in our minds. We are looking at ways of helping to inform the revision of SPP and NPF3 to make them more effective, to ensure that the Government’s policy intentions are adequately reflected and, if possible, to improve how they operate.



A lot of the mapping work builds on what the existing Scottish planning policy says about protection of wild land. If there are ways in which the Government would like to consult on changes, developments or improvements to that, our job is to help to formulate how that consultation might happen.

**Angus MacDonald:** Do you have a view on my comments about local authorities departing sometimes from local plans?

**Ian Jardine:** As you might expect from a non-elected non-departmental public body, we are somewhat cautious about saying that we have a role in telling locally elected planning authorities what they should or should not do. However, there is a balance between what is in national planning policy and what is, in essence, for local authorities to decide in the context of that general planning policy. SPP and NPF3 will set out the national policy, which local authorities will interpret locally in their development plans.

As I said, a lot of our mapping work has been on the basis that the existing SPP policy about wild land character could be improved and we could be more helpful by defining that policy so that it is clearer to local government and therefore easier to interpret locally.

**Angus MacDonald:** I believe that in one of the briefings—I do not have it in front of me—Highland Council has asked for greater clarity on turbine applications, for example. Will that be provided?

**Ian Jardine:** Yes—we are trying to do that, but we can do that only in the context of decisions that ministers will take on SPP and NPF3. We can help with mapping and with clarifying on the ground what that might mean.

**Chic Brodie:** I will come back to my question about completing the mapping. In our briefing papers, we have a map of relative wildness in Scotland, which was published last year. I understand that you have been examining options for identifying wild land areas that are considered to be particularly important and that a report is expected imminently. Will you help with my confusion or lack of understanding about whether the mapping is complete? It appears not to be complete.

**Andrew Thin:** The mapping that the committee asked for is complete. Ministers have also asked for a range of mapping as part of their consideration of producing NPF3 and refreshing SPP, so we have been doing that work as well. However, that work is complete—at least for the moment, pending further requests. If the committee wants further mapping, we will certainly provide it.

**Chic Brodie:** I do not want this to take up the committee's time, but we will need further clarification. The advice that we have had is that there is a map of relative wildness but that the mapping of defined wild land areas is not complete.

**The Convener:** Chic Brodie makes a useful point. Could you write to the committee to clarify the exact state of play? It is quite a technical area and there has been a bit of confusion between the advice that we have received and what you are advising us today.

**Andrew Thin:** We will write to the committee.

**Jackson Carlaw (West Scotland) (Con):** Good morning. What, in essence, is the purpose of Scottish Natural Heritage?

**Andrew Thin:** We are a statutory body that provides advice to ministers and local government.

**Jackson Carlaw:** Thank you. What I really want to understand is this: have you been nobbled?

**Andrew Thin:** No.

**Jackson Carlaw:** The suspicion is that the reason why we do not have a map is that, after you produced a map, ministers saw it and, because it would interfere with plans for the development of onshore wind farms, conversations took place in which people said, "We simply can't have this. We can't have this in the public domain and we can't possibly put in place statutory provision around all this, because it will interfere with our energy policy." Have any conversations of that character taken place at any time?

**Andrew Thin:** There will always be suspicions about all sorts of things—

**Jackson Carlaw:** I am asking whether any conversations of the character that I described have taken place.

**Andrew Thin:** Conversations of the character that you described have not taken place, but considerable conversations with officials have taken place over a long period, in which we have provided advice in response to requests in relation to the refreshing of SPP and NPF3.

**Jackson Carlaw:** Is the reason why we do not have a map in the public domain the fact that the Government is concerned that the publication of such a map might interfere with the advancement of current energy policy?

**Andrew Thin:** Not to my knowledge—not to my knowledge at all.

**Jackson Carlaw:** Will the map that may finally emerge out of all this be greater than the original thoughts about the map that was being designed?

Will it be more restricted than the map that was originally designed?

**Andrew Thin:** I do not know. I am not privy to what ministers will decide.

**Jackson Carlaw:** Now I am lost. If there is eventually a map, that map will not necessarily be anything that Scottish Natural Heritage has ultimately recommended.

**Ian Jardine:** Perhaps I can help to clarify. The conversation that is taking place is different, and it concerns ministers' consideration of the options on which they wish to consult in the SPP and NPF3. For that purpose, SNH has, as of last year, produced a wide range of maps, which ministers are considering to inform that policy.

Obviously, we do not know at this stage what conclusions ministers have drawn from that. I am sure that they will be weighing up lots of considerations in deciding what Scottish planning policy they will consult on. For that purpose, we have produced a lot of maps that map all sorts of things for them. That is understandable. I do not know exactly which maps ministers are focusing on or which ones they might include in any consultation.

**Jackson Carlaw:** Is the problem the fact that there is a contradiction—to which I think Chic Brodie alluded—between the understanding that, in some shape, size or form, everybody seems to have about the advantages of looking after wild land, whatever definition one wishes to use for it, and the potential for such a designation to interfere with other strategic policy objectives?

**Ian Jardine:** I suppose that that is the basis of planning policy and what SPP is there to do. It aims to strike that balance.

**Jackson Carlaw:** I think that you said a moment ago that many significant issues other than onshore wind farms must be taken into account, and you mentioned upland tracks as being one. Will you give me a schedule of more specific significant issues that you think are of a parallel nature to onshore wind developments, so that I can judge their relative merits?

**Ian Jardine:** Over time, there have been a series of developments offering development opportunity in the Scottish uplands, which have proved controversial because they have an impact on landscape and various other things. Historically, there have been issues in relation to commercial forestry, large-scale hydro development and telecommunications masts. I do not think that the policy should be simply about wind farms; the debate is about how much of Scotland's upland landscape the Government wishes to apply particular planning policies to,

because of the nature and character of that landscape. That is not just about wind farms.

**Maureen Watt:** In that answer, Mr Jardine referred to what I will ask about. What consultation has there been with people living in or near areas that may be designated as wild land? In particular, are people to be denied a broadband connection because they will not be allowed a telecoms mast? There cannot be cabling everywhere for broadband—in the last few areas, people will have to rely on masts. How much consultation has there been with people who could be affected by any particular wild land designation in respect of their belonging to the 21st century?

**Andrew Thin:** If the Government proposes any changes in SPP and NPF3, there will be consultation on that. There is no proposal yet, so there is as yet no consultation, but there will be.

**Maureen Watt:** Have you consulted people in the areas concerned on your designations of wild land and wilderness?

**Andrew Thin:** We are not designating in any sense at all. We have simply sought to map, from a purely objective, scientific point of view, where the relevant qualities are found. The concept of wild land is misleading. Wilderness refers to experiential qualities, and we have sought to map those experiential qualities.

10:30

**John Wilson (Central Scotland) (SNP):** Good morning. I want to try to clarify something, Mr Jardine. You indicated that maps have been produced for the Scottish Government's consideration of SPP and NPF3. Are those maps publicly available, or will the Government hold them confidentially?

**Ian Jardine:** I understand that they are currently for advice to ministers. They were produced beyond the simply analytical map, which is the relative wilderness map that members have seen. We are currently treating further maps that are analyses of that data in a particular way, if you like, as being for advice to ministers. Ministers will no doubt decide when to publish them in the future.

**John Wilson:** So that I am clear, can you confirm that Scottish Natural Heritage has no plans to or cannot publish those maps as they stand?

**Ian Jardine:** As things stand, I would certainly seek permission from the Scottish Government before I published those maps.

**John Wilson:** I want to get clarification on the maps. On the wilderness map, I understand the designation that Mr Thin has given in respect of

measuring wildness and the character of and nature of what would be defined as wildness. You said that there are issues to do with what the individual considers to be scenic and wild rather than any real designation being applied to land. If we have a category of high wildness in the map to which Mr Jardine referred, how would we ensure protection for areas that have been classified as such? We should bear in mind Mr Thin's comment that no piece of land in Scotland has been unaffected by man over the centuries and the millennium. How would we ensure that we protect areas that are rated as high wildness?

**Andrew Thin:** Regardless of anything that might change, current Scottish planning policy attaches a high level of priority to the protection of areas of wild land character or wildness. I have made the point that those qualities are experiential, so we have sought to map them on the basis of what we think a broad consensus on those qualities would be. If the current policy is applied, developments that would have a significant impact on the quality of wildness in those areas would not be consented, but many things happen in Scotland, including in what are called wild land areas, that do not have a significant impact on wildness.

