

TRANSPORT AND THE ENVIRONMENT COMMITTEE

Wednesday 9 October 2002
(Morning)

Session 1

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TRANSPORT AND THE ENVIRONMENT COMMITTEE

28th Meeting 2002, Session 1

CONVENER

*Bristow Muldoon (Livingston) (Lab)

DEPUTY CONVENER

*Nora Radcliffe (Gordon) (LD)

COMMITTEE MEMBERS

Robin Harper (Lothians) (Green)

*Mr Adam Ingram (South of Scotland) (SNP)

*Angus MacKay (Edinburgh South) (Lab)

*Fiona McLeod (West of Scotland) (SNP)

*Maureen Macmillan (Highlands and Islands) (Lab)

*Des McNulty (Clydebank and Milngavie) (Lab)

*John Scott (Ayr) (Con)

COMMITTEE SUBSTITUTES

Bruce Crawford (Mid Scotland and Fife) (SNP)

Helen Eadie (Dunfermline East) (Lab)

David Mundell (South of Scotland) (Con)

Iain Smith (North-East Fife) (LD)

*attended

CLERK TO THE COMMITTEE

Callum Thomson

ACTING SENIOR ASSISTANT CLERK

Alastair Macfie

ACTING ASSISTANT CLERK

Rosalind Wheeler

LOCATION

Committee Room 3

Scottish Parliament

Transport and the Environment Committee

Wednesday 9 October 2002

(Morning)

[THE CONVENER *opened the meeting at 09:36*]

The Convener (Bristow Muldoon): I welcome committee members and members of the press and public to today's meeting of the Transport and the Environment Committee. I have received apologies from Robin Harper, who is running late. I believe that Des McNulty is also running late, but I have received no apologies for absence.

Petitions

Predatory Birds (PE449)

The Convener: The first agenda item is consideration of petition PE449, which is on the impact of predatory birds on waders, songbirds and private stocks of fish and game birds. We are considering the petition for the first time, although we have considered petitions on the same issue in the past. The petition contends that ravens and some raptors have an unfavourable impact on waders, songbirds, fish stocks and game birds, which unnecessarily endangers rural sustainability and sustainable biodiversity. The petitioners also believe that Scottish land managers' knowledge and experience of conservation and land management should be utilised more effectively, particularly by the agencies and bodies that inform the Executive.

Members have a covering note on the petition, which provides further background. As I said, we considered in depth a similar petition from the Scottish Gamekeepers Association. Members expressed the view that the SGA should engage with Scottish Natural Heritage and other bodies via the new moorland forum to address the concerns about raptors. SNH has confirmed that the SGA will be included in the new forum.

Members will note that the petitioners are keen for the petition to be considered by the Rural Development Committee. One option is that we note the petition and draw the petitioners' attention to the committee's previous view that the moorland forum will provide a mechanism to address some of the concerns. We might also agree to conclude the consideration of the petition and refer it to the Rural Development Committee,

which could take oral evidence from the SGA, if it wishes. I am informed that the convener of the Rural Development Committee is perfectly happy for us to refer the petition to that committee.

I invite members' comments on how to proceed with the petition.

John Scott (Ayr) (Con): The petitioners make some valid points, but if we are minded—as I am—to refer the petition to the Rural Development Committee, we should leave the matter at that and let that committee draw its own conclusions.

Maureen Macmillan (Highlands and Islands) (Lab): We considered the matter thoroughly and tried to find a way in which raptors could be controlled legally, as the gamekeepers requested. I have a lot of respect for the gamekeepers and their knowledge of the countryside. However, their concerns should be addressed by the moorland forum that SNH is proposing. That is the way forward. There have to be discussions to see what scientific basis there is behind what the gamekeepers are asserting. Therefore, the petition should be referred to the Rural Development Committee, which I presume will take that kind of evidence.

The Convener: Are members agreed that we will note the petition, inform the petitioners of the previous view of the committee, with regard to the issues that they raise, and refer the petition to the Rural Development Committee for consideration?

Members indicated agreement.

School Playing Fields (PE422 and PE430) Playing Fields (PE454)

The Convener: The next item is consideration of three petitions on the protection of playing fields. We will consider the response that has been received from the Minister for Social Justice and what further action—if any—is required on the petitions.

We considered the petitions on 6 June, when we agreed to write to the Minister for Social Justice about the issues that they raise. The letter from me, on behalf of the committee, sought to ascertain the Executive's position on local authorities' application of national planning policy guidelines on the development of open spaces and playing fields. The response details measures that the Executive is taking to aid local authorities in the application of the planning guidelines. Those measures include the preparation of a planning advice note on planning and open space to support NPPG 11; the preparation of NPPG 3, on planning and housing; and the circulation to local authorities of a sportscotland document entitled "Planning Policy for the Protection of Playing Fields".

