



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Citizen Participation and Public Petitions Committee

**Wednesday 10 September 2025**

**Session 6**



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Pàrlamaid na h-Alba

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## Wednesday 10 September 2025

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## CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

13<sup>th</sup> Meeting 2025, Session 6

### CONVENER

\*Jackson Carlaw (Eastwood) (Con)

### DEPUTY CONVENER

\*David Torrance (Kirkcaldy) (SNP)

### COMMITTEE MEMBERS

\*Fergus Ewing (Inverness and Nairn) (Ind)

Maurice Golden (North East Scotland) (Con)

\*Davy Russell (Hamilton, Larkhall and Stonehouse) (Lab)

\*attended

### THE FOLLOWING ALSO PARTICIPATED:

Alexander Burnett (Aberdeenshire West) (Con)

Meghan Gallacher (Central Scotland) (Con)

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)

Craig Hoy (South Scotland) (Con)

Brian Whittle (South Scotland) (Con)

### CLERK TO THE COMMITTEE

Jyoti Chandola

### LOCATION

The Adam Smith Room (CR5)



# Scottish Parliament

## Citizen Participation and Public Petitions Committee

Wednesday 10 September 2025

[The Convener opened the meeting at 09:30]

### Interests

**The Convener (Jackson Carlaw):** Good morning and welcome to the lucky 13th meeting of the Citizen Participation and Public Petitions Committee in 2025. We have received apologies from Maurice Golden, who is unable to be with us this morning.

Agenda item 1 is to acknowledge the contribution of Foysol Choudhury to the work of the committee for the last while and to welcome in his place Davy Russell, who is our new committee member. I invite Davy to declare any interests relevant to the work of the committee.

**Davy Russell (Hamilton, Larkhall and Stonehouse) (Lab):** I have no relevant interests other than what is in my entry in the register of members' interests.

**The Convener:** That is fine—thank you very much and welcome to the committee. You joined us on our visit to Wishaw neonatal unit on Monday, so you have had an external visit with the committee, but I welcome you to your first formal meeting. You will see that we are very convivial and jolly and we will all get through this in a spirit of co-operation and non-partisanship.

### Continued Petitions

**Youth Violence (PE1947)**

**Rape Charges (Under-16s) (PE2064)**

09:31

**The Convener:** Agenda item 2 is consideration of continued petitions. We will first consider two youth crime petitions. At our 25 June 2025 meeting, before we went into summer recess, the committee heard evidence from the Rt Hon Dorothy Bain KC, the Lord Advocate, as well as officials from the Scottish Children's Reporter Administration and the Crown Office and Procurator Fiscal Service. That evidence session was followed by one with the Cabinet Secretary for Justice and Home Affairs, Angela Constance, and officials from the Scottish Government. The meeting covered issues raised during our consideration of two petitions: PE1947, on addressing Scotland's culture of youth violence, and PE2064, on ensuring that under-16s who are charged with rape are treated as adults within the criminal justice system.

As we recently gathered oral evidence on those petitions together, are members content that we discuss them together?

**Members indicated agreement.**

**The Convener:** PE1947 was lodged by Alex O'Kane. The petition calls on the Scottish Parliament to urge the Scottish Government to address the disturbing culture of youth violence in Scotland. PE2064, which was lodged by Julie Mitchell, calls on the Scottish Parliament to urge the Scottish Government to ensure that under-16s who are charged with rape are treated as adults in the criminal justice system.

As I mentioned, we took evidence on the issues relating to these petitions in June. Since then, we have received a written submission from the Lord Advocate which provides data on cases of sexual and violent offending. The issues in these petitions have been of great concern to the committee. In respect of the petition lodged by Alex O'Kane, members will know—although I am the only member left who was present—that it was the subject of a visit to Glasgow where the committee met those who had been most badly affected, in horrendous ways, by the culture of youth violence.

These are petitions that we have taken a great deal of interest in during the course of this session of Parliament and I think that the issues within them are still relevant and live. However, the time for us to do further work in this session of Parliament is limited in the extreme and I am of

the view that we have maybe taken these petitions as far forward in this session as we can.

I would like to suggest that we now summarise all the work that we have done and that, in closing the petitions, we write to the Cabinet Secretary for Justice and Home Affairs with that information. That summary letter would then be published on the committee web pages so that individuals could see the work that we have done. We would say to the petitioners that these issues are still live and may very well sensibly be pursued with fresh petitions at the start of the next session of Parliament. Do colleagues agree with that? Is there anything further that they would like to add by way of testament?

**Fergus Ewing (Inverness and Nairn) (Ind):** I agree, convener. Both are very serious petitions indeed, and both raise points that are, I am sure, of huge concern to a broader number of people in Scotland. The basic principle is that, if someone commits rape, they are committing an adult offence and should be dealt with in the adult courts, rather than the children's system, which is seen as the soft option. I am absolutely certain that the petitioners speak for a lot of people.

I just want to make the point that the impression that I gained from the Lord Advocate's evidence—we pressed the Lord Advocate and her colleagues very strongly on this—was that a new approach is being taken to both involve the victim more in decisions that are taken, and to make more referrals to the adult system, rather than the children's system. The Lord Advocate did not specifically say that, though—she did not quite, as I would say, spit it oot. However, I very much hope that the Lord Advocate, who, to be fair to her, obviously treats these matters extremely seriously, will get the message that the public expect that a stronger approach should be taken. That was my takeaway, which I wanted to put on the record.

**The Convener:** We could summarise our impression that that was the case in the letter that we send to the Cabinet Secretary for Justice and Home Affairs. Are committee members agreed on that?

**Members indicated agreement.**

### National Parks (PE2089)

**The Convener:** The next petition is PE2089, lodged by Deborah Carmichael on behalf of Lochaber National Park—NO more group, which calls on the Scottish Parliament to urge the Scottish Government to suspend any action to create further national parks in Scotland, instruct an independent review on the operation of the current national parks, including assessment of the economic impacts on businesses and industries within the two parks—including, but not

exclusive to, farming, forestry, crofting and angling—and to conduct a consultation with representatives of rural businesses and community councils in order to help to frame the remit of said independent review.

The committee last considered the petition on 22 January 2025, when we wrote to the Cabinet Secretary for Rural Affairs, Land Reform and Islands to highlight the issues that were raised during the committee's consideration of the petition, including the impact of existing national parks, the consultation process and NatureScot's role as the reporter. We also wrote to Dumfries and Galloway Council.

The cabinet secretary's response provides information on the wider impacts of national parks, based on information provided by the two Scottish national park authorities. The submission reiterates the Scottish Government's position that there are no current plans to conduct an independent review of the two existing national parks in Scotland, which I think is a disappointment to us as committee members. The cabinet secretary states that this is because national parks are accountable to their boards and to the Scottish Government. Delivery is monitored and reviewed at regular meetings between the Scottish Government and national park authority conveners and chief executives. Park authorities are also required to produce annual reports and accounts, which are laid before the Parliament and published.

The response provides details of the public consultation, which was launched in November last year, and highlights the fact that NatureScot has commissioned an independent review of the consultation process—whatever that means. The committee has received a written submission from the No Galloway National Park campaign, which reiterates concern about NatureScot's role as reporter—indeed—and raises points about the impact of the Natural Environment (Scotland) Bill.

Since those submissions were received, the Scottish Government has announced that it has decided not to pursue a proposal to designate Galloway and Ayrshire as a national park. The recommendation that was made by the reporter was to not proceed with the designation but instead strengthen a range of existing arrangements, including a better resourced and more influential Galloway and Southern Ayrshire Biosphere reserve; a renewed focus on people and nature, alongside commercial forestry operations in the Galloway forest park; and a new commitment to the implementation of management strategies for the three national scenic areas.