**John Wilson:** For clarification, you indicated the policy that is in place to protect high-level wildness land, as we do not yet have a designation of wild land. My colleague Mr MacDonald referred to local authorities, particularly Highland Council, seeking clearer guidance or guidelines or potentially regulation on proposed developments on land that is designated as high wildness land. What would you say to local authorities that came back and said, "We need clearer guidance or regulation to ensure that we are clear about how we protect land that is designated as 'high' in wildness mapping"?

**Andrew Thin:** Highland Council and others, including developers such as wind farm developers, are asking for greater clarity of definition in respect of what is meant by the term "wild land character". With ministers, we have been seeking to get a tighter definition that will help everybody. Clarity of policy is essential if planning is going to work in an efficient and effective manner.

**John Wilson:** The John Muir Trust petition indicates a concern that, if we do not have a designation of wild land, there may not be protection of wild land and we may see unfettered developments taking place in areas that are seen as having a high classification in terms of wildness mapping. I am trying to compare what the petition proposes with what SNH and the Scottish Government can do to give confidence to the

general population that SNH is carrying out its duty to protect the natural landscape.

**Andrew Thin:** Under current planning policy, there is no risk at all of unfettered development in what are being called wild land areas or areas of wild land character. Current planning policy already makes that very clear, so there is no question of unfettered development. The difficulty that is being addressed is the fact that there is insufficient clarity in current planning policy to enable the system to work smoothly, efficiently and effectively. For example, people can ask whether a site is an area of wild land character, and they can question whether a development will have a significant impact on that wild land character. Those are two separate issues that need clarification. However, as things stand there is no chance at all of unfettered development in such areas.

**John Wilson:** You referred earlier to good developments. Can you define a good development?

**Andrew Thin:** I am defining it as a development that fits with planning policy.

**John Wilson:** Do you mean current planning policy or future planning policy? As we have heard this morning, NPF3 is currently being worked through by the Scottish Government and SNH has been asked to submit maps for SPP. What planning policy are we working towards? Are there any major changes to planning policy coming down the road in relation to NPF3 that may lead to further concerns for organisations such as the John Muir Trust about where we are going on future developments on land in Scotland?

**Andrew Thin:** Planning policy continually evolves to take account of changing circumstances, so the question of what is good is continually evolving. However, it is reasonable to say that, if a proposal fits with planning policy as written, one can describe it as good. The difficulty that we are dealing with is that planning policy in this particular area is not sufficiently clear for some people's needs.

**John Wilson:** I ask for further clarification. Could Mr Thin or Mr Jardine tell us what SNH's reaction would be if a future Scottish Government were to revoke all current planning guidance on the protection of land with wild land characteristics as defined by SNH?

**Ian Jardine:** As I clarified in response to an earlier question, our job is to advise on the protection and enhancement of the natural heritage. Our advice would be that the land is an important part of Scotland's natural heritage, that it is part of the image that this country portrays internally and externally and that it is a key feature of this country compared with other parts of

western Europe, so not to protect it would have a damaging effect on Scotland's natural heritage. All that SNH can do is advise ministers what might damage or benefit our natural heritage, so we would give that advice.

**John Wilson:** Just to get it on the record, could Mr Thin or Mr Jardine indicate whether SNH is involved in any community planning partnerships in Scotland? If so, what is SNH's role in those community planning partnerships? You say that SNH's role is to advise the Scottish Government, but what is its role in community planning partnerships, particularly where there are designations of high wildness?

**Andrew Thin:** SNH is involved in a significant number of community planning partnerships. I am a member of the national group on community planning and we chair at least one CPP. Our role in CPPs is primarily to ensure that the national public services that we provide are delivered in a manner that is locally sensitive and integrated into other local delivery.

**Chic Brodie:** In the past fortnight, several Scottish newspapers have reported that maps drawn up by SNH—which you have alluded to and which we are seeking clarification on—have identified that about 28 per cent of Scottish countryside is wild land. Where did those newspapers get that information?

**Ian Jardine:** What they have taken there is a different number. The 28 per cent is the 2009 N3 visibility indicator that the convener referred to earlier, which is not the same thing. It is the number for the indicator that simply looks at visibility of built structures. In mapping wild land character, we have looked at other things besides visibility. The two are not the same.

**Chic Brodie:** That is very clear. I hope that you have also helped the media to understand that, because of the perception that it creates.

About a year and a half ago, SNH put out planning guidelines on wind energy. Have those been followed? My experience is that they have not. If not, why not?

**Andrew Thin:** We have published a huge range of guidance on wind farms over the best part of five to 10 years. We will continue to update that as circumstances and planning policy change.

By and large, the guidelines have been followed by most responsible developers. Not all developers follow our advice. If we advise that a proposal is likely to be contrary to national policy, and the developer goes ahead—there are a number of such proposals in the pipeline—we will lodge a formal objection so that ministers are alerted and can decide what they wish to do. That

is not something that we do often, but we do it occasionally.

**Chic Brodie:** The reason why I asked about that is that there is little point in defining areas as wild land and accompanying that with Scottish Government planning guidelines drawn up by SNH if developers choose their own guidelines on how that land should be developed. It comes back to Jackson Carlaw's question about what the purpose of SNH is.

**Andrew Thin:** I hope that I answered that question at the time. There are four or five planning applications in the pipeline that we consider conflict with Scottish planning policy and NPF2 in relation to wild land character. In those four or five cases, we have lodged a formal objection so that ministers can be alerted to the fact that those applications conflict with planning policy. Ministers will then decide what to do. We are not a regulator.

**The Convener:** I have a final question for Mr Jardine. Am I correct in my understanding that since 2010, the N3 indicator has not been publicly available?

**Ian Jardine:** We have not updated it since the 2009 figure.

**The Convener:** So that is correct. Has the analysis of N3 been done for 2013?

**Ian Jardine:** No. Because it takes time to gather the information, we are always a few years behind in publishing it. We are currently updating N3 using 2010 data. As you can imagine, a calculation that covers the whole of Scotland—in terms of what you can see from where—is huge. It is always lagging behind. However, we are currently trying to update that using the next year's data. We have had technical difficulties with that. If we are writing to confirm the situation on maps, perhaps it would be a good idea for me to give you a definitive answer on what we can publish on visibility and when.

**The Convener:** That would be useful. As you can understand, the John Muir Trust and others are concerned that there is information that the public should know about that they do not know about. For example, do you have N3 information that has not been publicly announced?

**Ian Jardine:** There is nothing we have that is fit for publication. We have had technical problems with the N3 indicator. We want to ensure that when we publish the N3 stuff, it is defensible and technically correct. That has been the issue.

**The Convener:** So the issue is not, as Jackson Carlaw hinted, that you have been under any political pressure not to release that crucial information.

**Ian Jardine:** No.

**The Convener:** Perhaps you could clarify that when you write to us.

The next step is for the committee to consider what we do with the petition. Committee members will obviously have their own views. I think that it is a very important petition and that we need to continue it. It would make sense for the minister, Paul Wheelhouse, to come before us at a future meeting and talk about the petition in detail. SNH has given us evidence today, but we need to have the politicians involved in the issue as well. I recommend that we do that as a minimum, but I throw it open to the views of committee members on the next step.

**Jackson Carlaw:** I very much agree with the suggestion that we invite the minister. I found this morning's session like chasing a bar of soap in a bath.

**The Convener:** Do members agree to that course of action?

**Members** *indicated agreement.*

**The Convener:** We will continue the petition and ask the minister to attend a future meeting. I thank the witnesses for coming along today. This is a very technical area, and we thank you for the information and advice that you have given us.

10:46

*Meeting suspended.*

10:48

*On resuming—*

## **New Petitions**

### **Wind Turbine Applications (Neighbour Notification Distances) (PE1469)**

**The Convener:** Agenda item 4 is consideration of two new petitions. As previously agreed, the committee will take evidence on one of them—the first, which is PE1469, by Aileen Jackson, on neighbour notification distances for wind turbine applications. Members have a note by the clerk, the Scottish Parliament information centre briefing, the petition and the submission from Scotland Against Spin.

I welcome to the meeting the petitioner, Aileen Jackson, and Graham Lang, who is the chairman of Scotland Against Spin. I invite Aileen Jackson to make a presentation of no more than five minutes.

**Aileen Jackson:** Good morning. Thank you for inviting us both here today. For the past 29 years, I have lived with my family in a farmhouse near the village of Uplawmoor in East Renfrewshire. Until three years ago, we had no reason to be involved in planning applications. A telephone call from a friend in the village changed everything. Our immediate neighbours—farmers, and our good friends for 26 years, whom we spoke to daily—had submitted a planning application for three wind turbines only 280m to the south of our house. They had never mentioned it to us.

