



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# PUBLIC PETITIONS COMMITTEE

Monday 23 February 2015

Session 4

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**PUBLIC PETITIONS COMMITTEE**  
**4<sup>th</sup> Meeting 2015, Session 4**

**CONVENER**

\*John Pentland (Motherwell and Wishaw) (Lab)

**DEPUTY CONVENER**

\*David Torrance (Kirkcaldy) (SNP)

**COMMITTEE MEMBERS**

\*Jackson Carlaw (West Scotland) (Con)  
\*Kenny MacAskill (Edinburgh Eastern) (SNP)  
\*Angus MacDonald (Falkirk East) (SNP)  
\*Hanzala Malik (Glasgow) (Lab)  
\*John Wilson (Central Scotland) (Ind)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

John Dowson  
Dr Sue McLeod (EnviroSource)  
David Slater  
John Thom  
Norman Watt (Dundas Chemical Company)  
Councillor Andrew S Wood

**CLERK TO THE COMMITTEE**

Anne Peat

**LOCATION**

Easterbrook Hall, Dumfries



# Scottish Parliament

## Public Petitions Committee

Monday 23 February 2015

[The Convener opened the meeting at 10:08]

### Current Petitions

#### St Margaret of Scotland Hospice (PE1105)

**The Convener (John Pentland):** Good morning and welcome to this meeting of the Public Petitions Committee. I ask everyone to switch off mobile phones and other electronic devices, as they interfere with the sound system. No apologies have been received.

Agenda item 1 is consideration of four current petitions. The first petition is PE1105, by Marjorie McCance, on St Margaret of Scotland Hospice. Members have a note by the clerk. I invite contributions from members on what action they wish to take.

**David Torrance (Kirkcaldy) (SNP):** I ask that the petition be deferred to allow the petitioner and Gil Paterson MSP the opportunity to speak at a future committee meeting.

**Jackson Carlaw (West Scotland) (Con):** I am content for the petition to be deferred so that Gil Paterson can be present when we next consider it. I am not so sure that I would invite others to contribute, but I would certainly be happy to receive any further submissions that they might wish to make before we decide on the best course of action.

**Hanzala Malik (Glasgow) (Lab):** I agree.

**The Convener:** Do members agree to that proposal?

**Members indicated agreement.**

#### National Bird (PE1500)

**The Convener:** The next petition is PE1500, by Stuart Housden OBE, on behalf of RSPB Scotland, on the golden eagle as the national bird of Scotland. Members have a note by the clerk. I invite members' contributions on what action to take.

**Jackson Carlaw:** This has been one of the most preposterous petitions that I have had to consider in a number of years. We have been trying to breathe life into this dead bird of a petition for quite some time. The Scottish Government's position is clear: it is not persuaded of the need to take a legislative route through Parliament. I

therefore move that we close the petition. I am happy for the RSPB, in so far as it wants to do so, to continue to establish public opinion on the matter and, perhaps at some other date, to persuade the Government and others of the need to advance a petition for Scotland to adopt a national bird.

**David Torrance:** I am happy to agree with that and to let the RSPB consult before coming back to us.

**Angus MacDonald (Falkirk East) (SNP):** I am happy to close the petition. The onus is on the RSPB to prove its case, so I fully agree that it should be the RSPB that arranges or undertakes the public consultation, particularly given the financial constraints that everyone is under. We are led to believe that the RSPB is not short of a penny or two.

**Hanzala Malik:** The issue is not about finances but about the Government's position, which it has made clear. It is important that a consultation is allowed to take place. If it wants to, the RSPB could always come back to us in a year, once it has its findings and if it has established greater support than it has shown so far.

**The Convener:** Do members agree to close the petition?

**Members indicated agreement.**

#### Freedom of Information (Scotland) Act 2002 (Housing Associations) (PE1539)

**The Convener:** The next petition is PE1539, by Anne Booth, on housing associations and the Freedom of Information (Scotland) Act 2002. Members have a note by the clerk and the submissions. After the committee papers were issued, an email was received from the petitioner. I invite members' contributions on what action the committee should take.

**John Wilson (Central Scotland) (Ind):** I propose that we keep the petition open and write to the Scottish Government to seek its views on the special report that the Scottish Information Commissioner laid before ministers. The commissioner clearly indicated in her submission that she supports the concept that housing associations and all registered social landlords should come under the freedom of information legislation. We should seek the Government's views on the information commissioner's report.

Commissioners have the right to lay special reports. The information commissioner has made her views known on the issue. It would be interesting to find out how the Scottish Government will respond to her report. It would also be useful to ask for the Scottish Housing Regulator's view on including housing

associations and others in FOI legislation, so that we can get a rounded picture on how we progress the petition.

**Kenny MacAskill (Edinburgh Eastern) (SNP):** I am not averse to writing in the proposed way but, to an extent, the petition's purpose has been achieved. We must get an assurance from the Government about where it is going. Further changes in FOI legislation, which I think that we all accept, are going to happen. That should probably be done contemporaneously rather than piecemeal.

It would be important to make it clear to the Government that there appears to be support for the proposal, but the next stage in extending FOI should not be to have a bit on RSLs and a bit on something else; rather, it should be to move forward across the board by widening and deepening the range of organisations that are FOI-able.

**David Torrance:** I am happy to close the petition, given that the Scottish Government will shortly consult on the matter.

**Hanzala Malik:** I agree. There is no point in duplication. The Government is going to carry out a consultation anyway, which will probably cover the issues that the petition raises, so I am happy for the petition to be closed.

10:15

**The Convener:** Does the committee agree that we should close the petition? [*Interruption.*] The clerk has reminded me of John Wilson's proposed course of action. Does the committee agree to go forward with his suggestion and then bring back the petition later with a view to possibly closing it?

**Angus MacDonald:** That is the way forward. It would be good to hear from the Scottish Housing Regulator before the petition is closed. I am happy to second John Wilson's recommendation.

**Jackson Carlaw:** I am agnostic on the way forward. However, if our colleague John Wilson has a strong view, I am happy to allow that to dictate the way forward on this occasion.

**The Convener:** Do members agree?

**Members** *indicated agreement.*

### **Single Room Hospitals (Isolation) (PE1482)**

**The Convener:** The fourth and final current petition is PE1482, by John Womersley, on the isolation of single rooms in hospitals. Members have a note by the clerk and a submission from the Scottish Government.

**David Torrance:** I am happy to defer consideration of the petition to allow the Scottish Government time to publish its review. We can then consider its findings and continue from there.

**Jackson Carlaw:** From Mr Browning's letter on the Scottish Government's behalf, I was not clear on whether the Scottish Government has detailed any timetable for any review that it might initiate. I note from the letter that the Scottish Government is going to undertake research. The letter is very strong in detailing that there is a presumption in favour of single rooms rather than there being a no-obligation choice.

