The Committee will meet at 9.30 am in Committee Room 2, to consider the following agenda items:

1. **Budget Process (in private):** The Committee will consider a draft Stage 1 report as part of its consideration of the 2003-04 budget process.

2. **Rail inquiry (in private):** The Committee will consider a revised paper on the names of possible witnesses for its inquiry into the rail industry in Scotland.

3. **Public Petitions:** The Committee will consider the following Public Petitions:
   - PE 377 by Mr Michael Kayes on polluting activities in built up areas
   - PE 421 by Mr Alasdair Nicholson on Road Equivalent Tariffs
   - PE 425 by Mrs Anne-Marie Glashan on the siting of mobile phone masts.
   - PE 422 by Mr James Docherty on protection for school playing fields
   - PE 430 by Mrs M Glendinning on the sale of school playing fields
   - PE 454 by Mr Peter Watson on the sale of playing fields

4. **Subordinate Legislation:** The Committee will consider the following negative instruments—
   - The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Glasgow) Designation Amendment Order 2002, (SSI 2002/187)
   - The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Edinburgh) Designation Amendment Order 2002, (SSI 2002/188)
5. **Subordinate Legislation:** The Committee will consider the following draft affirmative instrument—

The Air Quality (Scotland) Amendment Regulations 2002.

6. **Subordinate Legislation:** The Committee will debate the following motion—


7. **Public Petition:** The Committee will take evidence from Ross Finnie MSP, Minister for Environment and Rural Development, on correspondence between the Minister and the Convener on Petition PE470 by Mr Anthony Jackson on behalf of the Munlochy Vigil on Genetically Modified Crops.

Callum Thomson  
Clerk to the Transport and the Environment Committee  
Room 3.5, Committee Chambers  
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The following public papers are relevant for this meeting:

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<td>Covering note on the following petitions: PE 422 by Mr James Docherty on protection for school playing fields PE 430 by Mrs M Glendinning on the sale of school playing fields PE 454 by Mr Peter Watson on the sale of playing fields (Agenda item 3)</td>
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TRANSPORT AND THE ENVIRONMENT COMMITTEE

Subject: Petition PE377 by Michael Kayes on polluting activities in built-up areas

Meeting No: 15th Meeting

Date: 8th May 2002

Author: Note by the Acting Senior Assistant Clerk

Introduction

1. This paper asks the Committee to consider for the first time petition PE377 by Michael Kayes on the practice of toxic dumping, cattle incineration and other polluting activities in built-up areas. A copy of the petition is also circulated for this meeting.

2. The petition expresses concern at the potential impact on local residents’ health of the concentration of polluting operations, such as toxic dumping and cattle incineration, in the East End of Glasgow. The petition requests that the Scottish Parliament carries out an urgent investigation into these practices. The petition includes some background information regarding the specific problems which the petitioner indicates are being faced by residents in the East End of Glasgow. Further information regarding the petitioners’ concerns can be found in oral evidence they gave to the Public Petitions Committee in June 2001, which is attached at Annex A of this covering note.

Progress of the Petition

3. The petition was considered by the Public Petitions Committee (PPC) at its meeting on 19 June 2001, when the Committee agreed to seek the views of the Scottish Environment Protection Agency (SEPA) on the issues raised in the petition, and on additional points raised by members. A response was received from SEPA (attached at Annex B), which was subsequently discussed at a meeting of the PPC on 11 September 2001. The relevant extract from the Official Report of that meeting is attached at Annex C.

4. The Public Petitions Committee referred the petition to the Transport and the Environment Committee with the request that it responded to the wider planning issues arising from the petition. Members should note that the Transport and the Environment Committee has previously agreed that the Committee should not take a view on specific local planning decisions. It would, however, be appropriate for the Committee to address the wider points relating to the planning system which are highlighted by the petition, as suggested by the PPC.
Issues Raised by the Petition

5. The petitioners set out a number of specific concerns in the petition. These are considered on a point-by-point basis in SEPA’s response to the Public Petitions Committee. SEPA suggest in this response that the necessary environmental regulations and procedures were followed at the waste disposal site highlighted by the petitioners. Four enforcement notices issued by SEPA in connection with the site have now been complied with. SEPA also note that no link has been established between the waste disposal site and ill-health among local residents.

6. In addition, the letter from SEPA suggests that many of the petitioners’ complaints do not fall within the responsibility of SEPA, but instead relate to planning decisions (for example, relating to the particular location of the site). SEPA notes that it does not have the power to withhold the granting of a licence where planning permission has been granted for a process which uses technology appropriate to meet emissions standards for that source material. The Convener of the PPC noted at the PPC Committee meeting that Glasgow City Council refused the original planning permission but that the Scottish Executive overturned this decision on appeal.

7. There are a number of general issues relating to the planning system which are highlighted by the petition. These include the circumstances in which Scottish Ministers decide to overturn the planning decisions of local authorities and the extent to which the planning system and environmental regulations are meeting local residents’ concerns regarding waste disposal near their homes.

Options for Action

Two options which the Committee may wish to consider are—

Option A
8. The Committee could note the petition, and write to the petitioner to inform him that the Committee has previously agreed not to take a view on specific local planning issues.

Option B
9. The Committee could write to the Scottish Executive to seek its views on any general planning issues arising from the petition, such as the role of Scottish Ministers in planning appeals. The Committee could also ask for the Executive’s comments on the views expressed by local residents that the current regulatory system is not addressing their concerns.

Recommendation

10. The Committee is invited to consider its response to the petition.

Alastair Macfie
Acting Senior Assistant Clerk
Transport and the Environment Committee
May 2002
The next petition, PE377, from Michael Kayes, is on toxic dumping, cattle incineration and other polluting activities. I understand that Michael Kayes and Bill Malcolm are here to address the committee.