On checking the online planning applications list, we also stumbled across a five-month-old application for a neighbouring community's wind farm, only 1km to the east, with four turbines of 120m in height, which by the developer's own admission would have a significant effect on our property but about which we had not been informed. On the same planning list, we also discovered an application for two more turbines 500m to the north. That meant that, in total, nine turbines surrounding our home could have been approved without our knowledge.

We were astonished to discover that local authorities have no statutory obligation to notify residents of a development as life changing as wind turbines unless the application site is closer than 20m to a neighbour's boundary. We were informed that other means of notification exist but, like the majority of rural residents, we only occasionally bought our local newspaper and we never thought of checking the back pages for planning applications, had no reason to visit our local library and never scrutinised the council's weekly online planning list—although we do now.

One of the most common complaints made in representations that are submitted to planning departments is, “No one told us. We found out only by accident.” Unfortunately, by the time that people find out “by accident”, the deadline has passed and it is too late for their representation to be considered.

A wind farm or even a single turbine development cannot be compared to a house extension, the erection of a garden wall or even the erection of a telecommunications monopole. Turbines are big and can be monstrous; unlike pylons, they rotate and they are louder at night than during the day. No one wants to live close to them.

Turbines situated near businesses such as those in the leisure and tourism industry can have a devastating effect, but smaller-scale developments, which are often sited even closer to properties, are not subject to the same level of assessment by the planning authority as their larger counterparts. In-depth local knowledge is therefore required in order to scrutinise the often misleading information that an applicant submits.

I consulted planners from East Renfrewshire Council and Planning Aid for Scotland, and everyone seemed to agree that the current 20m neighbour notification distance for wind turbines needs revision but that the potential increased cost to local authorities must be a major consideration in any proposed change in legislation. As outlined in my petition, I suggest that any residential or other property that is within a distance of 10 times a turbine’s overall height of the proposed development site must receive notification of the planning application, whether it is for a single or multiple turbine development. That modest change would not financially burden a local authority should it be reluctant to pass on the increase in administration costs to the applicant and it would notify those most affected, who would, I hope, spread the word to others.

I suggest that all other means of notification—newspaper advertisements, council websites and library exposure—still be used, as it must be borne in mind that in some cases there still might be few properties within the notification distance, and some of those properties’ owners might be the applicant’s friends or family. For that reason, I would also like the committee to consider that, should fewer than 10 properties be directly notified under the proposal, the 10 properties not in the applicant’s ownership that are nearest to any turbine development of any scale should receive neighbour notification. That would deter developers from submitting applications for sites just outside the notification distance in order to avoid detection—and, yes, that does happen. Members have no idea how wily they can be.

Depending on the local authority, between six and 10 objections are required for a local development to be considered by a planning applications committee, as opposed to a decision being made under delegated powers. As the planning process benefits from public engagement, which allows officials to prepare accurate reports and councillors to make informed decisions, it seems reasonable that at least 10 properties be directly notified to facilitate responses and, should there be objections, that they be given a hearing by a planning applications committee.

All that is very much in the spirit of the Planning etc (Scotland) Act 2006, which was a reforming measure that you passed in this Parliament. Under current planning legislation, too many people are being denied the right to become involved in the planning process for a type of development that could have a major impact on their lives for many years.

**The Convener:** Thank you very much for speaking to your petition. I have a couple of questions in order to summarise my understanding of it. In effect, you want to have more democracy in the system of approval, or otherwise, for wind turbines—is that correct?

**Aileen Jackson:** Yes.

**The Convener:** You mentioned evidence. I understand the situation in your area, but is the issue a problem throughout Scotland?

**Aileen Jackson:** Yes. We have looked at applications throughout Scotland and the approach seems to be the same no matter where people live.

**The Convener:** Have you done any research into the approval process in other European countries?

**Aileen Jackson:** Yes. We tried to find out as much as we could on Europe, but we could find practically nothing on the internet, so we had a look at England and Wales. Wales seems to defer to Scotland and to refer everyone to our legislation. In England, the situation is a bit woolly and the approach depends on the county that people live in, as they are all different. Apparently, neighbour notification in England is determined by who would be directly affected by the application, the application’s potential impacts and the application’s type and scale. It is up to the planning officer in the area to make the decision on that. We need something more concrete in Scotland rather than something as vague as there is in England.

**The Convener:** Obviously, Scotland has the bulk of the areas that are good for wind turbines. Are you saying that it is difficult to point to good

practice from other parts of the United Kingdom or Europe?

**Aileen Jackson:** There is absolutely no good practice anywhere. The simplest and fairest idea that we could come up with is that the 10 nearest properties should be notified.

**Graham Lang (Scotland Against Spin):** Scotland sets a high benchmark in its policy on how such matters are considered. I have looked at a number of applications in different locations. My initial submission illustrated one in Fife and I have made a supplementary submission concerning another application at Lunanhead in Angus. I do not know whether that has been made available to members yet, but I hope that it will be after the meeting.

There are unintended consequences. The policy or guidance does not consider wind farms or wind turbines; as Aileen Jackson said, it considers dwellings or houses, garden walls and other small developments. In such cases, neighbours would be caught by the present 20m criterion. However, if members look at the supplementary evidence that I have submitted, they will find that properties that are within 20m of a track to a turbine have been given neighbour notification, whereas properties that are nearer to the turbine have not. That does not make sense. We want a system that is manageable, affordable and sensible.

**The Convener:** So that I am clear, I ask whether you are suggesting that the costs of the additional notification should be met by the individual who makes the application.

**Graham Lang:** There is always that possibility. The applicant meets the cost of the advertisement when the application is made. In the past, individuals who made a planning application did the neighbour notification, but that was changed on, I think, 3 August 2009 through legislation to make that the competent authority's responsibility. However, something is falling between two posts, and people who have an interest are being excluded. That is where the democratic question comes in.

**The Convener:** To play devil's advocate, would your proposal cause delays in decisions on wind farms because an increased number of individuals would have to be consulted before a wind farm could go ahead?

**Aileen Jackson:** I do not see why it should. At present, neighbours who are very close have to be informed but, in a rural environment, few neighbours are closer than 20m. If the applicant does not have to inform anyone, they still have to put an advertisement in a local newspaper, so there is still some sort of neighbour notification. It would not take long for an administration officer in a planning department to work out how many

people would need to be notified under our proposal. There would possibly be only 10 properties. That would not cost much and it would not take long to work out.

**Chic Brodie:** Good morning, Ms Jackson and Mr Lang. It is true that we have guidelines. You question how acceptable the 20m threshold is, and I have some sympathy with that position.

Ms Jackson has gone through the fact that not everyone has a computer and so on. Is there a community council in your area? Is information on such matters shared on a community basis or is it communicated by word of mouth?

11:00

**Aileen Jackson:** I will give an example. In the case of the wind farm that I spoke about in my opening statement, which is 1km from my house, the application was for four 120m turbines. Our community knew nothing about it, because the local authority failed in its statutory duty to inform our community council. It was only by accident that I stumbled across the application while I was looking at the planning applications list. Not one of the 500 people who live in our village knew about it.

**Chic Brodie:** What action did you take?

**Aileen Jackson:** When I discovered the application, we got a group together and we leafleted the village to let—

**Chic Brodie:** That is not what I meant. What action did you take against the council, if it did not meet its statutory obligation?

**Aileen Jackson:** We could not take any action against the council. We pointed out its failure to inform us and it apologised. That was all that we got from it.

The application was given consent. It could have been given consent without anyone in Uplawmoor knowing about it or being able to object to it, had I not fallen across the application.

**Chic Brodie:** It is appropriate that our consideration of the petition follows our consideration of PE1383. There are guidelines that say that no wind turbine should be erected within 2km of the nearest household. The scale of a proposed wind farm—whether it involves a single wind turbine or 20 wind turbines—must be a factor, but those are the guidelines. Did you discuss that with the local council in relation to the application to which you refer?

**Aileen Jackson:** Are you asking about the 2km setback guideline?

**Chic Brodie:** Yes.

**Aileen Jackson:** That is rarely adhered to. If a wind farm developer can meet the noise requirements, they will put turbines as close to people as they can get them.

**Graham Lang:** Scottish planning policy mentions a setback of 2km from a turbine, but everything must be judged on its own merits in planning terms. If the developer can establish that there will be no significant adverse effects from noise or shadow flicker on someone who is, say, 800m away from a turbine, the 2km setback will have been addressed. The developer will have shown that their proposal is sufficiently robust that the 2km setback does not really apply.

Chic Brodie asked about community councils. To my knowledge, most community councils get a weekly update from the local planning authority on applications in the planning authority area, which includes the community council area. I imagine that they look at those documents, but that does not necessarily generate a wider distribution of the knowledge. Unless someone happens to go to a community council meeting—or reads the minutes—they are unlikely to be made aware of anything that is discussed at it, so it is not a catch-all situation.

