



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Citizen Participation and Public Petitions Committee

Wednesday 13 November 2024

Session 6



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Pàrlamaid na h-Alba

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## Wednesday 13 November 2024

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## CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

### 17<sup>th</sup> Meeting 2024, Session 6

#### CONVENER

\*Jackson Carlaw (Eastwood) (Con)

#### DEPUTY CONVENER

\*David Torrance (Kirkcaldy) (SNP)

#### COMMITTEE MEMBERS

\*Foyso Choudhury (Lothian) (Lab)

Fergus Ewing (Inverness and Nairn) (SNP)

\*Maurice Golden (North East Scotland) (Con)

\*attended

#### THE FOLLOWING ALSO PARTICIPATED:

Sarah Boyack (Lothian) (Lab)

Douglas Lumsden (North East Scotland) (Con)

Marie McNair (Clydebank and Milngavie) (SNP) (Committee Substitute)

Pete Rawcliffe (NatureScot)

Eileen Stuart (NatureScot)

Sue Webber (Lothian) (Con)

Brian Whittle (South Scotland) (Con)

#### CLERK TO THE COMMITTEE

Jyoti Chandola

#### LOCATION

The Adam Smith Room (CR5)



## Scottish Parliament

### Citizen Participation and Public Petitions Committee

Wednesday 13 November 2024

*[The Convener opened the meeting at 09:32]*

### Decision on Taking Business in Private

**The Convener (Jackson Carlaw):** Good morning, and welcome to the 17th meeting in 2024 of the Citizen Participation and Public Petitions Committee. We have received apologies from Fergus Ewing, but I am delighted to welcome Marie McNair, who joins us live in the committee room, rather than online, for the first time.

Agenda item 1 is a decision on taking business in private. Are members content to take in private items 4 and 5, which relate to the evidence that we are about to hear and to the committee's work programme?

**Members** *indicated agreement.*

## Continued Petitions

### National Parks (PE2089)

09:33

**The Convener:** Agenda item 2 is consideration of continued petitions. Following the evidence session at our previous meeting, we will start with PE2089, which has been lodged by Deborah Carmichael on behalf of the Lochaber National Park—NO More group. The petition calls on the Scottish Parliament to urge the Scottish Government to suspend any action to create further national parks in Scotland; to instruct an independent review of the operation of the current national parks, including an assessment of the economic impacts on businesses and industries in the two parks, including but not exclusive to farming, forestry, crofting and angling; and to conduct a consultation with representatives of rural businesses and community councils to help frame the remit of said independent review.

At our meeting on 30 October, which I referred to a moment ago, we heard from two groups. First, we heard from Denise Brownlee from the No Galloway National Park campaign group, Mhairi Dawson from National Farmers Union Scotland, Nick Kempe from Parkswatch Scotland and Ian McKinnon from the Lochaber National Park—NO More campaign. We then heard from Rob Lucas from the Galloway National Park Association and John Mayhew from the Scottish Campaign for National Parks.

Today, we will take evidence from Pete Rawcliffe, head of people and places, and Eileen Stuart, deputy director of nature and climate change, NatureScot. I give a very warm welcome to you both.

Mr Rawcliffe, I am genuinely intrigued to know what the head of people and places actually means. I understand the people bit, but I am trying to understand the places bit. Could you explain what your title means?

**Pete Rawcliffe (NatureScot):** I am in charge of NatureScot's national team dealing with the people side of our remit that relates not to human resources but to our engagement with nature, including national nature reserves and national parks.

**The Convener:** What about the places bit of your title?

**Pete Rawcliffe:** It is about nature and people coming together in a place, so place making is a really important part of the connection to nature.

**The Convener:** Thank you. That explains it for those following along who might have been wondering what it meant, as we were.

We will move straight to questions, as we have done on the other occasions. Please feel free to add anything that you want to say, and there will be an opportunity later for you to mention anything that you feel that we have not touched on.

I invite Maurice Golden to lead on the initial theme of our questioning.

**Maurice Golden (North East Scotland) (Con):** Thank you, convener, and I welcome the witnesses to the meeting.

I will start at the beginning. When the existing national parks were assessed, what sort of evidence was sought or research conducted to inform whether a new park should be put in place?

**Eileen Stuart (NatureScot):** The existing national parks have been in operation for a number of years, as you know. There are national park plans, the parks report regularly to their boards, and they have their own targets, monitoring and assessment. The national parks have a strong record in delivery, and, obviously, we have worked with them on a number of projects to restore nature, tackle climate change and support communities and economic development.

There is quite an established body of evidence on the impact of the national parks, and that is what lay behind the proposal to develop a new one. In 2022, we carried out a consultation in which we surveyed more than 1,000 representative individuals across Scotland, and 89 per cent of responders were supportive of a new national park. A weighty body of evidence and public support was gathered, and that obviously helped inform the Government's thinking about whether national parks were effective and were addressing the climate and nature emergency and whether there should be more of them in Scotland.

**Maurice Golden:** Thanks for that. With onshore wind projects, for example, we have found that Scotland is broadly supportive of them until they are close by. It might be quite interesting to consider that same element in any further research on national parks.

Obviously, the consultation period is just starting, but I am interested in the vision for Galloway national park, in particular, and in how communities can assess whether they want it for their area. Is the vision very similar to those of the existing national parks, or is it slightly different?

**Eileen Stuart:** That is still to be determined—it is what the consultation will explore. The proposal that was assessed by the Scottish Government, which formed the basis for this particular proposal,

came from a lot of work that was done by the Galloway National Park Association and the Galloway and Southern Ayrshire Biosphere. They worked together on what was quite an inspiring bid, which was supported by the local authorities and a range of parties that they engaged with.

The bid presented a vibrant, forward-thinking and progressive view of what a national park in Galloway could do; it was about working together with landholders, farmers and foresters to co-ordinate work at a regional scale and to identify opportunities for woodland and peatland restoration. It presented a number of quite positive things, including a view of how visitors could be managed and the area promoted, and how things could be co-ordinated at scale. That is something that a national park can bring to an area; it is able to work across boundaries with local authorities and other public bodies, and it can work in a co-ordinated way on, say, managing visitors across different sites and bringing together individuals to present farming approaches and to do things collectively and collaboratively.

The basis of what we are consulting on has come from the exploratory work that was done by the people on the ground who presented the application, but I will invite Pete Rawcliffe to add a little bit of flavour, as he has seen a lot of that being developed, too.

**Pete Rawcliffe:** The vision is set out in the consultation, and the case for the national park is part of that consultation. When we provide advice to ministers, we take the consultation messages and use them to shape that advice and provide a clear vision that ministers can think about when deciding whether to proceed with designation.

**Maurice Golden:** I am slightly confused. Is the consultation about various iterations of the Galloway national park, including its geography and the infrastructure that it might house, or is the consultation about whether the park should or should not go ahead?

**Eileen Stuart:** It is absolutely about both those things. The Government has asked us to develop a proposal for what a new national park could do and then to consult on whether there is strength of opinion on the proposal going ahead. We have to do the former and present the case for what a national park could do in practice.

That is illustrated in the consultation document. We have tried to present the consultation as being very open, so there are options for a park of a number of different sizes and scales, but there is definitely also an option not to have a national park. There could be other alternatives, too. We have asked people for their views on whether there should be a national park and whether there

are other effective ways of addressing the challenges in the area.

The consultation is as open as we can make it. However, there must be a proposal to consult on, so we have to present a picture of what a national park can do, based on the evidence that we have from Scotland's existing national parks.

I hope that that answers your question.

**Maurice Golden:** I think so, but it leads me on to what is quite a concerning aspect of this issue. How can communities make an assessment of whether they want something when that thing is not defined? For some people, it would be beneficial if the Loch Lomond and the Trossachs national park did not have the Loch Lomond Shores centre, while others might want something of that scale, because of the economic benefits. By the time that you have layered on proposals on climate change and biodiversity, there might be a number of quite compelling but competing visions for what the Galloway national park would do.

Did you consider doing the consultation in two parts, first, by gaining views, and, secondly, by showcasing those views to communities so that they could decide what might be delivered as a result? Does that make sense?