The Executive's response was circulated to members on 4 September and members were invited to express their views on any future action on the petitions. To date, no members have indicated a preferred course of action to the committee clerks. Given the progress that has been made in the preparation of a planning advice note to support NPPG 11—it is due to be published in November—the imminent publication of NPPG 3 and the publication of the sportscotland document, we may feel that no further action on the petitions is required. If that is our conclusion, we will write to the petitioners, informing them of our commonly held position of not commenting on specific local planning decisions. I invite members to comment on that.

Nora Radcliffe (Gordon) (LD): The fact that we have received three similar petitions shows that there is or has been a problem. However, measures are now in place to begin to address that and there is not much scope for us to do more until we know whether the measures that the Executive is taking are effective.

Mr Adam Ingram (South of Scotland) (SNP): I agree with Nora Radcliffe to an extent. The new planning advice note and the new NPPG should set a new regime. I was concerned that only two or three plans were called in under the old regime, which suggests that sportscotland was not single-mindedly pursuing cases in which playing fields were being sold off. I wonder whether we could ask sportscotland for its view on the new planning regime and what it intends to do to monitor it. The body obviously has a key role in ensuring that playing fields and open spaces are retained for the use of local communities. It might be helpful for us to get that information from sportscotland.

John Scott: I support what Adam Ingram has said. I am dismayed that the Executive found that the approach that the majority of local authorities were taking to open-space planning was fundamentally flawed.

Given that that is the Executive's view, it may be reasonable for us to seek the view of the Convention of Scottish Local Authorities on the issue. We should not let the Executive get away with a fairly sweeping statement. In principle, I would be happy to pursue the option for action that the convener has outlined. However, it would be interesting to hear COSLA's view on the issue, as well as sportscotland's view. If we want to get that information, must we keep the petition open?

09:45

The Convener: If we decide to seek further information, we will keep the petition open. I am relaxed about doing that. We should seek sportscotland's view on current developments in

relation to planning advice notes and the review of NPPGs. We should also ask COSLA to respond to some of the comments that have been made. Is that agreed?

Members indicated agreement.

The Convener: We will continue with the petition until we have received responses to our inquiries.

Opencast Mining (PE346 and PE369)

The Convener: We will now consider petitions PE346 and PE369, both of which relate to opencast coal mining. We have received an Executive response to the reporters' paper that was produced on the petitions. PE346 is from Scotland Opposing Opencast—SOOT—whereas PE369 is from the Confederation of UK Coal Producers.

Our intention is to consider the response from the Minister for Social Justice and to decide what further action—if any—is required on the petitions. I will invite both reporters to comment on the minister's response. I am aware that a further piece of correspondence from Scotland Opposing Opencast was distributed to members yesterday. I ask Adam Ingram to comment on the minister's response and to indicate what further action he would like the committee to pursue.

Mr Ingram: The minister's response is like the proverbial curate's egg—good in parts. I welcome the Executive's commitment to a review of NPPG 16, using independent research, and the fact that that review will start in this financial year. That is helpful.

We should draw the Executive's attention to the perception that there is a more favourable planning climate for opencast sites in Scotland. The material supplied by Scotland Opposing Opencast was useful in that regard. We should send the Executive a note to that effect.

I take issue with the minister's comments on health. The Executive argues:

"There are no strong indications ... that further research on the impact of opencasting on public health should be considered as a particular priority."

It claims that if opencast mining were having an impact on public health, there would be evidence from local general practitioners of an elevated incidence of disease associated with the industry and there would be indications from other areas of research that it could be a problem.

I have checked with local health care co-operatives that cover the Ayrshire coalfield, which report that those areas have the highest mortality rate for respiratory disease in Ayrshire. The rate is well above the Scottish average. The areas have

higher-than-average admission rates for diseases of the respiratory system across all age groups, but especially among children, which is worrying.

GPs have not only reported that, but have sought and received funding from the local health board to establish the new position of respiratory nurse. Indeed, its business plan makes it clear that the position is vital, given the high priority of respiratory disease within both local health care co-operative areas, and is based on identified needs. As a result, there is clear evidence of a higher incidence of respiratory disease in coalfield community areas.