**Chic Brodie:** I take that point, which underpins the argument that community councils are not as robust a mechanism as they might be.

How closely do developers work with the community at the pre-scoping and pre-planning stages? That question is for Mr Lang, in particular, because I know that he has experience of that. Do developers take an interest in the impact that their developments will have on communities? I suspect that the position varies.

**Graham Lang:** Obviously, developers like to work closely with communities if they can, and perhaps the first thing that they do before submitting a proposal as a planning application is meet community groups, whether they be community councils or other interested focus groups in the area, to outline not only their proposal but, more important, the community benefit. That kind of softening-up approach is standard practice. The first thing that people know about a wind farm coming into an area—of course, we are talking not just about wind farms—is the developer making an announcement and encouraging people to come to a forum to discuss what everyone could do with the community benefit should planning permission be granted.

**Jackson Carlaw:** First of all, I should say that the petitioner is known to me.

It is ironic that we are discussing wind turbines with all these high winds blowing about us; the dashed things would probably all be switched off because they do not work in such conditions. Of

course, this petition is not about the benefits or otherwise of wind farms but about neighbour notification. What is 120m in old money?

**Aileen Jackson:** Do you mean in feet?

**Jackson Carlaw:** Yes.

**Aileen Jackson:** It is about 360ft.

**Jackson Carlaw:** Can you think of anything else that is 360ft tall to allow us to visualise that kind of height?

**Aileen Jackson:** What size is Big Ben?

**Jackson Carlaw:** So it is like Big Ben being put up 20m—perhaps the width of this room—away. Under the current legislation, something as large as Big Ben could, without any neighbour notification, be erected 20m from someone's property boundary—or where the people at the back of the room are standing.

**Aileen Jackson:** That is exactly right.

**Jackson Carlaw:** That is the essence of this petition. I have to say to Mr Lang that I cannot think of a 120m high garden wall. It would be a very exceptional wall; indeed, I do not think that even the Berlin wall was 120m high. The committee has also been asked to consider the establishment of a national tree; again, I cannot think of a tree that is 120m high.

Irrespective of the debate about the merits and demerits of wind farm technology, that is not really the essence of the petition. The fact is that, since 2006 the 20m threshold has not featured in any legislative consideration or discussion of neighbour notification issues. Your point is that, given the height of these things in relation to properties, 20m falls way short of the threshold at which it would be reasonable to give someone proper notification of such a development.

**Aileen Jackson:** Yes. The 20m threshold would be perfectly acceptable in an urban environment because it will apply to things such as conservatories and walls. Indeed, in a town or city, 20m will catch quite a few neighbours, who can pass the information on to others. However, in a rural environment, it is very rare that anyone lives within 20m of your house.

**Jackson Carlaw:** Are you proposing some sort of formula with regard to the notification requirement?

**Aileen Jackson:** Yes. We felt that if the threshold—certainly for the bigger wind farms—were 10 times the overall height of the turbine, that would catch quite a number of people. For example, with the development near our house, such a threshold would have covered 14 properties, including my own; those properties would all have been notified. Even with 20m, 30m



or 40m high turbines, very few, if any, people would be notified, so we felt it fair that the 10 nearest properties should always be notified of a development, no matter the overall height of the turbine.

**Jackson Carlaw:** You have submitted the petition because people in the community feel slightly cheated by the system. I have to say that I do not think that the system was designed for this; after all, the terms of neighbour notification were probably established before wind turbines were a major development consideration. Nevertheless, the essence of what you are proposing is to ensure that people whom any reasonable person would probably think ought to be notified would be notified.

**Aileen Jackson:** That is the essence of the petition.

**Maureen Watt:** We need to make a distinction between wind farms and turbines that farmers put up for their own use on their own land, and wind farms that are put up by developers. We are talking about individual farmers putting up one, two or three turbines for—in essence—their own use, mostly. As you said, convener, developers engage with the community via public evenings, and will set out maps and so on with information about where the turbines will be.

**Aileen Jackson:** That is not necessarily the case. Although most developers have public days and inform the local community, ours did not. The wind farm in Uplawmoor is a wind farm for the Neilston community, and was advertised by the developers as Neilston community wind farm. Leaflets were left lying around in Neilston, but people from Uplawmoor who happened to pass through took no notice of them because it did not say Uplawmoor on the leaflet. We thought that we should not bother complaining about a wind farm for Neilston, because we live in Uplawmoor. It was not until I discovered the application and examined the environmental statement that we realised that Neilston community wind farm was in Uplawmoor, not Neilston. We were never consulted by the developers.

**Maureen Watt:** You are not talking about that development in your petition, are you?

**Aileen Jackson:** That is the one that I mention that was a kilometre from my house. It is a community wind farm, which means that it is owned by developers and the community, so it is slightly different from most.

I am also talking about single turbines that are owned by individual farmers; I think that the 10 nearest properties to those turbines should be notified.

**Maureen Watt:** If that same farmer were to put up three or four chicken sheds, which would be a hell of a lot noisier than a wind turbine, would you get neighbour notification of that?

**Aileen Jackson:** No, because it would be an agricultural development, and farmers have development rights in relation to those, which means that they do not have to notify anyone about them. Also, a chicken shed is not the height of a turbine, and does not rotate. Further, chickens tend to go to sleep at night—the lights go out and they go quiet—whereas turbines get noisier at night.

**Maureen Watt:** As a farmer's daughter, I can say that sometimes chickens go to sleep at night and sometimes they do not.

**Anne McTaggart (Glasgow) (Lab):** To follow on from what Jackson Carlaw was saying, it is a no-brainer. I do not think that what the petitioner asks for with regard to the notification of nearby properties is unreasonable. We should seek further clarification from the Scottish Government on the matter.

**Graham Lang:** It is important to draw a distinction between wind farms and the farm applications that are inspired by the feed-in tariff. Not all applications on farmland are made by the farmer; many are made by speculative developers who pay rent to the farmer and take most of the income for themselves.

The most important thing for us to do today is to drill down to the essential unfairness of the matter, which is—as I make clear on page 3 of my submission—that the policy quite clearly talks about buildings, not wind turbines, being erected on farms and estates. Wind turbines were in the frame when that was written, but they were mostly on wind farms, the development of which would be accompanied by a lot of publicity and information. We are talking about smaller developments by farmers, which can be built 200m or 280m from someone's house without any neighbour notification.

I prefer to forget about the 10 times height and say that the owners of the 10 nearest properties to any wind turbine development should be informed. That is quite simple.

11:15

**Anne McTaggart:** Miss Jackson commented that there is nothing you could do about the council. Could the committee also ask the Scottish Government about sanctions when the rules are not adhered to? If no action can be taken once such a situation is reached, that seems to be wholly inappropriate and unfair.

**The Convener:** That is a good point. Thank you.

**Angus MacDonald:** I have a great deal of sympathy with the petition. Perhaps I should declare an interest, in that a current live application from a public utility company to build 10 turbines on land that is sandwiched between two of my family's farms did not require notification from the local authority. My family first knew about the application when it appeared in the local newspaper.

Community councils have been well covered by the committee today. What advice did you get from Planning Aid for Scotland regarding your suggestion about notifying the 10 nearest properties? Were the officials supportive of that or did they advise otherwise?

**Aileen Jackson:** Yes, they were supportive. Their main concern was the cost to the local authority. That was why it was suggested that maybe we should tone down the proposal slightly. We would have liked more neighbours to be notified, but we have to take into consideration that the local authority might have to cover the cost and the extra administration. So we felt that it was reasonable that at least some people would be informed, in the hope that the information would be passed on to others.

**John Wilson:** I declare an interest in the issue with neighbour notification. The first I knew that the farmer whose property borders my garden was putting up a wind turbine was when work began. The turbine was erected over a weekend and it impacts on me visually every day. It sits high on a hill overlooking the property and I can see it out of my kitchen window. Therefore I have concerns about the 10 neighbours notification issue and whether that means the 10 neighbours who would be most directly impacted by a single turbine or wind farm that was constructed.

Do you have any idea what the cost would be, either to a local authority or a developer, of issuing 10 notices to neighbours in the vicinity of a proposed wind turbine or wind farm?

**Graham Lang:** You mentioned your experience first and asked about the 10 neighbours notification issue. On the question of impact upon neighbours, topography has quite an effect on the visibility and impact of a turbine. In my experience it would be fair to advise not to assess what people think the impact would be, but simply to see who are the nearest neighbours and contact them. I cannot remember your question.