Do members have any comments or suggestions for action?

**David Torrance (Kirkcaldy) (SNP):** In the light of the evidence before us, I suggest that the committee consider closing the petition under rule 15.7 of standing orders, on the basis that the Scottish Government has decided not to pursue a proposal to designate Galloway and Ayrshire as a national park and been clear that it does not plan to commission an independent review of the existing national parks.

**Fergus Ewing:** I am completely partial, because I know and am friendly with the petitioner Deborah Carmichael, but I wish to say that she and her colleagues have been spectacularly successful in aim 1—to prevent the creation of further national parks, which, frankly, at the moment, Scotland needs like a hole in the head.

The Government's decision to decline an independent review of national parks is ridiculous. There is no accountability; board members are not allowed to speak out, and, if they do, they are disciplined. The annual report is simply what the park says. The idea that that is in any way an independent review is completely ludicrous and preposterous. There must be an independent review of national parks, because many people in my constituency—I reside in the national park—feel that it is not doing a good job. That is why, when asked, in an opinion poll, the question, "Do you think that the national park is doing a good job?", 3 per cent said yes and 92 per cent said no, which speaks for itself.

Congratulations to Deborah Carmichael for a very successful petition with a successful outcome of persuading the Government to drop this absurd proposal.

**The Convener:** Thank you. That is on the record. I am minded, in closing the petition—if colleagues are content to do that—to say that the committee was unpersuaded by the arguments not to hold a national review and that we believe that the Government's decision is ill judged and something of a fudge. Are committee members content to add that to the record?

**Members indicated agreement.**

**The Convener:** Gosh, I see that we have guests with us, so I shall rearrange the order of our consideration to facilitate colleagues who have turned out.

### Childcare (Review of Costs and Availability) (PE2112)

**The Convener:** PE2112, which was lodged by Carole Erskine on behalf of Pregnant Then Screwed, calls on the Scottish Parliament to urge the Scottish Government to commission an independent review of publicly funded early learning and childcare in Scotland, in order to

better understand and address the challenges that families face when trying to secure and afford childcare.

We last considered the petition on 30 October 2024, when we agreed to write to the National Day Nurseries Association Scotland; the Scottish Private Nursery Association; the parents group Connect; the Convention of Scottish Local Authorities; and the Cabinet Secretary for Education and Skills.

The Minister for Children, Young People and The Promise wrote to the committee on 29 November 2024. In her letter, she reiterated that the Scottish Government does not plan to commission an external review at this point in time and that it intends to learn from an evaluation of the 1,140 hours of funded early learning and childcare. That evaluation was due in 2025. The minister also referenced the Government's early adopter community work, which is taking place in six local authorities and aims to help the Government to understand what it takes to deliver local childcare systems that support families with children.

The submission from the National Day Nurseries Association supports the aim of the petition and expresses concern that the delivery of the 1,140 hours policy, which, in itself, is beneficial, can lead to the closure of nurseries, due to unsustainable funding and workforce pressures. That is echoed by the submission from the Scottish Private Nursery Association, which states that the failure by some local councils to pass the full funding for the 1,140 hours on to childcare providers leads to nurseries increasing their fees in order to cover the shortfall.

The submission from Connect highlights the results of its 2021 survey on experiences of the 1,140 hours entitlement. Among its conclusions is the lack of variety and flexibility in the range and type of childcare provision, which sometimes leads to many funded hours going unused—because the arrangements make no practical sense for families and their needs.

On the other hand, COSLA's response points us to its publication, "Getting in Early—Local Government's role in Delivering Early Learning and Childcare", which highlights increases in the numbers of children accessing funded ELC and in the proportion of children who are accessing the full 1,140 hours entitlement.

Finally, the committee has received written submissions from our colleagues Liam McArthur and Monica Lennon. They both say that the current approach to childcare provision does not work for families and support the petition's call for an independent review of publicly funded ELC in Scotland.

We are joined by our colleague Meghan Gallacher. I wonder whether she would like to say a few words to the committee before we determine how we might best proceed.

**Meghan Gallacher (Central Scotland) (Con):**  
Thank you, convener, and good morning, committee. Before I make my opening remarks, I declare an interest as I sit on the advisory board for Pregnant Then Screwed. It will therefore come as no surprise that I am here to support the petition in the name of Carole Erskine and the fantastic work that Pregnant Then Screwed does to highlight the challenges that many families right across Scotland face with childcare.

The challenges are very evident from the petition that has been submitted and the 2,600 submissions from parents who are struggling to grapple with the current 1,140 hours offering. If I may, I will use my personal experience of applying for childcare for my daughter, who is three. I have just embarked on the application process for the 1,140 hours of childcare, and even filling out the forms is not an easy process.

09:45

The process is usually quite lengthy. You have to number the nursery or childcare provision that you wish your child to undertake 1, 2, 3 and so on, and then you are beholden to local government as to whether you obtain one of those nursery slots or are directed to other nursery provision elsewhere. When the latter ends up being the case, parents have to travel considerable distances just to drop their child off at their childcare provision.

We have not even begun to look at the costs associated with the 1,140 hours provision. The hours will cover roughly two full days and another half-day; if you are a full-time working parent, you will have to cough up the costs for another two full days of provision. That shows the significant financial challenges of not only trying to access a nursery close to home, but the additional costs associated with the current funding model that we have in Scotland.

In the Pregnant Then Screwed survey of 2,600 parents whose submissions I have just mentioned, 83.7 per cent of parents said that their childcare costs were the same as or more than their income. Moreover, anyone listening to the radio this morning will have heard a parent explaining that their childcare costs could amount to £1,600 a month. That shows the stark costs of childcare in Scotland.

You have received useful responses from the SPNA and the NDNA about the petition's request, setting out their concerns about local government, which has overall control of the budgets, and the requirement to provide funded hours. The fact is

that nurseries in local authority areas cannot normally accommodate working parents who, for example, have 9-to-5 jobs. They might have to drop their child off at about 8 o'clock in the morning and might not be able to pick them up until 6 o'clock, and not all local authorities are able to provide that offering. As a result, those parents have to rely on the private sector, which is usually the poor man in the relationship with local authorities when it comes to the 1,140 hours provision.

I believe that it is time for an independent review, because we need to fully understand the costs facing parents and what they are having to front up in addition to the 1,140 hours. In other areas of the United Kingdom, the free funded childcare offering has been expanded from nine months to three years old, and I believe that that should be considered, too. We should be putting childcare back at the top of the Government's agenda.

My request to the committee, therefore, is not to close the petition, but to look at referring it to another committee. I understand that we have roughly 20 weeks left before the end of the parliamentary session, but I would suggest that there are legacy reports. Even if the committee in question could not find time to consider the petition between now and the end of the parliamentary session, the matter could be covered in a legacy report, and it would show that the Parliament is taking seriously the issues that parents across the country are experiencing daily when it comes to providing their children with the best possible start in life.

**The Convener:** Thank you, and I hope that we can do a bit more than that. Colleagues, do you have any suggestions for action?

**David Torrance:** In the light of the evidence that is before us, I wonder whether the committee would consider writing to the Minister for Children, Young People and The Promise, asking when the evaluation report for the 1,140 hours entitlement will be published; what actions the Scottish Government intends to take in the light of the report's recommendations; what preliminary conclusions the Scottish Government has drawn from the early adopter communities work; and what actions it will take based on that.

**The Convener:** If there are no other comments from colleagues, are we content to keep the petition open and to make that further representation to the Scottish Government?