The petition has raised the issue for our consideration and debate and we have kept the petition open for some time. From the letter that we have received, it seems that the issue will now be part of an on-going review. Therefore, I am not sure what more the committee would achieve by keeping the petition open.

I would be happy for the petition to be closed. If that is not what colleagues want to do, that is fine, but I am not sure when specifically we would expect to have any evidence. I imagine that, if the evidence was compelling in a particular direction, the Scottish Government would take account of it, so in a sense the petition's ambition has been fulfilled.

**The Convener:** I noticed from the letter that there is a preliminary copy of the review, which the Scottish Government is seeking expert views on. It adds:

"We will write again in due course once we have obtained expert opinion on its findings and reassessed the Scottish Government's policy in the light of this evidence."

**Jackson Carlaw:** Where is that said?

**The Convener:** In the Scottish Government letter dated 18 February.

**Jackson Carlaw:** My understanding is that the review confirms that research has had nothing to do with the impact of single rooms in isolation. Paragraph 4 of the letter says:

"In light of the lack of research on this issue we recognise it will be important to gather evidence from our own facilities to measure the impact of single rooms and consider any implications for our current policy ... and we will take steps to address this through ongoing surveys as well as formal post occupancy analysis."

There is nothing in the review on the issue. The Government has looked at that and concluded that nothing in the review will give us further illumination on the issue of single rooms. The only way in which that will happen is through further analysis, which the Government says that it will undertake—but not to any specific timetable, as far as I can see.

**John Wilson:** Paragraph 2 in the letter that we received on 18 February starts with:

“I have attached a preliminary copy of this review on which we are currently seeking some expert views.”

Jackson Carlaw is right. No timetable is attached to that correspondence, but we could write to the Scottish Government and ask it what the timetable is for seeking expert views. Once the Government gives a response, we can consider that.

It is clear that the Scottish Government is doing on-going work on the issue, and it would be wrong of us to close the petition until we get further information from the Government on how it intends to carry out the review and on the timescale for that review. If we got that information, we could move forward on closing the petition.

**Hanzala Malik:** I agree with those sentiments. There are two important aspects. First, the petitioners obviously want to see a conclusion, which would be helpful. Getting a conclusion is the whole point of bringing a petition to the committee in the first instance.

Secondly, the approach will perhaps allow the Government to focus more clearly on a timetable, which is also important. We should keep the petition open at this stage to allow that to happen, but we need to press the Government to come up with a timescale, because it is important to show the petitioners that work is being done and that there is an end to the tunnel at some stage.

**Angus MacDonald:** I agree that we should give the Scottish Government time to publish the review, but we should certainly contact it to find out what the timetable will be.

**The Convener:** Do members agree with that approach?

**Members** *indicated agreement.*

## New Petitions

### Rendering Industry (Regulation) (PE1553)

10:21

**The Convener:** Agenda item 2 is consideration of three new petitions. The committee agreed to hear from the petitioners on all three petitions.

The first new petition is PE1553, by Councillor Andrew S Wood, on rendering industry regulations. Members have a note by the clerk, a Scottish Parliament information centre briefing and the petition.

I welcome to the meeting Councillor Wood, Dr Sue McLeod from EnviroSource Ltd, and Norman Watt from Dundas Chemical Company. I invite Councillor Wood to speak for around five minutes. I believe that he wants to share his presentation with Dr McLeod. I hand over to him, and we will move to questions afterwards.

**Councillor Andrew S Wood:** Thank you, convener.

I applaud the Public Petitions Committee for the most recent workshop that it held in Dumfries, which was around a couple of months ago. That was an excellent experience that gave local people the opportunity to engage in its whole system and process. I ask the committee to consider rolling out that workshop to our senior schools, because young people are now engaging far more in politics. Members will see from the audience that young people are engaging; there are a lot of young people here. As an elected member of Dumfries and Galloway Council, I would really welcome the committee taking that point on board.

I thank the convener and the committee for considering hearing about the petition on rendering regulations and the differentials in interpretation and governance north and south of the border. Please be assured that this is not about seeking to have standards lowered in Scotland or anywhere else for that matter; it is about the financial burdens in a very competitive market. It is very much about ensuring that the existing legislation is both equitable and sustainable in a set of regulations that now apply for all operators in the United Kingdom and ensuring the security of the Scottish rendering industry for the long-term future.

As a farmer, I recognise the national importance of the rendering industry. I have endured foot-and-mouth on two occasions, and there have been issues with avian flu and anthrax. From a biosecurity perspective, it is very important that we retain the national rendering industry.

That is enough from me. The issue is very complex, and I am very keen that we tease out as much as possible, so I would like to bring in Dr McLeod.

**Dr Sue McLeod (EnviroSource):** I will set the scene a wee bit about what rendering is and about the regulatory background to the issue that we are bringing to you today.

Rendering is a very important part of the recycling industry in Scotland and England. It supplies tallow for the production of biodiesel and meal for pet-food manufacture. As Andrew Wood has said, it has played an important role in biosecurity over the years—for example, in the BSE and foot-and-mouth crises.

Rendering is a cooking process. Essentially, liquid is driven off and a highly odorous gas is produced as part of the process. It is that vapour that causes rendering to come under environmental scrutiny. Since the mid-2000s, all rendering plants in the UK have been regulated under the PPC—the pollution prevention and control regime—which has been transposed from Europe into Scottish and English law.

To understand our concerns, you need to understand the fundamental philosophy of PPC and how it was transposed in England compared with Scotland. At its core, PPC requires for environmental issues to be addressed in an integrated way across all media: soil, air and water. It requires an installation to use the best available techniques, or BAT, to achieve that.

Europe provided guidance on BAT for different processes in the form of BAT reference documents, but it was left up to member states to decide how to implement that guidance in their own permits. For rendering, the implementation has been different over the years in Scotland compared with England. In Scotland, we have a single regulator, the Scottish Environment Protection Agency, which regulates all rendering plants. In England, a rendering plant is usually regulated by the local authority. Except for an accident of geography, each site will have a different regulator. You can argue that Scottish regulation is a lot more consistent.

In Scotland, a rendering plant does not comprise a particularly complex process on the spectrum of SEPA's regulatory responsibilities, whereas in England a rendering plant is often a local authority's most complex plant compared with much simpler set-ups such as petrol stations and dry cleaners.

SEPA applies a risk-based approach to its definition of the best available techniques, whereas in England local authorities use guidance from the Department for Environment, Food and Rural Affairs in the form of the rendering sector

guidance note, a document to which SEPA gives cognisance but which it has not adopted as guidance.