Michael Kayes: Thank you for having us here to speak on behalf of the people of the east end of Glasgow.

Three years ago, a cattle incinerator was opened in Carntyne. A cattle incinerator is out of place in a built-up area. At the time, we were assured that there would be no smoke or fallout from the incinerator but, as the pictures I have with me show, we had nothing but smoke and fallout for 18 months.

The Scottish Environment Protection Agency has let us down. I am here to ask the committee whether it can force SEPA to do something about the situation. I understand that the incinerator will reopen under new ownership in the near future. I do not see the new owners curing the problem. I live 50 yards from the incinerator and it is close to playing fields where more than 400 kids play football every weekend.

The photographs show how residential the area is. They also show new housing developments. I ask the committee to stop the plant from reopening until an investigation has been carried out into the problem as well as into dumping in the east end of Glasgow. I do not see why the incinerator problem should be allowed to add to the dumping problem.

Bill Malcolm: The Carntyne local plan was adopted in 1991 with the aim of controlling industrial development and eliminating local industrial pollution. It has singularly failed to do so. With the help of the Public Petitions Committee, the residents of the Carntyne community would like the planning permission refused retrospectively. The ground for that is that it is not an acceptable use of land that lies so close to public housing.

In an area of about 500m around the plant, there are two primary schools, a nursery, an old folk’s home and 10 football pitches where, every Saturday and Sunday, 200 to 300 kids play. The previous owners, Westcot Hides, guaranteed that no smell, smoke or vile substances would come from the plant. They failed to ensure that. On 12 occasions that we know of, SEPA had to serve the company with enforcement notices to stop its operations.

The new operator, Sacone Industries, said that it would produce a new system of burning cattle. That system will process 200 cattle on seven days of the week, for 52 weeks of the year. Smells emanate from the plant when wagons containing 20 dead cattle that have lain there for a fortnight are opened. The smell rises into the atmosphere and surrounds the area completely. Sacone Industries has assured us that that will not happen, but we do not believe that, as the previous company also made that promise. The photographs that we have presented to the committee show smoke coming out of the chimneys. The plant is located in the area shown by the white square drawn on the photographs. The rest of the area is green fields or housing.
The Scottish Office allowed this situation to develop. Glasgow City Council planning department refused planning permission to Westcot Hides, but the Scottish Office granted permission on appeal, completely against the wishes of local people. In one day, we gathered two petitions of 1,000 names—the area has not one dissenter.

We ask members of the Public Petitions Committee to use the weight and power that the committee has been given by the people of Scotland to force the Intervention Board not to award the contract to Sacone Industries. At the moment, the company is repairing the plant in the hope that it will receive a contract at the end of this month. We do not want the plant to start up again. The last firm almost went bankrupt because it could not maintain guaranteed production due to stoppages. People do not want to have that happen again.

With the committee's assistance and its support of PE377, we hope that that will not come to pass. I thank the committee for giving us its attention.

**The Convener:** We do not have the power to interfere in the process of application for licences.

**Bill Malcolm:** It is support that we want.

**The Convener:** We have other powers that we can use to intervene in a situation such as the one that has been described. I repeat, however, that we cannot stop the lawful issue of licences.

**Dorothy-Grace Elder:** I declare an interest. I am one of the MSPs who works in the east end of Glasgow. Over some 25 years, I have been involved in places where dumping has occurred. The major problem in all dumping situations is SEPA's secrecy and the way that it works. I have dealt with quangos for many years and I have never encountered a more secretive quango than SEPA, which has been in existence only since 1996.

No consultation was held with local people in Carntyne before the licence was granted. Local people organised a recent public meeting, which SEPA attended. Its answers were evasive. The agency is not trusted in the local area. People are desperate to stop the plant starting up again, as all that SEPA will do is handle individual complaints. It will not reach to the root of the problem.

There is overdumping in the east end of Glasgow—the area is well worthy of special investigation by the Transport and the Environment Committee and of reference to the European Committee. We have at least five major dumping and/or incineration operations in the east end of Glasgow. Paterson's dump, which is very near Carntyne, takes in 500,000 tonnes of toxic waste material each year. The recent public health report on Paterson's dump noted that smells are at times literally breathtaking.

The emissions are already in the atmosphere. To add to that, the plant will again create a belching smoke plume that will distribute ash from dead cattle over the district, especially in summer weather. The smoke plume contains noxious fumes. Children in the area see terrible sights. At times, blood from the dead and half-decapitated animals that are being trucked into the plant runs down the gutters in one or two of the Carntyne streets. A built-up, residential area such as this is no place for such an operation. Such plants must be located well outside urban areas.

I am concerned about the health of the people of the east end of Glasgow. A Department of the Environment, Transport and the Regions probe is under way in
London and links in parts of Glasgow. We have not yet seen the results of that probe and we have not been able to afford a full health inquiry in Glasgow. There are undoubtedly clusters of cancer and other diseases. It is not proven that they are linked to dumping, but their incidence is unusually high. The east end of Glasgow has had quite enough problems without this plant being reopened. I appeal to the convener to write a strong letter to SEPA asking it to justify why, in view of the plant’s history, it granted the licence. Its feeble response is bound to be because planning permission was granted, but receiving planning permission does not mean that SEPA automatically has to grant a licence, particularly as permission was granted only after the application went to a Scottish Office reporter on appeal.

I ask the committee to word our communications as strongly as possible. I suggest that we pass PE377 to the Transport and the Environment Committee and to the European Committee. In view of the survey of dumping and other problems throughout the British Isles in which the Department of Health in London is a participant, I suggest that we write to that department.

**The Convener:** At this stage, we are meant to ask questions of the petitioners. I welcome John Farquhar Munro to the committee. Do you have any questions at this point?