**Members indicated agreement.**

**The Convener:** I thank Meghan Gallacher very much. We will keep the petition open and act on that basis.

## Onshore Wind Farms (Planning Decisions) (PE1864)

**The Convener:** I will now leap forward on the agenda to PE1864, which was lodged by Aileen Jackson on behalf of Scotland Against Spin. The petition calls on the Scottish Parliament to urge the Scottish Government to increase the ability of communities to influence planning decisions for onshore wind farms by adopting English planning legislation for the determination of onshore wind farm developments, by empowering local authorities to ensure that local communities are given sufficient professional help to engage in the planning process and by appointing an independent advocate to ensure that local participants are not bullied and intimidated during public inquiries.

We last considered this petition on 13 November 2024, when we agreed to write to the Minister for Public Finance. The committee first requested an update on the publication of the guidance, “Effective community engagement in local development planning”, which was published on 20 December last year. The committee then asked for an update on the work to progress proposals for raising the current 50MW threshold, to allow planning authorities to determine more applications for onshore wind farms. The response from the then Acting Minister for Climate Action referenced the consultation, “Investing in planning—resourcing Scotland’s planning system”, but was otherwise vague about further action, stating that the Government continues

“to consider the process and timeline for making any changes to the Electricity Act 1989 threshold”.

Finally, the committee also asked what consideration the Scottish Government gave to ensuring that support was available to members of the public who wished to participate in public inquiries. The minister’s response indicates continued engagement between the planning and environmental appeals division—the DPEA—the petitioner and other stakeholders in relation to their experiences at inquiries. The minister also mentions the planned publication of DPEA guidance in relation to the use of community sessions, which would allow members of the community who might not wish to participate in an inquiry to state their case to a reporter in a less formal environment.

The committee has also received additional written submissions from the petitioner. Ms Jackson mentions that the “Effective community engagement in local development planning” guidance fails to address the issue of local support becoming a key material consideration in the decision-making process, which has been repeatedly asked for.

The petitioner also states that DPEA has not, in fact, engaged with Scotland Against Spin regarding the concerns raised in relation to support for participation in inquiries. Additionally, she notes that, a year after the publication of the “Investing in planning” consultation, no decision has been made by the Scottish Government on the matter of the 50MW threshold, despite the proposals being supported by the majority of respondents.

As colleagues will know, a joint UK Government and Scottish Government review of electricity infrastructure consenting has concluded. In a submission on a related petition, the Cabinet Secretary for Climate Action and Energy has indicated that reform arising from the consultation is being implemented through the Planning and Infrastructure Bill, which is progressing through the UK Parliament. The cabinet secretary has also committed to publishing guidance for measures to take effect two months after the bill receives royal assent and to consult on any additional measures enabled by Scottish ministers’ new regulation-making powers.

I am aware of the petitioner’s call for a whole-Parliament debate on the matter, which is supported by some of our MSP colleagues. I highlight to members the limited time that we have left until the end of the parliamentary session and the number of other petitions that the committee has already agreed or indicated that it would seek time for a chamber debate on.

We have received submissions in support of the petition from several MSP colleagues, and there was a veritable posse of parliamentarians of my colour, who were very excited at the prospect of coming along to address the committee this morning. I have generously invited two of them to represent that extensive desire to perform today. They are Alexander Burnett and Brian Whittle. I wonder who will shout first—it is at their behest who will sing for their supper first and address the committee before we determine how we might proceed.

**Alexander Burnett (Aberdeenshire West) (Con):** In that spirit of excitement, I thank the convener and the committee for the opportunity to speak today.

I speak in support of PE1864, which calls for communities to have a stronger role in planning decisions on onshore wind farms. As the MSP for Aberdeenshire West, I have received more contact on energy infrastructure than on any other issue. Rural communities are powerless when large-scale energy projects are proposed, and areas such as the Cabrach have been devastated by developments that have been imposed on them, despite strong and reasoned objections.

The petition seeks to democratise the planning system by preventing the energy consents unit from overruling local decisions, providing professional support to help communities to make submissions and appointing an independent advocate to ensure that inquiries are fair.

Currently, projects over 50MW bypass local authorities and go to the energy consents unit, which removes much-needed local influence from the decision-making process. That leaves underresourced rural communities with limited support struggling to navigate complex processes against well-resourced renewables companies.

By contrast, in England, developers must align with local plans and secure genuine community backing. In Scotland, engagement is often superficial and even successful local opposition is frequently overturned. Since 2023, despite strong local objections, a number of wind turbines have been approved by the energy consents unit against local community wishes—10 in Caithness, 26 in Aberdeenshire and 97 in Dumfries and Galloway.

The Hill of Fare proposal, which is currently the subject of a public inquiry, at which I spoke on Monday, illustrates the problem. A community survey that was carried out back in 2023 shows that only 11 per cent of residents supported the proposal, and a local group has spent three years preparing a gold-standard case with more than 1,500 objections. All six community councils have resoundingly rejected the proposal, as has Aberdeenshire Council on four separate occasions. At every level of elected representation, the project has been opposed and the community's anger could not be clearer. Although we remain hopeful, the outcome of the inquiry is still uncertain at this point.

Communities should not feel powerless. They deserve to have a planning system in which they have a statutory voice. I urge the Scottish Government to adopt the proposed reforms and restore balance to the planning process. I ask for the support of the Citizen Participation and Public Petitions Committee in advancing the petition.

**The Convener:** Thank you, Mr Burnett. That was commendably concise.

**Brian Whittle (South Scotland) (Con):** Thank you, convener. I will also try to be commendably concise.

**The Convener:** That would be appreciated.

**Brian Whittle:** I begin by commending the petitioners and everyone else who has contributed as the petition has progressed. I am a South Scotland MSP, and, like Mr Burnett, my mailbag and surgeries are full of people who are concerned about the level of development that is

happening in their communities. Ultimately, the petition is about how we balance the national imperative to reduce our vulnerability to volatile and finite fossil fuel resources against ensuring that communities who will have to live in the shadow of that infrastructure are not overwhelmed by it.

It is clear to me that we do not have that balance right. As the petitioners have highlighted in their submissions, all too often communities feel that they are fighting an uphill battle to be heard during the planning process. The complex and bureaucratic planning process for such infrastructure is not something that any group of individuals can take on easily. The costs are high, both in time and money, and the return on all that investment can end up being little more than an automated acknowledgement of receipt email from a Government department.

Some developers go above and beyond to engage with communities and alter their plans to try to accommodate local concerns, but that is often the exception rather than the rule. In many cases, people challenge development not because of a blanket opposition to it, but because they want to understand how it will affect them and to be confident that their concerns are understood. The current approach to planning is simply not equipped to offer any of that certainty, and there is no question in my mind about the fact that the planning process could and should be improved. The best day to improve it, of course, was yesterday.

I gently urge the committee to consider holding a debate in the chamber on the petition, which would allow members of all parties who are dealing with these issues to stand up for their constituents.

10:00

**The Convener:** Thank you, Mr Whittle. I commend Tim Eagle, Rachael Hamilton, Douglas Lumsden and Tess White, who all hoped to be able to address the committee. Tim Eagle has tabled a written submission, as have Russell Findlay, Finlay Carson and Emma Harper. There is a considerable degree of interest from colleagues in the matter. It has been suggested that a debate be held in the chamber on the subject, but I wonder whether members have other suggestions for action.