**Eileen Stuart:** I think that it does. We undertook extensive engagement and had more than 60 meetings with a range of different stakeholder groups, local authorities and community councils, and the response from those meetings was that people wanted to see some detail and some flesh on the bones so that they could think about what they did or did not like. That is what we have tried to present. We have tried to put enough flesh on the bones so that people can decide whether they would support having a national park and can see how it would affect their interests or how it might respond to the things that they are passionate about.

Our feeling was that many people, clearly, have still not made up their minds. The consultation has been layered in that way so that people can make their overall views clear, but they can also say, "I like this, but I don't like that," or can tell us that they would support a national park only if it were a certain size or had certain powers. The consultation is structured to give us that depth of information so that we can present really good feedback to the Scottish Government and give advice about what we are hearing from communities of interest, local communities and wider stakeholders.

There are lots of elements to the consultation. There are events where we can pick up the quality insight that I hope will help us present a really clear and informed picture to ministers.

Pete Rawcliffe might want to add more.

**Pete Rawcliffe:** It is worth emphasising that this is an iterative process that can be stopped at any stage. It begins with quite a simple ministerial proposal that does not contain much detail beyond naming an area, and it ends with the Scottish Parliament either approving or rejecting a designation order setting out the detail of the park, its powers, its governance and its prescription for the area.

There are at least three stages of consultation between those two points. This is the first formal consultation stage; we will then advise ministers on what people have told us; and they will or will not proceed on that basis. If they decide to do so, they will develop a draft designation order, which is similarly subject to formal consultation, and will include a draft boundary and a detailed set of arrangements for its powers and governance. After that, there will be parliamentary scrutiny of the designation order as it proceeds through the Parliament, which will involve committee discussions and evidence-taking sessions, as I presume it did last time.

09:45

There are lots of opportunities to engage in that iterative process. The legislation was based on the fact that national parks could not be imposed. In other words, we cannot prescribe a blueprint for all proposed national parks; there has to be a lot of bottom-up feedback in the process.

I appreciate that that causes quite a lot of confusion about the process and what is being asked, but we are trying to be inclusive. Our advice to ministers is only advice—no decision has been made on whether to designate the park. Ministers will take that step in the light of our advice in the spring.

**Maurice Golden:** I have a final question. NatureScot's website says that

"farmers and crofters do not face any additional bureaucracy within National Parks"

and that they can receive additional support. However, NFU Scotland has said that the majority of its members feel that

"existing national parks have failed to make a positive contribution to farming and crofting."

What is your response to those concerns?

**Eileen Stuart:** We are mindful that farmers have expressed strong views, and we continue to engage with them. At the committee's evidence session on 30 October, Mhairi Dawson said that we have had good, open engagement with the NFUS. We continue to meet regional representatives, and we have reached out to the

chair of the NFUS to ask what else we could do, because we want to ensure that farmers' views are represented and that we hear from farmers in the existing parks. The regenerative farming network is bringing together farmers from the national parks in the Cairngorms and in Northumberland for an event at the beginning of December in Creebridge.

It is important for farmers to take the time to explore what might happen, to listen to farmers elsewhere and to think through the positives as well as the potential negatives. We hear both sides of the story. The NFUS did a survey a short while ago and collected about 1,900 responses. I understand that 300 of the respondents were based in the Galloway area. We want to hear the views of farmers in Galloway and ensure that they have an opportunity to listen to farmers elsewhere and think through the issues, so that they understand the opportunities as well as the potential downsides of a national park.

We have heard about and seen opportunities, such as the farming networks in the Cairngorms and in the Loch Lomond and the Trossachs national park. They are working together by sharing information and talking about how they can make their farms more resilient and more resistant to climate change, and about how they can invest in work to support peatland restoration and woodland generation. The networks are having a positive impact, and farmers want to engage with them. They are also working with the park authorities.

There is a mixed picture, and we want to ensure that all views are properly represented and that people have the opportunity to explore and learn about the issues. We will reflect those views in our consultation report. The discussion is on-going. As people see the detail in the consultation survey and have opportunities to discuss and explore the issues further, their views might evolve. We will feed back whatever representations are made to us as fully and as frankly as we can.

**Maurice Golden:** I repeat that the NFUS has said that

"existing national parks have failed to make a positive contribution to farming and crofting."

What is different about the proposed Galloway national park that will change that, or will farmers and crofters in Galloway make the same assessment?

**Eileen Stuart:** We do not know what the proposed national park in Galloway would look like, because elements of it are still to be decided. It is for farmers in Galloway to express what they want. A national park would have some scope to do things such as grant powers and bring people together.

Any national park in Galloway would be tailored to the circumstances. Obviously, the farming situation in Galloway is very different from that in the existing national parks. There is a dairy industry and a different sort of make-up; there are hill farms, as well. We are working with those farmers to discuss what a national park is and what opportunities it can provide for them and to ask what their concerns are. We will see whether their views evolve once that is explored in a bit more detail.

Pete Rawcliffe has been involved in a lot of the discussion with farmers and NFUS representatives, so he might want to add to that.

**Pete Rawcliffe:** I think that it has been a good discussion. We have welcomed the opportunity to talk to NFUS colleagues and other farming networks throughout Galloway.

In the consultation paper, we have looked at some of the drawbacks as well as the advantages of national parks. Most of the regulation of farming in national parks is the same as farming regulation in any part of Scotland, and it is mainly done by the Scottish Government. Funding is provided directly through the Scottish Government; the parks have no control over that. There are differences in aspects of planning, which have impacts on some farmers but not on others.

Farmers have to make up their minds on the proposal. In responding to our 2022 consultation, the NFUS reiterated that its position was no, but it noted that some of its members had said that they benefited from living and farming in existing national parks and that some could foresee opportunities from the creation of new ones.

The discussion that we are having is not about getting a yes or a no at the moment, and we do not expect to get a yes or a no until we get the NFUS response and the farming response to the consultation.

**The Convener:** Thank you. David Torrance will lead on the second theme, which is the drivers for designating more national parks and alternative approaches.

**David Torrance (Kirkcaldy) (SNP):** Good morning. The key drivers for more national parks are supporting economic growth, addressing the climate emergency and improving public services and community wellbeing. In the evidence that we took two weeks ago, people who are against the new national park in Galloway said that they did not think that the park would have any economic levers or that there would be benefits to public services. They thought that it would be detrimental to the area. Are there examples of the existing national parks supporting economic growth, addressing the climate emergency and improving public services and wellbeing?

**Eileen Stuart:** There is evidence from the national parks. The Cairngorms national park has done quite a lot of work with local businesses. Something like 100 businesses now use the national park brand in their promotion, and they are finding that to be beneficial. We know that the parks have been very successful in supporting visitors and tourism and in doing so in a sustainable way that reduces the impact on vulnerable sites and on communities that face problems with visitor management. There are lots of strong examples of positive action under way.

However, it is important to understand that national parks cannot do everything. They have a focus on local communities, and their strengths lie in supporting nature and climate change measures and in supporting the sustainable use of natural resources by local communities. Areas around, for example, health and transport are not within their remit, so we must be clear—as, I hope, the consultation is—that national parks are not a panacea for all the issues that local communities have, although there are things that they can do and do well. Their convening power and the promotion and strength of the brand can be harnessed and can be quite effective for business communities.

Perhaps Pete Rawcliffe would like to add to that or explore it further.

**Pete Rawcliffe:** Some of the work that we are doing as part of our reporting work, along with South of Scotland Enterprise and VisitScotland, will tease out the economic impact of the proposal. In addition, the Scottish Government is undertaking preparatory work on a business and regulatory impact assessment, which will be needed alongside any decision to designate. We will collect data and evidence that is available in the Galloway region as part of the work that we, as the reporter, are doing and that the Scottish Government will be doing as part of the formal process of designation, if the proposal proceeds.

**David Torrance:** In evidence to the committee two weeks ago, Nick Kempe said that, under the national parks, administration, the planning system, forestry grants and agricultural grants are “exactly the same”. Is it time that we had an independent review into national parks to see whether there is anything that we could change, either for the proposed new national parks or in the existing ones?

**Eileen Stuart:** Sorry—for clarification, do you mean to enable people in national parks to access grants in a different way?

**David Torrance:** Yes, or just to change the whole planning system or the system for agricultural and forestry grants. The position is the

same in every national park. Can we do something different?

