The Committee will meet at 9.15 am in Committee Room 2, Committee Chambers, to consider the following agenda items:

1. **Genetically Modified Organisms (in private):** The Committee will consider possible areas of questioning for witnesses on the issue of genetically modified organisms.

   *Not before 9.30 am*

2. **Genetically Modified Organisms:** The Committee will take evidence as part of its inquiry into genetically modified organisms from—

   - Kevin Dunion, Friends of the Earth Scotland
   - Duncan Orr-Ewing, RSPB Scotland
   - Ulrich Loening, Retired Director of Centre for Human Ecology

3. **Telecommunications Developments Inquiry:** The Convener will update the Committee on the response to its report into telecommunications developments.

4. **Public Petitions:** The Committee will consider a paper on a proposed new procedure for handling public petitions.

5. **Public Petition:** The Committee will consider the following public petition:

   Petition PE96 by Mr Allan Berry calling for the Scottish Parliament to hold an independent and public inquiry into the adverse environmental effects of sea cage fish farming, and the regulatory failure to both recognise and prevent significant damage to our natural heritage, the environment and other interests dependent on the integrity of our Scottish coastal waters.
6. Transport (Scotland) Bill (in private): The Committee will consider the procedures and arrangements for dealing with Stage 2 of the Transport (Scotland) Bill.

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The following papers are relevant for this meeting:

| Submission from Friends of the Earth Scotland | TE/00/21/1 |
| Submission from RSPB Scotland | TE/00/21/2 |
| Submission from Ulrich Loening | TE/00/21/3 |
| Submission from Joint Nature Conservation Committee | TE/00/21/4 |
| Paper on proposed new procedure for handling public petitions | TE/00/21/5 |
| Committee covering note on PE96 | TE/00/21/6 |
| Petition PE96 by Mr Allan Berry | TE/00/21/7 |
1.1 The RSPB

The Royal Society for the Protection of Birds (RSPB) is Europe’s largest wildlife conservation organisation with 1,011,000 members, of which about 70,000 are in Scotland. This large and growing membership supports the RSPB because we have positive ideas, a vision for the future, and a record of achievement. The RSPB is the UK Partner of BirdLife International, the global partnership of conservation organisations working for the diversity of all life through the conservation of birds and their habitats.

2.1 RSPB Scotland and Farmland Birds

There have been serious declines in the populations and the range of some species of farmland birds over the last 30 years. For example, the corn bunting and tree sparrow (which were once both widespread birds of farmland), declined in range in Scotland between 1968-71 and 1988-91 by 60% and 30% respectively. There is strong evidence, from a variety of scientific research undertaken by a number of organisations, that the declines in farmland birds arise as a result of the intensification and specialisation of farming practices which have been driven by European Union Common Agricultural Policy subsidies. These changes in farming practice which have been detrimental to farmland birds include; an increase in the use of pesticides; an increase in the amount of autumn sown crops as opposed to spring sown crops; the loss of mixed farming; the loss of hedgerows; and the drainage of wetlands.

3.1 RSPB Scotland and Farming

- The declines of some species of birds on farmland over the last 30 years has led RSPB Scotland to devote considerable resources to agriculture.

- Over 50% of our nature reserve land in Scotland is managed through farming.

- We have our own in hand farming operations on the Isle of Islay and on Oronsay, and over 70 management agreements with farmers and crofters across Scotland.

- This practical programme is supported by a research programme, and advisory and policy work, co-ordinated by staff at our Scottish headquarters in Edinburgh.

4.1 The RSPB and Genetically Modified Crop Trials
The RSPB maintains an open mind on the likely environmental impacts of genetically modified (GM) crops, but believes that firm scientific facts are needed before farmers should be allowed to grow the crops on a commercial basis.

We believe that the use of GM crops could lead to negative or positive impacts on the environment. However, we are particularly concerned that the introduction of certain types of GM crops, based on existing scientific research, could exacerbate the already serious declines in farmland wildlife. These concerns are:

Possible effects arising from the management of a GM crop.

There may be increases in the harmful impacts of broad spectrum herbicides, insecticides and other pesticides; for example, used on herbicide tolerant crops.

There may be changes to seasonal cropping patterns.

There may be changes to the range of geographical locations, altitudes, and soil types within which the production of certain crops is economically viable.

Possible effects arising from the actual crop itself

GM crops might become agricultural weeds themselves, and may invade wildlife habitats.

Gene transfer might take place between GM crops and related native species, leading to the native species becoming a ‘pest’ with harmful effects on wildlife.

The GM crop may directly harm non-target organisms; for example insect resistant crops.

The use of GM crops, especially herbicide tolerant varieties, may lead to a further reduction in weeds and insects, which are the food for many birds.

