TRANSPORT AND THE ENVIRONMENT COMMITTEE

Wednesday 6 September 2000
(*Morning*)

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TRANSPORT AND THE ENVIRONMENT COMMITTEE
† 20th Meeting 2000, Session 1

CONVENER

*Mr Andy Kerr (East Kilbride) (Lab)

DEPUTY CONVENER

*Nora Radcliffe (Gordon) LD)

COMMITTEE MEMBERS

*Helen Eadie (Dunfermline East) (Lab)
Linda Fabiani (Central Scotland) (SNP)
*Robin Harper (Lothians) (Green)
*Janis Hughes (Glasgow Rutherglen) (Lab)
*Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab)
*Mr Kenny MacAskill (Lothians) (SNP)
Des McNulty (Clydebank and Milngavie) (Lab)
Tavish Scott (Shetland) (LD)
*Mr Murray Tosh (South of Scotland) (Con)

THE FOLLOWING MEMBER ALSO ATTENDED:

Sarah Boyack (Minister for Transport and the Environment)

WITNESSES

Dr Gavin Ramsay (Scottish Crop Research Institute)
Dr David Robinson (Scottish Crop Research Institute)
Dr Geoff Squire (Scottish Crop Research Institute)

CLERK TEAM LEADER

Shelagh McKinlay

SENIOR ASSISTANT CLERK

Richard Walsh

ASSISTANT CLERK

Alastair Macfie

LOCATION

The Chamber

† 19th Meeting 2000, Session 1—held in private.

Scottish Parliament

Transport and the Environment Committee

Wednesday 6 September 2000

(*Morning*)

[THE CONVENER *opened the meeting in private at 10:03*]

10:15

Meeting continued in public.

The Convener (Mr Andy Kerr): I welcome members of the press and public to the 20th meeting this year of the Transport and the Environment Committee. I also welcome the Minister for Transport and the Environment and her officials Bridget Campbell, Neil Ingram and Paul Cackette, who are here today to discuss an affirmative Scottish statutory instrument on pollution prevention and control.

I have received apologies from Tavish Scott and Linda Fabiani, who are attending the Holyrood progress group, and from Des McNulty.

Subordinate Legislation

The Convener: We are considering three SSIs today. The first is an affirmative instrument—the Pollution Prevention and Control (Scotland) Regulations (SSI 2000/draft). As members know, the instrument was circulated before the recess together with an Executive covering note. Copies of the Executive's draft guidance relating to the operation of the regulations have also been circulated as paper TE/00/20/4. Members may also wish to refer to the committee covering note on the instrument, TE/00/20/1.

We will follow the standard procedures for handling affirmative SSIs. First, we will allow some time for general discussion and for members to ask questions of the minister and the officials. The minister will then move motion S1M-1047, which may be debated prior to a decision being taken. I remind members that the Executive officials may not contribute to any formal debate after the minister has moved the motion; only MSPs may take part in that debate. The debate must last no longer than 90 minutes. I invite the minister to make any introductory comments that she wishes to make.

The Minister for Transport and the Environment (Sarah Boyack): Given the scale and apparent complexity of the instrument to anyone who is not in one of the industries that is being regulated, it might be helpful if I outline the thinking behind the regulations, which I sincerely hope the committee will be able to pass today. The purpose of the regulations is to bring us into line with European directive 96/61 on integrated pollution prevention and control.

Our existing domestic legislation in this field was used as the guide and model for that directive. Under the Environmental Protection Act 1990, pollution from industry is regulated under the integrated pollution control—IPC—regime for larger and more polluting processes and under the local air pollution control regime for other processes that lead to emissions to air. In Scotland, both those regimes are implemented by the Scottish Environment Protection Agency.

Under the current regime, operators are required to adopt what we call a proportionate response to dealing with pollution, using the best available technology and not entailing excessive costs. The acronym for that is BATNEEC. It enables the central concept of integrated pollution prevention and control—IPPC—to be put into effect. The directive adopts that approach. It requires operators to use the best available techniques, subject to an assessment of their costs and benefits, to prevent or reduce pollution from installations, whether it is to air, land or water.

However, integrated pollution prevention and control—the new regime—goes further than our existing regime and requires operators also to consider the environmental impact of their installations. In particular, energy efficiency and the use of raw materials are new issues added to the agenda as aspects of the operation of installations that the regulator—SEPA—must consider. Not only will those measures bring environmental benefits, but they could, through the more efficient use of energy and raw materials, bring financial gains to the operators, if the facilities are being used more wisely.

The IPPC directive covers the majority of installations that are subject to integrated pollution control and some that are subject to local air pollution control. It also requires regulation of some sectors that have not previously been subject to that type of regulation. To avoid the confusion that could result from operating several parallel regimes at the same time, the regulations cover all installations that are included in the directive and all other installations that are covered by part I of the 1990 act.

The regulations maintain many of the provisions of the 1990 act, but we have taken the opportunity to make some improvements to the system. For example, although the applications procedure is largely unchanged, SEPA is preparing a new set

of simpler and clearer application forms and guidance. People will also be able to submit their applications electronically. I hope that that will be less onerous for the people who are being regulated.

We have also changed the review arrangements for authorisations. Under the 1990 act, authorisations for IPC and local air pollution control must be reviewed every four years. Under the new regulations, the review periods for a specific sector will be determined by SEPA. They will depend on several factors, including sectoral investment cycles and the risk that the process presents to the environment. That will enable a proportionate response for the different mechanisms that need to be controlled.

Another major change is that the directive allows requirements for some types of installations to be set out in general binding rules, which can be used instead of site-specific permit conditions. That is good news for everybody—for the environment, the industry and SEPA. Using that type of rule will reduce the regulatory effort for SEPA and, as a consequence, the fees that are paid by operators. However, it will still ensure the appropriate level of environmental protection. We are keen to develop those rules over the next few years, in collaboration with SEPA and the industry, to determine whether we can improve them further.

The PPC regulations are the result of extensive consultation over the past four years—it is important to be aware of that—involving SEPA, the industry, the trade associations, environmental interest groups and the general public. As a result of those consultations, we have managed to take a balanced approach that takes into account both environmental protection and the concerns that are being expressed by various sectors of the industry.

As Andy Kerr has outlined, these are affirmative resolution regulations and follow a commitment that was made during the passage of the Pollution Prevention and Control Act 1999 through Westminster that any changes that were made to provisions that were previously contained in primary legislation would continue to be subject to affirmative resolution, thus giving the Parliament the chance to scrutinise regulations and to have proper control over any changes to the legislative framework.

When making such substantial changes, we have a clear preference to implement European directives through primary legislation. The alternative would have been to implement the directive through the European Communities Act 1972, but that would have given us a complex arrangement consisting of three different pollution control regimes, which could have led to a lot of confusion. Neither the Confederation of British Industry nor the industry was in favour of such an approach, and we wanted to ensure that the procedure was straightforward.

The Scottish Executive rural affairs department has estimated that around 750 installations in Scotland will be subject to the directive. New installations will be brought into the regime with immediate effect. However, existing installations must be brought in only by the directive deadline of 30 October 2007. To ensure a straightforward transition from the existing regime to the new one, a phased approach is being taken to the implementation of this regime, which will start next spring. The timetable has, in part, been determined by the availability of the European guidance on the best available techniques, and reflects the existing arrangements for the periodic review of permits.