In our experience, those things mean that PPC permits in Scotland are more robust than their English counterparts, the compliance bar is higher, and regulator scrutiny is more detailed. Because of the way in which BAT is applied, there are circumstances in which a compliant English plant would not be compliant in Scotland.

Those differences mean that compliance costs more in Scotland. We have produced a document that highlights some of those costs, including a significant difference in permit scheme charges between SEPA and the English local authorities. That document formed the basis of the petition.

We are concerned that a nationwide industry should be treated so differently in England compared with Scotland, but we believe that recent changes in environmental legislation provide an opportunity to narrow the gap. Those changes are in the European industrial emissions directive, which has recently been transposed into English and Scottish law.

The European BAT reference documents are an important part of that. They provide guidance on the best available techniques, and they will be reviewed for each sector. They will be updated and summarised into a set of conclusions and emission limits, which member states must use as a basis for setting and revising permit conditions.

Work in the rendering sector is in the early stages and is expected to be completed by 2018. We would like the Scottish Government to ensure that, at the end of the process, SEPA and DEFRA, which will provide guidance to local authorities, agree on the same definition of BAT for the rendering industry in the UK, and that the same emission limit values apply in England and Scotland, thus levelling the currently unlevel playing field.

**The Convener:** Angus MacDonald will start the questions from the committee.

**Angus MacDonald:** Thank you for your presentation—you present a good case. Is there a local dimension to this? Is there a renderer in Dumfries and Galloway?

**Norman Watt (Dundas Chemical Company):** The local renderer is Dundas Chemical Company. We have an operation here in Dumfries and one in Motherwell, near Glasgow.

10:30

**Angus MacDonald:** Are there any other operators in Scotland?



**Norman Watt:** There is one other site—in Kintore, near Aberdeen—which is not operational at the moment.

**Angus MacDonald:** According to your evidence, the compliance bar is higher in Scotland than in England. Are the prices paid in Scotland lower than in England due to the stricter environmental regulations?

**Norman Watt:** When facing a meat plant, it is not possible to negotiate price. It is not possible to use that as any kind of leverage. They are interested in the best price. The prices are similar; there is no difference.

**Angus MacDonald:** I am thinking about hides and skins for example. Presumably a higher price is paid in England than in Scotland.

**Norman Watt:** Not particularly. It will depend entirely on logistical costs, and legislation will not have an effect on that.

**Angus MacDonald:** Okay.

**Norman Watt:** It is important to understand, in relation to our petition, that we are talking about the meat rendering industry. There are another two sectors, which are the rendering of fish and the rendering of poultry. Those are not included in the dialogue today.

**Jackson Carlaw:** It is an education for me to listen to this because it is not a subject with which I am familiar.

I am not entirely clear—although perhaps Dr McLeod was trying to take me there—what remedy you are urging be followed to achieve the result of your petition. I understand what you would like, but how would you see a process towards that being achieved?

**Norman Watt:** As Dr McLeod highlighted, there is a change coming in legislation. At this point, we as an industry in Scotland feel that we are disadvantaged compared with English operators. It is difficult to achieve a level playing field mid-legislation, but because a change is coming there is an opportunity to do something about it. We would like to use the resources of the Scottish Government to influence those coming discussions, which will principally be between SEPA, DEFRA and European legislators.

**Jackson Carlaw:** Which Parliament is initiating a change in legislation?

**Norman Watt:** The European Parliament.

**Jackson Carlaw:** So it is through the European Parliament that a change in legislation is forthcoming, and in the context of that change in legislation you would like this issue to be brought to the fore in the European Parliament.

**Norman Watt:** Absolutely.

**Jackson Carlaw:** You are asking this committee to urge the Scottish Government to be proactive in that process.

**Norman Watt:** Absolutely.

**Jackson Carlaw:** Right. Thank you.

**John Wilson:** Good morning. I want to expand on some of the differences. You have referred to local authorities in England and Wales and the regulatory regime that they apply under the Environment Agency, and you have referred to SEPA's regulations. What is the real impact of the differences in how the regulations are applied? As I understand it, the same regulations are supposed to apply throughout Europe. You are shaking your head. Are the regulations different?

**Norman Watt:** They are the same in principle, but that is not the case in practice.

**John Wilson:** Will you expand on that, just so that we get an idea of what the issues are and why you feel that the rendering industry in Scotland is more disadvantaged than the rest of the United Kingdom and the rest of Europe?

**Dr McLeod:** At the end of the day, a lot comes down to the regulator and the resources that are available to the regulator. SEPA regulates all industry in Scotland from an environmental perspective. It provides consistency and a level of expertise that you would not get in the environmental health department of a local authority.

I steered away earlier from some of the detail of what happens, but I will give you some of it now. The Environment Agency, as SEPA's counterpart in England, will regulate those industries that are perceived to have the biggest cross-media impact. In Scotland, there are part A and part B processes for rendering. In England, there is a part A1 process and a part A2 process, which together equate to our part A process, and there is a part B process.

All part B processes—affecting things such as petrol stations and dry cleaners—come under local authority regulation, as do A2 processes. In England, rendering sits under local authority regulation as an A2 process. Although rendering has a cross-media impact, that impact is perceived to be less than that of some of its counterpart industries in the A group, so it sits under local authority regulation—and local authorities tend not to have the same resources.

The whole application process in Scotland is based on the risk process for an individual plant, whereas in England a permit is based more or less on the sector guidance note that DEFRA has produced.

**John Wilson:** I appreciate your response, Dr McLeod, but I was trying to draw out the issue of European Commission regulation regarding rendering plants.

You referred to the difference between Scotland and the rest of the UK. It would be useful to find out whether you are aware of any differences that may exist across the rest of Europe. The European Commission makes regulations not just for the UK but for Europe, so the question is how these regulations are being applied in other parts of Europe and whether we could use such examples to influence our consideration of the regulations that SEPA applies in Scotland and how they affect the industry here.

**Norman Watt:** The issue of how the regulations are interpreted in other member states is not so significant for the UK rendering industry. Our primary problem is the way in which the same piece of legislation at European level is interpreted down through the member states—the interpretation in UK terms.

As Dr McLeod highlighted, there is a BREF—or BAT reference—note, which is effectively the guidance for interpreting the regulation. SEPA interprets the regulation at a higher level than do the local authorities in England, which use DEFRA guidance notes instead. SEPA is aware of DEFRA's guidance notes, but it does not use them in any form of legislative control for Scottish rendering plants.

There are real differences, which come down to operational costs for monitoring emissions and acceptance levels, as legal action can potentially be taken in the Scottish context that would not be taken in the same way in England. Therefore, it is possible for operators to draw material out of Scotland for processing because it is easier to process that material in England than in Scotland. That is the issue for the Scottish rendering industry. If it continues, Scotland will effectively be disadvantaged, and the plant will move south of the border because it is easier for material to be processed there.