**Fergus Ewing:** The evidence that we have heard from other MSPs but, above all, from people throughout Scotland is that communities feel swamped and overwhelmed. Community councils—although they are statutory consultees—feel that they are ignored, that their voice is not heard and that decisions will be taken

by the Scottish Government regardless. That was the predominant view at a meeting in the Highlands in the summer, which was attended by 10 elected parliamentarians and 300 people representing 60 of the more than 100 community councils; many that were not represented are moribund—not functioning. I have no hesitation in saying that the minister must come to the committee to give evidence and explain herself.

I add that, until such time as there is in Scotland an energy policy—at the moment, we lack such a policy—to set out what we need when it comes to a properly balanced grid, including an analysis of the baseload and back-up that are required, it is like trying to wrap a Christmas present without having enough paper. You simply cannot function when the wind does not blow or the sun does not shine. Storage is hopelessly inadequate. The interconnector failed and there was nearly a blackout in Britain on 8 January.

The situation is parlous. There is no energy policy in Scotland. The questions of how much wind energy is enough and how much is too much scarcely ever seem to be asked in this place. We therefore need the energy minister to come here and answer a variety of questions, in what I think would be a very long session.

**The Convener:** Fergus Ewing has proposed that we invite the Cabinet Secretary for Climate Action and Energy to attend a meeting of the committee. Are colleagues content to support that suggestion?

**Members indicated agreement.**

**The Convener:** We will keep the petition open, seek a meeting with the cabinet secretary and make sure that all members who have expressed an interest in the petition are aware of when that session will take place. At my discretion, one or two may be able to put some questions to the cabinet secretary at that time.

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

**The Convener:** We will now revert to the original order, PE2109, which has been lodged by Brian Shaw on behalf of the Ness District Salmon Fishery Board, calls on the Scottish Parliament to urge the Scottish Government to impose a moratorium on any further development of pumped storage hydro operations on Scottish lochs that hold wild Atlantic salmon until the impact of such developments on wild Atlantic salmon migrations is understood.

I apologise for the rather long introductory note that I must read out.

We last considered the petition on 27 November 2024, when we agreed to write to the Scottish

Government, major developers of pumped storage schemes, including Scottish and Southern Electricity Networks, and the United Nations Educational, Scientific and Cultural Organization centre for water law, policy and science.

In its response, the Scottish Government states that the environmental impact assessment regulations envisage that, for large infrastructure projects, significant environmental effects are more likely to occur, but that the regulations require that ministers must determine the application in the knowledge of what significant effects are likely to occur, taking into consideration any mitigation measures that might form part of the development or be secured by the conditions of any consent. At the conclusion of the EIA process, consideration of any likely significant effects forms part of the planning balance.

In its response, the UNESCO centre for water law, policy and science states:

“While there are some very good reasons to support”

pumped storage hydro,

“there are also grounds to pause and consider alternatives.”

It describes the benefits of PSH, which include grid balancing, reducing the need for carbon emissions, energy security and job creation, but states that

“the proposals ... represent huge interventions in our landscapes and”

rivers, and it considers that

“If any or all of these threaten the dwindling populations of ... Atlantic salmon, the impacts will be cumulative year by year, and could ultimately lead to species losses.”

The centre also states:

“Protected species and habitats will inevitably be adversely impacted by the various PSH proposals under consideration.”

The submission from SSE Renewables provides information about its experience with pumped storage hydro technology through the Foyers power station at Loch Ness. It also highlights research and monitoring that found “no observed impact” on the flow of smolts at Foyers.

In its response, Glen Earrach Energy—I am getting an admonishing look from Mr Ewing in relation to my pronunciation of “Earrach”—shares that it is undertaking relevant work with the petitioners group, the Ness District Salmon Fishery Board; NatureScot; the Scottish Environment Protection Agency; and the Highland Council. That work has included a smolt tracking study to understand smolt behaviour in Loch Ness.

Similarly, in its response, Statkraft highlights work that it is undertaking with the Ness District Salmon Fishery Board on smolt tracking.

I do apologise—this is quite a long introduction. The petitioner has provided a written submission that highlights the findings of the computational fluid dynamics study on Loch Ness, which was set up to examine the cumulative impact of pumped storage on the hydrology and temperature regime. The submission states:

“The effect on Loch Ness is profound with cold water currents crossing the loch, changes to the temperature profile, including at depth, and the formation of a vortex in Dores Bay.”

Edward Mountain MSP has provided a written submission noting his entry in the register of members' interests, which shows that he owns part of a wild salmon fishery. Well, I have to say that we have never seen the benefit of that here. [Laughter.] I shall have to pursue that separately. He also wishes to put on record the fact that he managed fisheries on the Ness and Loch Ness until 2006.

In his submission, Mr Mountain states that “Wild Atlantic salmon in Scotland are in serious decline”, and he believes that

“pump storage at Loch Ness has proven that there are real threats to the environment that have not yet been fully evaluated.”

He suggests that, “as a precaution”

pumped storage hydro schemes

“should not be allowed unless it can be proved that the overall temperature of the loch and indeed the surface temperature does not increase, or affect migratory fish.”

With apologies for that very long preamble, I wonder whether colleagues have any comments or suggestions as to what we do next.

**David Torrance:** In the light of the evidence, I wonder whether the committee would consider writing to SEPA and NatureScot to ask what information they hold on the impact of pumped storage hydro on wild Atlantic salmon and how that is considered when they provide comment on planning applications in their role as statutory consultees.

I also wonder whether the committee would consider writing to the Cabinet Secretary for Climate Action and Energy to note the committee's disappointment with the Scottish Government's recent response, as it fails to address the committee's concerns about how the cumulative impact of pumped storage hydro is monitored and assessed, and to ask for further information on that point.

**The Convener:** Thank you, Mr Torrance. That was very helpful. Do members have any other comments?

**Davy Russell:** This is not new. Pumped storage schemes have been going for 70 years now, especially in the Highlands, Norway and other such countries, so there must be enough data to show whether they are having a damaging impact on the environment and the affected species. As it is not a new issue, there must be enough information there. I am at odds as to why there does not seem to be, given that, as I said, hydro schemes have been around for 70 years, in various shapes and forms.

**Fergus Ewing:** Mr Russell makes a fair point—these things are certainly not new. What is perhaps a bit different about the situation facing those with an interest in Loch Ness is the cumulative impact of several proposals. If we were talking about just one or two, that would be one thing, but there are several. The companies that have replied have defended their own proposals, but that is not really what the main concern is—it is the cumulative impact of numerous proposals.

I support Mr Torrance's recommendation, but I make the additional request that, as well as the impact on wild salmon, the minister also considers the other potential impacts, including on water levels and on users of the loch and the Caledonian canal.

At the weekend, I heard concerns in the constituency that I represent that water levels could be seriously depleted during certain periods of the operation of the intended pumped storage scheme. I do not know whether that is the case, but if that happens, an awful lot of the existing businesses that survive by providing boat trips in Loch Ness, or fishing and leisure craft, will be affected, as will those who use the Caledonian canal. They were there first, so they are entitled to have their interests considered.

I added that because the petitioners have raised a particular concern, but there are other issues, too. I should declare that I know Mr Shaw. I have engaged with him, and I know that he adopts a very forensic approach.

**The Convener:** How would we accommodate that along with Mr Torrance's recommendation?

**Fergus Ewing:** We could perhaps just add it to the letter to the minister.

**The Convener:** Are members content with that?

**Members indicated agreement.**

#### **Wild Wrasse (Protection of Stocks) (PE2110)**

**The Convener:** PE2110, which was lodged by Charles Millar, calls on the Scottish Parliament to urge the Scottish Government to develop and introduce a statutory fisheries management plan that is focused on protecting wild wrasse stocks in Scottish waters, beginning with a data collection

exercise and the introduction of precautionary fisheries management measures ahead of the next fishing season, which commences in May 2025—obviously, the petition was lodged some time ago.