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** Not yet.

**John Scott:** Was there a difference in the level of smell throughout the summer and winter months?

**Michael Kayes:** No. The smell was continuous. Whenever a load of cattle arrived at the plant, the smell was present day and night. SEPA served the past operators with enforcement orders. That led to the Intervention Board taking the contract away from Westcot Hides, which went out of business. We had the smell of the smoke, winter and summer, day and night. I had burning ash on the roof of my house and cattle hairs on my car. For 18 months, we had those problems day and night.

**John Scott:** How close is the plant to the majority of the housing?

**Michael Kayes:** If members look at the photographs, they will see a drawing of a wee blue box. That is the incinerator. My house is in the area marked by the yellow box. I live in a caravan site that has 32 residential caravans for retired show people. The incinerator is only 50yd from the site. A 9in boundary wall is all that stands between the plant and the playing fields, where the kiddies play every weekend. Just 150yd from that are green fields and the Cardowan Road housing. On the other side we have Old Shettleston Road housing and the new housing development. The plant is out of place. It is smack in the middle of 10,000 to 20,000 houses. That small industrial area should not be in that location.

**John Scott:** I was going to ask what the direction of the prevailing wind is, but that is irrelevant because the plant is surrounded by housing.

**Bill Malcolm:** The prevailing wind in Glasgow is south-westerly.
John Scott: There is no orientation on the map, but it does not matter: there are houses in every direction.

Michael Kayes: Also, we are in a valley. The plume goes up and falls down where we are, which is between Edinburgh Road and Tollcross. It has nowhere to go, bar on the people.

The Convener: Why are cattle being incinerated in the middle of a city?

Michael Kayes: The previous owner of the site was a hide company. When cattle that were older than 30 months had to be got rid of because of BSE, there was a market for the incinerator, although the planning application says that no BSE cattle are to be burnt at that incinerator. Starting next month, all cattle that go to an incinerator must be decapitated, have a brain-stem sample taken and have the spinal cord taken out. That must be done to all cattle, not just BSE-infected cattle. While testing is being carried out, Daisy—as I call the cattle—will have gone through the incinerator and up the chimney. However, when—10 to 14 days later—the results come back that Daisy had BSE, it will not be possible to find her, because she will have been incinerated within 24 to 72 hours. The company will be burning BSE-infected cattle without our knowing—and we will never know—despite the fact that the planning application does not allow it to burn BSE-infected cattle.

Dorothy-Grace Elder: You were concerned about the heat of the furnaces.

Michael Kayes: The furnaces cannot burn hot enough. We have an independent report that says the furnaces are not designed to burn BSE-infected cattle. I am led to believe that the furnaces burn at 850 deg C. To get rid of the BSE agent, they have to burn at 1450 deg C, but the furnaces are not designed to do that. The ash, smoke and smell are not healthy.

Dorothy-Grace Elder: Can you confirm that at a public meeting the new owner of the incinerator, Mr Batty, stated that 850 deg C is as high as the furnaces can go?

Michael Kayes: That is right. I asked him about that. I also put it to him that the incinerator would be burning BSE-infected cattle. He could not confirm that he would not be burning such cattle, because the test results would be received after the cattle had been burnt.

Dorothy-Grace Elder: That moves us into an emergency situation.

The Convener: Are there any other questions for the petitioners?

John Farquhar Munro: Before the incineration of cattle started, were there objections about the emissions from the stack as a result of the previous activity at the site?

Bill Malcolm: There was no stack then. A tanning operation was on the site, from which there was an offensive smell. It was defined as an offensive trade, but that definition has been removed from legislation. No business is called an offensive trade now, but there is still an offensive smell. In the old days, when cattle were
taken in and the hides were treated to make leather, there was a strong smell, but that was in the past.

For the environment and the health of people, such places should not be in areas with a lot of housing. A foundry and Parkhead forge, which was a massive employer of 30,000 people, have been closed down. All industry has been taken out of the area and only social activities take place there. However, the incinerator was allowed because, three years ago, the Government was under a lot of pressure to get rid of dead cattle. There are still 4.5 million cattle lying around somewhere that have to be destroyed.

**John Farquhar Munro:** Looking at the issue objectively, it is absurd that the local authority and a public agency such as SEPA should approve an exercise such as this in such close proximity to public buildings and schools and in such an intensely built-up housing area.

**Bill Malcolm:** Unfortunately, the wee strip of land on which the incinerator is found, which is about half a mile wide, is designated as an industrial area because it is alongside the railway line. It is meant for light factories, such as sewing machine factories or the Camtyne knitwear factory, which are no problem. The cattle come from the Borders in refrigerated trucks and must go through the whole of Glasgow. They should be dealt with out in the countryside.

**John Farquhar Munro:** Although the area is classified as industrial, it is absurd to apply the designation of industrial to the function of the incinerator.

**Bill Malcolm:** The planning permission says that it is an industrial area, but we say that a cattle incinerator is a wrongful use of the industrial area.

**John Scott:** How many jobs are involved?

**Bill Malcolm:** Six to 10, so the managing director tells us. Two or three men will operate fork-lift trucks to put cows on to a conveyor and into the furnace and there will be a few office people. The previous firm had about 15 employees. The new owner reckons that, given the company's equipment, the number of jobs will be 10 to 20 at most. Shettleston does not need 10 jobs; it needs 10,000 jobs.

**The Convener:** If there are no other questions, I thank you for your evidence. We will now consider what to do with the petition. You are welcome to stay and listen to the discussion.