**John Wilson:** I thank Mr Watt for his explanation.

**The Convener:** I know that the petitioners have been in dialogue with Alyn Smith MEP, who has said that there is “an unfair issue”. Can we have an update on what he has said recently?

**Councillor Wood:** At present, I am still awaiting a response from Alyn Smith; it is my fault for not continuing the communication as I should have done. I will seek a follow-up response from him.

We would like from the committee—as was mentioned earlier—an open working partnership so that we can give you the information. An awful

lot of work has been taking place behind the scenes, and I feel that the committee should get an overview of it. That would be extremely helpful, especially given what is currently taking place, with legislation changing as we speak.

**Jackson Carlaw:** I confess that I am now slightly confused. I thought that I saw a clear course of action initially, but I am afraid that Mr Watt's explanation has thrown me back because it seems that it is nothing to do with the European Union and is all now to do with the agency or organisation within the United Kingdom that has been appointed to apply the regulations. Presumably, the Scottish Government asked SEPA to be the regulator in Scotland.

**Norman Watt:** Yes.

**Jackson Carlaw:** Therefore, I am not quite sure how that position would be remedied through European legislation. In a way, you are almost uncomfortable within the UK context, which you have now set apart from the rest of the European Union, with the fact that the advice through the regulator appointed in England to oversee how the regulation should be applied is different from that in Scotland. I cannot quite see how you would remedy that through the European Union, because it is now a matter for the Scottish Government to determine whether it thinks a convincing enough case has been made by the argument that you present to request SEPA to look again at the way in which it chooses to enforce the regulation.

**Norman Watt:** I apologise if I have confused things, but I will try to answer your point.

The issue with the European Union is that over the next two to three years there is going to be a change in how the legislation is updated. We are living with a current set of circumstances from the European Union and the current interpretation, which is to the disadvantage of Scotland. The intention behind our petition is to seek help during the review of the legislation, which is going to happen over the next three years, so that the Scottish Government's influence can be brought to bear through SEPA in Scotland and DEFRA in the UK to bring everything back on to a level playing field.

Does that explanation help?

**Jackson Carlaw:** Sort of, I suppose. I think that I will have to get some help on it all from some of the submissions that we might receive.

**Hanzala Malik:** I think that I understand your concern, Mr Watt, but what we are failing to understand is the question of the actual difference. What is it in the legislation that is going to disadvantage us in Scotland? In addition, on your concern about SEPA, what is it that SEPA intends to do—or what do you feel that it intends to do—

that is going to disadvantage you? If you can just focus on that, it would be helpful.

**Norman Watt:** On the first point, our current concern that we would like to see addressed in the future is that the legislation is interpreted differently in Scotland compared with England. However, we do not have an issue regarding SEPA's interpretation.

**Hanzala Malik:** It is an understanding of that difference that I seek.

**Norman Watt:** We do not have a concern about SEPA's interpretation because we believe that SEPA is not interpreting the legislation in a way that it should not. Our problem is the interpretation that the English authorities have of the same piece of legislation, which is an advantage to our competitors and creates an uneven playing field.

That is our current concern. It is difficult to know how to resolve that problem under normal circumstances, but because of the change in legislation that is coming about over the next period of time, we would like to have the assistance of the Scottish Government to be able to ensure that, when the BREF notes are set for the industry going forward, it is done on a uniform basis across the whole United Kingdom.

Does that explanation help?

**Hanzala Malik:** It helps in the sense that I am willing to have another look at the issue, because I have not quite understood 100 per cent of the argument. Nevertheless, there is a concern that you have brought to our attention and I am willing to have another look at the issue.

**The Convener:** If there are no further questions, what action is the committee prepared to take on the petition?

**David Torrance:** I would like to continue the petition. I suggest that we write to SEPA and the Scottish Government to ask for their views on the issue.

**The Convener:** Do members agree to do that?

**Members** *indicated agreement.*

**John Wilson:** I suggest that we also write to DEFRA. Clearly, the local authorities in England and Wales are not operating under guidance that they have developed; the guidance has been issued by DEFRA. It would be useful to find out from DEFRA why the same regulation from Europe is being interpreted differently in England and Wales from how it is interpreted in Scotland. It might therefore be useful to write to DEFRA to seek clarification on how it has ended up interpreting the rules differently from SEPA.

10:45

**Angus MacDonald:** Might it be advisable to write to the Minister for Environment, Climate Change and Land Reform to make her aware of the situation that Dundas Chemical Company finds itself in? Any input at that level would be helpful.

**The Convener:** Does the committee agree that we will write to SEPA, DEFRA and the Minister for Environment, Climate Change and Land Reform?

**Members** *indicated agreement.*

**The Convener:** To complete the circle, could the petitioners perhaps forward to the committee any information that they receive from Alyn Smith?

**Councillor Wood:** Yes, certainly.

**The Convener:** I thank Councillor Wood, Dr McLeod and Mr Watt for their attendance.

### **American Signal Crayfish (Trapping) (PE1558)**

**The Convener:** The next new petition is PE1558, by John Thom, on behalf of the RNBC Crayfish Committee, Ken-Dee catchment, on the American signal crayfish. We offer Mr Thom the opportunity to give a short presentation to the committee before we ask questions.

**John Thom:** Thank you, convener, for letting me get this far. We are a small organisation and do not really have any financial backing from anyone. We are using SEPA's and Scottish Natural Heritage's reports and our own reports to contradict them and to try to achieve a change in the law, which as it stands means that only scientific trapping may be considered.

SNH and SEPA do not have the finances to carry out a large trapping experiment—such an experiment is beyond their budgets. We suggest that a change in the law be made so that commercial companies—working along with SNH and SEPA—can carry out a large-scale trapping programme, as recommended by the Galloway Fisheries Trust report of 2009 after it had carried out a four-month experiment to find out the best method for trapping the crayfish. The report came to the conclusion that a three-year trapping programme should be started immediately, but the proposal was turned down as a result of its not being economically viable because of the restrictions on the finances of the two agencies that I mentioned.

We also have the report from the national research council on a 10-year trapping programme, which was carried out from 2001 to 2010. It found that the marine biosphere improved, the environmental crustaceans in the rivers over that long period of trapping increased and the number of crayfish decreased. Furthermore,

juveniles being left in the water, which is not part of our plan, meant that the crayfish bred earlier but most of the eggs were infertile, so the population was reduced. More research into that is required; the information that we have comes from the West report on the River Lark. Other reports also support major long-term trapping.