We previously considered the petition on 30 October 2024, when we agreed to write to the Scottish Government. In particular, the committee was keen to find out what consideration the Scottish Government had given to the total allowable catch limits on commercial wrasse fishing and what discussions it had had with the UK Government on the development of its wrasse complex fisheries management plan, including the potential to develop similar measures in Scottish waters.

In its response of 24 December 2024, the Scottish Government indicates that it has no plans to introduce a total allowable catch limit for each of the five species of wrasse. It points to overall catch limits being applied in Norway, but it considers that, since that approach is based on a fixed point in time, it is not a valid measure of sustainability. Additionally, the Government highlights an unintended consequence of Norway's catch limits, whereby fishers seek to land as many fish as possible before the overall limit has been reached.

The petitioner considers that a daily or weekly catch limit could be set to prevent all the fishing effort taking place at the start of the fishing season. The Scottish Government's response also mentions that it is co-funding a PhD research studentship to investigate the appropriate principles of possible catch rules for wrasse species.

Regarding engagement with the UK Government, the Scottish Government states that it set out the selection criteria that were used for the first fisheries management plans in the joint fisheries statement. Additionally, the Government has commissioned the Seafish industry authority to undertake initial scoping work to help inform Scotland's approach to FMPs for non-quota species, including wrasse. That work involves engagement with the UK Department for Environment, Food and Rural Affairs.

As recently as June, the Scottish Government published the "Regulated commercial use of traps/pots to catch wrasse in Scottish inshore waters: Fisheries Assessment". In response to that assessment, the petitioner welcomes the fact that wrasse fishery is now closed in special areas of conservation and in some nature conservation marine protected areas. However, he is disappointed that the assessment still does not include a total allowable catch stock assessment or anything relating to managing the fishery outwith those areas.

We have received a very late submission from the Cabinet Secretary for Rural Affairs, Land Reform and Islands—it arrived yesterday. That is quite difficult, as we have not had time to properly consider it ahead of the petition, but it touches on some of the matters that I detailed in my preamble. Do colleagues have any suggestions as to how we might proceed?

**David Torrance:** In the light of the evidence and the Government's response, can we consider closing the petition under rule 15.7 of standing orders, because the Scottish Government has stated that it has commissioned initial work to inform Scotland's approach to fisheries management plans for non-quota species, including wrasse? The wrasse fishery is now closed in special areas of conservation and in some nature conservation marine protected areas. Although the Scottish Government currently has no plans to introduce a total allowable catch limit for wrasse, it supports research into appropriate principles for possible catch rules for wrasse species.

**Fergus Ewing:** I agree with the proposal. Perhaps unusually, the Scottish Government's responses have been pretty thorough and well argued. The marine directorate has provided a great deal of information and contradicted some of the claims that the petitioners had made in recent submissions. In particular, the Government's statement has clarified that new management measures that were introduced in 2021 apply across Scottish waters, not only to SACs and MPAs. To be fair, the petitioners have had a thorough kick of the ball, and it is open to them to come back in the next parliamentary session if they feel that matters need to be considered again.

**The Convener:** Are colleagues content to close the petition?

**Members indicated agreement.**

**The Convener:** We thank the petitioners for their work. We close the petition, but the on-going situation can be monitored and returned to in the seventh parliamentary session.

#### ScotRail (Peak Fare Pricing) (PE2120)

**The Convener:** PE2120, which was lodged by Tam Wilson on behalf of the Scottish Trades Union Congress, calls on the Scottish Parliament to urge the Scottish Government to permanently remove peak fare pricing from ScotRail services. I express appreciation to all those who have contributed further evidence to the committee on the matter. The committee will be aware of the action that the Scottish Government has subsequently announced. In the light of that, and given that the petition's objective has been

achieved, are colleagues content to close the petition?

**Members** *indicated agreement.*

**The Convener:** We congratulate those who have been associated with the petition's aims and note its achievement.

## New Petitions

### Primitive Goat Species (Protected Status) (PE2151)

10:16

**The Convener:** The first new petition for consideration is PE2151, lodged by Kenneth Erik Moffatt, which calls on the Scottish Parliament to urge the Scottish Government to help ensure the survival of primitive goat species in the Scottish Borders by granting them protected status. I believe that the petitioner may be with us, and I invite any colleagues who wish to address the committee in relation to the petition to come forward.

The Scottish Parliament information centre briefing for the petition highlights NatureScot's position regarding what the body terms "feral goats". Although NatureScot has indicated that some Scottish feral goat herds have been established for a long time and might be described as naturalised, it considers feral goats to be an invasive non-native species that has the potential to cause serious damage to habitats by way of overgrazing, for which reason they have to be managed. However, NatureScot recognises that feral goat herds are held in affection by people and often have strong local cultural links.

In its initial response to the petition, the Scottish Government makes it clear that it has no plans to provide full legal protected status for primitive goats. The Government echoes NatureScot in supporting the reduction of feral goat numbers to prevent damage to habitats or forestry, in a similar way to how deer populations are managed. Regarding the specific circumstances in the Scottish Borders, the Government submission states that it is for landowners to consider how any reduction in the feral goat population should be achieved in practice.

It is worth noting that the Scottish Government acknowledges that feral goats might have some positive benefits for biodiversity, such as providing food for eagles and carrion feeders and, more important, preventing open habitats from scrubbing over, with goats having already been used for that purpose in Tentsmuir in Fife.

We have received a submission from the Wild Goat Conservation Trust in support of the petition. It argues that granting protected status to wild goats would enable regulation of numbers through licensing, so that there would always be a healthy herd of wild goats in balance with the rest of the upland wildlife.

In additional submissions, the petitioner provides extensive evidence on primitive goat

herds' unique nature, and he objects to NatureScot and the Scottish Government's use of the terms "feral" and "invasive" as opposed to "wild". In his view, those terms mischaracterise the importance of an endangered species and make it easier to oppose the granting of protected status. The petitioner also deplores what he calls the "overzealous culling"—his words—of wild goats in the Langholm and Newcastleton hills, which he sees as unethical and unsustainable.

We have received a submission in support of the petition from our colleague Emma Harper, and we are joined by our colleagues Rachael Hamilton and Craig Hoy. I invite them to offer the committee any pearls of wisdom ahead of our consideration of the steps that we might take. I take it that Rachael Hamilton will go first.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Thank you for the welcome, convener. I thank Kenneth Moffatt for lodging the petition. He is not able to make it today, but I welcome members of the Wild Goat Conservation Trust.

In March 2023, an investment company called Oxygen Conservation acquired 11,000 acres of Langholm moor to protect and promote carbon sequestration and generate carbon credits. In February this year, the same company culled more than 80 per cent of the herd of ancient wild goats during the breeding season, which prompted widespread concern across the local community.

Not only are the goats ecologically significant, they form part of the cultural and natural heritage of the Scottish Borders. They have roamed freely between Langholm and Newcastleton for centuries, contributing to the biodiversity of the uplands and attracting visitors from across the country.

As committee members will be aware, despite their long-standing presence, wild goats have no legal protection in Scotland. The Scottish Government has stated that it has

"no plans to provide full legal protected status for primitive goats, or feral goats".

Unlike other species, such as pigeons or parakeets, the goats can be culled during the breeding season with no safeguards for pregnant or nursing animals. Such a lack of statutory protection leaves them vulnerable to actions that can severely impact herd viability.

The recent cull has highlighted the fragility of their status, and more than 13,000 people have signed PE2151, which calls on the Scottish Parliament to urge the Government to grant protected status to primitive goat species in the Borders. Their message is clear—these animals matter and their future must be safeguarded.