In setting that freezing regime, we have also tried to bring into play other concerns. We recognise the important role that the pig and poultry farming industries play in rural communities and we understand the potential impact of their being brought into play early. We have therefore decided to defer implementation of IPPC for pig and poultry farms until 2007, which, under the directive, is the latest possible time for doing so.

We have also supported the discussions that have taken place between SEPA and farming interests about the development of general binding rules for those sectors as well as for some of the key industries that I talked about earlier. Such development would reduce the regulatory effort for SEPA and the fees that are paid by farmers, while still ensuring a high level of environmental protection. We are working on how to deliver that.

I have one final comment on why we are bringing these regulations to the Parliament. The deadline for implementing the directives was October last year, so we are already running behind time. We are behind a number of member states that have either transposed or implemented the directives. One could say that that was embarrassing for us, because we provided the model for the rest of Europe. However, in Scotland we felt that the detailed consultations that we had carried out over the past year were important. This is a new regime. We wanted to ensure that industry understood it fully and that we were able to debate whether we could change the way in which it was implemented. We felt that the changes to the draft regulations that were made last summer in the light of the consultations were significant enough to justify further consultation, to ensure that the regulations were exactly right.

The Subordinate Legislation Committee has been involved in discussions and has sought reassurances from us about the procedure for

appeal to the sheriff. It has pointed out that the detail of the regulations does not oblige determinations of the Scottish ministers to refer to the appellant's further right of appeal. The committee's view was that regulation 22 should be amended to include a reference to a party's further right of appeal. They have the right to appeal to SEPA, they have the right to appeal to Scottish ministers and, as a last resort, they should have the right to appeal to a sheriff. Although this is not necessary, I am happy to bring forward a suitable amendment to the regulations the next time that we have a chance to do so, which will probably be in six months. Such an amendment will take on board the fact that the Subordinate Legislation Committee felt that the right to appeal to a sheriff should be included in the regulations. We are happy to do that.

I hope that that gives members an idea of how we have arrived at the current position. I am aware that, to those who are not involved in implementing them in industry, these regulations may appear complex, lengthy and detailed. However, SEPA has drafted a practical guide, which has been issued jointly with the Executive. I have made that available to members and I hope that you have been able to look at it. It is important that industry and all those who may be interested in this regime have the opportunity to comment on the draft, which we intend to revise in the light of comments received. I believe that a combination of the implementation of the directive through the regulations and guidance on best practice will help to share experience throughout the UK and across Europe. It will bring about technical developments and improvements that are to the benefit of industry, the environment and local people.

I hope that members are keen to ask questions. If you have questions of a technical nature, this is the best time to ask them, because Neil Ingram will be able to respond in full. If you ask them later, you will be left with me trying to answer them.

The Convener: The word of warning is taken. I had experience of the previous regulations, so I welcome the attempt to clarify them. The guidance paper, with the flow charts and detailed information that it contains, is very useful. The fact that electronic systems are to be used for submissions and so on is a step forward.

As no members seem to have questions, I assume that we are happy with the information that we have received and with the summary, which we have all had a chance to examine. I ask the minister to move the motion.

Motion moved,

That the Transport and the Environment Committee recommends that the draft Pollution Prevention and Control (Scotland) Regulations 2000 be approved.—[*Sarah Boyack.*]

Motion agreed to.

The Convener: I thank the minister and her officials, who got off lightly this morning. We may get you another time.

Sarah Boyack: You have set a lovely precedent, but I am sure that what happened this morning will never happen again.

Genetically Modified Organisms

The Convener: We now move to agenda item 3. We have David Robinson, Gavin Ramsay and Geoff Squire with us this morning. We try to keep these events as informal as we can, but as we seek information from you we will go through the process of asking questions.

You have submitted a paper and we have short biographies of you all, which has been useful. We appreciate your coming along. You have the opportunity to make a short opening statement and we will then move to questions from committee members. Do you wish to make some opening remarks?

10:30

Dr David Robinson (Scottish Crop Research Institute): I will say a few words to begin with. As you will have seen in my biography, I was a member of the Advisory Committee on Releases to the Environment from 1990 until June last year. That gives the perspective with which I will look at the questions that we consider today. I should point out that the time that I was on ACRE was pre-devolution. I cannot comment much on the extent to which things may have changed in the past 18 months or so, but I suspect that they have changed little.

ACRE works by looking at dossiers of information that are provided by applicants who want to release genetically modified organisms into the environment. Those dossiers consist of information about the GMO itself and its release but, most important, include a risk assessment, which is the key document. The risk assessment is intended to analyse the possible causes of harm to the environment that might arise from the release, and to demonstrate that those possible causes of harm have been minimised or eliminated.

One of the difficulties in this area is understanding what is meant by harm to the environment. Clearly an effect on the environment is not necessarily harm because, for example, almost any agricultural operation has an effect on the environment. By harm we mean an unacceptable change to the environment, but the question then arises of what is unacceptable. That question arises throughout risk assessment. We have to try to determine which effects are unacceptable. To ask whether something is safe is not a simple question. Everything carries risks. Even crossing the road carries a risk. We apply risk management to minimise those risks, perhaps by using a zebra crossing, but even so there are risks. In that case, we believe in general that those risks are acceptable, so we call the situation safe.

I wish to emphasise the point that, although science can provide some information about the likely outcomes and the probabilities of different outcomes, it cannot say to what extent those outcomes are acceptable. There is a social or political judgment to be made as to what is an acceptable outcome.

That is probably enough by way of introduction. The paper that we provided contains more detail and background.

The Convener: Thank you. Your paper provided a useful overview.

Robin Harper (Lothians) (Green): Dr Robinson, thank you for your paper, which is fairly clear on the relationship between us as politicians and you as scientists. We have responsibilities as well, and ultimately the value judgments have to come from us. You make the recommendations and give us the science and the facts, but we live in a democracy where responsibility for making judgments does and should remain with politicians.

I volunteered to take on questions on benefits and risks in a general sense, but I will start with some specific questions. A lot of the discussion in newspapers and the popular press has been about pollen drift and effects on insects, but there is another area where genetic modification can affect the environment, and that is in the hidden rhizome area. I believe that the Scottish Crop Research Institute has been doing some research in that area, although I do not know whether that has focused on genetics. Is there any evidence in your research of gene flow into fungi, bacteria and viruses as a result of crop trials that have taken place so far?

Dr Robinson: There is very little satisfactory evidence. There is some evidence that in certain circumstances genes can be forced to flow into some of the organisms that you mentioned, but there is no clear evidence that the process is likely to occur in nature. My colleague Dr Squire may be better qualified to answer the question.

Dr Geoff Squire (Scottish Crop Research Institute): In general terms, Dr Robinson has given a fair answer. We can force exchanges and cause things to happen, but the soil community is very resistant to influx. DNA can be found in soil in various forms—we can extract soil DNA and RNA. That is part of the genes of different organisms and it is difficult to work out where it comes from. This is a difficult area, but I support the general statement that Dr Robinson has made.

Robin Harper: Are you aware of any research that is being done at the moment in this area?

Dr Squire: Not in our organisation. There is little

research being done generally in this area. I would need to check, but the UK Government has not put much money into it. At the moment, it is not a very active area of research.