The increase in the crayfish population has an impact on algae in lochs and rivers. Now that crayfish are in the tributaries of the River Tay and the River Tweed, it will not be long until they move down into the River Tweed itself and remove the salmon fishing in those areas.

A survey that was carried out for one of our other members on the biosphere in the catchment areas in Loch Ken showed that the cost is £533,500 per annum. That is not including the loss relating to Scottish Power's generation, the new flood bankings that must be repaired every year and the loss of land, which is approximately 8.5 acres along the side of the loch—at £500 an acre, that is a substantial bit of money lost to farmers. That is all I have to say.

**The Convener:** Thank you, Mr Thom. I open up the session for questions.

**Angus MacDonald:** How is Scottish Power affected? What damage is caused?

**John Thom:** The crayfish burrow into the bankings, approximately 1m deep. The flood tide going down the river, together with the burrowing into the bankings, causes banks to collapse and trees to fall in, which build up at the bridges. The river then floods the farmers' land, so Scottish Power has to cease generation so that the floods can be alleviated. That costs a lot of money.

I forgot to mention that a by-product of the trapping programme is that shells can be used as a non-chemical slug repellent, which saves hedgehogs in certain areas.

**Angus MacDonald:** It ticks a lot of boxes.

**Jackson Carlaw:** As it happens, last week I saw a "Reporting Scotland" feature on these crayfish, which seem to be a very successful species: extraordinarily invasive, incredibly resilient and altogether quite tasty, by all accounts.

The question is how we deal with the problem. In its response to the petition, SNH is very aggressively of the view that the licensing of trapping commercially would act as an incentive for the illegal introduction of the crayfish into all other waterways around Scotland, because people would see that they could be licensed to fish the product and make a nice return from it. Licensing would in fact act as a catalyst for the extension of the invasive species, rather than as a method of containment. I am interested in your reaction to that.

I am not advocating that position, because I am slightly unimpressed by SNH's argument. Ultimately, it seems to me, SNH is saying that the only way to stop the problem is to fall back on a policy option that I think has been the least successful in almost any instance in political life that I can remember it being urged, which is to educate people and raise awareness. That did not work on alcohol, seat belts or tobacco; I cannot think of any instance in which raising public awareness has had the slightest effect at all. If that is all that SNH can suggest by way of a remedy, I am not terribly impressed. However, I would like to understand your reaction to its fear about what licensing might do.

**John Thom:** We would get round that problem by working with SNH and SEPA. The system would not be one of general, overall licensing; it would allow funding to be brought in on a scientific basis with SEPA and SNH, along with a commercial company, on a non-profit basis. After expenses had been recovered, the profits that were made would be ploughed back into the teaching of science students at the University of Glasgow, so that they could learn more about biodiversity. Any landowner, or business, who was thinking about interfering and introducing the crayfish would not be able to make any profit from that, so there would be no incentive for them to do it. Licensing would be only for non-profit commercial ventures, and profits would go to the teaching of students.

**Jackson Carlaw:** You envisage a very specific restriction on the commercial exploitation of a profit. A business would be allowed to operate, but the profits would be reinvested into education and some sort of community benefit.

**John Thom:** Yes. The business that would come in—

**Jackson Carlaw:** Right. Scottish Natural Heritage's response to the proposal is predicated on the basis that the only way in which a licence would operate would be if someone was able to sell the product commercially all over the place for private gain. You challenge the view that a licence would inevitably lead to that.

**John Thom:** Yes. As I have stated, no private company will come in and throw thousands or millions of pounds at a project without covering their costs.

We have been approached by a company in Lanark, three companies in England and companies in China and Norway. They want to come in and trap the crayfish. As long as they receive the product, they will cover the costs. According to the figures, which do not include the number of students coming in, around 50 people would be employed directly in the trapping. That

would lead to around 130 full-time jobs in the hotel trade and industry. There would be an increase in tourism. SEPA and SNH have commented on the loss of tourism in their reports on the economic impact in the area.

**Jackson Carlaw:** Notwithstanding the current regulations, were I to visit friends in the area, I might find that one or two of the crayfish had found their way into the kitchen. Will you comment on that?

**John Thom:** Yes. The problem is that the public's awareness is non-existent. In the loch's 13-mile length, there are six signs, which are the size of an A4 sheet of paper, saying, "Please do not trap as these are an invasive species. Do not take them away." The signs, along with a five-minute news broadcast, do not constitute a campaign to educate the public—by no means could it be stretched that far. Oh—sorry. There was also a 10-minute meeting in the Cross Keys hotel.

For SEPA and SNH to say that they are having a public education programme is not correct.

**John Wilson:** You mentioned students a couple of times. How would any commercialisation of the trapping methods used tie in with academia?

**John Thom:** At the moment, students from the University of Glasgow come down to trap at the loch and carry out studies. The loch's biosphere is in such a state that it does not exist anymore in some parts; it has been destroyed.

The students who were involved in the large trapping programme could monitor the situation and do their own scientific studies on how the environment improves. That would give them practical experience, instead of them just sitting in the classroom learning the theory and writing the same reports every time to say that the situation is getting worse and worse. Instead of the same students coming in every year and confirming the same findings, they could show that there has been an increase in the lily beds and the crustaceans and that everything natural is returning to the loch. The tutors would have a chance to read something fresh, instead of just saying, "Yes, that's okay—it matches up with the same reports that we had last year."

As I said, the programme would give the students practical experience in the trapping methods instead of just reading reports and other paperwork in the classroom.

**John Wilson:** Like Jackson Carlaw, I am rather concerned about the joint SEPA and SNH response to the petition. In effect, the agencies are saying that they do not have the money to do large-scale trapping, so they will not do anything about it. At the same time, they are saying that

they see an increase in the population of invasive non-native species. Indeed, it is not only growing but spreading throughout tributaries and lochs.

You mentioned Scottish Power and the damage that the signal crayfish are doing to the banks of the loch and the flood plains. Have there been any discussions with Scottish Power to get it to invest in protection methods and to support financially the control or eradication of the loch's signal crayfish population?

**John Thom:** It supplies the Loch Ken management committee, which runs the ranger on the loch, with a few thousand pounds a year. The money supports the ranger's wages. It allows him to monitor the boats on the loch. Scottish Power cannot get involved with the crayfish, because they are not a commercial product.

We have tried for the past six years to find a backer to come in and provide finance and support. We even approached RSPB Scotland and a hedgehog charitable society to see whether we could get the meat products that would be produced and sell to them at cost price. However, that was not backed by SNH at a meeting in Glasgow because it would put a commercial value on the crayfish. Everyone knows that there is a commercial value on the crayfish, as they are sold by Aldi, Tesco and so on.