We must stress that we cannot interfere in the application process for licences, but we can take up the issue with SEPA. It is suggested, as Dorothy-Grace Elder said, that we ask SEPA to respond to the points that have been made in the petition and in the discussion this morning and to outline its policies and procedures for granting licences to toxic dumps and incinerators in urban areas. While we await a reply, we will send a copy of the petition to the Transport and the Environment Committee for its information. We will pass on whatever we receive from SEPA to the Transport and the Environment Committee in due course. Is that agreed?

**John Scott:** I agree. As Dorothy-Grace Elder, the petitioners and John Farquhar Munro have said, it is unacceptable in this day and age to have such a plant in the
middle of a residential area. New planning guidelines may have to be developed for the siting of incinerators. It is logical that they should be sited in areas where the prevailing wind will blow away unpleasant smells and potentially dangerous ash. With regard to BSE, perhaps I am in a position to put the petitioners’ minds at rest. Any cattle that are known to have BSE would not be sent to that plant.

Bill Malcolm: That is correct.

John Scott: However—and I have raised this issue with the Scottish Executive with regard to foot-and-mouth—it may be that a few cattle of more than five years old that are infected with the BSE agent are being burnt at that plant and on funeral pyres and are depositing BSE-infected material all over the country. Nonetheless, I have been reassured by the Executive that the incidence of such animals is low.

Dorothy-Grace Elder: Could we ask John Scott, as a farmer, where 200 cattle a week are coming from? They are called fallen animals. That puzzles me.

The Convener: We should ask SEPA, rather than John Scott. He is not responsible for answering such questions.

Dorothy-Grace Elder: Could we also ask about the lack of public consultation?

The Convener: Absolutely. The Official Report of this meeting will be sent to SEPA, which should be asked to respond not just to what the petition says, but to the points that have been raised in discussion.

Michael Kayes: May I make one more point?

The Convener: Technically, you cannot, but I will allow it.

Michael Kayes: John Scott said that the cattle would not have BSE. Mr Norman Batty said that all the cattle that go the incinerator are checked by vets. If that is the case, why do they have to take the heads off the cattle and send them for testing?

The Convener: That is a fair point, which was also made in the back-up literature.

Helen Eadie: Like other committee members, I share the concerns that the petitioners have expressed. Not only is there an important issue about national planning policy guidelines, there is the issue of the growth in the number of incineration plants. I can remember the case of the Bonnybridge incinerator, in which Alex Falconer, our MEP at the time, was involved. You will remember that case, convener, and the concerns that were expressed throughout Scotland. My concern is that health and safety legislation includes powers of prohibition in certain cases, but it does not include powers of prescription. It is a matter of the filters that ought to be installed when the flues are put in place. From the Westfield inquiry when an incineration plant was proposed there, I understand that research from America stated that certain dioxins get into the atmosphere because appropriate filtration is not put into plants. I would like an approach to be made to the Secretary of State for Environment, Food and Rural Affairs in London to ask whether changes will be made in legislation so that there are powers of prescription as
opposed to powers of prohibition. That must be considered not only on this aspect of health and safety, but in the wider context.

The other point that I would like to make is that the Royal Commission on Environmental Pollution is in the throes of setting up a remit for an inquiry into the effects of chemicals in the environment. It might be worth your while to visit its website, as you might want to make representations to it. Organisations and communities throughout Scotland that are concerned about chemicals in the environment ought to be preparing evidence to submit to that inquiry. It is important that we tune into the work that is going on in London.

The Convener: It has been suggested that when we write to SEPA we ask it, in addition to all the other points that I have mentioned, to explain the current position in the health and safety legislation and any changes that are in the pipeline, so that we can consider that as part of further consideration of the petition. Would that be satisfactory?

Members indicated agreement.

Dorothy-Grace Elder: I have a tiny correction to what John Farquhar Munro said. He said that both SEPA and the local authority were in favour of planning permission being granted. Unusually for Glasgow City Council, it did not grant permission. That is why the matter had to go to a fight. How many more voices will it take before they are listened to? The folk in the east end are not being listened to.

The Convener: It is important to emphasise that the opening of the incineration plant was against the advice of Glasgow City Council. Is the action agreed?

Members indicated agreement.
ANNEX C

Extract from the Public Petitions Committee Official Report – 11 September 2002

The Convener: The next petition, from Mr Michael Kayes, concerns toxic dumping, cattle incineration and other pollution activities in built-up areas, with particular reference to the dumping and other disposals that are currently taking place in the east end of Glasgow. At our meeting on June 19, we agreed to ask the Scottish Environment Protection Agency to respond to the issues and to additional points that had been raised by members. A copy of the petition was also passed to the Transport and the Environment Committee for information. We have received a response from SEPA, which is detailed in the committee papers. SEPA appears to regard the matter as a planning issue, rather than an environmental one, and therefore a matter for the local authority to decide. However, if the local authority has decided against the activities of that unit and it was only on appeal to the Scottish Executive that the unit was allowed to operate, there are certain national implications.

SEPA believes that the company is operating within the parameters of the licence that was granted and that several of the issues that were raised by the petitioner are planning issues. Glasgow City Council refused the initial planning application, but the Scottish Executive overturned that decision on appeal. As the committee cannot become involved in individual planning decisions such as this, we could agree to take no further action. Alternatively, we could refer the petition to the Transport and the Environment Committee with a view to asking it to consider the wider issues involved in current planning legislation. There seem to be national implications arising from the Glasgow situation, given that the local authority’s decision was overturned.

Helen Eadie: The petition should be sent to the Transport and the Environment Committee. You are right to say that this is a national issue and that similar things have happened throughout Scotland. When I was a member of the Transport and the Environment Committee, the issue came up time and again and it was thought that the committee would, at some stage, conduct an inquiry into the matter.

Dorothy-Grace Elder: I declare an interest, as Mr Kayes lives in my constituency area and I have been doing work on the matter of the cattle burner for several months. Margaret Curran, who is the MSP for Baillieston, and I agree that the incinerator should not be allowed to start up again—it is not operating at the moment.