Robin Harper: Would you agree that, if we proceed to plant GM crops on many acres of ground, there is a long-term possibility that changes of which we are unaware will take place in organisms in the soil?

Dr Squire: One can never exclude every eventuality and it would not be right for me to say that it was not possible for a certain kind of biological event to happen. However, there are many other things that might and might not happen. At the moment, most independent scientists would say that gene flow of this sort was on the remoter end of possibilities.

Dr Robinson: There are always two questions: whether it is going to happen and whether it matters if it happens. If there is a possibility that the introduced genes from GM crops can move into soil organisms, that implies that DNA from plants has been moving into soil organisms all the time. There is no obvious reason to believe that DNA coming from GM crops is any more significant than plant DNA that must have been moving all the time.

Robin Harper: I accept that, for the moment. Can you expand on what you still consider the major risks from field trials of GM crops?

Dr Robinson: I do not think that we have yet identified any major risks. There are a number of hazards. Ought I to justify the difference between a hazard and a risk?

Robin Harper: Yes please.

Dr Robinson: A hazard is a characteristic of the organism that might lead to a scenario in which harm might occur. When a hazard is identified, a risk assessment is carried out, which defines the probability of that scenario occurring. A hazard is a hypothetical way in which harm could occur, whereas a risk is the actual possibility of that harm happening.

I do not think that we have yet identified any real risks from GM crops. A number of hazards are still being investigated, but so far we have no evidence to show that any of them represents an actual risk.

Robin Harper: Can you expand on the hazards that are being investigated in the Scottish field trials?

Dr Robinson: I shall pass that question to Dr Squire, who is more closely associated with those trials.

Dr Squire: The principal matter to be examined in the UK-wide trials, some of which are being held in Scotland, is the potential effect of a GM crop that is resistant to an effective herbicide being grown in conjunction with that herbicide. In that case, the question is whether that combination will be so effective in suppressing the arable flora—the weeds—that it will lead to degradation of the diversity in the field. That will have knock-on effects on the organisms that eat the weeds and the other organisms that prey on those. It is primarily a question of whether the GM herbicide-tolerant crop is so effective agronomically that it will lead to a decline in the biodiversity. Currently, weed control is generally effective but often haphazard. To make it really effective, persistent and highly toxic chemicals must be used.

No insect-resistant GM crops are being trialled by the Government in Scotland or anywhere else in the UK. In the fairly intimate ecosystem of our fields, there is the potential for insect-resistant crops to have knock-on effects not only for the pests that eat them, but for other organisms that eat the insects. There is potential for ecological effects. The current trials are concerned primarily with the effect, within the field, of spraying with an effective herbicide.

Robin Harper: Thanks very much. My colleagues may have one or two detailed questions on that later, but you have made that issue clear. For my final question, I invite you to reflect on the possible benefits of GM crops—the ones that we are experimenting with at the moment.

Dr Squire: I stress that our role is that of neutral observer and arbiter. The potential benefit of this specific GM crop is that it gives the farmer increased flexibility. Often, herbicides are sprayed on crops fairly early in the season as a kind of insurance when farmers expect a weed problem. Weeds are persistent; many are quite damaging, but one can clear completely a field of weeds, if one wishes. The supposed benefit of this herbicide-tolerant crop is to give the farmer the flexibility to decide later whether to spray. He knows then that he can kill the weeds if he sprays. The herbicide is not persistent beyond contact with the plants and soil, which means that timing can be quite specific and that any vegetation that germinates after spraying will not be affected by it. We are trying to find out whether that will prove to be a benefit that will outweigh the potential disadvantages.

10:45

Robin Harper: Will that result necessarily in less spray being used?

Dr Squire: At this stage in the experiment, it is difficult to say whether less or more spray would be used. A different kind of spray might result that would be less persistent in the environment.

Robin Harper: That is quite an important point. You used the phrase "less persistent". Are sprays in use that are more persistent in the environment?

Dr Squire: Yes.

Robin Harper: Are they less effective in killing weeds?

Dr Squire: That is correct. However, the difference is that this particular GM crop is tolerant to a herbicide that kills virtually all weeds, but begins to do so immediately through contact. The actual death occurs a while later. Although other types of herbicide might be less effective against all types of weed, they are more persistent and hang around for longer.

The Convener: I should apologise for the noise, which is because of the University of Edinburgh's contractors mending a roof, not our contractors mending our roof. We are trying to deal with the situation, but I am afraid that we will have to tolerate the noise in the meantime. Are there any other questions on the matter that Robin Harper is investigating?

Mr Kenny MacAskill (Lothians) (SNP): Do you accept that the risks that the public perceive and that others might perceive in the sale of Scottish produce abroad arise solely from a scientific perspective and that, from that perspective alone, we cannot take risks?

Dr Robinson: As a scientist, I tend to view the matter from a scientific perspective, but I suppose that there are economic risks and so on. Furthermore, people believe that certain things are risks—things that I, as a scientist, would call imaginary risks. However, such risks exist.

The Convener: I am glad that I studied risk assessment in the first year of my MBA and can understand most of this.

Helen Eadie (Dunfermline East) (Lab): It has been said that GM crops are sterile, which minimises the chances of cross-fertilisation and the environmental risks that they present. However, when the Rural Affairs Committee took evidence on the subject, Simon Cooper of the Scottish Agricultural Science Agency stated:

"We do not know the exact degree of sterility"

of the GM crop with which Advanta seed has been contaminated,

"however, we understand that the ability to produce pollen is very low, which means that, to all intents and purposes, the crops are sterile. That said, as you know, you can never be 100 per cent sure in science" —[*Official Report*, *Rural Affairs Committee*, 22 July 2000; c. 1079.]

Against that background, what is your understanding of the sterility of genetically modified crops that are being grown in Scotland?

Perhaps you can also answer a second question, which is related to my first. If those crops were not completely sterile, what are the possible consequences of cross-pollination between GM crops and non-GM crops or wild plants?

Dr Robinson: GM crops are not necessarily sterile. Indeed, as far as I am aware, those in the field scale trials are not sterile.

As Dr Ramsay has examined the Advanta contaminant material, I will ask him to comment on it.

Dr Gavin Ramsay (Scottish Crop Research Institute): I would like to reinforce what David Robinson has said: most GM crops behave as normal plants and are, in effect, normal plants. The sterility applies only to the contaminant within the seeds that Advanta sold. That arose as a result of the means by which hybrid seeds were made. That was done using a special system that relies on male sterility, so when Advanta's seed production fields were contaminated with pollen from an unexpected source—in this, case, a GM source—the seeds that Advanta had mixed with that stock were, when they grew into plants, unable to make pollen. They were not sterile—they were still fertile on the female side—so they will contribute to seeds being made by those crops.

Dr Robinson: The second part of the question was about the consequences of pollen from genetically modified crops spreading. In the case of oil-seed rape, pollen from GM crops can pollinate other crops—for example, feral rape and a couple of weed species, such as wild cabbage. The likely effect of that would be that the introduced gene would spread to some extent in wild populations of oil-seed rape. That would be limited to a very small number of species, but the gene would be likely to spread.