11:00

At the moment, we are importing 8.5 tonnes per week into Scotland, which represents quite a substantial loss of industry here in Scotland. If we as a nation—the whole UK or just Scotland if it goes independent—are to survive, we will do so only through business and export. This is not just a rural community thing; the whole country is involved.

At the last count, 47 areas were confirmed as having invasive species in them. The economy of the whole country will be hit.

**The Convener:** Your petition asks for the licence to be changed. If that does not happen, what is the foreseeable future for the industry?

**John Thom:** We can basically write off Scotland as a salmon fisheries place. With the extreme costs that face local authorities—given local flooding, ditches and so on collapsing and the whole environment changing—we will lose the dragonflies, the great crested newts and the whole frog system including the spawning areas and the lily pads. That is what the crayfish eat.

You may have seen nature programmes about a locust swarm going into a cornfield. That is what the crayfish are like. They just devastate everything, and we are left with a muddy pond. It is not a pretty sight. It is not very nice.

**The Convener:** You said that SEPA does not have the finance to support this work. Has it given you any particular reason? Does it not have the finance, or does it not view this as a priority to invest in?

**John Thom:** The letter that I received from SEPA says that it does not have the financial backing or resources.

**The Convener:** Did SEPA put a figure on that?

**John Thom:** No. However, when I phoned the fishery board I got a rough estimate of the costs at Abington. With six water pumps and closing off a piece of stream for three weeks, the cost was in the region of £60,000; that was for three weeks of eradication for a couple of hundred metres. The sums are large and are not sustainable for such agencies—they would bankrupt them in two minutes and would cost the taxpayer and the Government a lot of money.

**Angus MacDonald:** Mr Thom, you have mentioned that there may be a significant environmental impact, and you have mentioned salmon fishing. Your submission goes further. It says:

“Other costs include the destruction of salmon, sea trout and brown trout spawning beds, the loss of river walks, farm land, dragonfly’s nesting areas, wild fowl and the complete destruction of the marine biosphere in the affected areas.”

That is not overdramatising the situation.

**John Thom:** No—SNH’s and SEPA’s own reports are saying that. I am using their reports, as well as reports from the national research council, the Galloway Fisheries Trust, the environmental forestry directive and Lake Tahoe. Those are all scientific reports that I am getting my information from.

**Angus MacDonald:** You mentioned that there are 47 areas confirmed with American signal crayfish.

**John Thom:** Yes. That does not include the ones that have not yet been confirmed—there are a few in the pipeline.

**Angus MacDonald:** I do not think that we have the list. It would be good to get hold of it, convener.

**John Thom:** It is easy enough to find on the internet on the sites for SNH and SEPA, which have the different reports. That is where I got all my information from.

**The Convener:** There are no further questions from members. What action do you think we should we take on the petition?

**David Torrance:** I believe that the petition falls within the remit of the Rural Affairs, Climate

Change and Environment Committee, so I would like to pass the petition to that committee to take it on board.

**Jackson Carlaw:** Actually, I disagree. This seems to me to be precisely the sort of petition that the Public Petitions Committee could do something useful with. It seems to me that there is a recognised problem that has somehow managed to stay underneath the searchlight of focused political intervention but on which we might be able to give some assistance. Ultimately, the petition might be referred to another committee, but in the first instance I would like to hear the Scottish Government’s views because it seems to have been involved. I want to understand where the Government thinks the whole thing has got to.

I would be very much in favour of taking evidence from SNH and SEPA. If, as has been suggested, there is some viability in a not-for-profit enterprise, we could take the work to a stage at which we could pass the petition to the Rural Affairs, Climate Change and Environment Committee with some suggestion about how to take it forward.

It seems to me that there has been something of an unproductive circle of recognition of the issue and a disinclination to agree on any solution. In the absence of anybody making a fuss about that, nothing has happened.

**Angus MacDonald:** I agree with Jackson Carlaw. I can see where David Torrance is coming from in suggesting that we refer the petition to the Rural Affairs, Climate Change and Environment Committee, particularly given that the committee is currently considering the wild fisheries review group’s report. However, I agree with Mr Carlaw that we should seek the Scottish Government’s views first and foremost prior to deciding what course of action this committee should take next. I am happy to go with Mr Carlaw’s recommendation.

**David Torrance:** I am happy to go along with that recommendation.

**John Wilson:** Mr Carlaw mentioned SNH and SEPA coming to give evidence to the committee. Could we invite the minister to give evidence at the same evidence session?

**Jackson Carlaw:** Angus MacDonald and I are probably in agreement here. I would like to hear the Scottish Government’s view first, although I do not preclude taking evidence from others thereafter. I am not necessarily saying that I would like to go down that route but I can see that I might, so in those circumstances I would be quite happy to hear from the minister, too. In the first instance, since the Scottish Government obviously has some understanding of the issue, I would

quite like to get to grips with what it thinks that understanding is.

**The Convener:** Are we agreed that we will write to the Scottish Government?

**Members** *indicated agreement.*

**Jackson Carlaw:** It is a good petition. I am just sorry that Mr Thom did not bring any crayfish with him for us to have a—*[Laughter.]*

**John Thom:** I could have imported them and brought them here already dead. They are nice with garlic, a little bit of thyme and a white sauce.

**Hanzala Malik:** I wonder whether there would be any mileage in advising the Rural Affairs, Climate Change and Environment Committee of what has been in front of us in terms of the petition, just for information; I do not think that that would go amiss. In fact, that committee might want to add to the evidence for the petition—or it might not.

**The Convener:** In the first instance, why do we not write to the Scottish Government asking for its views, then we can take it from there?

**Hanzala Malik:** Okay.

**Angus MacDonald:** As a member of the Rural Affairs, Climate Change and Environment Committee, I am happy to take the petition informally to that committee.

**Hanzala Malik:** Good man.

**The Convener:** Okay. Mr Thom, I thank you for attending.

11:08

*Meeting suspended.*

11:09

*On resuming—*

### **Whitesands (Flood Scheme) (PE1557)**

**The Convener:** The third new petition is PE1557, by David R Slater, on behalf of the save our Whitesands car parks and river views campaign, on Scottish Government funding for the Whitesands flood scheme. Members have a note by the clerk and a SPICe briefing on the petition. I welcome the petitioner, David Slater, and his colleague John Dowson to the meeting.

**David Slater:** I thank the committee members for inviting me, along with my colleague, Mr Dowson. This is a very emotive subject for the town of Dumfries. I will explain why.

Dumfries and Galloway Council has proposed a flood prevention scheme for the Whitesands area of Dumfries. The council has stated:

“The start of construction works will be dependent on the funding being available from the Scottish Government.”

I am calling on the Scottish Government to rule out providing specific funding for the project for the following reasons.