**John Wilson:** I asked about the estimated cost of issuing 10 notices.

**Graham Lang:** I do not want to make predictions; I would prefer to ask the local

authority for a cost estimate. I do not know what the figures would be. However, I do not think that the cost would be unaffordable, in view of the experience of people on both sides of this table. It is important to consider unforeseen consequences. Those who passed the legislation that I mentioned earlier in 2008 did not think about the proliferation of small wind farms, or that the feed-in tariff might inspire so many wind turbine projects.

**The Convener:** We are short of time, so unless members have urgent points I suggest that we move on. This is an interesting and thoughtful petition. We need to ask the Scottish Government for its view. As always, I ask committee members whether they agree with that or have additional points.

**Maureen Watt:** Given that the matter is a local authority one, we should consult the Convention of Scottish Local Authorities.

**The Convener:** Do members agree to seek the advice of the Scottish Government and COSLA on the merits of the petition?

**Members indicated agreement.**

**The Convener:** Thank you. I thank Aileen Jackson and Graham Lang for coming today—your evidence has been very helpful. As you see, we take great interest in your petition and will keep you up to date with developments once we get responses from COSLA and the Scottish Government. The committee will suspend for one minute to allow our witnesses to leave.

11:20

*Meeting suspended.*

11:24

*On resuming—*

### **Evictions Due to Underoccupation Deductions (PE1468)**

**The Convener:** The second new petition is PE1468, by Mike Dailly, on behalf of Govan Law Centre Trust, on evictions due to underoccupation deductions. Members have a note by the clerk, the Scottish Parliament information centre briefing and the petition. I welcome to the meeting Jackie Baillie MSP, who has an interest in the petition, and I invite her to speak to it.

**Jackie Baillie (Dumbarton) (Lab):** Thank you, convener. I thank the committee for the time afforded to me; I will be brief.

Our positions on the bedroom tax are well rehearsed and a majority in Parliament are certainly opposed to it. The petition must be

viewed in that context. When members stood for election to Parliament, we did so for different reasons. However, we are all here to exercise power. The truth, for me, is that if we are opposed to a particular tax or policy initiative and if it is within our gift to do something about it, we should exercise our power and not simply turn around at every opportunity and blame Westminster for it.

The petition invites us to exercise our power in a particular way with regard to legislative protection for people who fall into arrears as a consequence of the underoccupation element of the bedroom tax. I think that members will recognise that seeking to make anybody homeless carries a huge cost not only for the public purse but for the individuals concerned. I think that the figure that was quoted was a cost of about £24,000 to rehouse a homeless family, so it clearly does not suit the public purse to go down that route.

The petition's proposal would deliver a consistent approach across Scotland not just for local authorities but for registered social landlords. Indeed, many local authorities have transferred all their housing stock, so it is imperative that the same approach is taken by different sectors. Some of us have argued that the approach should be accompanied by financial assistance. There are various estimates of what that could be.

Whatever people's position, the petition gives us something to consider, which we should do with some urgency. I note from the clerk's paper on the petition the suggestion that it would be appropriate for the petition to be moved on to the Welfare Reform Committee. I support that and hope that this committee will do that quickly.

**The Convener:** I thank you again for coming along and speaking to the petition.

As Jackie Baillie indicated, I have been approached by Michael McMahon, the convener of the Welfare Reform Committee, who asked that we transfer consideration of the petition to his committee, which, as Jackie Baillie said, makes a lot of sense, given that committee's remit. I invite suggestions from members, who I know have all taken a great interest in this important petition.

**Chic Brodie:** Good morning, Ms Baillie. We all—well, perhaps not all—sympathise by and large with the situation that the petition describes, for which certain local authorities have taken decisions on a non-eviction policy. Is there a conflict of interest with regard to the petitioner and the Govan Law Centre Trust in terms of the actions that might be pursued? I do not have the answer, so I would like clarification.

The petition rightly addresses issues for people who will be directly affected by the bedroom tax. What the petition proposes might mitigate some of the impacts, but the consequence would be that a

burden would be imposed on the public purse. Clearly, we do not want evictions, and they should be fought against. What does Ms Baillie think the implications would be for the public purse if we were to pursue the suggested policy?

**Jackie Baillie:** What is clear and has been argued across the piece is that welfare reform will have an impact on repairs and maintenance budgets for housing associations and local authorities. That would be the case whether the petition's proposal was implemented or not. Arrears are more likely to arise, not least because the UK Government has taken the view that individual tenants should have their housing benefit paid directly to them rather than to the landlord. There are genuine fears about arrears accumulating as a consequence of that.

Leaving that to one side, I think that local authorities, irrespective of their political complexion, have by and large tried very hard to ensure that there is sufficient in their housing revenue budgets for repairs and maintenance. I know that some have added to those budgets because of the new situation; others have looked to the discretionary housing payments that are provided by the UK Government and have topped those up by the maximum of one and a half times extra. There is a real argument that that is insufficient based on anecdotal information about current demand, so the Welfare Reform Committee may want to look at what the demand for discretionary housing payments actually is.

11:30

Local authorities recognise that the cost of evicting people ends up being borne by the public purse. I have given the committee the figures; rehousing a homeless family, at £24,000, will cost the public purse far more.

Without a shadow of doubt, this is not a campaign about non-payment. If you speak to the petitioner, you will know that they recognise the responsibilities that local authorities and housing associations have. People are still in debt today as a consequence of poll tax arrears, so non-payment is not the purpose of the petition; the petition's purpose is, in very limited circumstances, to achieve protection on a consistent basis across Scotland. I hope that we all aspire to that.

It has been suggested that the petition be moved on to the Welfare Reform Committee, which is probably the most appropriate place for it to be considered.

**Chic Brodie:** I understand why you might want that to happen, but I would like more information before we talk about passing the petition on. I do not think that we have got all the information that we require from the petitioner.

We have talked about local authorities. There is also the position that housing associations are taking in relation to the matter and the point that Jackie Baillie rightly made about direct payments. At the most recent meeting of the cross-party group on social enterprise, the convener of the Welfare Reform Committee talked about £800 a fortnight being paid directly to one tenant who said, "There's no point in giving me that because I'll drink it before the next lot comes round." I understand the aspiration, and we certainly share your compassion around this particular issue. However, we must look at tenants as a whole and ask a lot more questions of the petitioner before we consider passing the petition to the Welfare Reform Committee.

**The Convener:** Before I open the discussion up to further questions, I remind committee members that Jackie Baillie is not the petitioner, so I will not countenance her being asked to answer on behalf of someone else. The committee agreed not to invite Mike Dailly to the meeting. Maybe we should have invited him so that we could have asked him those questions.

We must consider whether we want to continue the petition and have a debate on it, which is perfectly proper, or whether we should refer it to the Welfare Reform Committee, as its convener has requested. The first step is to decide whether to refer the petition, which would be perfectly appropriate. If we decide not to do so, it is then open to us to have a full debate on the issues. We need to get that right, first.

**Jackson Carlaw:** It would be unusual for us to refer a petition without taking any further information. The petition identifies a theoretical provision, but in so far as it is potentially a reality it is a concern. I do not think that any committee member would want anybody to suffer an eviction as a result of section 69 of the Welfare Reform Act 2012 and the Housing Benefit (Amendment) Regulations 2012, as opposed to the so-called bedroom tax. Nonetheless, the first and most appropriate action for the committee would be to follow our normal practice and seek the views of the Scottish Government on the implications of the petition and the issues that it raises. I recommend that we also consult COSLA and the Department for Work and Pensions; I would like to know what estimates have been made of the likelihood of evictions occurring in Scotland or anywhere else in the UK as a result of the provisions of the 2012 act.

**The Convener:** Jackson Carlaw is correct that our normal practice is to do a bit of homework before deciding to move a petition on. It is unusual to get an early request to transfer a petition, so I did my duty by ensuring that everyone was aware of that.

**John Wilson:** I would be very surprised if the Welfare Reform Committee has not already discussed the implications of the introduction of the legislation by the UK Government. Like other members, I am keen to seek further information before we pass the petition to any committee, if we decide to pass it on to a committee.

Jackie Baillie has raised some clear issues. The issue of the £24,000 cost of dealing with a family eviction is very emotive and it is worrying when such figures are quoted for local authorities. That presupposes that local authorities will move to evict someone who falls into arrears because of the legislation. It will be up to local authorities to make decisions on a case-by-case basis.

However, I have wider concerns about the changes that are coming through from Westminster under the welfare reform legislation, as this is just one of a number of changes that the UK Government has proposed. The question is whether the Scottish Government or local authorities should be asked to pay for welfare reform changes that are made by Westminster, and how far they can afford to offset the impact of welfare reform policies from Westminster. Members must ask themselves whether it is the duty of the Scottish Government or local authorities to continue to pay for proposals from Westminster that impact most severely on those on the lowest incomes.