The question is, does that matter? For example, if a herbicide-tolerance gene spreads into oil-seed rape that is growing on a roadside verge, does that matter? In general it will not, because the herbicide will not be of the sort that is used to control oil-seed rape on roadside verges. However, that is the sort of question that must be addressed in risk assessments. Gavin Ramsay might want to add something to that, but before I pass over to him, I should say that, although what I have said is true for oil-seed rape, if we were considering a different crop—maize, potatoes or soya beans, for example—the answer would be completely different. However, I will stick to oil-seed rape for the moment.

Dr Ramsay: Oil-seed rape on roadsides is able to cross-fertilise freely with fields of oil-seed rape, so that is a route for genes to move out of fields and into semi-wild populations. Where truly wild

species are growing in natural habitats, there is a theoretical possibility that hybrids will appear. If that happened, however, it would happen at very low frequencies. People have not observed such events with normal rape and are therefore unlikely to observe it with GM rape.

If a hybrid is made with a wild species, the fertility of the hybrid is almost always very low. It is possible for that hybrid to persist in populations if there is something that selects for the trait that was in the original event. In France, it has been observed that it is possible to transfer herbicide resistance into cross-compatible weeds that grow in the same fields, as long as the herbicide is being applied. However, once you step out of a situation where there is a strong selection pressure for those events to be promoted, it is hard to see how they would take place.

Robin Harper: I would like to pursue that a little further. You said that there was "a theoretical possibility" of rape cross-fertilising with charlock, which grows in Scotland. I do not see that as an incredible danger; I see it more as an inconvenience for farmers and something that would undermine the purpose of developing a resistant form of oil-seed rape. Would it be possible for charlock to spread within oil-seed rape fields so that, in the end, the farmer was unable to kill the charlock—because it was also resistant to the herbicide—and he found himself harvesting charlock and oil-seed rape at the end of the season.

Dr Ramsay: Yes, the situation that you have outlined is realistic. Perhaps in the long term it is conceivable that genes could move into charlock. They may take a long time to do so.

Robin Harper: How long—10 or 20 years?

Dr Ramsay: I cannot put a figure on it.

Dr Robinson: That situation ought to be dealt with by proper agricultural practices such as rotation. The farmer will not be growing the same crop in the same field every year.

Janis Hughes (Glasgow Rutherglen) (Lab): I want to probe the issue of cross-pollination further and to consider exclusion zones. To what extent do you think that the exclusion zones around GM crops can reduce environmental risk?

Dr Robinson: They can reduce the environmental risk. Let us stick with oil-seed rape. Away from a crop, the amount of pollen from that crop falls off very quickly initially and then very slowly—it tails off. The further away one is from the crop, the less pollen is available from it. The pollination separation distances that have been adopted until now are not designed to prevent cross-pollination—that is a common misconception—but to minimise any harm from cross-pollination.

The last time that I discussed this with ACRE it suggested a distance of about 100 m for oil-seed rape. That was based on the separation distance that is used when growing high erucic acid rape, which is unfit for human consumption and is grown for industrial purposes. It must be separated from food quality oil-seed rape by a particular distance to prevent contamination of the double low food rape with pollen from the high erucic acid rape. Part of ACRE's reasoning was that that is a material that is known to cross-pollinate with double low rape, and is known to be unfit for human consumption. It is hardly conceivable that the GM rape will be worse than that. That distance has been decided upon through long experience, but it is not a distance that is designed to prevent cross-pollination. I will ask Gavin Ramsay to comment on what might have to be done to prevent cross-pollination.

Dr Ramsay: One cannot set an upper limit. There is a long tail-off, following the rapid decline over the initial tens of metres. That tail-off will take a very long time to fall away to zero and a limit cannot be put on it.

Janis Hughes: In your opinion, is 100 m adequate for the purposes that we are considering? Is it excessive, or should it be extended?

Dr Ramsay: That figure is appropriate if you are willing to tolerate a low level of cross-pollination, such as one in 1,000 seeds or less, resulting from pollination between nearby fields.

Robin Harper: Taking that point a little further, one in 1,000 does not sound like much, but it could mean a few thousand seeds.

The Convener: We do not need an MBA for that one.

Dr Robinson: One in 1,000 seeds is a lot of seeds out of a field—it is 0.1 per cent of the product. We are talking about material potentially going into the human food chain, so 0.1 per cent of that material would be going into the human food chain. The judgment that must be made is whether that matters.

Robin Harper: What about build-up in the local environment? There is no rotation in the local environment.

Dr Robinson: Are you talking about shed seed?

Robin Harper: Yes.

Dr Robinson: Do you wish to comment on the significance of shed seed, Gavin?

Dr Ramsay: Populations of oil-seed rape, for example, growing from shed seed, will make a contribution to the pollination occurring within

fields, but it will be greatly diluted. In that case, pollen will be diluted to a greater extent than that from a nearby GM field, simply because a small population will not make a large amount of pollen. Shed seeds are important, as they could act as a reservoir of material that could provide GM pollen for future pollination, but the contribution to the level of contamination in crops will be minor.

11:00

Mr MacAskill: What distance of exclusion zone is used in other countries?

Dr Robinson: I do not know offhand. I suspect that the distances in Europe will be fairly similar to those in the UK, but I am not sure whether there is one in the US at all.

Mr MacAskill: Do you know where we would be able to get that information?

Dr Robinson: Probably with a bit of digging around it would be possible to come up with it.

The Convener: We can pursue that issue later. As there are no other questions on exclusion zones, let us move on to the next subject.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I have a couple of questions on concerns about biodiversity, particularly about the potential effects on insects and other wildlife. Given the concerns about the possibility of pollen from GM crops ending up in honey or other products in the food chain, what risks do you associate with insects feeding on GM trial crops in the UK?

Dr Squire: All the lab-based evidence on the present trial crops, in which genetic modification confers herbicide tolerance, suggests that there is no direct toxic effect on insects eating those plants. The trials are studying the indirect effects on the type, range and quality of the food that the insects eat and the knock-on effects down the food chain to other organisms, ending up with birds. As far as we are aware, there is no direct toxic effect, but we are examining the indirect effects of a reduced food supply for the insects.

The situation is different if the GM crop is insect resistant. All plants contain toxins that protect them against insects; that is natural. Genetic modification tends either to put a new toxin in or to increase the amount of naturally produced toxin. Some such crops are grown in other parts of the world and some laboratory studies have shown that it is not only the insects that eat those crops that are made ill or have a slower reproductive rate; the non-target organisms that eat the pests are also affected.

Direct transmission from the plant through two feeding layers to other insects is possible, but that has not been satisfactorily demonstrated outside laboratory tests, and no such crops are grown in the UK. There would have to be careful consideration before field trials of such crops because of the potential for transmission down the food chain.

Cathy Jamieson: People who assume that insects are pests may take a different view when it comes to the insects and wildlife that are perceived as beneficial to agricultural biodiversity.

Dr Squire: That is absolutely right. If any kind of plant is affecting a pest insect, we must consider how it will affect non-pest insects and insects that eat the pests. It has been shown that there are potential effects.

Cathy Jamieson: You mentioned lab-based tests that have taken place. How do you think the risks should be assessed overall? You mentioned the difficulty of value judgments of what is harmful, but how can the risks really be assessed?