In 1997/8 the RSPB called for a 3 year moratorium on the commercial release of GM crops until more research was undertaken, and until the regulations governing GM crops were changed (we called for changes to the regulations so that the wider biodiversity impacts of GM crops would be considered as a normal part of the regulatory process). We felt that the RSPB stance was consistent with the “precautionary approach”; that is that the commercial release of GM crops should not be allowed to proceed until it could be conclusively demonstrated that there would be no adverse impacts arising from this new agricultural technology on the environment.

Calls for a moratorium were dismissed as being illegal by the UK Government. However, the Government recognised the need for further research into the wider impacts of GM crops and initiated the farm-scale evaluations of GM herbicide tolerant crops.

In the absence of a moratorium on the commercial release of GM crops, the RSPB supports the farm-scale evaluations as the only realistic and effective means of currently examining the legitimate concerns surrounding GM herbicide-tolerant crops. The RSPB sits on the Scientific Steering Committee overseeing developments in the trials.

Recent changes to the risk assessment procedures for GM crops in Annex II of European Regulation 90/220 means that the wider impacts of GM crops must now be assessed as part of the regulatory process. However, no crops that we are aware of have passed through this process so we are as yet unable to assess whether these regulations will fully assess our concerns.

5.1 RSPB Scotland and the Need for a Scottish Advisory Body on GMOs.

RSPB Scotland acknowledges that there have been calls to establish a committee or an enquiry in Scotland which will address concerns about the impacts of GM crop releases on the environment, and in respect of human health.
• We believe that many of the issues relating to GM crops are general ones and are relevant to the UK as a whole. Expensive and thorough research will be required to evaluate the wider impacts of GMO technologies on the environment. There is a danger that a Scottish body alone will not have the resources to undertake such research. These general issues are being dealt with at UK committee level in such bodies as the Government’s Advisory Committee on Releases into the Environment (ACRE) or in UK parliamentary committee enquiries; for example the House of Commons Environmental Audit Committee Inquiry into Genetically Modified Organisms and the Environment; and the House of Commons Science and Technology Committee Inquiry into the Scientific Advisory System for Genetically Modified Food.

• Under the present arrangements the UK body ACRE, which gives advice to Government on GM crops, reports to UK Ministers who then negotiate with the EU and other bodies such as the World Trade Organisation. In our view, there may be a case for a Scottish advisory body to oversee any crop trials in Scotland, but only if the research base it works from is adequate. It might be better for a Scottish body to advise on policy to Scottish ministers, and help set standards for UK research which enables this to be done properly. This advisory body could then have the dual function of reporting to Scottish Ministers (who can ensure that UK Ministers are properly briefed on Scottish circumstances), and reporting to ACRE, so that particular Scottish circumstances may be taken on board.

• In our view, some examples of the environmental issues that are particular to the Scottish situation and on which a Scottish GM crop advisory body may wish to report to Scottish Ministers, and to ACRE are as follows;

Potential impacts on crofting; the crofting system of farming is unique to Scotland within the UK. It is also a “low intensity” form of agriculture that has significant benefits for the environment. GM crop releases may dent the image of an otherwise predominantly environmentally benign form of farming, which may in turn impact on the niche marketing potential of crofting produce.

Scotland trades and markets itself in terms of agricultural produce, whisky, and tourism on its clean environment. Although this branding of Scottish produce as environmentally friendly may not be entirely correct in a purely ecological sense, it is public perception that counts in the marketing arena. There is a concern already from the Scottish whisky industry (voiced recently in the Scottish press; The Glasgow Herald 1 September 2000) that the use of GM crops in the manufacturing process may affect the marketing of their product.

Forage crops; the use of forage crops is higher in Scotland than elsewhere in the UK. They are used as an alternative food source for livestock. Forage crops are an important resource for wildlife as they are grown under “low-intensity” regimes, meaning they are weedy, and therefore important for farmland plants, invertebrates and birds. Recent research by University of East Anglia shows that if weedy fields are targeted by GM herbicide tolerant crops it likely to have a dramatic effect on weed populations, and it follows further impacts on already declining farmland bird populations. Forage crops are already being developed into herbicide tolerant varieties, for example forage beet.

• We recommend that a paper is produced by the Environment and Transport Committee highlighting the agronomic, environmental, and broader “branding” issues that are peculiar to Scotland, and which may be affected by the GM crop issue. ACRE, other relevant UK Government bodies, and UK agriculture ministers should then be briefed about matters that need to be considered in relation to GM crops that are likely to be released into the Scottish environment.

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Note by the Senior Assistant Clerk

Petition 96

1. PE96 by Mr Allan Berry calling for the Scottish Parliament to hold an independent and public inquiry into the adverse environmental effects of sea cage fish farming, and the regulatory failure to both recognise and prevent significant damage to our natural heritage, the environment and other interests dependent on the integrity of our Scottish coastal waters. A copy of the petition is attached as paper TE/00/21/7.