Other benefit changes are about to come forward, including the cut to the maximum level of benefit that will be payable to a family. Although the Scottish Government and local authorities in Scotland have attempted to offset the worst impacts of some of the changes, the difficulty is that their budgets are restricted. If we continue to use those budgets to offset the benefits changes that are coming from Westminster, we are denying the inevitable—that the Scottish Government and local authorities might be asked to continue to pay for changes that are coming from Westminster. We must find the best possible method of protecting the people of Scotland against the benefits changes. It is not always a remedy to ask either the Scottish Government or local authorities to step in and bear the brunt of the costs.

There has been a suggestion that we write to the Scottish Government, COSLA and others. I suggest that we also write to the Scottish Federation of Housing Associations, because the point has been made this morning that many of the organisations that provide social housing in Scotland are housing associations and co-operatives. It is only right to ask those organisations about the impact of the provisions, along with others that have come from Westminster on things such as the housing benefit cap. There are serious concerns about the on-

going financial viability of housing associations if such changes to benefits keep on being made. Some housing associations operate in the most vulnerable communities in Scotland, and the changes might have the severest impact on them.

Another concern around the underoccupation issue—sorry about this, convener—is the availability of alternative housing. I have said previously that I find it somewhat mystifying that the same political party that introduced the right to buy introduced the underoccupation benefit cut that many benefit claimants are facing at present. Those of us who were around just over 30 years ago and dealt with the right to buy issue could have foreseen a situation in which a subsequent Conservative Government would penalise people for living in social housing.

**Maureen Watt:** I am convener of the Infrastructure and Capital Investment Committee, which held an inquiry into how the homelessness legislation was working 10 years on. Evictions are not the main cause of homelessness. The petition states:

“Govan Law Centre defends a high volume of eviction actions in Glasgow”.

Maybe it does, but that was not my experience when we took evidence in Glasgow. Eviction is the last resort for all the housing providers that we interviewed and took evidence from and I am not sure whether that sentence in the petition is true. As I said, that was not the experience of the committee. As John Wilson said, it is important that we get the views of the SFHA, because in other parts of the country eviction is utterly the ultimate action. I am not sure that what is said in the petition is correct and I do not think that we should go further without taking more evidence.

**The Convener:** A number of members have suggested that we follow normal practice and seek advice from the Scottish Government, COSLA, the DWP and the SFHA rather than refer the petition to the Welfare Reform Committee at this stage. Can I confirm that the majority view of the committee is to take the petition forward?

**Members indicated agreement.**

**Anne McTaggart:** I note that, as a committee, we did not ask for Mike Dailly to be present today and also that some emotional concerns have arisen. I want to ask whether housing is a matter for the Scottish Government, as the petition is about a housing matter. It is also about welfare reform, which the Welfare Reform Committee is dealing with, so why not refer the petition to that committee? I am thinking about the duplication of work.

**The Convener:** It is right to say that the Welfare Reform Committee has discussed the issue. My

experience is that the normal practice of this committee is to do a bit more digging and investigation before referring a petition. That is a fair comment about the custom and practice that we follow.

**Anne McTaggart:** But time is of the essence.

**The Convener:** I hope that we would be able to pursue—*[Interruption.]* Sorry, does Jackie Baillie want to comment?

**Jackie Baillie:** Perhaps I can make a helpful suggestion. If the committee is going to investigate the issue further, then that is what it will do. However, it struck me that there were questions from Chic Brodie and Maureen Watt that only the petitioner could clarify. I wonder whether it would be appropriate to have the petitioner here to provide that clarity when the petition is next considered by the committee, because I take the point about time marching on. Perhaps that would be a helpful way of dealing with the petition.

**Chic Brodie:** That is a reasonable point, but I raise the issue of the conflict of interest. As is pointed out in the petition,

“Govan Law Centre defends a high volume of eviction actions in Glasgow, and specialises in the prevention”—

Ms Baillie screws up her nose at that, but the promotion of the petition when there is potential—I am not saying that this will happen—for the petitioner to benefit from the action that is taken is quite an important issue and I seek clarification on that. I am not saying that the petitioner should not be here, but I seek clarification.

**Jackie Baillie:** Here was me thinking that I was being helpful.

**Chic Brodie:** I understand.

**The Convener:** I will bring Jackson Carlaw in, but I am conscious that we could spend the next couple of hours debating this. I want to concentrate on what we agree on, which is that we will continue the petition to seek advice from the four groups that I mentioned earlier. I want to confirm that before we open the discussion up, because we could have a two-hour debate on a couple of points of law, which we are not here to do. Do we agree to take that course of action?

**Members indicated agreement.**

**The Convener:** My second point is that there has been a helpful suggestion that we have Mike Dailly along to the committee. Although we did not feel that that was necessary last time, there is an old cliché that, as the facts change, so do our opinions. If the committee would find that useful, I have no objection, but I want to sound out all the committee members on that point.

**Jackson Carlaw:** I am always very grateful for noises off-stage contributing to our consideration of the action that we might take. However, the purpose of writing in the first instance is to inform us further as to what we will then do. It would be premature to invite anyone along in anticipation of what we might do on receipt of the information that we have now requested.

**The Convener:** If members want any information from the petitioner at this stage, the clerk can write to Mike Dailly.

**John Wilson:** I agree that we should hold off inviting the petitioner until we have some information back from the four organisations we have agreed to write to.

I am sorry about this, convener, but I would like to add a fifth suggestion, which is that we ask the clerks or the convener of the Welfare Reform Committee whether they have considered this change and, if they have not done so, what their timetable is for doing so. Although Anne McTaggart is quite right that the Scottish Government is responsible for housing, it is not responsible for housing benefit. The Westminster Government still has control over the benefit system on which the people of Scotland rely to survive. The wider question is whether we can continue to allow Westminster changes to impact so severely on the people of Scotland.

**The Convener:** Do members agree that we should contact the Welfare Reform Committee? It has discussed the issue, but we should get a detailed timetable from it so that we can avoid any duplication. Do members agree?

**Members** *indicated agreement.*

**The Convener:** Thank you. I know that this is a difficult area, so I thank members for keeping on about this particular issue. Finally, I thank Jackie Baillie for making a contribution as an honourable non-member of the committee.

## Current Petitions

### Lesser-taught Languages and Cultures (University Teaching Funding) (PE1395)

11:46

**The Convener:** Agenda item 5 is consideration of current petitions. The first current petition is PE1395, by Jan Čulík, on targeted funding for lesser-taught languages and cultures at universities. Members have a note from the clerk and the submissions. Hugh McMahon, who has been a strong supporter of the petition, is in the audience.

The petition has been interesting because it is about how we assess demand for courses that are no longer running. As members know, we have received a number of comments. We have been in touch with the Scottish Further and Higher Education Funding Council and universities generally. A further paper has been commissioned by the Higher Education Academy and authored by John Dunn, who is a retired Scottish academic.

There might still be some merit in asking Michael Russell or one of his colleagues to come and give the committee a final contribution of evidence. I can see Jackson Carlaw's face and I know that members might feel that we have spent too long on this petition, but the petition is valuable and its point has been well made. To take the example of the number of Poles who are working in Scotland—and I do not have evidence for the figure—more people speak Polish than Gaelic in Scotland. That is an important development and we should get the minister along to give us some final comments before we conclude the petition. As always, I throw the question open to committee members.

**Jackson Carlaw:** I will not object if that is what my colleagues believe, but we have brought together quite a body of evidence and there would be merit in referring it to the Education and Culture Committee, which, having broader experience of the subject matter in hand, might want to raise the issue with the minister directly.

**Anne McTaggart:** I reiterate the convener's concerns about the Polish community. I do not have the exact figure. I would prefer to get the education minister to answer the petition at the committee. I am aware that we have collated a lot of evidence and that the petition has been going on for a long time, but it is an important issue and I do not want it to get lost, so I would like the education minister to speak to it.

**Angus MacDonald:** My initial reaction is to refer the matter to the Education and Culture Committee. It is fair enough if the majority of

colleagues would like to have the cabinet secretary here, but I am certainly minded to refer the petition to the relevant committee at this stage.

**Chic Brodie:** I agree.

**John Wilson:** I am happy to refer it on to the Education and Culture Committee.

**The Convener:** Either course of action is acceptable to me so, by a majority, the committee has decided that the petition is important and we should refer it on to the Education and Culture Committee. I thank Hugh McMahon for all the effort that he and his colleagues have put into the petition. I know that the petition will not be lost, because it is going to the appropriate committee, which will consider it further.

### Flood Insurance (PE1441)

**The Convener:** The third current petition is PE1441, by David Crichton, on flood insurance problems. Members have a note by the clerk.