Dr Squire: The difficulty with lab-based work is that the plant tends to be put in some kind of closed chamber with the pests and other organisms. The research monitors the way in which the pest eats the plant and becomes ill—or whatever—and the way in which the other organisms eat either the plant or the pest. The difficulty of extending that work to real life is that, in reality, those organisms have a choice and are not forced to eat the sick pest; they will find something else to eat.

The big question is what would happen if an insect-resistant GM type was scaled up. There is an intermediate stage of research on insect resistance which must be gone through, which employs a large enclosure, perhaps less than a quarter the size of this room. Some crop is enclosed and if the pest is not present in it, it is introduced. Predators are then introduced; however, the choice of the organisms on which to prey is still restricted. There is quite a lot still to do before there are field trials in this country on insect-resistant GM crops, but intermediate steps could be taken.

Cathy Jamieson: Have the risks been fully taken into account by the UK Government's advisory framework on GMOs? Have all the issues been addressed adequately?

Dr Robinson: I am happy that, for all the releases that have happened to date, the risks have been properly considered. It is very important that things are considered case by case. I cannot comment on what might be proposed next week. However, from what I have seen I am happy that proper risk evaluations have been carried out on all the trials that have taken place up to now.

Nora Radcliffe (Gordon) (LD): Good morning, gentlemen. I want to ask some questions about the Government's advisory framework on GM technology.

Are there differences between Scottish and UK agricultural and environmental conditions that are sufficient to warrant giving specific advice on GM crops to Scottish ministers, based on Scottish conditions? If so, what are those differences?

Dr Robinson: There are certainly regional differences throughout the UK, both in the environment and in farming practice. However, there is nothing that could be considered specifically Scottish. Different parts of Scotland are different from each other and the south of Scotland is very similar to the north of England. There are Scottish characteristics; for example, spring-sown oilseed rape is grown predominantly in Scotland and the north of England. Autumn-sown oilseed rape is grown further south.

Mechanisms are in place in the existing framework to consider the regional differences. ACRE contains two—it has previously contained three—members who are based in Scotland. The Scottish Executive has assessors on ACRE, who are in a position to feed into it specifically Scottish concerns and to ensure that local issues are taken into account. ACRE will always take those issues into account because the local environment is relevant to the risk assessment of a release: that is partly the reason why releases must be considered on a case-by-case basis. There are, therefore, concerns that affect Scotland, but which are not uniquely Scottish, and mechanisms are in place to take them into account.

Nora Radcliffe: When you talk about considering things on a case-by-case basis, you do not mean the GM crop but the GM crop in conjunction with the environment in which it is going to be grown.

Dr Robinson: The individual release is a case.

Nora Radcliffe: Do you consider the current UK Government advisory framework on GM biotechnology to be adequate? Can you expand a little on the strengths and weaknesses of the current framework? That may not be a very fair question.

Dr Robinson: It is a very big question. The current framework is working quite well. Whenever a number of overlapping areas are served by different advisory committees, there are potential difficulties. It is always important to ensure that there is an overlap and not a small gap. Over some years, there has been concern that there might be gaps. I understand that that is one of the reasons for setting up the new Agriculture and Environment Biotechnology Commission, which, among other things, is supposed to take an overall view and to try to ensure that there are no gaps. I would say that I am happy with the framework, as long as the AEBC—which has only just started its work—works as it is intended to.

Nora Radcliffe: Can you give us a run-down on the procedures that have to be followed before consent is issued for a GM crop trial in Scotland?

Dr Robinson: Yes. The proposer begins by producing a dossier that includes facts about the recipient crop, the way in which it has been modified, where the release will take place, the characteristics of the site, and exactly what they intend to do—when they intend to plough the land, when they plan to sow the crop and what they will do with the site afterwards. There is a list of more than 60 questions that they have to answer to supply information. There is also a risk assessment and a number of accessory papers in the dossier.

The proposer sends that to the biotechnology unit at the Department of the Environment, Transport and the Regions, which acts as a central post office. There it is assigned to a case officer, who is an official and a member of the secretariat. His first job is to go through the paperwork to ensure that the proposer has done everything they are supposed to do under the regulations. If not, he will send it back.

Assuming that everything has been done properly, the dossier will be circulated to other interested Government departments, in particular the Scottish Executive, via its assessors, who can circulate it within the Executive and obtain opinions as they see fit. Meanwhile, the case officer will produce a summary of what he sees as the main points in the application. He may seek clarification of particular points from the proposer. Clarification may also be required of points arising from the comments of other Government departments.

Once all that information has been received, the dossier, with the case officer's covering paper, will be sent out to members of ACRE. What then happens depends to some extent on the nature of the release. If it is a novel crop, it will be discussed by ACRE at a meeting. The committee may ask for further clarification or come back to it at its next meeting. On occasion ACRE has asked for representatives of the proposer to be present at the meeting so that they can be questioned. That has not been done very often, but it has happened. ACRE will then come to a decision on what to recommend to ministers. If the release is less contentious and is similar to many other releases, ACRE may deal with it not at a meeting but by postal circulation. Members are given a couple of weeks to comment on the application.

Either way, ACRE's recommendation is then

submitted to ministers. In the case of a release in Scotland, it is submitted to the Scottish Executive, which generally acts on ACRE's advice. In the cases with which I dealt, the minister always did what ACRE recommended—that is to say, issued a consent in the terms and under the conditions recommended by ACRE.

Nora Radcliffe: Are the case officers scientists or civil servants?

Dr Robinson: They are civil servants who have scientific qualifications. Most of them have PhDs in a relevant subject.

Nora Radcliffe: Do the dossiers prepared by applicants have to be supported by research findings and scientific evidence?

Dr Robinson: Yes.

Nora Radcliffe: Are they cross-referenced? Is there a mechanism for checking up on them, or are they taken as presented? If so, is that because they are previously subjected to peer review?

11:15

Dr Robinson: A dossier will be supported by scientific data, which might be a mixture of published information and the applicant's own data which may not yet have been published. The information is not exactly taken at face value. Part of the job of case officers, and more particularly of ACRE, is to scrutinise the evidence and look for errors. I can remember occasions on which a particular piece of evidence has been sent back and we have said that we do not believe the interpretation and asked for it to be done again. There is a to-and-fro process during which questions are asked and clarification is sought—evidence is definitely not necessarily accepted at face value. That does not mean that errors cannot be missed—we are all human—but the information is looked at in some detail by people who know about the subject.

Nora Radcliffe: Finally, do you consider there to be a role for the general public in deciding whether individual GM crop trials should go ahead?

Dr Robinson: There is an opportunity for public input into the system that I have just described. When the applicant sends his application to the DETR, he must advertise in the local newspaper the fact that he is making a proposal and give a phone number on which people can get answers to their questions. All the material in the dossier is potentially available to the public, except for certain bits that might be commercially confidential or that can be withheld for intellectual property reasons. However, the amount of detailed information that can be withheld is relatively small. The public can get the information and can make representations.

When ACRE considers the issues, there is a file containing any letters that have been received from the public and they are taken into consideration. It should be remembered, however, that ACRE considers the scientific evidence according to the scientific definition of harm. There may be representations from the public, but in my experience they are rarely significant contributions to the scientific debate. People will say that they object, but unless they can present something scientific, there is little that ACRE can do to take that into account. It may be perfectly legitimate for the public to have a view other than a scientific one, but I would rather that the scientists were not asked to deal with those views.