2. The petition is accompanied by a substantial volume of additional material submitted by the petitioner to support the petition. Members who would like to see a copy of this material should contact the Clerk. Attached to this covering note is a list of indications of support for the petition which have been received by the Public Petitions Committee, plus a copy of a paper on the petition requested from the Scottish Executive Rural Affairs Department. A letter from Mr Frank Buckley raising similar issues is also attached for information.

Progress of Petition

3. This petition was considered by the Public Petitions Committee on 29 February. It was referred to the Rural Affairs Committee, with the request that members of that Committee take into account the views of the Transport and the Environment Committee. The Transport and the Environment Committee considered this petition on 13 June 2000. Members will recall that the Committee agreed to support in principle the petitioner’s call for an inquiry, but noted that the Committee already had a significant work load, as well as previously agreed work priorities. The Committee agreed that the Convener should consult the Convener of the Rural Affairs Committee over the possible scope and timescale of any inquiry. The Committee agreed to consider the issue again, in the context of its future work programme, when this discussion had taken place. The Conveners met on 31 August to discuss the way forward.

4. The Rural Affairs Committee are scheduled to discuss this petition at their meeting on 19 June. A copy of the minute will be circulated as a late paper at the Transport and Environment Committee meeting on 20 June.

5. Members may wish to note that the Executive is currently consulting over a proposal to transfer planning powers for marine fish farms to local authorities, as discussed in the Executive briefing note attached to this paper.
Role of the Transport and the Environment Committee

6. If the Rural Affairs Committee, as the “lead” Committee, agree to take forward an investigation into the issues raised in the petition, members may wish to discuss whether and how members of this Committee might be involved. Any such involvement would be with a view to ensuring that the issues most relevant to the Transport and the Environment Committee’s remit are properly addressed.

7. Once the Committee completes evidence taking in relation to Petition 51 on Genetically Modified Organisms, it will begin Stage 2 consideration of the Transport (Scotland) Bill. After completing Stage 2 of the Bill, the Committee will begin its inquiry into water and water services. It will therefore not be possible for Committee time to be dedicated to further consideration of PE96 in the near future.

8. Given this pressure of time it may be most appropriate to appoint a reporter, or reporters, to consider the issue and report back.

Recommendation

9. Members may wish to consider the requests made by the petitioner, and note the decision of the Rural Affairs Committee (as recorded in the minute which will be circulated on 20 September) and agree what action, if any, should be taken by the Transport and the Environment Committee.

Richard Walsh
Senior Assistant Clerk
Transport and the Environment Committee
September 2000
Introduction

1. This paper sets out options for a more effective way of dealing with petitions referred to the Transport and the Environment Committee by the Public Petitions Committee. The aim is to provide a clearer and more speedy response to petitioners; to more effectively respond to other Committee’s requests for the Committee’s views on petitions; and to enable the Committee to deal with competing priorities in a more structured way. For members information, the Health and Community Care Committee has already adopted a similar procedure.

Current Problems Handling Petitions

2. Problems with the consideration of petitions have arisen in five particular areas:

Numbers of Petitions

3. A large number of petitions have been referred to the Transport and the Environment Committee. 36 petitions have been referred to the Committee either by the Public Petitions Committee or other subject Committees since June 1999. (This total does not include those petitions referred to the Committee to note only or for information.) Of these 36 petitions, 26 have not yet been concluded. During the Summer Recess a number of additional petitions have been lodged which are likely to be referred to the Transport and the Environment Committee within the next few weeks.

4. Problems have arisen finding sufficient time to consider petitions. For example, there was insufficient time to consider petitions during Stage 1 evidence-taking on the Transport Bill. This is also likely to be a problem at Stage 2 of the Bill. There is a need to deal with petitions more promptly and effectively, and to work through the backlog of outstanding petitions, while also taking into account work priorities previously agreed by the Committee.

5. It is likely that the number of petitions referred to the Committee will continue to increase. If new systems which enable the Committee to deal with petitions more speedily are not introduced there is a danger that the petitions workload will become increasingly unwieldy and difficult to manage. This is likely to lead to longer delays in responding to petitioners and increasing difficulty in undertaking investigations into petitioners’ concerns in a structured and productive way.

Remit of the Committee

6. Some petitions which are referred to the Committee may relate primarily to matters which are not the responsibility of the Committee, for example, reserved
matters, or matters which are more appropriately dealt with by other bodies such as local authorities.

7. In line with the Public Petitions Committee published view, members may also feel that the Committee should not take a view or recommend further action in respect of individual cases which have been subject to legal or court proceedings, industrial tribunals, or planning or other similar statutory procedures.