**Eileen Stuart:** That is a good question. It is for the Government to consider the regulatory platform that exists. The regulatory and grant systems operate across the whole of Scotland, and national parks provide advice to support the guidance and enable people to access the systems more effectively. They have often provided advisory support, and they offer a way of bringing people together so that there is shared learning and, sometimes, so that applications can be made collaboratively on a larger scale.

In Loch Lomond and the Trossachs national park, there is the Great Trossachs Forest project, which operates at a landscape scale, with multiple owners coming together. The national park has been able to facilitate that approach so that, in joining together, the whole is better than the sum of its parts. In general, that is what the national parks are able to do.

The national park plans present a vision, which means that, when proposals go through the system of grants, they are already built on a clear vision and articulation of what the benefits are. That enables them to be supported with a more streamlined approach, and with a greater likelihood of success, because they are built on that fundamental vision.

**David Torrance:** With regard to the need for change and an independent review, should national parks have more powers to be able to enforce different things in the areas that they represent?

**Pete Rawcliffe:** We have asked that question quite a few times over many years. There are a lot of existing powers in the Scottish Government and in public bodies, and there has never been a convincing case for the national parks to have more powers to stop things, although I guess that some would say that that is required.

The interesting thing is that national parks have sort of been under review since 2022. NatureScot consulted and provided advice to the Government, and the Government then consulted on changes to the National Parks (Scotland) Act 2000—we will probably get on to that topic in a moment. Our advice to ministers at that time, in 2023, was that the park aims are delivered through a collective approach by the Scottish Government and that that is all brought together in the park plan. It is almost about beefing up or strengthening the park authority’s ability to convene and ensuring that Government policies and local policies in the area are better aligned, rather than providing new powers per se.

**David Torrance:** My final question is about the management and the boards of national parks. We

heard evidence that the boards should be a much broader church and should take in a lot of different areas. The boards are currently very limited in terms of the people on them. What would you say to that?

**Eileen Stuart:** The existing approach to identifying who the board members should be is set out in the national parks legislation. The legislation sets out that a majority have to be locally based. There is scope for local authorities to identify individuals with either a local representative role or a specialist interest, so there are opportunities in the existing system to focus on geographical representation, themes of interest or expertise. There are also Government appointees, and the Government can identify particular specialisms that it thinks would be appropriate for any national park to ensure that board members have the full range of skills.

The existing national park boards are quite large and have a wide range of expertise, including a lot of local knowledge and lived experience, so they reflect the broad range of interests that need to be represented in order to guide the national park plan and address the on-going decision making and implementation that are involved.

I think that there is scope in the existing system to ensure that the right people are around the table. That is certainly the experience as we have heard it to date.

10:00

**The Convener:** A little earlier, I heard you say—as others, possibly Nick Kempe, have said—that there are alternative or complementary mechanisms to the designation of a national park that might achieve a similar outcome. Can you give examples of alternative or complementary ways forward that might deliver those results?

**Eileen Stuart:** That is set out a little bit in the consultation document. It has been a topic of interest, and we have discussed it at the events that we have attended. The Biosphere already exists and covers a large area; it encompasses the largest area that has been consulted on. It has been working effectively and has funding support, and it identifies opportunities and does some of the work that a national park would do. It has some challenges, in that its funding is not secure—it has to bid for funding—and it does not have the same legislative structure as national parks, so it does not command the same degree of power or influence.

There are also bodies such as South of Scotland Enterprise, which is working very effectively to address the range of social and economic issues that affect the Galloway area. Those are two examples of existing groups that

could do some of the activity that a national park could do.

We are certainly open to hearing people's views on whether some form of organisation, whether it is those existing bodies or something in addition, or some beefed-up way of supporting those organisations would be an alternative that should be supported.

**The Convener:** The advantage of the national park designation is the authority that comes with the structure of a national park. Is that, in essence, the case?

**Eileen Stuart:** Yes, that is right. The national parks have a formal and statutory role, secure funding and the powers that are ultimately determined to be appropriate, so they bring with them a status, a role and a profile that the existing bodies do not currently have. However, that aspect could be explored and expanded.

**The Convener:** Marie McNair will ask questions on our third theme, which is the NatureScot reporter process, including local engagement.

**Marie McNair (Clydebank and Milngavie) (SNP):** Good morning. It is great to see the witnesses this morning, and I thank them for their time.

The Scottish Government has said that any

“new National Parks should be designated in response to local community demand.”

What is your approach to assessing local demand for the Galloway proposal? Obviously, that would cover diverse interests and the rural areas there.

**Eileen Stuart:** Pete Rawcliffe has been heavily involved in that work, so I will pass over to him.

**Pete Rawcliffe:** The consultation is now live. The reporting work is in three phases. We have done the pre-consultation work, in which we spread information and talked to a lot of people and communities, as well as stakeholder groups, across the area. We are now in the formal consultation phase, and we are trying to make the consultation as accessible as possible to a range of people in different communities across the area.

There is an online survey—both a long version and a short version. With a consultancy, we have organised a programme of open public meetings across the area, and we are continuing to meet stakeholders such as the NFUS and its members during the consultation period. We are also trying to do as much bespoke work as we can with young people and other groups that tend not to take part in formal consultations. We are doing a lot.

We are also producing a leaflet—we are still reviewing how we do it better this time round. We

distributed an information leaflet to households in the area via Royal Mail, but that coverage was a bit patchy, as we learned from some of the feedback that we got. We are planning to do something similar with the consultation leaflet, which will go out in the second half of November.

We are trying to reach as many people as possible. There might be up to 60,000 people in the area, so it is a big ask to reach as many as possible, but we think that the measures that we have put in place will guarantee a good response to the consultation and allow us to come to a view about community interest in, and desire for, the park.

**Marie McNair:** That is not without its challenges because of the geographical area that you have to cover.

Do you feel empowered by the Scottish Government to conclude that there is insufficient local demand? I am interested in your thoughts on that.

**Eileen Stuart:** Absolutely. The consultation is live and we have had 100 responses already, so it is drawing people in, which is great. Many people will reserve judgment until they have been involved in some of the discussions, so we expect engagement to build up over the consultation period. As you know, that period has been extended at the request of local MSPs in particular and in response to the feedback that we got.

The consultation is designed to be open. There will be a full and thorough analysis of the responses, which will be presented to the Government and be available for scrutiny. The Scottish Government will have access to all the material and all the responses. We are asking people to identify where they come from and to make their responses available so that we can put as much information in the public domain as possible. We want the consultation to be as transparent as possible, and we will fully and accurately follow up on, analyse and respond to what we receive.

The consultation is still open and, if the response clearly tells us that local support does not exist, that is what we will present to the Government.

**Marie McNair:** What were the main concerns that communities and sectors raised in the pre-consultation phase? We heard earlier about the concerns that farmers expressed. Will you expand on other responses?

**Pete Rawcliffe:** We have had a lot of really useful insight. The consultation paper lists about 20 things that have come up, so I will summarise them. Many of them have to do with concerns about tourism in the area and the impact that the

associated traffic, transport and pollution might have on not only land managers but communities. People have asked whether the infrastructure is sufficient to cope with that.

Another stream has been about the impact on house prices. There are concerns that the park would make the issues worse in the area rather than better.

There has also been a stream about concerns that the proposal is top down, bureaucratic and imposed and that the park would be run by the Scottish Government rather than a national park authority. Lack of understanding of the process has been a concern in the responses, and the A75 has featured in a lot of the discussions.

**Marie McNair:** Were there any surprises in that? Obviously, that list includes a lot that you would expect, but did anything pop out as unexpected?

**Pete Rawcliffe:** One concern that we have heard and are following up is about the impact on healthcare facilities. There are two aspects. One is about housing for healthcare staff and one is about staff being able to do the job and travel around the area. We will pick that up with NHS Dumfries and Galloway and think about the implications of those issues and whether they are significant.

That concern did not feature in the designation of the first two national parks, but that was quite a long time ago. That is the nature of the process that we are undertaking. We are listening, responding to what people tell us and trying to take those issues forward in the consultation as part of our advice.

**The Convener:** Foysol Choudhury will take us on to the next section, which is on the forthcoming legislation.

**Foysol Choudhury (Lothian) (Lab):** Good morning. The Scottish Government proposes to make changes to the national parks legislation in a bill that is due to be introduced later this parliamentary year. Does the fact that that process is running alongside your investigation create any challenges—for example, in enabling you to tell the community what a Galloway national park might look like?