The cattle incinerator in the east end of Glasgow is the only such facility to be in a built-up area. It is next to two schools, playing fields that are used by 400 children, many houses, two caravan parks and a hospital. It operated under a different owner until September last year, when conditions for the local people got so bad that it was forced to close—it had also lost an Intervention Board contract. It now has a new owner and is due to reopen soon as part of the BSE surveillance scheme. However, the burner is not licensed to take cattle that have been proven to have BSE. The burner’s top temperature is only 850 deg C and the facility does not have enough refrigeration to store the animals.
I suggest that we send the Executive an urgent letter. Only to some extent is this a planning issue. It is a shame for Glasgow City Council which, four years ago, before the burning of any BSE-infected cattle was proposed, decided that the area should not have the incinerator and turned down a planning application. However, that decision was overturned by a Scottish Office reporter. The report that was produced stated that no animal that had been proven to be suffering from BSE should be burned at the plant. However, the words in that clause can be played with, as the cattle that arrive have not been clinically proven to have BSE. We have seen Government documentation from England and Scotland that says that there is a high risk of the cattle that are involved in the BSE surveillance scheme having BSE. Those cattle are the fallen stock that the European Union wants us to investigate in an attempt to find out how small or large the incidence of BSE is in British herds. That means that the people of the east end of Glasgow will have to suffer as a result of a European statistic-gathering exercise.

The last time the burner was in operation, the situation was horrendous. The plumes of black smoke from this virtual crematorium were going 150ft into the air. Singed cattle hair was falling on gardens, prams and children’s toys all over the area. At times, blood was running down the streets approaching the incinerator as cattle trucks arrived with dead cows. That is unlikely to be prevented this time, as refrigerated transport is not being used.

I will go into the grisly details as people in the east end of Glasgow will have to live through this horror story. The results of the test for BSE—which involves the head of the animal being removed—do not come back for 14 days. The rules say that the carcases must be incinerated within 72 hours. We will not know until afterwards whether a BSE cow has already been incinerated, and that would break the planning requirement, but retrospectively. This is complicated.

Glasgow City Council still does not want the plant. It never wanted it in the first place. The east end people, who have protested in their hundreds over another local pollution issue, do not want it and say that they will barricade the entrance to the plant if it reopens. Those are not idle threats—they have done it before at another local polluter, and 100 police had to be called to attend one street. I do not want that to happen month after month, and we cannot afford for the people in the east end to suffer any more risk to their health.

The constituencies concerned are the two unhealthiest in the whole of Britain. The site borders on Shettleston, which is the unhealthiest constituency, and goes into Baillieston, one of the next unhealthiest. What is proposed to be perpetrated is an absolute outrage, simply because it is a burner in that built-up area. I am not complaining about the BSE surveillance scheme, and realise why it has to be carried out, but it is absolutely essential that the cows are removed to another plant that is not located in a built-up area—and there are other plants in Scotland.

I appeal to the Executive through you, convener. I would like a letter to be sent, asking for an immediate investigation into where else those cows could be sent. Ministers have held off signing the contracts, I believe because we all started protesting in early July. My main plea has been to hold off signing the contracts to avoid getting into a legal situation later.

SEPA has claimed that it helps with meetings and has been open. It was certainly not open at the public meeting that I attended. A senior representative of SEPA was on the platform, and it was declared that the burner’s reopening had absolutely nothing to do with BSE or BSE cattle. We then found conclusively that it was to do with the BSE surveillance scheme.
The Convener: I have tremendous sympathy with everything that you have said, Dorothy-Grace, and the set of circumstances that you have described in the east end of Glasgow is quite horrific. Unfortunately we, as the Public Petitions Committee, cannot get involved in individual cases. The issues can be raised with Glasgow city councillors and local MSPs and MPs. We are restricted to considering the national implications that arise from the situation, and to referring the petition to the Transport and the Environment Committee, asking it to consider the wider issues. Even that committee would not be able to get involved in every aspect. If we were to get involved in one individual case, the list would become endless, and the Parliament would just spend its days dealing with individual cases that locally elected people could deal with. I am sure that you have the support of every individual on the committee but, as the Public Petitions Committee, we are restricted to considering the wider implications and referring the petition to the Transport and the Environment Committee and asking it to do the same.

Dorothy-Grace Elder: Could we write a letter to Mr Finnie?

The Convener: If you organised a round-robin letter, I am sure that everybody would support it. We could not write such a letter as a committee. It is not the role of this committee to become involved in issues of this nature. There are locally elected people who may deal with it.

Dorothy-Grace Elder: In that letter, could we say that we are members of the Public Petitions Committee?

The Convener: You can say what you like as an individual, as long as it is not that the letter is from the committee. Is it agreed to pass the petition to the Transport and the Environment Committee?

Members indicated agreement.
Subject: Petition PE 421 by Mr Alasdair Nicholson on Road Equivalent Tariffs

Meeting No: 15th Meeting

Date: 8 May

Author: Note by the Acting Assistant Clerk

Introduction

1. This paper asks the Committee to consider for the first time petition PE 421 by Mr Alasdair Nicholson on Road Equivalent Tariffs.

2. The following items are attached for members’ information—
   
   • a copy of the petition
   • a response from the Executive to the Public Petitions Committee on PE 421
   • a copy of an Oral Parliamentary Question from Duncan Hamilton MSP on 13 December 2001 (referred to in the Executive response)

Background

3. The petition is calling for the Scottish Parliament to (a) promote and trial a Road Equivalent Tariff between the Western Isles and the mainland, and (b) actively pursue measures to implement a fair Road Equivalent Tariff system to the Scottish islands at the earliest opportunity.