Concerns about landscape damage, as highlighted by the convener, or about population control are not supported by the evidence. Goat numbers have remained broadly stable across Scotland, and they are easier to manage than deer. With traditional livestock numbers declining in upland areas, wild goats might even help to fill ecological gaps. Losing the herd would be a loss not only to biodiversity but to the identity of the Langholm and Newcastleton communities.

The Parliament has the opportunity to act now by reviewing the Wildlife and Countryside Act 1981, which, because of their non-native status, excludes goats from protection. We must consider changes that reflect their ecological role and cultural value and extend appropriate safeguards, particularly during the breeding season, to ensure their continued presence in the Scottish Borders. Thank you for listening.

**Craig Hoy (South Scotland) (Con):** I am attending alongside Rachael Hamilton to speak in support of the petition lodged by Kenneth Moffatt, which reflects the real sense of public anger and concern at the culling of wild goats by Oxygen Conservation in February. The petition was signed by more than 13,000 concerned citizens, which is, I believe, one of the largest-ever groups to petition the Parliament and the committee.

The Langholm goats have grazed the hills peacefully and quietly for generations without any significant issues, and with careful and sensitive management. If anyone wants to know more about the history of the goat population in Scotland, I note that the committee has listed on its website a reference to the paper "The 'Poor Man's Mart': history and archaeology of goats in Scotland", which was authored by Catherine Smith and is useful for putting the issue into context.

In February, we saw those with outside commercial interests go too far in a rush after maximum financial return. They dramatically reduced the goat population for entirely the wrong reasons, and they did so without undertaking proper and meaningful community consultation. The petition that we see before us reflects the community's response. Worse still, alternatives such as fencing around tree planting or working more closely with neighbouring landowners, including the Tarras valley nature reserve, were not properly explored.

Companies such as the natural capital organisation Oxygen Conservation need to better understand the need to work in partnership with communities in the Scottish Borders and Dumfriesshire rather than work against them, which is what has occurred in this instance. NatureScot and other bodies should not turn a blind eye when those commercial entities do not take cognisance of community concern. Sadly, in

this case, I think that NatureScot has done so and that it is too remote and bureaucratic. I encourage the committee to explore that directly with NatureScot.

My constituents feel that, in the case of the hundreds of wild goats that graze the 30,000 acres between Newcastle and Langholm, NatureScot came down on the side of big commercial and corporate interests rather than serving the local people, who care deeply about their local landscapes and their ecosystem. That reflects the fact that the present processes fail to recognise or understand the strength of local feeling. They fail to recognise and understand how important it is to the local community that the goats are free to roam the Langholm hills. Therefore, anything that the committee can do to address that imbalance must be explored.

The petition makes a strong case for more robust protection measures and processes for locally important species, such as the wild goats of Langholm moor. As Rachael Hamilton said, without some form of designated protection, it is clear that NatureScot and other bodies will not intervene in such cases. In future, important local heritage and biodiversity could be lost. I therefore ask the committee to urge the Scottish Government to grant protected status to this primitive goat species—or, as the goats are described by the popular local newspaper, the *Eskdale & Liddesdale Advertiser*, “our feral friends”.

**The Convener:** That is the dead hand of NatureScot—sorry, my prejudice has been provoked again. At times, I find it difficult to understand what the connection is between NatureScot and the people on the ground and in communities. Do colleagues have any thoughts or suggestions?

**David Torrance:** Believe it or not, I have been climbing to the Grey Mare's Tail for many years and I have spent many hours watching the goats there, which has brought great pleasure not only to me but to every scout I take up during the summer holidays. I have a personal connection with the goats at the Grey Mare's Tail.

Will the committee consider writing to the UK Joint Nature Conservation Committee to seek its views on the matter and writing to the Scottish Government to seek clarity on how it plans to ensure the survival of primitive goat species, given its acknowledgment of their benefits to biodiversity?

**The Convener:** We could couple that with a reference to the fact that the petition has attracted an unusual degree of public support and we could draw attention to the number of individuals who have supported it. We could also reference the

fact that some of the evidence that the Scottish Government apparently believes NatureScot has acted on has been directly challenged by those in the communities, who I imagine know more about the subject than NatureScot does.

**Fergus Ewing:** To follow on the theme of commenting on NatureScot, it seems that all species are equal, but some are more equal than others. Goats seem to be the species that does not merit any care or attention from NatureScot. Why that is the case is completely baffling, but NatureScot could no doubt explain it. I suggest that we ask NatureScot to explain why goats are apparently not worth anything as a species, and on what value judgment basis it has come to that apparent conclusion.

I want to pick up on a point that Lynda Graham made in her submission on 27 August, which is that, unless there is grazing of moorland upland by cattle, sheep or feral goats—I am told that the cattle and sheep have gone, which just leaves the goats—a fire load of tinder will be created. We have seen that in my constituency with the largest recorded wildfire in Scotland's history—in Dava, Carrbridge and Lochindorb—and also, I gather, with fires in the Borders during the Easter period.

10:30

I am told that in the local press—perhaps the august journal that Mr Hoy mentioned as well as others; I do not know—the fire service has expressed concern that, unless there is grazing, vegetation will increase the propensity for fires to become even more serious than they have been in the past.

Therefore, I would be grateful if we could write to the chief of the Scottish Fire and Rescue Service to ask whether the service has a view on the desirability of moorland being subject to grazing. After all, it seems to be a pretty obvious and sound management practice, although, again, it is a practice that seems to have gone by the attention of NatureScot.

**The Convener:** Are we all content to proceed on that basis?

**Members indicated agreement.**

**The Convener:** I thank our colleagues for coming along. You will be pleased to hear that we are keeping the petition open and are acting robustly in light of the evidence that you, the petitioners and all those who have supported the petition have brought to the committee.

#### **Council Tax (Single Person Reduction) (PE2153)**

**The Convener:** PE2153, which has been lodged by Lisa Williams, calls on the Scottish

Parliament to urge the Scottish Government to reduce council tax by 50 per cent for single persons.

The SPICe briefing for this petition explains that most single-person households receive a 25 per cent council tax discount, which is also available if only one person living in a property is liable for council tax. Additionally, the Scottish Government's response explains that, apart from the single-person discount, there is the council tax reduction—or CTR—scheme, which is designed to reduce the council tax liabilities of any household based on an assessment of income, capital and other circumstances. The Government indicates that currently more than 450,000 households in Scotland benefit from the scheme, and it encourages the petitioner to reach out to their local council to check their eligibility for CTR.

The Scottish Government and COSLA are undertaking a joint programme of engagement to consider potential council tax reform, aimed at improving fairness and sustainability. The Government suggests that the evidence gathered as part of that engagement work will form the basis of a Scottish Parliament debate in early 2026, with a view to informing the Parliament in the next session of the findings and potential directions for reform of the wider council tax system. However, I note that the minister concerned has already suggested that there will be a revaluation of council tax for properties in the next session, which, I would have thought, might have its own consequential issues.

Do members have any comments or suggestions for action?

**David Torrance:** In light of the evidence in front of the committee, I wonder whether the committee would consider closing the petition under rule 15.7 of standing orders on the basis that, in addition to the existing 25 per cent single person discount, the Scottish Government's council tax reduction scheme can provide additional council tax relief to those eligible to receive it. The Scottish Government has also committed to having a parliamentary debate in 2026, following its joint work with COSLA, with a view to informing Parliament in the next session and suggesting potential directions for council tax reform.

**The Convener:** Are we content with that suggestion, in light of the strong direction that has been given by the Government and our inability to take the issues raised in the petition forward?