**Pete Rawcliffe:** The Scottish Government has made it clear that we are reporting under the current legislation, not the future legislation. That is the basis of the consultation that is proceeding. If the Government introduces changes to the National Parks (Scotland) Act 2000 as part of the natural environment bill, we will communicate that. That will complicate the communication around the messages, but we can see the opportunity that is presented by the bill to make some of the changes

that have been discussed for a number of years. We understand that that is going ahead.

The Government will consider our advice alongside changes to the national parks legislation come the spring, so there will be time to think about whether the changes will have implications. At this stage, we do not know what the changes will be, so it is a hypothetical question until those changes come out into the public domain.

**Foyso Choudhury:** Are you worried that something might come as a surprise?

**Pete Rawcliffe:** No, I am not worried about that. I have other things to worry about.

**Eileen Stuart:** As Pete illustrated earlier, there are more stages in the process to come before the designation order is consulted on, at which point we would expect any changes to the national parks legislation to be identified. At that stage, the consultation will evolve. If there are new powers that may affect the new proposal, they will be embedded in the further consultation, so there will be time for people to consider what is definitely on the table if things emerge from the parliamentary process.

**Foyso Choudhury:** The committee has heard some views that national parks lack the power to do things differently and that the model should be strengthened before new designations are made. What are your views on that? Will the legislative proposals make a significant difference to how national parks operate?

**Eileen Stuart:** I would say that the proposals are an evolution, not a revolution. They are a refinement, or a means of clarifying some of the governance arrangements and the ways in which public bodies work together. They would strengthen the ability of a national park to work and to be more effective in its convening role in bringing people together and identifying the powers and the boards that will represent the Government's priorities.

As I said, the proposals are an evolution, not a radical change. In our view, they will not fundamentally change the way in which national parks are established, the work that they do or how they operate. I do not think that the proposals will make much difference to what the national parks will look like, and they are certainly not sufficient to pause the process and wait and see how things evolve. We will follow the process and see what emerges.

**The Convener:** One theme of the petition is the instruction of an independent review. The Scottish Government was unenthusiastic, but there was a general feeling in the committee that, after 20 years, it would not seem unreasonable to have an independent review. Some of the witnesses from

whom we heard last week addressed the issue of a consultation process on two fronts. First, NatureScot has a vested interest in the outcome of the consultation, so it is therefore not truly independent in its analysis of what emerges.

Secondly, regarding the consultation itself, although people will come forward and contribute, it will elicit only the information that comes from those people who choose to participate in it, which is not necessarily always the complete picture. The merits of an independent review would be that somebody would be charged with proactively going out and asking questions, whether or not the issues that they asked about had been volunteered by a body of people, an individual or whoever, as a consequence of a consultation.

I am interested to know your perspective on the petition's ask that a review be held that would look at aspects such as farming, forestry, crofting and angling, which would give Parliament and the wider public a holistic view of the success of the development of national parks and enable them to see to what extent the existing national parks have evolved from the original conception. What is your view on that aspect of the petition?

10:15

**Eileen Stuart:** We are aware that that is a key part of the petition. Ultimately, it is for the Scottish Government to decide whether to undertake such a review.

There is certainly an open and transparent process for the existing national parks. There is a national park plan, parks report on their performance and they have boards to hold them to account and determine whether they are effective. As in other areas of Government, there is built-in monitoring and review, and there are opportunities for Government to reflect and give future guidance.

The new national park was proposed because the Government thinks that such parks are effective and that having an additional national park would therefore be of benefit. We must remember that the genesis of this comes from the nature and climate emergencies. We have the 29th United Nations climate change conference of the parties—COP29—at the moment, and we had COP26 in Glasgow just a few years ago, as I am sure you all remember.

Scotland has been a leader, and the Government aspires to continue to be ambitious in supporting action to address climate change and biodiversity loss. National parks are geared up to do that, as they operate at landscape scale and take action that directly addresses those two threats. That is the basis on which the Government has put forward the proposal for a

new national park. It seems that the case is there and that is what the Government is working on. It is for ministers to determine whether there will be a subsequent review.

Regarding our role and our ability to be independent, we have carried out the reporter role for the two existing national parks. It is quite a complex role, which is not just about being able to run a consultation. It is necessary to have the expertise of people who understand landscape, culture and nature and can put all that together to create maps and proposals. There is quite a lot of analysis of geographical information and a lot of work behind the scenes. It is difficult to see how that could be done by commissioning an external consultant to come in and lead that work.

We have brought in extra expertise and have used independent consultancy agencies to do the engagement, so that we can ensure that it is done by experts in the field and by people who are at arm's length from the consultation process and can feed into it.

It is probably worth members knowing that there will be an independent analysis of our consultation to ensure that it has been inclusive and open and has been structured to reach out to as wide and representative a group as possible. There are lots of checks and balances in place that mean that we can be pretty confident that the consultation will be run well. I would say that, wouldn't I? However, we have the expertise and the capacity, and we are willing to respond to any new ideas that come forward.

**The Convener:** To pick up on that point, what will be the process that generates the independent analysis of the consultation?

**Eileen Stuart:** Pete, do you want to talk to that?

**Pete Rawcliffe:** Just as we did in relation to the Cairngorms and Loch Lomond, we will commission an independent body, which will probably be a university. That is what we did in the case of the Cairngorms. We will ask someone to check our homework.

**The Convener:** Will you get an academic, arm's-length organisation to take a look and analyse that?

**Pete Rawcliffe:** It will be at arm's length from us. We might have to pay someone to do that.

**The Convener:** I have a final question, which relates to the evidence that we heard last week. There was some comment that although the new national park might be called Galloway national park, it runs into South Ayrshire and other territory, too. There was a feeling that, because that is a much more populated area where there are established concerns, it is quite distinct from the Cairngorms or wherever else. In addition,

there was a concern that the thinking would be that a similar arrangement would be developed, which would really not work for that area, because it would interfere and potentially undermine quite a bit of what was there.

I think that you said earlier that the consultation is about developing a proposal that will meet those challenges. Eileen, will you confirm for the record that that is your view?

**Eileen Stuart:** Yes, we are very aware that the geography, the population and the issues in Galloway are quite different. Depending on where the boundary ends up being, that would affect the population density and pattern, which would obviously change things. The land management pattern, which we have talked about, of wind farms and farming communities is different, too, and that needs to be reflected.

On the population, the different nature of settlements and the different issues that come with those, we have had a lot of engagement with the local authorities—Dumfries and Galloway local authority officials, in particular, but also South Ayrshire and North Ayrshire councils. We are using the expertise and knowledge in those local authorities to guide us on what the issues are and what a national park might need to do to address them. We are doing our best to reflect what we are hearing and the different circumstances and situations that exist in the Galloway area that is being explored.

**The Convener:** Thank you. As there are no further questions from the committee, is there anything further that you want to add to the narrative that we have perhaps not touched on this morning?

**Eileen Stuart:** I think that we have covered things very well. It is really good to get your proposals, thoughts and questions, because those will help us to understand what concerns are emerging. We are very happy with the discussion, and we would be more than happy to come back or to explore any of these things in more detail as the process evolves.

**The Convener:** Thank you for that and for the evidence that you have given us this morning, which has helped to build up our profile of the issue.

We will continue our consideration of the petition at our next meeting on 27 November, when we will hear from the Cabinet Secretary for Rural Affairs, Land Reform and Islands.

Are members content to reflect on the evidence that we have heard in our private session later?

**Members indicated agreement.**

**The Convener:** In that case, I suspend the meeting to allow the witnesses and others leave.

10:22

*Meeting suspended.*

10:24

*On resuming—*

### **Reusable Water Bottles (PE1896)**

**The Convener:** Our next continued petition is PE1896, which calls on the Scottish Parliament to urge the Scottish Government to replace the disposable water bottle that is provided with primary school lunches with a sustainable reusable metal bottle. The petition was lodged quite some time ago by Callum Isted—in fact, it was so long ago that we are on to our third First Minister since then.

Once again, we are joined for our consideration of the petition by our colleague Sue Webber. Good morning, Ms Webber.