4. The petitioners feel that the current highlands and islands ferry fares are excessive and have damaging effects on social and economic welfare.

5. Road Equivalent Tariff (RET) is a method of price setting which relates the fare charged for ferry transport to the cost of driving the equivalent road distance.

Progress of the Petition

6. The petition was first considered by the Public Petitions Committee on 4 December 2001. On this occasion, the Committee agreed to write to the Scottish Executive to obtain its views on the issues raised in the petition.

7. The Public Petitions Committee considered the Executive response on 5 February 2002. The Committee agreed to refer the petition to the Transport and Environment Committee for further consideration, with the recommendation that it be examined during consultation on the draft service specification within the context of the Committee’s inquiry into the tendering of highlands and islands ferry services.
Executive Response

8. The Executive response to the Public Petitions Committee refers to an Oral Parliamentary Question from Duncan Hamilton MSP on the subject of carrying out an inquiry into introducing a road equivalent tariff scheme for Scotland’s ferries (S10-4282). The Deputy Minister for Enterprise, Transport and Lifelong Learning, Lewis Macdonald MSP, responded to the question by noting that the Executive would be setting out its preferred options for future fares policy on Clyde and the Western Isles ferry services when it consults on the draft service specification for those routes.

9. The Minister also noted that RET would require substantial alteration to the current fare structure at a time when the key priorities should be maintaining the stability and security of existing services within the framework set by European Commission regulations.

10. The Executive response also notes that the consultants commissioned by Calmac as part of its Fares Review, considered the possibility of implementing RET and concluded that it would result in a large decrease in the company’s revenue, necessitating a significant increase in subsidies from the Executive.

11. Finally, the response details the levels of subsidy currently available to Calmac and adds that the Minister considers that this level strikes the correct balance between the provision of appropriate support for lifeline ferry services and achieving value for money for the taxpayer.

Highlands and Islands Ferry Services

12. On 23 January 2001 the Minister for Transport announced the Executive’s proposals for the tendering of Highlands and Islands Ferry Services. On 28 February 2001 the Transport and Environment Committee considered these proposals and agreed to appoint Des McNulty MSP and Maureen Macmillan MSP to act as Reporters on the tendering process.

13. The progress of this work has been dictated by the progress of the draft service specification. Committee reporters plan to begin consulting on the draft service specification for the tendering of the ferry services by the Executive as soon as it published (expected in mid-June). At this time the reporters will be considering all aspects of the service specification, including the financial arrangements underpinning it. To this end, the Reporters will be presenting a paper to the Committee in the next few weeks detailing their plans to consult on the draft specification.

Recommendation

14. Following discussion with the Reporters, it is proposed that the issues arising from the petition be taken into account as part of their consideration of the draft service specification. It is therefore recommended that the Committee agree to take the petition into account as part of its inquiry into the tendering of Highlands and Islands Ferry Services.
TRANSPORT AND THE ENVIRONMENT COMMITTEE

Subject: Petition PE425 by Mrs Anne-Marie Glashan on the siting of mobile phone masts

Meeting No: 15th Meeting

Date: 8th May 2002

Author: Note by the Acting Senior Assistant Clerk

Introduction

1. This paper asks the Committee to consider for the first time petition PE425 by Mrs Anne-Marie Glashan on the siting of mobile phone masts. A copy of the petition is also circulated for this meeting.

2. The petition suggests that there is no evidence that non-ionising radiation from mobile phone mast base stations is safe. The petition also expresses concern that no long-term epidemiological studies have been carried out in this area. The petition therefore requests that the Scottish Parliament adopts a precautionary approach of the kind identified in the Transport and the Environment Committee’s report into telecommunications developments. The petition requests an end to the siting of masts in densely populated areas or within 600 metres of schools, residential care homes or hospitals.

Progress of the Petition

3. The petition was considered by the Public Petitions Committee (PPC) at its meeting on 18 December 2001, when the Committee agreed to seek the views of the Scottish Executive on the issues raised in the petition, asking in particular whether there are any on-going studies or available research into the safety of emissions from base stations.

4. The Public Petitions Committee also agreed to seek the views of the Transport and Environment Committee on whether it was content with the reaction of the Executive to the recommendations relating to emissions contained in its report on planning procedures for telecommunications developments. Members should note that the PPC has not yet formally referred the petition to the Transport and the Environment Committee for action. The PPC is only seeking the views of the Committee on this specific point at this stage.

Background Information

5. The Transport and the Environment Committee’s report on telecommunications developments was published on 29 March 2000. The full report, including the oral and written evidence received by the Committee can be found on the Transport
and the Environment Committee’s home page¹ on the Parliament’s website. Relevant extracts from the report relating to the health impact of emissions can be found at Annex A of this covering note (page 4). A summary of the recommendations in the Committee’s report relating to health issues was set out at the beginning of the report, and this summary is reproduced below:

The Committee recognises that there is currently no conclusive scientific evidence on non-thermal effects and the risk to public, but the level of public concern is reflected in the responses to the inquiry. The Committee recognises the complex issues of public health, including the perceived effects and recognises the difficulties in securing evidence. Based on the evidence received the Committee considers that there is reasonable doubt about the health risks and recommends that health should be viewed as a material planning consideration and a precautionary approach should be adopted at a national level allowing for local flexibility. The Committee considers that areas such as schools, nurseries, hospitals, and residential areas may be considered sensitive for environmental health reasons. The Committee recommends that in taking a precautionary approach local authorities should consider a hierarchy of preferred locations for telecommunications equipment that, where possible, avoid more densely populated areas such as residential areas and weight towards more sparsely populated areas e.g. industrial areas. However, the Committee does not currently believe that there is sufficient scientific evidence on which to base a recommendation on the implementation of mechanisms such as cordon sanitaire.