I highlight to members that Westminster has to make key decisions in June and July. The UK Government underwrites the insurance industry, which, in turn, insures people who have properties on flood plains across the UK. There is some debate about whether the renewal of the agreement between the UK Government and the industry will take place. The Scottish Government has been making representations on the matter. However, it is extremely worrying, particularly with climate change, that there will be thousands of people across the country without flood insurance if the agreement does not go ahead.

I met a constituent in Moray the other day who has a major business. She will not get flood insurance because she has been flooded twice, and she cannot sell the business or lease it to anybody else. Flood insurance is unlike car insurance, which is a statutory obligation. Its position is quite different. What will happen in the longer term is worrying.

We need to monitor progress on the issue. What happens in June and July will be crucial. My strong suggestion is that we keep the petition open until that crunch period, and keep up to date with what the Scottish Government is doing.

I invite contributions from members.

**Chic Brodie:** I support that suggestion. I am aware of the July timetable. I recently visited my family in Surrey and I am aware that there has been no change or increase in the assistance given to local authorities in the Thames basin. It is right that we monitor the situation. We need to be fairly assertive with the Government to ensure that it seeks information that we are not being disadvantaged in relation to what happens not

only in the Thames basin, but in the south-west of the UK.

**The Convener:** We were awaiting an update from the Scottish Environment Protection Agency, and members may have not seen its submission because it arrived late. Basically, it contains positive news. Twenty-nine out of 32 local authorities that responded to SEPA's request for information have

"no constraints or restrictions on SEPA using the data or sharing it through the SFDAD"—

Scottish flood defence and asset database—

"portal".

That is good news, and we will keep members up to date with the position.

**Chic Brodie:** I am sorry that I am becoming a bore on this subject, but I want to mention an issue that I raised at another committee. Since 31 January, three local authorities have not provided information. Do they think that we ask for information—in this case, SEPA is asking for it on our behalf—just for the sake of it? Should we communicate that message through SEPA? Public bodies are here to serve the people of Scotland and find out exactly what is going on. Any public body that is asked for information should at least address that as quickly as it can. I understand the constraints, but I do not see why 29 can do it but three cannot.

**The Convener:** Chic Brodie makes a good point. You will recall at the previous meeting that I promised to raise that issue at the Conveners Group, which I did. As Maureen Watt can testify, we are not alone—other committees have experienced similar frustration with public bodies such as health boards and local authorities. How we raise the issue across the piece is being dealt with at a senior level in the Parliament.

At one level, I am pleased to tell you that other committees have experienced that and that the public bodies have not been picking only on the Public Petitions Committee. However, we are the public face of the Parliament and it is ridiculous that public bodies are not responding to our requests in time.

Do members agree with the course of action that I identified earlier?

**Members indicated agreement.**

### Miscarriage (Causes) (PE1443)

**The Convener:** The fourth current petition is PE1443, by Maureen Sharkey, on behalf of Scottish Care and Information on Miscarriage, on investigating the cause of miscarriage. Members have a note by the clerk and the submissions.

There is a strong suggestion from the British Medical Association Scotland that we should write to the Royal College of General Practitioners Scotland to seek its views, as it is the key body. Do members agree with that course of action?

**Members** *indicated agreement.*

### **Congenital Heart Disease Patients (Care) (PE1446)**

**The Convener:** The fifth current petition is PE1446, by Dr Liza Morton, on behalf of Scottish adult congenital heart patients, on Scottish standards for the care of adult congenital heart patients. Members have a note by the clerk and a submission.

A suggestion in the clerk's note is that we write to the Scottish Government to seek clearer responses to the points raised by the petitioner. There was unhappiness about the Scottish Government's earlier response, so that is a reasonable course of action in the circumstances. Do members agree?

**Members** *indicated agreement.*

### **Organ Transplantation (Cancer Risk) (PE1448)**

**The Convener:** The sixth current petition is PE1448, by Grant Thomson, on improving awareness of the cancer risks in organ transplantation. Members have a note by the clerk and the submissions.

Again, there is a technical suggestion, which is that we write to Professor Forsythe, who is the Scottish Government's lead clinician on organ donation and transplantation and chair of the Scottish transplant group, to seek a response to the suggestions that further research is required. That suggestion seems sensible. Do members agree to do that?

**Members** *indicated agreement.*

### **Hyperemesis Specialist Nurses (PE1454)**

**The Convener:** The seventh current petition is PE1454, by Natalie Robb, on hyperemesis specialist nurses. Members have a note by the clerk and the submissions.

The suggestion is that we follow up the awaited response from the Royal College of Midwives—*[Interruption.]* I apologise—that has come in. It is suggested that we ask the Scottish Government to provide responses and write to the Royal College of Obstetricians and Gynaecologists. Again, that is a technical suggestion, which I think makes sense. Do members agree to take that approach?

**Members** *indicated agreement.*

### **Judiciary (Register of Interests) (PE1458)**

**The Convener:** The eighth current petition is PE1458, by Peter Cherbi, on a register of interests for members of Scotland's judiciary. Members have a note by the clerk and the submissions.

Members will be aware that there has been a lot of press coverage of the issue and that Lord Gill, the Lord President, declined the invitation to appear before the committee. As members will know, under the Scotland Act 1998 we have no power to cite judges to appear before us.

We received a courteous letter from Lord Gill, but it is important for us to get key figures in the judiciary to help us with the petition. I suggest that we send a courteous letter back, reinviting Lord Gill and asking him how many judges have been recused and whether there is more detailed evidence on the effectiveness of the current system.

We should also seek the views of the Judicial Appointments Board for Scotland and the judicial complaints reviewer. If members think that it is important to have people in front of us, we could ask representatives of those latter two bodies to attend.

I know that several members have fairly strong views on the issue.

**Chic Brodie:** We have seen the answer from the Lord President. No one has said that the Scotland Act 1998 is perfect and, in this instance, it is not. We are all equal before the law, even those who dispense it. We should send a courteous letter, but it should be robust, on the basis that the Lord President has written to us but his letter does not necessarily answer all our questions. What is there to hide?

I am sure that we all want openness and transparency in our Parliament, which is the sovereign Parliament of the Scottish people. As a member of that constituency, the Lord President, like anyone else, should at least pay obeisance to a request by the committee on behalf of the Parliament for him to attend. I sincerely hope that he reconsiders his position and attends at the earliest opportunity.

**Jackson Carlaw:** We cannot compel the Lord President to give evidence, but I would say that he has already set aside that provision by choosing to contribute evidence in writing. We are seeking to explore that evidence with him further, now orally, which I think is entirely reasonable.

I would put an accent on Chic Brodie's point, because the unintended consequence of the Lord President's not coming is to gather support for the petition in the committee in the absence of our being able to establish for ourselves the necessity



for progressing with its proposals. That is unfortunate. Therefore, we should say as politely as possible that, although the Lord President with his great erudition and extraordinary intellectual capacity might not be able to anticipate what further advice he could give us that we would find of interest or helpful, that is nonetheless something that we might be able to determine.

**The Convener:** To recap, we will write to Lord Gill and ask him to attend. We will ask him how many judges have been recused and whether there is more detailed evidence on the effectiveness of the current system. We will also seek the views of the Judicial Appointments Board for Scotland and the judicial complaints reviewer. Do members agree to that course of action?

**Members** *indicated agreement.*

### **Coastal Erosion Protocols (Review) (PE1459)**

**The Convener:** The ninth current petition is PE1459, by James Mackie, on a total review of coastal erosion protocols and responsibilities. Members have a note by the clerk.

As members will have discovered on reading the petition papers, the responses are in fairly broad agreement that what the petitioner seeks is unnecessary. In fairness, the petitioner disagrees with the responses. It is unfortunate, but I cannot see any way forward other than to close the petition under rule 15.7. I thank the petitioner for all his hard work in creating the petition. Do members agree to close the petition?

**Members** *indicated agreement.*

### **Chronic Pain Services (PE1460)**

12:00

**The Convener:** The 10th current petition is PE1460, by Susan Archibald, on behalf of the Scottish Parliament cross-party group on chronic pain, on improvement of services and resources to tackle chronic pain. Members have a note by the clerk and the submissions.

Jackie Baillie will speak briefly on the petition. Before that, I thank Susan Archibald and Dorothy-Grace Elder, who I think is with us today in the public gallery, for their excellent evidence at our meeting on 8 January. It is fair to say that they are less than enthusiastic about the responses from the various public agencies, which I will say more about later.