Mr MacAskill: I want to ask a supplementary on that before I move on to my own line of questioning. There is a suggestion that the way forward for Scottish farming produce is to market itself as a brand of high-quality, top-of-the-range, pure and natural products. Do you accept that there is a risk that GM crops, or even the perception that there could be contamination, could damage that industry?

Dr Robinson: That is not a scientific risk; it is an economic risk or a risk to the public perception. It might equally be argued that by not embracing GM crops, the Scottish farming industry would reject some potential future advantage. What the scientists hope to do is to tell people to what extent GM crops are an advantage or a disadvantage.

Mr MacAskill: Do you think it is legitimate for member states to be able to impose a complete ban on the cultivation of GM crops?

Dr Robinson: That is a political question. The only comment that I can make, as a scientist, is that, at least in mainland Europe, it would be very difficult to enforce such a ban because biology does not take any notice of national frontiers. There is a water barrier between the UK and the rest of Europe, although not between Scotland and England. I suspect that a ban would be relatively futile in the long run. However, it is not really a scientific question.

Mr MacAskill: To some extent you answered in your comments to Nora Radcliffe my second question, on whether Scottish interests are adequately taken into account when decisions to permit a release are taken in Europe. You mentioned some of the procedures and the people involved. Who appoints those advisers? To whom are they accountable? Does anyone in Scotland have an ultimate right to veto a release?

Dr Robinson: Before devolution, when I was appointed, the members of ACRE were appointed as individuals by ministers—both English ministers and the Secretary of State for Scotland were

involved in the process. We are now post devolution and post Nolan and the situation is more open. I believe that the ACRE posts are advertised and, in principle, anyone can apply. However, because it is an expert committee, there is no point appointing anyone who is not an expert. On the other hand, the assessors are officials who are appointed directly by the relevant minister and are presumably answerable to that minister.

Mr MacAskill: The argument for an ability to opt out of a directive is that specific evidence could show that a trial might be harmful to the environment. This question might require a political or legal answer: would the definition of environment be restricted to scientific matters, in terms of risk, or could it be extended to economic risk, as has been suggested?

Dr Robinson: As I understand the legislation, harm to the environment does not include economic risk. However, I am not a lawyer.

The Convener: Let us round up the evidence with specific questions on the Advanta situation.

Nora Radcliffe: What level of environmental risk is associated with the recent accidental contamination of conventional crops? What more could have been done to minimise the environmental risks associated with that accidental contamination?

Dr Robinson: Gavin Ramsay is probably better qualified to answer that question than I am.

Dr Ramsay: As we have discussed, it is hard to envisage a real environmental risk in the harm that could be caused by the Advanta situation. It was an uncontrolled spread of GM material around the countryside and caused much concern. In that respect, it is disappointing that such an event took place. Companies such as Advanta would prefer greater clarity about the standards that are required for purity. As we have said, it is hard to achieve total purity in an environment where there are fields containing GM crops. Advanta clearly had some problems and cross-pollination occurred over longer distances than many people thought was likely. However, I doubt that there was damage to the environment as a result of that release. It is hard to imagine what real harm to the ecosystem could have resulted from that.

Robin Harper: I have two final questions; one practical, the other scientific. I now understand the purpose of the trials. I have been given to understand that, apart from those, you do not have the resources to monitor pollen drift. Is that the case?

Dr Squire: Organisations such as ours formed a consortium and bid for a contract to examine the ecological effects within the field and immediately around it. Since we were awarded our contract, a contract was put out to measure gene flow and pollen movement. We put in a bid for it but were not successful. The Central Science Laboratory was given the contract and its role is to consider pollen movement and gene flow away from those trials. I have not seen the specification of that contract and I cannot comment definitively on whether the resources are sufficient. We can follow gene flow within the fields, through the persistence of seed and so on.

I am in a difficult position, because if I said that there are not sufficient resources it would be a bit like touting for business, and I cannot be seen to do that. I will stick my neck out and say that there is scope for more resources being made available than is currently the case for these trials.

Robin Harper: So if we wanted to know how much pollen drift research is going on, we would have to write to the Central Science Laboratory, asking it what it is doing and when?

Dr Squire: Yes. We know what it is doing, but you would have to do that to get the definitive answer.

Robin Harper: My final question concerns resistance development. Bacteria and insects develop resistance to bactericides and insecticides. In the animal kingdom, the process of developing resistance is considerably longer. Despite the lethal nature of the herbicide that is being applied at the moment, is it possible that weeds could naturally develop a resistance to it over time. What would that period be likely to be?

Dr Squire: Yes, it is possible that they would be likely to develop a resistance naturally. There is resistance to a small degree in most weed populations—even one in a million individuals—that would be selected for over time. Many weed species are now resistant to many of the conventional herbicides. The way to get round that is either to use some other technique—an alternative to chemical control—or to vary the chemicals so that the weeds are not always hit by the same chemical.

Because of their rapid life cycle, insect populations tend to achieve resistance more quickly. Because of their annual reproductive cycle, weeds achieve resistance more slowly. It may take 10 years for some weed species to gain resistance, but it is difficult to say for sure and depends on how frequently a specific herbicide is applied or used with the GM.

Robin Harper: So, as this herbicide is sold as part of a package with the genetically modified crop, in 10 years' time that crop would have to be genetically modified again?

Dr Squire: Herbicides have evolved over a

century, as have crop varieties. The period for achieving resistance is 10 years, as an order of magnitude—not 100 years or one year.

Robin Harper: I am not asking you to tie yourself to saying 10 years. However, over time the relationship between the herbicide and the crop will wear out.

Dr Squire: It will. Yes.

Robin Harper: It will be necessary to re-engineer the crop.

Dr Squire: There are always developments, and it is necessary to keep ahead of pest resistance by breeding new cultivars—whether conventionally or otherwise—and using different herbicides. The way to extend the effectiveness is to trick the pest organism—whether it is a weed or an insect—by killing it or regulating its balance in different ways. GM herbicide tolerance should be no different. A sensible management of that package would mean not deploying it all the time and using other means of control as well. However, factually what you are saying is correct.

Dr Robinson: That is quite correct. Perhaps I should mention at this point that there is herbicide tolerance that has nothing to do with GM crops. There are conventionally bred, herbicide-tolerant crops to which the considerations would apply.

11:30

Mr MacAskill: When, and from whom, did you find out about the contaminated Advanta crop?

Dr Squire: I admit freely that we bought some hyola oil-seed rape seeds for trial purposes. Even though we were deeply involved, the first that we knew about the issue was from the radio. I thought, "Oops, I've got some." We tested our seeds immediately.

Mr MacAskill: Dr Squire, I note from your biography that you play a prominent role in the Government's farm-scale evaluations of GM crops. You are a member of the co-ordinating group of the scientific consortium that is carrying out the trials and project manager for the spring oil-seed rape contract. I also note that Dr Ramsay has, for the past three years, supervised a project that is funded by the Ministry of Agriculture, Fisheries and Food and is aimed at understanding and attempting to quantify gene flow in oil-seed rape in the environment. Given all that, are you saying that you heard the news over the radio, not from the Executive or the UK Government?

Dr Squire: That is correct. My involvement in the farm-scale trials does not concern the Advanta seed. I forget the precise details. The Scottish Executive tends to keep us well informed and we have good links with the Scottish Agricultural Science Agency at East Craigs. However, we were not given advance knowledge; we were just the same as any other farm that had bought the seed.