Our most recent consideration of the petition was on 24 January 2024, when we agreed to write to the Cabinet Secretary for Education and Skills. Members will recall that the cabinet secretary had asked each local authority for information on how water is provided to pupils in their schools, how that meets sustainability requirements and whether local authorities would be interested in participating in a national procurement exercise for reusable metal water bottles. We asked whether the cabinet secretary would be willing to progress a procurement exercise with the local authorities that had indicated that they had an interest in obtaining reusable bottles.

In her response, the cabinet secretary explained that, because only 13 local authorities were interested, with six of them noting that their developing their interest was contingent on the exercise being centrally funded, the Scottish Government has determined that it will not take forward work on a national procurement exercise at this time.

Before we decide on what options are left open to us, I invite Sue Webber to address the committee.

**Sue Webber (Lothian) (Con):** This comes back to the longevity of the petition. You might remember the furore and activity that surrounded Callum Isted's first appearance at the committee. The First Minister at the time made significant promises. To keep his hopes up, he is a very determined campaigner. Whatever the outcome of the committee's decision, I know that Callum will still be fighting long and hard for environmental

issues that are close to his heart. He continues to campaign for a variety of things locally and, as I said, he is a very determined young lad. I am proud of everything that he has done to bring the issue to the attention of the committee.

We need to challenge each of our decisions on how we interact with and take forward sustainable goals, and Callum determined that his proposal would be a quick win, albeit that it might have had cost implications. It is disappointing that only 13 local authorities have expressed an interest in the proposal, but I am sure that Callum will carry on campaigning.

The convener noted that there have been two First Ministers since Ms Sturgeon was First Minister. She promised Callum a visit to Bute house. Given that that promise has never been honoured, I wonder whether the committee might ask the current First Minister if he would extend such an invitation to Callum.

**The Convener:** That is the easiest thing for us to consider doing. How old is Callum now?

**Sue Webber:** I think that he is nine, although I might have got that wrong.

**The Convener:** Is he only nine? He must be older than that.

**Sue Webber:** No, he is older than that. I am getting it wrong. I am not very good with ages. He is now about as tall as my shoulder height. *[Laughter.]*

**The Convener:** He was seven when he started his campaign.

**Sue Webber:** He is probably nine now.

**The Convener:** Do you mean that we have had three First Ministers in two years? *[Laughter.]*

**Sue Webber:** I met Callum the other week, and he is as determined as ever.

**The Convener:** Are there any other suggestions from committee members?

**Marie McNair:** I suggested earlier that we might want to contact Scottish Water and ask it to take the proposal on board and see whether it can work with Callum.

**The Convener:** That is an interesting thought.

**Foysoyl Choudhury:** I do not think that we have asked the current First Minister about the petition, so we should get him involved. We could also write to the Convention of Scottish Local Authorities to see whether we can continue to keep the petition open.

**The Convener:** I think that we have done that.

**David Torrance:** The committee has already done that, and we have had answers back from

the Government and COSLA. Callum was fantastic in his appearance before the committee, and I have to commend him for all the work that he has done, but, with regret, I do not think that the committee can take the petition further.

Therefore, I ask the committee to close the petition under rule 15.7 of standing orders, on the basis that the Scottish Government does not intend to take forward work on a national procurement exercise for reusable water bottles at this time.

**The Convener:** I would like us to do two things. First, we will write to the First Minister to say that Callum remains interested in having the opportunity to visit Bute house.

Secondly, in recognition of the fact that Callum was the youngest-ever petitioner to appear before the Parliament, which is quite remarkable, and that, as David Torrance has said, he was exemplary in his composure and focus on the issue, I think that it would be appropriate for the committee, on behalf of the Parliament, to present him with a certificate acknowledging the fact that he achieved that milestone in the lifetime of the Parliament. It would be appropriate for us to do that in the Parliament's 25th year. That would be a nice way to recognise the contribution that he has made to the consideration of an important matter in the Scottish Parliament. We will take forward those two actions. I hope that we will manage to have the First Minister facilitate a visit to Bute house.

10:30

Thirdly, in closing the petition, the committee will write to Scottish Water, setting out the position in relation to our being able to progress the matter with the Scottish Government, but asking whether, as the national supplier of water in Scotland, it might be interested in sponsoring a reusable metal water bottle scheme for pupils throughout Scotland. We can draw Callum's petition and the work that he has done to Scottish Water's attention and, if it has any interest, we could try to facilitate further engagement on that basis.

Is the committee content with that?

**Members** *indicated agreement.*

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

**The Convener:** Our next petition is PE1864, lodged by Aileen Jackson on behalf of Scotland Against Spin, which calls on the Scottish Parliament to urge the Scottish Government to increase the ability of communities to influence planning decisions for onshore wind farms by adopting English planning legislation for the

determination of onshore wind farm developments, by empowering local authorities to ensure that local communities are given sufficient professional help to engage in the planning process and by appointing an independent advocate to ensure that local participants are not bullied and intimidated during public inquiries.

We have been joined by our MSP colleagues Brian Whittle and Douglas Lumsden. Brian Whittle has maintained an interest in the petition over a number of years now. We last considered it on 21 February, when we agreed to write to the Scottish Government seeking an update on efforts to ensure effective community engagement on planning issues and on its work to explore the scope for planning authorities to determine more applications for onshore wind farm developments. I am struck that we last considered the petition on my wedding anniversary. I cannot think that there could have been a more exciting way to spend the day.

In March, we received a response from the then Minister for Local Government Empowerment and Planning, indicating that the guidance on effective community engagement in local development planning was anticipated to be published later this year. The minister's response highlighted the consultation on resourcing Scotland's planning system, which included a question on whether the current 50MW threshold should be raised, enabling planning authorities to determine more applications for onshore wind farms. The minister also stated that the UK and Scottish Governments were in agreement that the Scottish energy consenting system needed to be reformed, and our papers for today note that a consultation on a package of proposals for reforms spanning the consenting process, including pre-application community engagement, will be open for responses until 29 November.

We have also received new submissions from the petitioner, expressing continued concern about the unequal playing field, particularly for people participating in public inquiries, noting that they have written directly to the minister about the lack of professional support available to members of the public and community groups wishing to take part in those processes.

The petitioner also draws our attention to the outcome of the Scottish Government's consultation on planning resources, which indicated support for raising the 50MW threshold. The petitioner was concerned that, while action has been taken to progress other proposals from the consultation, little progress has been made on this matter.

In the first instance I would ask whether Brian Whittle wishes to say anything to the committee that we might take into consideration.

**Brian Whittle (South Scotland) (Con):** You are right that this is an on-going petition; it has been considered over some time. The same issues keep arising, and I currently have six individual casework items open on six different wind farms in the south of Scotland. I will not take too long on this, but the basic thread running through all of them is the inability of communities to be properly heard or to be involved in consultation. I have a whole list.

We considered all of the cases and the public's response to the building of wind farms or solar farms. In one case, there were 57 against and two for; in the next one, there were 57 against and one for. There was a huge amount of consideration of the impact of the developments on the local environment. There was a huge amount of worry about that, and about the impact of the developments on the value of people's houses.

When I meet wind farm developers, I always stress that the most important thing that they should do is to consult the local community at the earliest possible point. They all say, "Absolutely, that's what we're going to do," but the overwhelming feeling from reports that I hear and constituency work that I have done is that they avoid doing that. The public believes that, even when there is a local vote against a wind farm, all the developers have to do is refer that to the Scottish Government and it will be passed. The overwhelming feeling is that public views are not heard at all.

I commend the petitioner. As I said, I represent an area with a high density of wind farms and plans for more in future, and there does not seem to be any change in how consultations take place or in the interaction between wind farm developers and local communities. I will end my comments there.

**The Convener:** Mr Lumsden, this is your debut at the committee. We are pleased to have you here and keen to hear any contribution you might wish to put before the committee as we consider the petition.

**Douglas Lumsden (North East Scotland) (Con):** I thank the committee for the opportunity to come and speak to you today and note that the petition—like the one that you dealt with previously this morning—has been on-going for more three years and during the time of three First Ministers.

The convener mentioned the current consultation between the United Kingdom and Scottish Governments on proposals for electricity infrastructure consenting in Scotland. I fear that the direction that we are going in is the opposite to what the petitioner would hope for, and I think the proposals are an attack on local devolution and an attempt to ensure that electricity infrastructure

projects, wind farms, pylons and substations are railroaded through against the will of local communities. Those dangerous proposals are basically Scottish ministers telling local communities, "We don't care what you think; we're going to push the proposal forward anyway."