The first reason is local opposition. The strength of feeling from many people about the issue prompted me to lodge the petition against the council’s proposed flood defence system. The petition has gone from strength to strength and now has 4,000 signatures.

The opposition comes from businesses and the public, including visitors to Dumfries. People do not want to lose the river view and the important safe car parking that is within easy reach of the main post office, banks and many local businesses. People also fear the time that the system will take to build—approximately two years. No one wants the bus route to be altered to make buses go up narrow streets where there are many pedestrians.

Another reason is the cost. The council said that the cost would be £12 million but, in just a few short weeks, that has increased to £15 million and rising. I have researched other flood defence companies, which have designs that would keep our river views and our important safe car parks, at a much lower cost and with shorter build times. Has the council considered or spoken to any other flood defence companies? Why is only one option on the table for councillors to consider?

I invited the chief executive officer of another flood defence company to come to a public meeting in Dumfries to demonstrate that company’s designs and products and to show people how it could build flood defences for considerably less money and over a shorter build time, while saving our car parks and river views. More than 150 people attended my public meeting. The council will have to buy a private car park—a car park that is normally full on most days—with money from the public purse to try to find room for the 230 cars that will be displaced if the scheme goes ahead.

My previous actions include writing to Scotland’s First Minister and to the Minister for Environment, Climate Change and Land Reform. I asked questions at ministers’ question time at Easterbrook hall in Dumfries after the recent Cabinet meeting there. The environment minister, Dr Aileen McLeod, informed me at that meeting that she would be looking into the proposed flood prevention scheme and might visit the town of Cockermouth to view its flood protection, including the floating wall. I have had meetings and dialogue

with council officials. I have raised in the media the cost of the flood project, which started at £12 million and now, in just a few short weeks, has reached £15 million. I have also spoken to several councillors about the proposed scheme.

The photos and design plans that the council put out to the public do not show the true image of the finished project—particularly the height of the proposed grass banking, which would block our river views. The project would destroy our river views for ever. Part of the build will have walls of about 2m high, with glass panels on the top. No safety railings are shown on the walkway at the top of the banking, which has an incline of 30° to 35° and about 8m of grass at its base.

The river would be blocked off from public view from the road. At the moment there is a clear view of the river from the road and shops. What if something happened beside the river, such as someone falling, or worse? Have the emergency services, including inshore rescue, been spoken to about access to the river if any incident occurs?

11:15

Buses will have to go up Bank Street—a busy pedestrian area—where there is a sharp right turn. The buses then face a multiroad system that creates traffic jams.

Our public toilets will be lost. The council has made no decision about whether and where they will be rebuilt.

The project has a build time of more than two years and will turn our riverfront into a building site. What happens if the river floods during that time?

Most businesses inform me that they are very concerned about the project, especially given that we are in a time of austerity. As I said, the cost of the project has risen from £12 million to £15 million.

The council wants to turn a green area into a riverside car park to compensate for the proposed 230 displaced parking spaces. The proposed car park would be further out and difficult to access.

The ancient rood fair, which comes to our town twice a year and has been coming here for at least seven generations, will be lost for ever.

Has the council engaged properly with the public about the proposed flood prevention scheme? Some of the information that it is using appears to have been collated in 2013. If the council is democratic, why does it continue to push through the system a flood scheme that thousands of people do not want? The council will not even speak to us.

Like many others, I feel that this is not the way to treat the people who, with hard-earned money from their salaries, pay for such projects via the public purse. By pushing this poorly thought-out design through the system to have it built in our town, the council comes across as being driven by ego. People fear another DG One scenario—that is the name of the flagship leisure centre that cost at least £17 million and, in just a few years, has been plagued by faults. It is now so bad that it has closed, apparently until the end of 2016, and possibly beyond that.

To be honest, people would rather have nothing than this ill-conceived and poorly thought-out design, which is being thrust upon them and their ancient market town.

When flooding comes, all the bushes and flowers on the steep earth banking in the design will pick up all the debris and contaminants, which will get trapped between the railings and the grass bund. Who will clean that? The council does not clean it at the moment. Earth bunds are for the country and not the centre of towns—especially a town such as Dumfries. I have campaigned for flood defences for years, but not these ones.

**David Torrance:** I was a local councillor before I was an MSP. Is the proposal still going through the consultation and planning process in the council?

**David Slater:** The council says that it is still looking at the scheme. However, last December, when my campaign was gathering pace, the council had a large meeting in a hall on George Street, to which approximately 100 people turned up. The council gave a PowerPoint presentation. At the end, it said that a floating wall scheme like the one in Cockermouth would not work in Dumfries—it would be too costly and the town could not cope with the drainage.

I invited Mr Kelly, who owns UK Flood Barriers, which built the Cockermouth scheme, to Dumfries and he brought his system. He builds systems worldwide. He wrote to the council and refuted what it said at the meeting. I have some photographs here that I can leave for the committee if members do not have time to look at them today. They show the car park and a mock-up of what the council intends to build.

The council says that it is still looking at the plans and that it has engaged with UK Flood Barriers, but only on the morning when Mr Kelly came here for our meeting. Before that, there had been no real contact for at least two years.

**David Torrance:** You say that the council has talked to only one company but, when a project is of a certain size, surely a council must put it out to tender under European law so that different companies with different designs are involved.



**David Slater:** A few days ago, under freedom of information legislation, I asked the council to produce all the evidence. I believe that the council has 20 days to respond to the request.

**David Torrance:** I think that it is 28 days.

**David Slater:** I actually gave the council 28 days, but it came back and said that it could respond in 20 days, so I will live with that.

**John Dowson:** Twenty working days.

**David Torrance:** Once the final plans are drawn up and passed by the council, the project must go out to tender.

**David Slater:** I wish that the council would speak to us as the people in Penrith were spoken to. The local council there sat down round the table with the Environment Agency and local people, and everything was eventually put together. I think that the total cost of the scheme there was £4.4 million. The Environment Agency paid just over £3 million of that, the council paid just over £1 million, and I think that over £400,000 was raised from public donations.

Mr Kelly said that he could probably do the scheme here for half the proposed price and keep our river views and our very important car parks. The council wants to move the cars off the Whitesands but, to be perfectly honest, that is the hub of our town and the safest place to park our cars. The police will tell you that there is no safer place—it is very open and very good. I grant that the area could do with a massive tidy-up—I can leave photographs to show the committee that—but the design is going down the wrong road.

Nowadays, most big towns open up their rivers for people to see them. It is good to have a river in a town, and most big towns would love a river. We have one, but we are not looking after it, and we are going to box it in with 3.5m walls, which is not acceptable.