Mr MacAskill: How long after you heard about the contamination on the radio did you receive a formal communication from a member of the Executive or an Executive department?

Dr Squire: I think that we contacted Advanta first of all to ask whether our seed was contaminated; the company supplies many seed types. Advanta got back to us a day or two later to say that it was likely that our seed was contaminated.

Mr MacAskill: In view of the nature of the work that you and your colleague, Dr Ramsay, have been doing, presumably a lot of information must be going back and forward to the Executive and the UK Government. Did it surprise you that you were given no prior or immediate notice when the problem came to light?

Dr Squire: I am not sure whether it surprised us. Someone in MAFF would have had to inform us, but it is clear that no-one saw a reason to do so. I do not think that the Scottish Executive knew anything at that time. The Executive has said that it was not told that we had any seed and it would not have known that. However, within hours or days of our finding out, we were in contact with the Executive.

Mr MacAskill: Did you contact the Executive or did it contact you?

Dr Squire: I cannot remember precisely. It was a matter of hearing something and acting on it. Gavin, can you remember?

Dr Ramsay: There were contacts at senior management level between the institute and the Executive. It is fair to say that we were, to an extent, in the same position as farmers. We were consumers of seed and we had seed that we had bought from Advanta, albeit for experimental purposes. We were not treated any differently.

Dr Squire: Given that we are world leaders in the area—we have a fine reputation on gene flow—I am surprised that there was no specific contact and that our advice was not sought in advance. I was most surprised to hear the announcement.

Dr Robinson: It is not my job to protect the Scottish Executive, but in fairness I should point out that the Executive was not to know who had bought the seed.

Robin Harper: I have two questions that have not been answered in the overall questioning. First, are you confident that the trials that are taking place in Scotland will pick up long-term

impacts? Secondly, what significant level of change in the species that are measured in the trials will you be able to detect?

Dr Squire: I will deal first with the long-term impact. Clearly, if we are commissioned to work over three years, we can detect only what happens in that time scale, then give our best estimate of how the impact will extend in the future. Clearly, our estimate cannot extend very far into the future.

We are working on the types of organism that we consider to be most sensitive to the technology package.

Robin Harper: Could you expand on that point?

Dr Squire: Yes. We are working on the weeds in the field, the vegetation surrounding the field, the things that eat the weeds, and the beneficial organisms that move around the crop, including butterflies and bees.

If there are fairly short-term effects, we will pick them up, but clearly there is uncertainty when one tries to extrapolate beyond the period of the trial. That will have to be stated in our conclusions, whichever way they go. There are limits.

Can you remind me of your second question?

Robin Harper: It concerned the level of change in the species that are measured.

Dr Squire: That is one of the most difficult things to do. The effect can be measured, but the judgment of whether it is important is subjective. We examined several major changes in husbandry that had occurred over the past century and how they had affected the populations of weeds. For example, we looked at the way in which what is called the soil seed bank—the buried weed reservoir, which is a big reservoir of diversity—decays over time. It decays and is replenished, so it is possible to detect change in that. We think change that is in the order of between 20 per cent and 40 per cent will be detectable. That is less than the extent of change that took place in the movement to autumn-sown cereal cropping or in the introduction of persistent herbicides, which was massive, or in the introduction of oil-seed rape as a widespread crop. Twenty per cent to 40 per cent might seem quite substantial over a year, but from our calculations we believe that we can estimate that.

Robin Harper: Would it be fair to say that the investigation, although fairly widespread, is limited, as long-term effects cannot be calculated, effects that are less than 10 per cent might go unnoticed, and the sub-soil system is not being investigated at present?

Dr Squire: That is correct. We are not yet certain that we can pick up the small effects because of variability as populations change over time by such amounts. I stress again that the effects that we are convinced we can pick up are smaller than many of the effects that have been caused by big changes in the past century.

Sub-soil processes are not being examined. Several key groups could be looked at; we had a certain amount of funding for the project and we chose to target those organisms that were most sensitive, in which we would detect an effect early on. The difficulty with working with soil organisms—the soil microflora, nematode worms, and earthworms—is that they are quite resilient to goings-on above ground, in the vegetation and herbicide sprays. They are affected more by soil cultivation and by major shifts in climate, but they are a very resilient set of organisms. One would not look at them to detect effects over a three-year period. It is quite correct that there is no work on soil processes in the broad trials.

Robin Harper: You can do only what you have the resources and the money to do.

The Convener: We have pursued the discussion as far as we want to with the witnesses, whom I thank for their patience with us. We have stuck with the witnesses throughout the evidence-giving sessions; their ability to explain some detailed matters to us in clear language has been useful.

I thank you for coming along and for your submission.

Subordinate Legislation

The Convener: Agenda item 4 is consideration of two negative statutory instruments.

The first instrument is the Contaminated Land (Scotland) Regulations 2000 (SSI 2000/178). The regulations were circulated before the summer recess, as members are aware, along with a covering note, TE/00/20/7. The order came into force on 30 June 2000 and the time limit for parliamentary action expires on 17 September 2000. The Transport and the Environment Committee is required to report on the instrument by 11 September 2000. The Subordinate Legislation Committee considered the instrument on 27 June 2000 and agreed to raise points with the Scottish Executive. In that committee's 26th report, it drew the attention of the Parliament to the Executive's response and the relevant extracts from the report are attached with the covering note.

Do members wish to comment on the instrument?

Helen Eadie: I circulated both the instruments to my local authority. The comment that came back was one of surprise that they had already been effected, when we had not concluded our consideration, but I am told that that is normal practice. The authority welcomed the proposals, but wanted to flag up the point that there are unknown financial implications for it.

The Convener: Are we happy to agree the instrument?

Members *indicated agreement.*

The Convener: Thank you.

The second negative instrument is the Planning (Control of Major-Accident Hazards) (Scotland) Regulations 2000 (SSI 2000/179), which was circulated during the recess, accompanied by a covering note. The regulations came into force on 6 July 2000 and the time limit for parliamentary action expires on 18 September 2000. The Transport and the Environment Committee is required to report on the instrument by 11 September 2000. The Subordinate Legislation Committee considered the instrument on 20 June 2000 and was of the view that the instrument need not be drawn to the attention of the Parliament. Do we agree that there is nothing to report on the instrument?

Members *indicated agreement.*

Petitions

The Convener: Agenda item 5 is public petitions. First, I refer members to PE63 from the National Farmers Union of Scotland, which calls for the Scottish Parliament to increase resources for agri-environment measures in Scotland. The petition is circulated as TE/00/20/13. Members may want to refer to the covering note, TE/00/20/12. The Rural Affairs Committee is taking the lead on the petition and has requested our views.

When we first considered the petition on 23 May, we agreed to write to the Executive to seek its views on the issues that are raised in the petition. We have received a response, which has been circulated. The Scottish Parliament information centre information on agri-environment schemes was also circulated to members.

It is desirable that we give a prompt response to Rural Affairs Committee, given that six months has elapsed since it requested our views. We have continuing difficulties regarding outstanding matters with some petitions. I suggest that in our response to the Rural Affairs Committee, we pass on our views on the two points raised by the petitioner, which are that the Scottish Parliament should determine the level of resources required for agri-environment measures and that the Scottish Parliament should use its powers to obtain additional funds from UK resources to obtain agri-environment measures.