**Members indicated agreement.**

**The Convener:** We thank the petitioner, but she will understand that there is little that we can do in light of the very direct view expressed by the Scottish Government.

## Battery Energy Storage Systems (Planning Advice) (PE2157)

**The Convener:** We move to PE2157, which has been lodged by Ben Morse on behalf of Cockenzie and Port Seton community council. The petition calls on the Scottish Parliament to urge the Scottish Government to update the advice for planning authorities when considering applications for energy storage and ensure that it includes clear guidance about the location of battery energy storage systems—or BESS—by setting out a minimum baseline level of practice around the location and proximity of such systems in relation to residential properties, public buildings and community amenities.

The SPICe briefing states that BESS use lithium-ion batteries to store electricity at times when supply is higher than demand. BESS are generally considered to be grid-scale systems, often over 100MW in capacity, which can release electricity when needed. The briefing also makes reference to the common concern about the potential fire risk of lithium-ion batteries, with a number of examples of BESS fires but with no reliable, publicly accessible record of the number of such fires.

The Scottish Government's response mentions commissioning consultants in April 2025 to produce planning guidance on battery energy storage systems, and it anticipates that that work will be completed this autumn. The guidance is intended to promote good practice in determining BESS applications and to set out information on other relevant regulatory regimes that are applicable to BESS in Scotland.

The Government also makes reference to existing and well-established consenting procedures for renewable energy and electricity grid infrastructure, which include consideration of residential amenity and cumulative impacts. The Government's position is that, although national planning framework 4 stipulates that the potential impacts on communities and nature are important considerations in the decision-making process for energy projects, it is for the decision maker to determine on a case-by-case basis what weight to attach to NPF4 policies, with all applications being subject to site-specific assessments.

In an additional submission, the petitioner further argues that rigorous guidelines on the suitability of BESS sites would provide immediate clarity to the consenting and planning process and ease the burden on local authorities and communities. The petitioner insists that the Government has not addressed the central question that has been posed by his community, which is to do with the appropriate level of proximity of BESS sites to communities such as

his, in light of concerns regarding the lack of safety and emergency procedures, noise and loss of amenity or agricultural land.

Before I invite members to comment, I declare an interest in that I have an active case in my constituency, where I am challenging the criteria by which approvals have been granted. That is very similar to the aims and objectives that have been raised by the petitioner, so I place that interest on record. Do members have any comments or suggestions for actions?

**David Torrance:** I wonder whether the committee would consider writing to the Cabinet Secretary for Climate Action and Energy to ask for an update on the work to produce planning guidance on battery energy storage systems, including the Scottish Government's view on any additional recommendations. I also wonder whether it would ask for clarification by the Scottish Government on its position regarding concerns that were further highlighted by the petitioner's additional submission, particularly the point on the proximity of BESS to communities.

**Fergus Ewing:** I support Mr Torrance's recommendation, and I add that guidelines to assist local authorities would be of clear benefit, because they presently do not have them. There is a degree of concern about the fire risks, but in the absence of the Government providing any guidelines or analysis of the work that is being done, which is to be completed in the autumn, local authorities have one hand tied behind their back and are in a very unenviable position.

I hope that the Scottish Government acts more swiftly than it normally does. You said that the work that Ironside Farrar is doing is to be completed this autumn, which is around about now, given that the leaves are falling from the trees. Let us see the guidelines and get on with it, because they are required for many reasons that the petitioners have identified.

**The Convener:** I wholly agree with that. There are a lot of live applications around the country, because many developers are seeking to establish sites. There is concern that the volume of sites that are being identified and progressed through the planning process is wildly in excess of the potential immediate requirement. Since most of the sites that are being established will create a new base of energy storage, many of the risks that are associated with them are as theoretical as the practice of the storage itself, which has not been around long enough. However, we know that there have been fires in other parts of the country and the world where such sites have been established.

A framework is needed fairly urgently. As Mr Ewing said, local authorities that are predisposed to look favourably on environmentally friendly

forms of future energy generation are erring on that side over the concerns of people in the community and the potential unknown risks that are yet to be properly quantified.

**Davy Russell:** Another thing is that, because most of the sites have over 50MW of storage, local authorities are bypassed. They consult with local authorities, but such sites are primarily placed into the same category as wind farms, so local considerations are not fully taken on board.

**Fergus Ewing:** Also, I do not think that they provide many jobs. I could be wrong, but that is what I have heard anecdotally. Therefore, the benefits are unclear—apart, possibly, from those with regard to storage capacity.

**The Convener:** They are also not lovely to look at. We will keep the petition open and we will seek to expedite Government guidance on all this on the basis that there are many live applications and that we are concerned that, in the absence of guidance, consideration of local concerns and unknown consequences arising from battery storage plants are not being properly accommodated or reflected.

#### **Hot Liquids in Childcare Settings (Maximum Temperature) (PE2158)**

**The Convener:** PE2158 calls for the introduction of a maximum temperature for serving hot liquids to children in childcare settings.

The SPICe briefing tells us that existing legislation sets out the temperatures at which foods must be cooked and maintained but not the maximum temperature at which foods, or indeed liquids, should be served. In line with their responsibilities under the Health and Safety at Work etc Act 1974, local authorities set their own temperatures for serving food in schools. My apologies, but my note does not actually tell me who lodged the petition.

**Fergus Ewing:** It was lodged by Terri Gunning.

**The Convener:** Thank you. The Scottish Government states that it has carefully considered the issues raised in the petition with key partners and considers that current guidance in this area is appropriate. In October 2024, the Scottish Government published "Setting the Table: Nutritional standards and practical guidance for early learning and childcare providers in Scotland", which was produced by a working group consisting of national statutory bodies, clinical and nutritional experts, and ELC sector representatives. The guidance states that food should not be served to children at the temperature at which it needs to be cooked. Instead, it should be left to cool a little in a safe

area, away from children, and it should be tested by tasting before serving.

The Care Inspectorate, with which the Government has engaged, has reinforced the message in the public guidance, indicating that ELC staff should not assume that food that comes from the kitchen is ready to be served immediately. The Scottish Government has made it clear that it expects all ELC providers to adhere to all duties and guidance relating to food provision, in order to ensure the safety of children in their care. Do members have any comments?

**David Torrance:** In the light of the evidence before the committee, I wonder whether the committee would consider closing the petition under rule 15.7 of standing orders, on the basis that current guidance advises leaving hot food to cool in a safe area and testing it before serving; the fact that most local authorities have set temperatures for serving food; and the fact that the Scottish Government expects all early learning and childcare providers to ensure the safety of children in their care and to adhere to all duties and guidance relating to food provision.

**The Convener:** Thank you, Mr Torrance. Are colleagues content with that suggestion?

**Fergus Ewing:** I do not think that there is any alternative, given the time that we have remaining in the parliamentary session. I just point out that the petitioner's daughter was scalded, badly injured and scarred for life as a result of eating soup in a nursery. I would think that children in kindergartens and nurseries are particularly vulnerable, because they are not able to assess risks in the way that older children can. Therefore, in supporting Mr Torrance, I wonder whether we might also write to the minister to ask that reminders be issued, through the appropriate authorities, to those in charge of nurseries and kindergartens in particular with regard to this risk.

That particular family was denied any redress because there was a lack of guidelines. I think that the Care Inspectorate, rather disingenuously, pointed to the lack of guidance as indicating that it could not do anything for the family. In itself, that seems pretty pathetic and absurd, but, be that as it may, you cannot help but feel sympathy for the predicament that those parents found themselves in. As Mr Torrance says, the recommendation is that food be left to cool, but, plainly, that recommendation was not followed in that case, and maybe there are other cases, too. Therefore, reminders to those who run these establishments would not go amiss, if the minister wants to be proactive about it.