On top of that, SOOT's supplementary letter points out the relevance of research from the United States, which highlights the correlation between particulates in the atmosphere and mortality and morbidity caused by respiratory disease by stressing the effects of diesel emission particles. We know that about 2 million litres of diesel fuel is burned off in Scottish opencast sites every week. Incidentally, the University of Newcastle study indicates that the issue of on-site diesel emission particles clearly merits further research and reporting. That evidence effectively demolishes the minister's claim that there is no need for further research on opencast mining.

I recently contacted the Committee on the Medical Effects of Air Pollution, which indicated that it has commissioned the University of Strathclyde to do some work on the health effects of long-term exposure to air pollutants. It would be no great leap for the Executive to request that the research cover a coalfield area in order to give us a good indication of what is happening on the ground. We need to fill that gap. Given the First Minister's concern with what he calls "environmental justice" and the fact that the coalfield areas are probably some of the most disadvantaged in terms of historical industrial exploitation and the health impacts of previous industries, the Executive and the Parliament ought to feel duty bound to support research into the subject. I would like the committee to respond to that effect.

Nora Radcliffe: Ditto. I agree with Adam Ingram's comments; indeed, I could not say things better myself. Even the Executive says that more research is required into the relationship between particulates and ill health in whatever setting. Opencast coal mining creates dust and diesel fumes. Although the University of Strathclyde study is a generic piece of research, it will have applications.

John Scott: I, too, agree with Adam Ingram. I note the apparent ease with which people can apply to get more coal out of Scotland. SOOT's figures are self-evident and quite damning, if they are verifiable, as I am sure they are.

Adam Ingram addressed the health issues very well. I just wonder whether we should also ask the Health and Community Care Committee to examine that aspect of opencast coal mining. I know that the Health and Community Care Committee has a huge work load, but the problem is a long-term one. If that committee could address the problem in conjunction with the University of Strathclyde study, it might be better qualified than we are to come to a decision and it might have more power to put pressure on the Executive to deal with the situation. That is what we want to achieve.

Maureen Macmillan: I agree with John Scott. The Transport and the Environment Committee cannot pursue health matters. The Health and Community Care Committee must do that. Much as we might want to consider health statistics, for example, I do not know whether we can.

The Convener: We should certainly draw the issue to the Health and Community Care Committee's attention. However, the petition is an area of overlap, in which the health issues are closely related to reform of the planning guidelines. We have a legitimate interest in finding out whether opencast mining has health implications.

Perhaps the way forward is to pursue the issue further with the Executive but draw the correspondence to the Health and Community Care Committee's attention. I can liaise with that committee's convener on whether the committee wishes to take evidence on the matter or is content with any action that we pursue. That takes into account the Health and Community Care Committee's extremely heavy work load. However, we should give that committee its place in the matter and draw the issue to its attention. If it wishes to pursue the matter, it can by all means do so.

Nora Radcliffe: I was just going to say what the convener has said. Our locus is to ensure that the research is taken into account in the planning system.

The Convener: I welcome the fact that the Executive intends to review NPPG 16. I note that it intends to do so during its 2003-04 programme. We should encourage the Executive to draw that review forward into the current programme. I note that the Executive response says that that is possible if other funds become available.

Mr Ingram: I understand that that is happening.

The Convener: I was not aware of that. We should welcome the fact that a review of NPPG 16 is taking place, as the committee requested. We should also welcome the fact that consultation will take place on the introduction of fees for the monitoring and enforcement of mineral

permissions, which also concords with the committee's views.

I agree with the comments that several members have made that the disappointing part of the Executive's response is on the health issues. I agree with Adam Ingram's point that many of the communities that are potential development sites for opencast mining suffered significant environmental degradation and health problems in the past largely as a result of the deep coal mining industry. We should be cautious before we expose future generations in those communities to potential health problems.

The committee seems to be unanimous in wishing to encourage the Executive to embark on research that should buy into and dovetail with research that is already taking place. We also seem to be unanimous in believing that that research into the health impacts of opencasting should inform any review of NPPG 16. Further to that, we will draw the issue to the Health and Community Care Committee's attention, so that it can consider whether it wants to pursue any independent work on the petition or is content with the issues that this committee has raised. Do members agree that we should take that course of action?

Members *indicated agreement.*

Subordinate Legislation

Road Humps and Traffic Calming (Scotland) Amendment Regulations 2002 (SSI 2002/419)

The Convener: Item 4 concerns subordinate legislation. We have one negative instrument before us. No members have raised any points on the instrument and no motion to annul has been lodged. I take it that the committee has nothing to report on the instrument. Are we agreed?

Members *indicated agreement.*

The Convener: That brings us to the end of the public part of the meeting. I thank those members of the press and public who attended.

09:59

Meeting continued in private until 12:12.

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