At present, when locally elected planning authorities object to proposals, that causes a public inquiry. The new proposals would change all that, so that an objection would trigger Scottish ministers to appoint someone to examine the application and to decide whether further evidence is required. The stated purpose of the changes is to speed up the consenting process, but that would undermine the voice of local communities who want to speak against detrimental changes to our rural communities, many of which are in the North East.

This seems more and more like a David versus Goliath scenario. Communities are finding it harder and harder to fight against proposals from energy generating companies because the legal costs make it difficult to fight generating companies, which have very deep pockets. The reduced timeframes that are proposed would make it harder for communities to fight, given that the generating companies have paid staff who can work to tight timescales. The erosion of decisions made by locally elected authorities will make it harder for communities to fight planning applications. It seems more and more as if the system is rigged against local communities. I understand that our energy system is changing, but those changes must be made with communities, not done to them.

We are in danger of destroying our countryside forever. When we look at pictures of our cities and see a place where a once-magnificent building has been demolished and some concrete thing has been put up in its place, we think, "How on earth did they get planning permission to do that?" In years to come, when we look back at what has happened to our countryside, people will ask, "How on earth did they get permission to do that?" It will be because of people, probably in Edinburgh, deciding that they know better than our rural communities.

I urge the committee to press the Government to ensure that our communities are heard, that we listen to those communities and do not press forward with some of these infrastructure projects. We might think that they are the right thing to do just now, but they will have a long-lasting effect that we will probably never be able to overturn.

**The Convener:** This issue is familiar to the committee because petitions that address it come to us from time to time. Work is supposedly under way but it is not yet crystallised into a formal date.

Do we have any proposals from the committee about how we might proceed?

**Maurice Golden:** I am a little bit concerned about closing the petition when we have not yet seen the guidance that the Scottish Government has published. We could write to the Minister for Public Finance to seek further information on when that guidance will be published, an update on work to progress proposals for raising the current 50MW threshold to allow planning authorities to determine more applications for onshore wind farms, and more information on what consideration the Scottish Government has given to ensuring that support is available to members of the public who wish to participate in public inquiries.

I fear that we are reaching the end of our involvement with the petition, but there are still some actions that we could undertake.

**The Convener:** That final point reflects the point in the petitioner's latest submission, which is that they feel that the deck is still stacked. As Mr Lumsden and Mr Whittle said, the developers have much deeper pockets than the individuals in the community who might want to contribute to the process but who find themselves in what has been described as a David versus Goliath position, which makes it hard to do so. Mr Golden's suggestion therefore seems to me to be an excellent one. Are there any other thoughts from the committee or are we content to keep the petition open and proceed on that basis?

**David Torrance:** I am happy to back those recommendations, convener. However, could we highlight to the petitioner that the UK Government's consultation is open just now so that they can take part in it?

**The Convener:** Yes, we could also do that. We will keep the petition open and seek to find out what progress is being made on the effective community engagement proposals that have been promised.

**Members indicated agreement.**

**The Convener:** Thank you to Mr Whittle and Mr Lumsden.

### **Cemeteries (Local Authority Actions) (PE1941)**

**The Convener:** That brings us to petition PE1941, lodged by Councillor Andrew Stuart Wood, which calls on the Scottish Parliament to urge the Scottish Government to monitor and regulate actions taken by local authorities when undertaking their statutory duty of ensuring health and safety within our cemeteries.

We last considered the petition at our meeting on 24 January 2024, when we agreed to write to the Scottish Government. Colleagues who were on the committee at the time might remember that we had a pretty extensive portfolio of illustrative examples of the destruction of headstones, including headstones that had just been buried—ostensibly to make them more secure—in a way that left half of the headstone missing, so that people could not see whose burial the stone marked.

The Scottish Government is taking forward the development of the draft burial regulations and, as part of that work, it consulted on the management of burial grounds, application for burial, exhumation, private burial and restoration of lairs. The analysis of this consultation has now been published, and the key findings include: support for the introduction of a burial management plan; agreement with the proposed powers to enable burial authorities to manage and maintain burial grounds to a safe standard; and support for the proposal to require burial authorities to contact lair holders prior to taking corrective action in relation to a lair, headstone or other memorial.

In view of the fact that that work has been agreed and is to progress, do members have any comments or suggestions for action?

**David Torrance:** I am looking at the petition's aims and think that they have mostly been achieved. I wonder, therefore, if we could close the petition under rule 15.7 of standing orders, on the basis that the Scottish Government has consulted on draft regulations for burials under the Burial and Cremation (Scotland) Act 2016 and published its analysis, and it will consider its findings when developing the draft burial regulations.

10:45

**The Convener:** Are members content to do that?

**Members indicated agreement.**

**The Convener:** Again, I think that, if it is felt that, notwithstanding the commitment that has now been given to bring forward the regulations, the situation still persists, it would be open to the petitioner in a subsequent parliamentary session to lodge a fresh petition. We thank the petitioner and are pleased that the Scottish Government is taking forward the actions originally called for in the petition.

### **Peat (Ban on Extraction and Use in Horticulture) (PE1945)**

**The Convener:** Our next petition is PE1945, lodged by Elizabeth Otway, which calls on the

Scottish Parliament to urge the Scottish Government to place a legal ban on the extraction of peat, peat imports, exports and sales in order to protect peatlands in Scotland and worldwide. We last considered the petition on 7 February, and we agreed to write to the Scottish Government. Its response states that the Scottish Government hoped to legislate for a ban on the sale of peat during this parliamentary session.

In response to our request for clarification on its position regarding peat extraction, the submission confirms that there are no current plans to ban the extraction of peat. The submission also states that the Government is mindful of crofters and islanders who have relied on peat for fuel for generations and has been clear that any sales ban will not affect crofters cutting peat for their own use as a fuel.

On that basis, are there any suggestions for action from the committee?

**David Torrance:** Considering the response from the Government, I wonder whether the committee would consider closing the petition under rule 15.7 of standard orders, on the basis that the Scottish Government hopes to legislate for a ban on peat sales in this parliamentary session and has no current plans to ban the extraction of peat in Scotland.

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

**Members** *indicated agreement.*

**The Convener:** We will close the petition, and I note that one of its principal aims has been achieved, which is good news.

### **Homeless Temporary Accommodation (Scottish Government Funding) (PE1946)**

**The Convener:** PE1946, lodged by Sean Antony Clerkin, calls on the Scottish Parliament to urge the Scottish Government to use general taxation to pay for all charges for homeless temporary accommodation, including writing off the £33.3 million debt owed by homeless people to local authorities for temporary accommodation.

We last considered the petition on 7 February, and we asked COSLA about its work on recommendation 14 of the temporary accommodation task and finish group's report, which calls for a benchmarking process for temporary accommodation and greater transparency on charges.

COSLA's response states that its shared understanding with the Scottish Government is that the Association of Local Authority Chief Housing Officers would have to lead on that as housing practitioners and experts, as it was clear

COSLA would not have the resource for that type of discrete project.

The Scottish Government's recent written submission to the committee outlines the duty of local authorities to help people who are homeless or at risk of becoming homeless. The Scottish Government notes that it established a housing affordability working group, which conducted focus group research and is developing a shared understanding of housing affordability. The group was due to send recommendations to ministers before the summer recess.

The petitioner's recent written submission points to the housing and homelessness emergency and the cost of living challenges in Scotland. He points to the temporary accommodation debt from 2022, which sat at £33.3 million, and believes that that figure will have increased substantially since that time.

Do members have any comments or suggestions for action?

**David Torrance:** I wonder whether the committee would consider writing to the Association of Local Authority Chief Housing Officers, seeking information about its work on recommendation 14 of the temporary accommodation task and finish group report. We could also consider writing to the Scottish Government to request further information about the housing affordability working group recommendations and to ask what actions the Scottish Government intends to take in response.

**The Convener:** There are two suggestions from Mr Torrance. If there are no other suggestions from the committee, are we content to agree to proceed on that basis?

**Members** *indicated agreement.*

**The Convener:** We will keep the petition open and make those requests, and further examine the options at a later date.