**David Torrance:** What would be the environmental impact if the defences did not go ahead? Let me give you an example. I represent the Kirkcaldy constituency, and we have just had to spend £11.5 million on a new sea wall. Although the views are beautiful, we have had to raise the sea wall high to protect all the houses behind it. The community has accepted that, because it means that the defences are in place to protect our High Street and the housing there.

**David Slater:** For some time now, I have studied the wall system that was used in Cockermouth. It uses river water. I suppose that it is a bit like Jekyll and Hyde; when the river tries to flood the town, it lifts the wall, too. The highest that it can lift the wall depends on the area and the river levels, but it can lift it as much as 2.5m.

These walls have been built throughout the world. The company in question has been involved with the Washington museum, Dounreay nuclear reactor station and many other places; in fact, it has recently done work at a zoo in Malaysia. I think that it is also looking at a possible big project in Stonehaven in Aberdeenshire, where it appears that the wall system might be used in some of the design.

Although the houses in Cockermouth are only a short distance from the river, they were not disturbed when the wall was built. The build time is therefore much less, there is less disruption and people still have their views after the river has risen. In fact, the houses next to the river are now starting to sell, so the regeneration process is certainly working. Believe it or not, many people have gone to the town to look at the wall, because it is so unique; it has become a bit of a tourist attraction. In fact, such a wall might help the regeneration of Dumfries, because people would come to view it.

**John Dowson:** I would like to add a wee bit of context about the flooding in Dumfries. It tends to happen for only two or three days a year on the high tide and most times the level is quite modest; I think that there is a big flood around once in every 30 years. The problem is that the council is proposing a 365-day barrier for a flood that comes around for only 48 hours a year, whereas the solution that David Slater is talking about will, because it reacts to the river, come up only for the critical 48-hour period and then disappear.

As for David Torrance's previous question, the council has consulted, but so far the consultations have really split the community. We are finding that more and more people are signing the petition against the current proposal. The council has indicated that it cannot carry out its proposal without Scottish Government funding. It is looking for 80 per cent of, say, £15 million or £16 million—in other words, well over £10 million—from the Scottish Government, and the petition is asking the committee to ask the Scottish Government not to fund the scheme.

We are quite happy to look at alternatives, but it is important to consider the context of this particular proposal. I was previously a councillor in Dumfries and Galloway Council; in fact, I led the council for four years up until 1999 and, during that period, a number of flood prevention schemes were proposed, but all were rejected. We feel that what has happened here is that Gillespies, which the council has appointed in this matter, is largely known as a landscaping consultant, and what we need in Dumfries is not a landscaping but an engineering solution. That is where part of the problem has occurred.

On this occasion, therefore, we urge the Scottish Government not to fund what is proposed. We are trying to save the Government money. Is that not marvellous? We think that it is right and proper that the Scottish Government has created a flood prevention fund for Scotland, but my limited knowledge of other areas of the country suggests to me that they merit getting the money far more than Dumfries does.

**The Convener:** Given that the issue is really a local one, you probably need your local representatives to sit down together and discuss it. As you have said, the petition is gathering more signatures every day, but there is also evidence that the local council has gone out and done a consultation with a number of people, which is why it has come up with a new vision for protecting the area.

This committee would encourage everybody to get back around the table to have a dialogue about the best way forward. We will make a decision on what we do about the petition after we have finished asking questions about it, but I should tell you that I have been advised that the application for Dumfries and Galloway's Whitesands project was unsuccessful in 2015-16. That information comes from Paul Wheelhouse's answer to a question from Sarah Boyack last May. In short, the funding application for the Whitesands project in 2015-16 was unsuccessful.

**David Slater:** I believe that the council put in a funding request that—apparently—was flawed. I wrote to Paul Wheelhouse about that but, by that stage, time was running out. When the council put in the application, it was still flawed, which is probably why it was rejected.

**The Convener:** You are absolutely right. There is an on-going appeal with regard to the Whitesands project, which means that it is still under discussion.

If members have no further questions, I think that we should discuss the course of action that we should take on the petition.

**Jackson Carlaw:** I am minded to ask the council at least for a more detailed view. I presume that it did not arrive at a flood prevention scheme just because it thought that it was a lovely idea. Something more fundamental must have underpinned its investigation, and I would like to know what that was and get a broader understanding. I imagine that lots of people will say that there is no issue here, but for some, the issue might be considerable and I would like to have the council's perspective on all of that. We could also ask the council why it alighted on one particular solution out of those that it considered. Furthermore, if the council's funding application

has been unsuccessful, we can ask what its likely course of action is.

**David Torrance:** I agree with Jackson Carlaw's suggestion of writing to the council for information. However, I feel that the issue is a local one and that the local community and the council should get around a table and have more dialogue and engagement on it. From what I can see, the plans are not yet finalised and have not been passed by the full council. As a result, the problem might be resolved through more dialogue, which is important.

11:30

**John Dowson:** We are very happy to have more meaningful dialogue with the council. I have reminded the council about the Scottish Government's document on the principles of community engagement, which sets out 10 guidelines that local authorities should follow. It is our feeling in Dumfries and Galloway that the council has not followed those principles properly. Although the council has had some consultation meetings, it has pushed one scheme to the exclusion of all the other options. When people such as David Slater and me make representations on the issue, we are simply rebuffed. In fact, the council will not even speak to us now; it does not want to hear from us. We would be very grateful for any pressure that the Public Petitions Committee can bring to bear to require the council to meet the principles or guidelines of community engagement in the locality.

**The Convener:** It is important that you involve your local representatives in the issue. You must get them to chap on the planning department's doors and say that you wish to be consulted on the issue.

**John Dowson:** Indeed.

**David Slater:** As John Dowson says, there has really been no dialogue with us, even though our campaign is of a reasonable size. I believe that if the campaign had not been started, we would have been pushed towards accepting the proposed design. Businesspeople, people from all walks of life and visitors cannot believe that the council would want to build something that would not allow the river to be seen. I will leave the committee pictures of what the scheme would look like so that members can have a look at them.

The Whitesands area is a very important area that feeds into Friars Vennel and Bank Street, which is where people stop. The council is talking about taking lines off the street to create more parking. To be perfectly honest with you, I think that Dumfries probably needs more parking, but

the parking area should not be moved. When you are driving up the street and you see a space—

**The Convener:** We have agreed, Mr Slater, that we will write to the local council.

**David Slater:** Thank you very much. That is very good of you.

**The Convener:** I thank Mr Slater and Mr Dowson for attending the meeting.

That concludes the committee's formal business. On behalf of the committee, I thank everybody in Dumfries; it has been an extreme pleasure to be here today. The committee intends to stay on for at least half an hour, so any members of the public who would like to stay behind for a question-and-answer session should feel free to do so.

I formally close the meeting.

*Meeting closed at 11:32.*



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