**The Convener:** Those are fair points, and I am happy to incorporate them with the suggestions

from Mr Torrance. Does the committee agree to that?

**Members indicated agreement.**

### **Play Parks (Prevention of Filming and Photographing by Strangers) (PE2162)**

**The Convener:** Our penultimate new petition is PE2162, which was lodged by Sharon Glen and Alex O'Kane. Colleagues will recall that Alex O'Kane is also the petitioner in relation to the child violence petition that we discussed earlier. The petition calls on the Scottish Parliament to urge the Scottish Government to make it illegal for strangers to film or photograph children in public play parks.

10:45

The SPICe briefing explains that it is not illegal to take photographs or film video footage in public places, unless for criminal purposes. It is possible, however, for the police to charge an individual who behaves in that manner, under existing provisions for offences. There exist both a common-law offence and a statutory offence of breach of the peace. Under either offence, the police do not require to know or prove the intended use of any photographs or footage; the behaviour itself can be enough to constitute an offence.

The Scottish Government's response to the petition highlights Police Scotland's statement on the issue earlier this year. That statement notes that Police Scotland is aware of concerns being shared on social media about filming in and around play parks, and that individuals have been charged with alleged offences of breach of the peace in connection with some incidents. The statement explains that police officers balance the rights of people to film with the potential to cause fear or alarm, and that they make decisions based on individual circumstances. The statement also explains that a small number of unconnected reports of filming were found to involve parents filming their own children, or other individuals who were not filming children, and no criminality was established.

The Scottish Government response states that, although it may be possible to create a specific offence, it is not clear what in practice any such offence would provide to the police, prosecutors and courts in terms of powers that they do not already have, using existing mechanisms, to address the inappropriate filming or photographing of children in public places.

The petitioners have provided the committee with two written submissions that outline their concerns. The first submission shares their view that the current arrangements fail to properly protect children. It states that the current

legislation was not designed, and has not evolved, to consider the fact that most people carry phones with video and photography capability. The petitioners suggest that photography and videoing be either prevented entirely or conditionally permitted as long as the police have new powers to investigate and reasonable explanations are given by those who are questioned. The final written submission suggests that we consider the possibility of signage being put in place in play parks to ask that no videoing or photography take place.

Do colleagues have any suggestions as to how we might proceed, or any comments?

**David Torrance:** In light of the evidence that is in front of us from the Scottish Government and Police Scotland, would the committee consider closing the petition under rule 15.7, on the basis that the Scottish Government has no plans to take forward the action that is called for in the petition? The police are required to balance the rights of people to film with the potential to cause fear or alarm, and they make decisions that are based on individual circumstances. It is possible for the police to charge an individual for inappropriate filming or photographing of children under existing offences, and existing mechanisms allow for individuals to be charged with a breach of the peace for inappropriate filming and photography. The Scottish Government submission shows, with examples from earlier this year, that that power has been used.

**The Convener:** Are there any other comments? If not, given the direction from the Government in relation to the use of existing powers, as opposed to creating a specific additional offence, are we content to close the petition? Otherwise, it might be quite a large piece of work for the committee to adequately pursue at this stage in its life. I am therefore minded to accept David Torrance's suggestion but perhaps also to suggest to the petitioners that the Parliament in the next session might have an opportunity to look at the issue in a little more detail. Given the Government's assessment of existing powers, are we content to close the petition?

**Members indicated agreement.**

**The Convener:** We thank the petitioners and I hope that they will have noted the accompanying remarks that have just been made.

### Scottish Public Services Ombudsman (Neurodiverse People) (PE2161)

**The Convener:** Our final petition for consideration is PE2161, which was lodged by Ivor Roderick Bisset, who had hoped to be with us this morning but is not well enough to be present. The petition calls on the Scottish Parliament to

urge the Scottish Government to amend the Scottish Public Services Ombudsman Act 2002 to allow for the complaints period for people with cognitive disabilities to be extended to two years.

Section 10 of the 2002 act sets out the time limits and procedure for complaints. It states:

"The Ombudsman must not consider a complaint made more than 12 months after the day on which the person aggrieved first had notice of the matter complained of, unless the Ombudsman is satisfied that there are special circumstances which make it appropriate to consider a complaint made outwith that period."

The SPSO website states that special circumstances can include demonstrating a good reason to delay because of health or personal difficulties, such as a defined disability that impacts upon daily living tasks and functioning.

The petitioner had applied for a time extension from the SPSO believing that he would get a reasonable adjustment under the Equality Act 2010, on the grounds that he is neurodivergent. However, his request was rejected.

The Scottish Government's response shares the SPSO's position that decisions on special circumstances are made on a case-by-case basis, with guidance available to decision makers. Its submission states that if the SPSO decides not to waive the time limit, that decision is subject to the SPSO's review process under which the decision can be looked at again and which provides an opportunity for a complainant to supply new information. The Scottish Government is therefore of the view that the current legislation has a degree of flexibility and offers the SPSO a wide range of discretion in deciding whether to waive the time limit, with any such decision also being subject to the SPSO's review process.

Edward Mountain MSP has provided a written submission in support of the petition. Mr Mountain believes there should be a separate category to the existing special circumstances category that allows for people with cognitive disabilities to have their complaints considered outwith the 12-month period.

**Fergus Ewing:** I suggest that we write to the SPSO to ask for further information that it holds on requests for extensions to the 12-month time limit. If that information is unavailable, we should ask for an explanation of how the SPSO can be confident that its policies and processes are working for neurodiverse people, given the issues raised in the petition.

I was made aware by Mr Bisset, whom I commend for lodging the petition, that the process has been difficult for him and has resulted in some pressure and anxiety. That is most unfortunate and would not have arisen had the SPSO exercised the flexibility that it would surely be

reasonable to expect it to exercise. I feel very strongly that that is a fault on the SPSO's part, and it must be called to book. That is what we are here for.

Moreover, the fact that a rejection can be taken to judicial review is phooey. It costs hundreds of thousands of pounds to raise a judicial review. A huge amount of money is involved—massively more than would result from the additional workload for the SPSO if it just exercised flexibility in the first place. I thought that we in Scotland were supposed to be sympathetic to people such as Mr Bisset who have needs related to their neurodiversity. I commend my colleague Mr Mountain for taking the case on, and I hope that we can get some answers from the SPSO to prove that it is not just another unaccountable quango.

**The Convener:** To be fair to the SPSO, I do not think that it says that cases should go to judicial review; it says that its decisions can be looked at again, and that it affords complainants the opportunity to supply new information.

**Davy Russell:** It would be interesting to know how many times the SPSO has extended the time limit.

**The Convener:** I think exactly that, and I am grateful for that suggestion. It was very much on my mind, too.

First, we would ask what the guidance is, because I do not think that it is public. Secondly, we would ask how many times the time limit has been waived in each of the past five years and, on an anonymised basis, what the circumstances were that led to any waivers.

**Fergus Ewing:** The judicial review point was raised by the Scottish Government on page 8 of the annex to the submissions—that is what I was referring to. You are quite correct that there is a process, but it is the Scottish Government that is pointing to an absurd course of action that nobody in their right mind would dream of taking.

**The Convener:** We are grateful to Mr Bisset for lodging the petition. The committee is minded to keep the petition open, and it will proceed as colleagues have variously suggested. Are we content with that?

**Members** indicated agreement.

**The Convener:** That concludes our meeting for today. We will meet again on 24 September.

*Meeting closed at 10:54.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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