8. If the Committee were to comment on individual cases, such as planning decisions taken by local authorities, there is a risk that the Committee might come to be wrongly perceived as a final “court of appeal” in such cases. The Committee could however consider proposals to change laws, procedures or rules which relate to individual cases, where they feel that they exemplify the need for such a change.

Consideration by More Than One Committee
9. The Transport and the Environment Committee has often been just one of a number of Committees considering a particular petition. Sometimes, for example, a particular Committee may “lead” on a petition, and has sought the views of the Transport and the Environment Committee. The consideration of a petition by more than one Committee usually occurs in cases where a petition crosses the remit of more than one Committee, or where different Committees may be able to offer different perspectives on a petition.

10. While the input of more than one Committee to the consideration of a petition is, of course, valuable and helpful, it can create certain difficulties. For example, there is a risk of duplicating Committees’ efforts. There is also a risk of confusing petitioners, who may be uncertain which Committee is acting on their behalf. Where “secondary” Committees decide to undertake substantial inquiries of their own in relation to a petition before passing their views to the “lead” Committee, this can add significantly to the time taken to consider the petition.

11. There will, of course, be occasions when members do not feel able to give even a preliminary view on a petition being considered by another committee without first undertaking some research on the issue. However, it may be that in some cases it would be appropriate for members to respond passing on their views and suggesting that the committee leading on the petition seek any additional information required. “Lead” Committees can also be asked to keep members of the Transport and the Environment Committee informed of and involved in the progress of the petition. The Committee could also appoint a reporter to investigate the issue and report to the other Committee within a relatively short timescale.

Concluding Petitions
12. While some petitions inevitably take a considerable period of time to consider, in the main it is desirable to conclude consideration of petitions within a reasonable time period. In particular, members may consider that it is ultimately not helpful to petitioners to leave their petitions open pending possible future consideration of
associated issues by the Committee at an unspecified future date. This practice also makes the administrative management of petitions more complex.

13. An alternative approach would be for members to conclude formal consideration of the petition and to notify petitioners of this decision while informing the petitioner that the Committee may return to the issues raised by the petition in the future.

Prioritising Petitions
14. Members may wish to have an opportunity to prioritise their consideration of individual petitions, and to express a view on which petitions should be considered by the Committee as a matter of urgency, and which petitions concern less pressing matters.

A Possible New Approach
15. The Committee is invited to consider a new approach to handling petitions which may address the problems set out above. At its 15th meeting on 13 June 2000 the Committee agreed that petitions passed to it by the Public Petitions Committee to note or for information would only be placed on the agenda of a Committee meeting at the request of a Committee member. The Committee may wish to develop this approach to cover all petitions.

16. Under this new procedure, all petitions received by the clerk would immediately be circulated to members.

17. Members would approach the clerk if they felt that a particular petition warranted full consideration by the Committee. That petition, with the agreement of the Convener, would then be put on the agenda of a Committee meeting for formal consideration. The particular meeting at which the petition is taken would depend on the urgency of the petition and the Committee’s other previously agreed work commitments. Members would have a set period of time within which to indicate that they wanted a particular petition to be considered formally.

18. At regular intervals of, say, two or three months, petitions not being considered formally by the Committee would be put on the Committee agenda to be noted. This approach would enable the Committee to more effectively prioritise its petitions workload.

19. To address some of the difficulties outlined in the early part of this paper members may wish to:

• differentiate between those petitions on which the Committee was “leading” from those on which the Committee had to report to another Committee; and
• conclude consideration of petitions as promptly as possible, and avoid leaving them open without specifying a timescale for further consideration.
20. This approach has a number of advantages.

- Members would have an early opportunity to see petitions, and could make a judgement as to which petitions should be a priority for action. Committee resources could then be better focussed on those petitions that members consider most relevant and pertinent to the remit and work of the Committee.

- A policy of formally concluding consideration of petitions, rather than leaving them open pending possible future consideration of associated issues, should also speed up the petitions process.

- Providing a quicker response to other Committees’ requests for the Committee’s views on a particular petition, and recognising that these Committees should usually take the lead in taking the petition forward, would also allow a speedier consideration of petitions. It would also reduce the risk of duplicating Committees’ efforts and would hopefully also lead to greater clarity regarding which Committee was leading on a petition.

**Disadvantage of the new approach**

21. Clearly the main disadvantage of such a new approach is that the issues raised in some petitions would not be substantively considered by the Committee as a whole.

**Recommendations**

22. Members may wish to:

- note and comment on the current problems experienced in the consideration of public petitions, and, in particular, the pressure of time on the Committee and the large number of outstanding petitions;
- agree not to take a view or recommend further action in respect of individual cases which have been subject to legal or court proceedings, industrial tribunals, or planning or other similar statutory procedures;
- note the possible alternative procedure for the consideration of petitions outlined above; and
- decide whether to adopt this new procedure.