6. The Scottish Executive formally responded to the Committee’s report on 4 September 2000. The relevant extracts of this response relating to health matters are reproduced at Annex B of this covering note (page 9). The full text can be found on the Executive’s website².

7. New planning guidance from the Scottish Executive relating to radio telecommunications was set out in NPPG 19, which was published in July 2001. Again, the full text can be found on the Executive’s website³. Relevant extracts are set out at Annex C of this covering note (page 11).

8. The response from the Scottish Executive to the Public Petitions Committee’s request for further information on Petition PE425 is also attached at Annex D of this covering note for members’ information.

Recommendation

9. The Public Petitions Committee is asking the Committee for its views on whether it was content with the reaction of the Executive to the recommendations relating to emissions contained in its telecommunications developments report. It would be possible to convey any response via a letter from the Transport and the Environment Committee Convener to the Convener of the PPC or by referring the

¹ http://www.scottish.parliament.uk/official_report/cttee/trans-00/trr00-03-01.htm
² http://www.scotland.gov.uk/library3/planning/rtcr-00.asp
PPC to the relevant extract from the Official Report of the Transport and the Environment Committee’s meeting.

10. The Committee is invited to consider its response to the Public Petitions Committee.

Alastair Macfie  
Acting Senior Assistant Clerk  
Transport and the Environment Committee  
May 2002
The Health Effects of Emissions: Thermal and non thermal (biological)

70. The thermal effects of electromagnetic radiation have been outlined to the Committee and stated by a number of witnesses including the NRPB and Dr Ramsay of the Scottish Centre for Infection and Environmental Health (SCIEH). In presenting oral evidence to the committee Dr Ramsay defined the thermal effects of EMF’s as “those are effects induced by the absorption of energy, resulting in an increase in temperature in tissues”. (33) The thermal or heating effects appear to be uncontested and it is to these that the current and proposed guidelines with respect to emissions applies. These guidelines for maximum exposure to microwaves are intended to avoid harmful heating from telecommunications equipment (including masts).

(33) Official Report 17 November 1999 Column 228

71. Some scientists and health experts have suggested that there are other non thermal effects that relate to low levels of radiation emissions. Dr Ramsay explained that the other effects “..which are somewhat more contentious, are what is known as non thermal effects, because no increase in temperature is detected” he suggested that “experimental evidence shows non thermal effects to be wide ranging." (34) However, in their written submission SCIEH state that "non thermal effects are not sufficiently well accepted to be considered useful as a basis for setting guidelines on reducing human exposure at present."(35)

(34) Official Report 17 November Column 228
(35) Volume 2, Annexe D, "Submission from Scottish Centre for Infection and Environmental Health"

72. The NRPB has stated that their "standards are based on established thermal effects of radiofrequency radiation”. (36) However the NRPB agreed that "..there is a need to examine radiation from those specific technologies in well controlled epidemiological and animal studies to discover whether there are implications that we do not believe exist at present." (37)

(36) Official Report 17 November 1999 Column 266
(37) Official Report 17 November Column 271

Concerns on health matters

73. Dr Ramsay stressed the public health concern over the presence of EMFs emanating from telecommunications development. He suggested that in the absence of conclusive evidence a precautionary approach should be adopted. (38) This concern was reflected in many of the submissions and organisations supporting a precautionary approach to health included Greater
Glasgow Health Board, the British Medical Association, Friends of the Earth Scotland and CoSLA. Many witnesses called for central guidance on how planning authorities should deal this matter.

(38) Official Report 17 November Column 236-237

74. Some witnesses suggested the need to introduce exclusion zones, however, many recognise the practical difficulties of this and the potentially arbitrary nature of defining boundaries. Friends of the Earth stated that they were not advocating a specific exclusion zone and noted that "There is still a difficulty in achieving a scientific consensus on the exact distance that would be appropriate." (39) CoSLA stated that "We can define in guidance what the sensitivities might be but it is difficult to draw hard and fast boundaries across a range of factors." (40)

(39) Official Report 10 November 1999 Column 210
(40) Official Report 1 December 1999 Column 288

75. In addition, the House of Commons Science and Technology Select Committee, in their recent inquiry, also concluded that the research programme in the UK is completely inadequate to underpin the policy decisions that have been made. (41)


76. The Committee is also aware of the ongoing inquiry of the Independent Expert Group on Mobile Phones, set up by the Department of Health to assess the current state of research into possible health risks from the use of mobile phones. The Committee understands that this group is due to report in April 2000.

77. The Committee recognises that there is currently no conclusive scientific evidence on non thermal effects and the risk to public, but the level of public concern is reflected in the responses to the inquiry. The Committee recognises the complex issues of public health, including the perceived effects and recognises the difficulties in securing evidence.

78. Based on the evidence received the Committee considers that there is reasonable doubt about the health risks and:

RECOMMENDATION 19: The Committee recommends that a precautionary approach should be adopted for telecommunications developments based on health issues, which should be regarded as being a material consideration within the planning framework for this purpose.

RECOMMENDATION 20: The Committee recommends that the Scottish Executive should provide clear and detailed guidance to local authorities on how health should be incorporated into the planning system as a material consideration, including the weight that should be given to it, and guidance
should be provided on the application of a precautionary approach.

86. From the evidence submitted the Committee considers that there are areas that may be considered as sensitive from an environmental health point of view. These include residential areas, schools and nurseries and hospitals.

RECOMMENDATION 21: The Committee recommends that in developing a policy framework for telecommunications development using a precautionary approach, local authorities should establish a hierarchy of preferred locations for telecommunications equipment (including antennae and masts) that, where possible, avoid more densely populated areas such as residential areas and weight towards more sparsely populated areas e.g. industrial areas. Where it is necessary to put masts in more densely populated areas local authorities should be sensitive to siting, avoiding proximity to existing populated buildings where possible.