### **Property Factors (PE2006)**

**The Convener:** PE2006, lodged by Ewan Miller, calls on the Scottish Parliament to urge the Scottish Government to amend the Property Factors (Scotland) Act 2011 to cover dismissal of property factors or to lay regulations that would achieve the same aim. That could include giving the First-tier Tribunal for Scotland powers to resolve disputes related to the dismissal of property factors.

Our colleague, Sarah Boyack, joins us once again in our consideration of the petition. Good morning, Sarah.

We last considered the petition on 7 February, when we agreed to write to the Minister for Victims

and Community Safety to seek an update on work to finalise and publish the voluntary code of practice for land-owning maintenance companies. The response from the minister highlights the mechanisms that are available to home owners to remove property factors, which have led her to the view that legislative change at this time is neither necessary nor proportionate. The minister's response also notes that work has not progressed on the voluntary code of practice as anticipated, and adds that

"this code would apply only where homeowners pay a land-owning land maintenance company for management of the open spaces that are owned by the land maintenance company."

Sarah Boyack, do you have anything to say to the committee in light of what has progressed—or not progressed, as it turns out—since we last considered the petition?

**Sarah Boyack (Lothian) (Lab):** Thank you for enabling me to come back and give feedback. It is quite some time since the petition was discussed, but we still have an accountability problem, which our constituents are experiencing daily.

I am disappointed that we have not seen progress on the voluntary code and that we are still reliant on the current legislative framework. Constituents continue to get in touch with me with new cases—I am not just hearing from constituents who have already reported their problems.

The current framework is not user friendly. The First-tier Tribunal is slow and can be daunting, and people have to make a huge amount of investment in order to use it. There is concern that some firms have been found to have failed in their duty on multiple occasions, and yet, in the process, no questions are asked about their being factors. The challenge of relying on the sheriff court means that legal representation is required, which is expensive and is on top of the bills that people are already paying. Fundamentally, it comes down to a lack of independent scrutiny and accountability, and no control over rising costs. At the end of the day, the factors can do what they want.

There is no incentive to seek best value. One issue that has been raised is that factors might be linked to developers who have developed a project. That is another accountability gap. Although consumer rights are referred to in the legislation, they are not implemented, and that is a major issue that still needs to be addressed.

The last time that I spoke to the committee, I gave examples of costs. Since then, representatives have made the point to me that quarterly fees in Edinburgh have gone from £300 to £800. That is a huge increase.

For a lot of our constituents, it is really a now issue. I very much welcome the fact that the Minister for Housing offered us a round-table meeting. We have seen the Competition and Markets Authority report, but we have not yet had action. I am very concerned that we have not seen any actual progress since the committee last took evidence on the petition.

**The Convener:** Earlier, we heard a similar analogy about many constituents who find themselves in a David and Goliath situation in which they are up against quite insurmountable odds when dealing with such matters.

There are still issues to explore, but I am not sure that doing so in writing will advance us any further. It would be right to invite the minister to come to the committee to give evidence, so that we can explore the issues directly and see whether we can make some progress and understand why progress has not been forthcoming. Is the committee content with that?

**Members indicated agreement.**

**The Convener:** We will hold the petition open and seek to have that evidence session with the minister, at which Sarah Boyack will be more than welcome. Sarah, we will find scope to allow you to contribute and put a question or two to the minister at the end of the evidence session.

**Sarah Boyack:** I very much welcome that commitment by the committee and I look forward to hearing when the meeting will happen.

## New Petitions

10:54

**The Convener:** That brings us to agenda item 3, which is consideration of new petitions.

I will start, as I always do before turning to the individual petitions, by saying that the committee invites our independent research body, the Scottish Parliament information centre, to contribute thoughts on the content of each new petition. We also seek a preliminary response from the Scottish Government. We do so because, historically, those were the first two things that we spent a meeting agreeing to do, and this process allows us to expedite our consideration of the petition.

### RAAC-affected Communities (PE2113)

**The Convener:** The first new petition is PE2113, lodged by Wilson and Hannah Chowdhry, which calls on the Scottish Parliament to urge the Scottish Government to provide support to communities that are affected by reinforced autoclaved aerated concrete.

The petition calls for a national fund to be set up to assist struggling homeowners and tenants who are affected by RAAC; and for the initiation of a public inquiry to investigate the practices of councils and housing associations on the issue, including investigation of how business related to RAAC was conducted, the handling of safety reports and property sales, the disclosure of RAAC, and responses to homeowners' concerns. It also calls for legislation that is similar to the General Product Safety Regulations 2005 to be introduced or updated to ensure that developers, councils and housing associations are held accountable for using substandard property materials. Such legislation should mandate risk disclosure and make surveyors and solicitors liable for untraced defects, and it should include provision for a comprehensive register of high-risk buildings in Scotland.

The Scottish Parliament information centre briefing notes that, although the Scottish Government is not currently providing financial support to homeowners or local authorities for RAAC remediation work, it previously operated a scheme to support those who had bought a home designated as having inherent structural defects.

In its response to the petition, the Scottish Government set out that

“the presence of RAAC in a building does not necessarily mean that the building is unsafe”,

and recommends that homeowners follow the risk-based approach of the Institution of Structural Engineers, as there may be no issues to address at some properties. The response goes on to state that Scottish Government is committed to working with the UK Government on the issue, and also references the requirement for local authorities to have in place a scheme of assistance strategy, which should set out the support available to private homeowners to make repairs to their home.

The response also mentions plans to review the Scottish home report, which is expected to consider how to ensure buyers can make an informed decision in relation to undertaking more detailed surveys, including structural reports establishing how the property is built, what materials are used and how these will perform in the future.

The petitioners have also provided two written submissions, the first of which comments on the Scottish Government's response and raises concerns about the action, or lack thereof, that has been taken by local authorities to address this issue. In particular, the petitioners highlight that, although Scottish councils offer advice and guidance through the scheme of assistance strategy, none of them offers financial support to homeowners aiming to retain and remediate their properties.

The petitioners' second submission follows the recent UK budget and the announcement of an additional £3.4 billion for Scotland, and calls for a portion of that funding to be allocated to support the needs of homeowners who are affected by RAAC. We have also received submissions from our MSP colleagues Edward Mountain and Murdo Fraser in support of the petition's aims.

We have received comprehensive information in advance of our consideration of the petition. Do colleagues have any suggestions as to how we might proceed with what is an important petition? Many of us will have seen documentary coverage of the issues arising from buildings that are affected by RAAC.

**David Torrance:** I wonder whether the committee would consider keeping the petition open and writing to the Built Environment Forum Scotland, the Royal Institution of Chartered Surveyors, the Chartered Institute of Building and the Royal Incorporation of Architects in Scotland to seek their views on the action called for in the petition. The committee could also consider writing to the Minister for Housing to highlight the petitioners' submissions, including the concern that local authorities' scheme of assistance strategies offer homeowners only advice and guidance, rather than making provisions for financial support where repairs are required.

**The Convener:** It would also be reasonable to seek an update on discussions with the UK Government on funding for RAAC remediation and management, including whether the Scottish Government has any scope in that. The committee may also wish to ask the minister for further information on its plans to review the Scottish home report.

I feel that the issues that have been raised in the petition merit the committee taking formal evidence, and the information that we are seeking will help to inform the committee. The issue is of significant material concern to the individuals who have been affected by RAAC.

Whether we think that the answers that we receive allow the petition's aims to be advanced in a meaningful way or whether we think that they will have to be addressed by some other means, we should flag up that this is very much an issue on which we might wish to take evidence from the minister at a future meeting. Are members content with that approach?

**Members indicated agreement.**

11:00

**The Convener:** We will keep the petition open and take forward the evidence gathering as suggested this morning. We will also write to the Minister for Housing to seek responses to the points that have been made by the petitioner, and we will seek information from the UK Government. We will do all that with a view to potentially hearing from the minister in order to explore the issues in, I hope, more detail and to get some answers for the many people who have been affected by this issue.

I see that the petitioners are in the gallery. Unfortunately, it is not competent for us to take contributions from the gallery, but I am delighted to recognise that they have taken the trouble to come along and hear our consideration of the petition this morning. I hope that they are pleased that the petition is staying open and that we will be taking forward the issues that it seeks to explore.