**Jackie Baillie:** That is probably the greatest understatement that I have heard today, convener.

I thank the committee for its attention to this petition and I state that Jackson Carlaw, John

Wilson and I are all co-conveners of the cross-party group on chronic pain. If there is any interest being shown this afternoon, it is by the three of us.

The convener is right: there are substantial concerns about Healthcare Improvement Scotland's response. I dare to suggest that it has failed even to answer some of the committee's pointed questions, and responses have not been forthcoming. A number of people suggested that the HIS report into chronic pain and chronic pain services across Scotland has been less than transparent, and I am grateful to the Cabinet Secretary for Health and Wellbeing for acknowledging that.

An example of the differences that the committee's work has exposed is that, although HIS will claim that 75 per cent of people across Scotland have access to pain management services, the real figure is a good 10 per cent lower—it is 64 per cent, and the services exist in only six out of Scotland's 14 health boards. We expect public agencies to provide us with accurate information, and I hope and trust that the committee will pursue HIS for that.

I am not being slightly mischievous; I just want to get people to the point: could we consider inviting HIS to the committee? We have had one go at writing to it and we have not received answers, so perhaps it might be helpful to get it to provide answers and amplify them through oral evidence to the committee. We are in your hands, convener.

**The Convener:** Thank you for that. A key point that came through was about the residential pain relief centre in Bath and that, as I understand it, Alex Neil was talking about a similar facility for Scotland. I would have thought that the Scottish Government would be very proud to develop that. Along with the suggestion about HIS, it would be useful to have Alex Neil or one of his ministerial colleagues come here and speak directly on the issue.

I throw the discussion open to my colleagues for their views and observations on those suggestions.

**John Wilson:** Jackie Baillie has suggested that we invite a representative of HIS to the committee, and we could also have the minister at the same time, so as to get the two of them in the same room to answer the same questions. It would be useful to get clarity from both the minister and HIS on the direction of travel. The Cabinet Secretary for Health and Wellbeing has indicated a particular route, particularly on residential care in Scotland. The issue is whether the minister and the Government are happy with the responses that we have had from HIS.

The petitioner and Dorothy-Grace Elder have to be commended for their responses to the responses so far. I suggest that we write to the Scottish Government and HIS to ask them to respond to the issues that Susan Archibald and Dorothy-Grace Elder have raised, so that we can forewarn them—if they need any warning—of some of the questions that they may face when they come to give evidence to the committee.

As I have said, it would be useful to get the minister and HIS before us at the same time to answer the committee's questions, but before that we should ask them to respond in writing to the issues that the petitioner and Dorothy-Grace Elder have raised.

**The Convener:** Are members agreed?

**Members** *indicated agreement.*

**The Convener:** So we will send HIS and the Scottish Government the petitioner's views, get their responses back and then ask a representative from HIS and a Scottish Government minister to give evidence at a future meeting.

I thank Jackie Baillie once more for her attendance.

### **Thyroid and Adrenal Testing and Treatment (PE1463)**

**The Convener:** Our final current petition is PE1463 by Sandra Whyte, Lorraine Cleaver and Marian Dyer on effective thyroid and adrenal testing, diagnosis and treatment. Members will have the clerk's note and the various submissions.

I ask Elaine Smith, who is attending for this petition, to give us her views before we take any decisions.

**Elaine Smith (Coatbridge and Chryston) (Lab):** Thank you very much for letting me speak, convener. In my written submission, I offered to give official oral evidence to the committee if it decided to take the petition forward, but I did not come along today with that particular purpose. I just wanted to hear the committee's deliberations; after all, it is up to members to decide how it will take the petition forward.

I do not want to say too much more about my own situation, because I am sure that the committee has read my written evidence. I know that the committee has received a lot of other written evidence but I make a plea for further work to be done on what I believe is as much of an equality matter as it is a health matter. Although some men suffer from this condition, it is mainly a women's issue.

If you want to take further evidence, there are other people in Scotland who might well respond

to such a call. For a start, I am sure that you would hear from a lot of people who have been suffering with this condition. For example, Margaret McGregor, whom I mention in my letter to the committee, has a phone line and takes calls from what I am sure she would describe as women in a desperate situation whose condition might have been misdiagnosed and who might be on the wrong level of levothyroxine. You might also be able to invite along Dr Anthony Toft who although officially retired from the Edinburgh royal infirmary and the health service is now practising independently because he wanted to carry on his work in this field.

In any case, if you decide to continue the petition, there are many more people in this country from whom you could take evidence. I hope that you might even consider carrying out your own inquiry; I do not know how your timescales are fixed but if you cannot do that you might consider referring the issue to the Equal Opportunities Committee or the Health and Sport Committee for further examination.

I do not want to say any more than that, but I am more than happy to answer the committee's questions. I should perhaps make one final point: I submitted my own written evidence because when I heard the petitioners I was struck by their bravery in coming here to give evidence and felt that it was time for me to tell my own story. I hope that I have done so in a positive way that helps the petition.

**The Convener:** Thank you for coming along. Do members have any questions for Elaine Smith?

**Maureen Watt:** I do not have a question as such, but I should declare an interest in that I, too, am on thyroxine. I was very interested in learning about Elaine Smith's condition and I believe that the petition should be taken further. After all, a lot of people are suffering in silence at the moment.

**The Convener:** One recommendation is that we write to the Scottish Government, recommending the establishment of a short-life working group to examine all the available clinical evidence on the treatment of patients suffering from thyroid and adrenal disorders. That would certainly make a lot of sense. Do members agree to that course of action?

**Anne McTaggart:** Before we move on to that, convener, we should thank the petitioners. Since their evidence session, I have met more than a few people with the condition whom, with the knowledge, experience and education that we received that day, I have been able to refer on. I thank the petitioners not just for their bravery but for the knowledge that they imparted and which has assisted others.

**John Wilson:** I thank Elaine Smith for coming along and sharing her experience with us.

Although I agree that the holding of a short-term inquiry on the subject should be considered, the issue is whether the Health and Sport Committee or the Equal Opportunities Committee would be willing to take that on board. The recommendation is that we ask the Scottish Government to establish a short-life working group to look at the issue, but if it is not prepared to do that I am keen that we get an assurance that one of those committees would carry out such an inquiry, because I would not want us to pass the petition on to either committee only for it to shut down the petition. In such circumstances, we would have no recourse—we could not reopen it.

Therefore, it would be useful if the clerk could speak to the clerks of the two committees to find out whether their timetables would allow them to carry out such an inquiry. If they were not able to do so, I would be keen for us to carry out our own inquiry.

In addition, we should get from Elaine Smith details of the organisations to which she referred, so that we can write to them to gather further information. I note that our paper recommends that we should seek responses from the Royal College of Physicians and the World Health Organization on the issue.

It would be useful for us to agree to write to the Scottish Government to ask whether it would be minded to set up a short-life working group. If it is not minded to do so, we should find the time to carry out an inquiry.

**The Convener:** That is a sensible suggestion.

Do any other members wish to comment?

**Chic Brodie:** I support that. I welcome Elaine Smith's attendance and the information that she has provided, which has clarified matters for me. I suspect that a large number of men have no idea of what the implications of the condition are.

Regardless of whether the Scottish Government sets up a short-life working group or we carry out our own inquiry, it is critical that a short timescale is set for whatever work is done.

**The Convener:** In summary, we will write to the Scottish Government about the setting up of a short-life working group. We will also write to the clerks to the other relevant committees to find out what they are doing and will feed that information back to ensure that the opportunity to hold an inquiry on the subject of the petition is not lost. We will look at the issue again in the future. Does that cover all the points? Do members agree to do that?

**Members indicated agreement.**

**The Convener:** I again thank Elaine Smith for coming along.

## School Bus Safety

12:12

**The Convener:** The committee will recall that we proposed to have an event on school bus safety, on which members have a note by the clerk.

There has been some movement in the Scottish Government's work in the area, so it is recommended that we postpone the event, pending the circulation of a revised plan for consideration at a future meeting. We are not talking about not going ahead at all with an event on what is an extremely important subject; we merely want to avoid duplication, the potential for which has suddenly struck our officials. We will get back to the committee with a revised plan. Like other members, I am keen that we hold a major event on school bus safety at some point in the future.

**John Wilson:** I am keen that we set a timescale, because the petition has been under consideration for a long time. As we agreed to hold a parliamentary event to discuss the issue, it would be useful to have a timescale for when the Government is likely to respond. If we do not get that before the summer recess, it will be September or October before we can hold the event.

**The Convener:** We will ensure that members are given a revised timetable as soon as possible, to take on board John Wilson's point.

Do members agree to the proposed approach?

**Members indicated agreement.**

**The Convener:** As we agreed earlier, we will now move into private for the final two agenda items.

12:14

*Meeting continued in private until 12:36.*



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