Does the committee have any views on those two matters? Do we consider the Executive's response adequate?

Robin Harper: Yes. My bill on organic targets is about to go for its final wording and I hope to introduce it to Parliament via the Rural Affairs Committee. I support the extension of agri-environment schemes and I hope that the two matters will be considered together by the Parliament. Discussion on agri-environment schemes should take place at the same time as the organic targets bill is going through Parliament, so that we do not end up in a position where organic targets and agri-environment schemes are conflicting and competing for funds. That would be an unfortunate development. I would much rather that both went through at the same time, so that the Parliament was able to arrive at a good decision.

11:45

The Convener: As you know, that is outwith my direct control. As sponsor of the bill, your views will have more weight with the bureau. However, I am happy to support the general approach that

you outlined.

Robin Harper: The committee should not get me wrong—I am very supportive of agri-environment schemes. However, I do not want to be steering a bill on organics through the Parliament at the same time as a conflicting piece of legislation is being debated.

The Convener: The point is taken, and I am happy to support what has been said. No member has indicated that they are otherwise minded.

Helen Eadie: The petitioners are asking for the Scottish Parliament to increase their resources, but that is for the Scottish Executive to decide. Resources are always finite, whereas demand is always infinite. There are competing priorities. We support agri-environment schemes—that is not at issue—but the body that is best qualified to take an overview across Scotland is the Scottish Executive.

The Convener: I concur with that view. The Executive has laid out in fairly clear terms what is done currently. We can also influence the budget process and comment on the allocation of resources.

Cathy Jamieson: I have a brief point about budget allocations, on which there seems to be some confusion. The petition calls on the Scottish Parliament to use its powers to obtain additional funds from UK resources. That somewhat strange wording is not particularly helpful. As is outlined clearly in the briefing note, there are ways in which decisions could be made to increase funding from the Scottish Executive, but that would have a knock-on effect on other things. There may be some political discussion to be had about that. It would be wrong of us to indicate that the Parliament has powers that it does not have.

The Convener: Do we agree to send comments to the Rural Affairs Committee outlining what members have just said? They will also receive a copy of the *Official Report* of this meeting, which will reflect our discussion of the petition.

Members *indicated agreement.*

The Convener: I refer members to petition PE115, from Ms Julia Clarke, which calls on the Scottish Parliament to request Scottish airports to reroute aircraft taking off and landing at Edinburgh airport away from residential areas. A copy of the petition has been circulated as committee paper TE/00/20/15 and is accompanied by covering note TE/00/20/14. The Public Petitions Committee has been taking forward consideration of the petition and has written to Scottish Airports Ltd and Edinburgh airport consultative committee. Their responses are attached in a covering note. The Public Petitions Committee has indicated to us that the responses appear to have answered the questions raised by the petitioner. It has asked for our view on its proposed response.

Do members agree with the Public Petitions Committee's proposed response?

Members *indicated agreement.*

The Convener: I refer members to the third and final petition that we will consider today, PE117, from Mr Alexander Donald, which relates to ice-cream van safety. As members will recall, we considered Mr Donald's petition on 23 May and agreed to seek the Executive's views on the issues that he raised. A response has been received from the Executive, which addresses the points made by Mr Donald; it is attached as annexe A of the covering note. As the covering note on the petition indicates, the petitioner, the Executive and the DETR differ in their approach to ice-cream van safety. Mr Donald believes that the matter requires specific targeted action, whereas the Executive and the DETR believe that wider road safety campaigns that address the behaviour of drivers will have more impact.

The petitioner's proposals relate largely to reserved matters, such as the use of hazard warning lights, so the Parliament cannot effect the change that he requests. The committee has two options. We can conclude the petition by writing to Mr Donald saying that we support the aims of his petition but explaining that the specific solutions that he suggests are not within our powers. We can also reassure him that the committee may have other opportunities to address behaviour that causes accidents. Alternatively, we can write again to the DETR regarding the recommendations and requests made by the petitioner. I am in the hands of the committee.

Mr Murray Tosh (South of Scotland) (Con): There is an issue concerning the way in which the Public Petitions Committee is using the other committees to deal with such matters. If it is that committee's judgment that the matters to which the petition refers are largely reserved, why is it passing the petition to us to consider? Should not there be a more effective filtering system, which would advise the petitioner that he might do better to pursue matters through his local member of Parliament?

The Convener: That is a fair comment.

Helen Eadie: I am a member of the Public Petitions Committee, which took the view that it was sympathetic to the petition—as we, as a committee, are sympathetic to it. The Public Petitions Committee thought that it was in our powers to address certain elements of the petition, such as the road safety issues. Every local authority in Scotland must produce a plan of how it will effect road safety in its area. It would be within the competence of the Scottish Executive, or the

Transport and the Environment Committee, to ask the local authorities to give that plan a higher priority and a higher profile.

In my constituency, the police and the local authority are giving a high priority to road safety issues and the reduction of speed limits. One of the aims of Sarah Boyack and others is to get drivers down to 20 mph in residential areas, as is common practice in many other parts of the world, and to get people to lower their speed in general.

Dealing with the specific case behind the petition was a harrowing experience for the Public Petitions Committee and for the petitioner when he came tearfully to present his evidence. His granddaughter was involved, and he was still very emotional after many years. The Public Petitions Committee felt great empathy with the petitioner and wanted to appeal to people throughout Scotland to lower their speed. We should put that message across clearly; lives would be saved if people did that. The actions that the petition calls for are reserved to Westminster, but we can promote that message to people in Scotland.

The Convener: The home zones initiative to which you refer is successful, and should be continued and expanded on.

Robin Harper: I remember sitting my driving test. Part of the test was on behaviour in residential areas, and there used to be a question about what a driver should do on seeing an ice-cream van. Perhaps that could be underlined, to ensure that all driving tests are taken in a residential area where that question will be asked. I presume that it is still part of the test, but perhaps it is not.

Most ice-cream vans have “Children—Slow” on the back. Perhaps guidance could be given by local authorities, when the vans are licensed, to make that sign as big as possible.

Mr MacAskill: Far be it from me to jump to the defence of the Executive and the DETR, but they are trying to address such matters. I have no doubt that there is a harrowing tale behind the petition. I know from experience that ice-cream vans are a magnet for children. However, I agree with the DETR that matters cannot be considered in isolation. We must try to explain to the petitioner that matters are being addressed and that transport issues must be considered in their totality—regarding not only ice-cream vans, but delivery vans and a range of other vehicles that act as magnets for children.

The Convener: I suggest that we opt for the former position, which is that we conclude consideration of the petition by writing to Mr Donald, saying that we support the aims of the petition and relating the discussion that we have had this morning. Is that agreed?

Members *indicated agreement.*

The Convener: I propose that we take the earlier part of our next meeting in private, to discuss procedures and arrangements for dealing with stage 2 of the Transport (Scotland) Bill. Is that agreed?

Members *indicated agreement.*

The Convener: Thank you.

There is no further business. I thank members of the press and the public who have attended this morning. It has not been the warmest room in which we have met, but we have had a good meeting. Thank you all for your attendance.

Meeting closed at 11:53.

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