### **Social Care Services (Regulation and Oversight) (PE2114)**

**The Convener:** PE2114, lodged by Bill McCabe on behalf of BetterCareScotland, calls on the Scottish Parliament to urge the Scottish Government to ensure the effective regulation and oversight of social care services in Scotland by replacing the Care Inspectorate with a new independent oversight body that has a specific focus on risk management; uses regulatory and analytical expertise to identify and eradicate poor practice; and meaningfully engages with service operators and those with lay expertise to help

deliver better, more transparent social care outcomes for the people in Scotland.

The SPICe briefing provides an overview of the Care Inspectorate's qualification requirements for prospective inspectors, noting that specialist training covering regulation, scrutiny and improvement and an understanding of the different functions of its work, including registration complaints, inspection and enforcement, is provided as part of the inspectorate's induction process. Members will also have noted from the briefing that the Scottish Government commissioned an independent review of inspection, scrutiny and regulation of social care in Scotland, and has accepted all the review's recommendations, many of which could be considered pertinent to the asks of the petition.

In her response, the Minister for Social Care, Mental Wellbeing and Sport states that, in 2019, the Care Inspectorate agreed with ministers that it would take a risk-based, intelligence-led approach to its regulatory activities. The minister's response also mentions the independent review, telling us that the Government is taking a phased approach to the implementation of its recommendations to deliver continuous improvement that addresses the key challenges that were highlighted.

We have also received a submission from the petitioner, who welcomes the minister's acknowledgement of the need for radical reform of social care regulation, but thinks it unrealistic to believe that the 38 high-level recommendations of the independent review will deliver it. The petitioner believes that Scotland needs a model of social care regulation that is designed to work in the interests of service users, and suggests that the current social care system deters scrutiny. The petitioner's submission then goes on to state that the lack of support for the National Care Service (Scotland) Bill makes reform of social care regulation, as proposed in the petition, more urgent than ever.

Do members have any comments or suggestions for action?

**David Torrance:** In light of the information that we have received, I wonder whether we can close the petition under rule 15.7 of standing orders, on the basis that the Scottish Government has accepted the independent review's recommendations, with work under way to ensure their implementation. If that is not to the petitioner's satisfaction, the petitioner could lodge a new petition in the next parliamentary session, and I would urge them to do so.

**The Convener:** In light of the Government's commitment to taking forward actions at this stage, that will be the principal way forward.

Are members prepared to support Mr Torrance's proposal?

**Members indicated agreement.**

**The Convener:** We thank the petitioner and take note of their on-going concerns, which might be addressed in the work that will now take place. If that work fails to achieve that objective, we very much encourage the petitioner to come back with a fresh petition in the next parliamentary session.

### **NHS Dental Services (Composite Fillings) (PE2115)**

**The Convener:** PE2115, lodged by Paul Arran, calls on the Scottish Parliament to urge the Scottish Government to ensure that white composite fillings are available as a treatment option for registered national health service dental patients, specifically when treating molar teeth.

The SPICe briefing notes that, although many people choose or prefer composite fillings because they can be coloured to match the existing teeth, amalgam is longer lasting and enables restorations to be carried out more quickly. However, amalgam fillings should not normally be provided for patients under 15 years of age, patients who are pregnant or breastfeeding, or patients where there is a letter from secondary care recommending that amalgam should not be used due to specific medical concerns.

Members may also have noted that, as part of wider efforts to protect human health and the environment from the adverse effects of mercury, the European Union has agreed regulations that will ban the use of dental amalgams and prohibit the manufacturing, import and export of other mercury-added products from 1 January 2025.

In its response to the petition, the Scottish Government has stated that dental amalgam has been used successfully for more than 150 years and has been proven to provide lasting, reliable restorations. The response goes on to highlight the reforms to the NHS dental sector that were introduced in 2023, with the aim of allowing dentists to offer far more effective preventative care and to reduce the requirement for all restorations, regardless of material used. It is the Scottish Government's view that

"to include white fillings in all cases for aesthetic reasons in the absence of an oral health rationale would not be supported within NHS general dental services."

Do members have any comments or suggestions for action?

**David Torrance:** We could consider closing the petition under rule 15.7 of standing orders, on the basis that resin composite fillings are available to patients under 15 years of age, pregnant or

breastfeeding women, and those who have specific medical conditions that contraindicate the use of dental amalgam, and on the basis that it is the Scottish Government's view that including white fillings in all cases for aesthetic reasons in the absence of an oral health rationale would not be supported within NHS general dental services.

**The Convener:** That is a proposal from Mr Torrance, in the light of the responses that we have received. It is not clear how we might otherwise take matters forward. There is obviously the issue of the EU ban. Are members content to proceed with Mr Torrance's proposal?

**Members indicated agreement.**

**The Convener:** We thank the petitioner for raising the issue, but we are unable to take the petition further for the reasons that Mr Torrance stated.

### **Toxic Chemicals (Coasts) (PE2117)**

**The Convener:** That brings us to the final of the new petitions that we are considering this morning. PE2117, lodged by Bruce Whitehead, calls on the Scottish Parliament to urge the Scottish Government to ban the use of any chemical labelled "Very toxic to aquatic life with long lasting effects" or carrying the dead fish pictogram, on coastal jetties or slipways.

The key legal framework in Scotland for protecting the water environment is provided by the Water Environment (Controlled Activities) (Scotland) Regulations 2011, or CAR, regime. The framework covers both direct discharges into the water environment and situations where there is a risk of diffuse pollution from activities on land. Under that regime, the Scottish Environment Protection Agency's role is to assess the risk of proposed activities before deciding whether to grant an authorisation. The Scottish Government considers this to be a regulatory matter and points to the Great Britain regulatory framework, which is in place to prevent or minimise harm to people and wildlife from the use of biocides used in amenity settings. Its response to the petition states that it does not believe that the Scottish Government has a role or that there is a reason for Scottish ministers to intervene.

The petitioner explains that he is concerned about the use of chemicals at Hawes pier and believes that the conditions of SEPA's authorisation have been breached. He says that manual application of the authorised chemical has led to spillages over the pier edge into the river and in unpermitted weather conditions.

Are there any suggestions for action?

**David Torrance:** I do not think that the committee can take the petition any further, and I

wonder whether the committee would consider closing it under section 15.7 of standing orders, on the grounds that there is a GB-wide regulatory framework to prevent or minimise harm to people and wildlife from the use of biocides; that the CAR regime in Scotland covers both direct discharges into a water environment and situations where there is a risk of diffuse pollution from activities on land, with SEPA assessing the risk of proposed activities before granting any authorisation, if appropriate; that many factors beyond labelling are required to assess the risk that a product poses to wildlife; that algae remover concentrate, which the petitioner refers to, has been authorised as safe for use by the Health and Safety Executive; and that the Scottish Government considers the issues raised to be a regulatory matter and that there is a robust framework in place, and therefore does not believe that there is either a role for the Government or a reason for ministers to intervene.

**Foyso Choudhury:** Can we also write to the City of Edinburgh Council to see whether there is any concern about the issues that the petitioners have raised?

**The Convener:** Mr Torrance has proposed that there are grounds to close the petition. I think that we can do nothing more, given the Scottish Government's response. However, in closing the petition, I suggest that the committee write to SEPA, drawing its attention to the petitioner's view about the situation at Hawes pier and the fact that it would appear that its conditions for authorisation have been breached. It would be for SEPA to respond to that, and to the petitioner's contention in relation to the manual application of the authorised chemical leading to spillages over the pier edge into the river and in unpermitted weather conditions. Although I do not think that we can take things forward, given the Government's response, we can draw attention to that point quite directly on behalf of the committee.

Can you clarify your point, Mr Choudhury? What would you like us to write to the City of Edinburgh Council to establish?

**Foyso Choudhury:** To establish whether there are any concerns for the council about the issue that the petitioner is raising. If we close the petition, that is the end of it, but if there are some concerns that are—

**The Convener:** We could address that point in the letter to SEPA. I do not think that the committee can do any more, but we can invite SEPA to consider those issues and see whether it feels that the action is sufficiently robust.

**Foyso Choudhury:** I am happy with that.

**The Convener:** Is the committee content to proceed on that basis?

**Members indicated agreement.**

**The Convener:** That brings us to the end of the formal part of today's meeting.

11:12

*Meeting continued in private until 11:25.*



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