87. However, the Committee does not currently believe that there is sufficient scientific evidence on which to base a recommendation on the implementation of mechanisms such as cordon sanitaire.

88. The Committee recognises that a number of studies are ongoing and there is a need for additional research and for continual monitoring of the position of research on this issue, therefore:

RECOMMENDATION 22: The Committee recommends that research into the health impacts of electromagnetic fields and telecommunications development should be monitored by the Scottish Executive and taken into account when the Scottish Executive and planning authorities are drawing up their policies on this matter and that health as an issue should be kept under constant review within the planning framework.

89. A number of witnesses raised concerns with respect to the role and status of NRPB advice suggesting that it is viewed as having statutory authority. Friends of the Earth indicated that the governmental departments…the Health and Safety Executive, Department of Health, DTI, Department of Environment Transport and the Regions and Scottish Executive Development Department are "now deferring completely to the NRPB" on the health issue. This is supported by the recent judgement in the case of Tandridge District clearly stated: "In making [a] decision, they (the local authority) would have to take into account the advice of the NRPB." This perception and application of NRPB’s advice contrasts with the position of the NRPB who clearly state that they are an advisory body only and planning issues are not for them. (42)

(42) Official Report 17 November 1999 Column 256

90. The Committee concludes that despite issuing a circular on health and EMFs, there is a lack of clear guidance from government on this issue.
RECOMMENDATION 23: The Committee recommends that clear guidance on the status to be given to the advice of the NRPB should be incorporated into guidance referred to in recommendation 21. Such guidance should be reviewed and issued as a matter of priority in the light of the Committee’s recommendations and the issues raised in this report.

91. The Committee supports the recommendation of the House of Commons Select Committee on Science and Technology that the UK government adopt the ICNIRP recommended guideline limits for microwave exposure as a precautionary measure and supports the recommendation that government ensures that a higher priority is given to the research programme into the health impacts of mobile phones. The Committee agrees that it is essential that there is an independent and appropriately funded research programme which is seen to be objective.

92. The Committee understands that the recommendation of the Select Committee to reduce permissible emission levels by a factor of five, bringing this in line with international standards, would not cause significant difficulty for telecommunications operators: when questioned, operators stated that they were comfortable with the outcome of the report, suggesting it gave a balanced and objective view and that the recommendations were fair.

RECOMMENDATION 24: The Committee recommends that minimum standards in permissible emission levels in the UK should be made consistent with the recommendations of the ICNIRP, as recommended by the House of Commons Select Committee i.e. a reduction in permissible levels by a factor of five.

RECOMMENDATION 25: The Committee further recommends that in considering telecommunications developments planning authorities are required to consult with Environmental Health Departments who should work with Health Boards and would be responsible for advising on potential public health risk arising from developments. This advice should be based on the status of international scientific and medical research and should take into account the possible cumulative effect on levels of radiation from co-siting of transmitters.

93. The Committee understands that under health and safety legislation telecommunications developers / operators are required to prepare a risk assessment for individual installations.

RECOMMENDATION 26: The Committee recommends that each planning application for a telecommunications development should be accompanied by the risk assessment report and this should be submitted to the Environmental Health Department, by the local planning authority to assess the health impact of the proposal and make a recommendation to the local planning authority. In providing guidance to the local planning authority the Environmental Health Department should be required to consult with the relevant Health Board.

RECOMMENDATION 27: The Committee recommends that the Scottish Executive provides guidance to Environmental Health Departments and to the
Health Boards on their role in providing advice and their involvement in the development and implementation of monitoring strategies.
Annex B

Extract from Scottish Executive’s Response to the Transport and the Environment Committee’s Report – September 2000

Provision of guidance and advice on health issues including the application of a precautionary approach

The Executive’s interim response indicated that it would be necessary to await the Stewart Report before commenting on health issues and the adoption of a precautionary approach.

A key conclusion from the Stewart Report is “that the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines”. This, we believe, should be largely reassuring to the public even though the report goes on to say “However, there can be indirect adverse effects on their well-being in some cases”. The Stewart Report explains that there are uncertainties in current scientific knowledge and “that although it seems highly unlikely that the low levels of radio frequency radiation from base stations would have significant, direct adverse effects on health, the possibility of harm from exposures insufficient to cause heating of tissues cannot yet be ruled out with confidence”. The Stewart Report suggests that anxiety about the scientific uncertainties being ignored may affect the well-being of some.

A substantial research programme (50% funded by the industry) is being embarked upon which will, over time, reduce these uncertainties. The Scottish Executive is contributing to the research programme and will keep in touch with developments.

The Scottish Executive and the UK Government concur with the recommendation by each of the Committees that, as a precaution, the ICNIRP guidelines should be adopted in place of those of the NRPB. As far as public exposure to radio frequency radiation is concerned, this provides a fivefold reduction in the maximum permitted field strength. Our current thinking is that operators, when applying for planning permission or advising planning authorities of proposals that qualify as permitted development, will be required to certify that the installation will comply with ICNIRP guidelines. This is analogous to applicants for planning permission certifying that they have conducted the requisite neighbour notification procedures. Planning authorities will be able to rely on the independent audit role of the Radiocommunications Agency regarding the guidelines, but are unlikely to be in a position to monitor compliance themselves.

Planning guidance will include information about the consideration of health issues in development planning and development control.

A further precautionary measure would be to encourage operators and planning authorities to adopt a sequential approach to identifying appropriate sites for new base stations. This might work on the basis that sensitive locations such as schools, hospitals and residential areas might be seen as less desirable sites although this
poses potential perceptual problems in relation to locations such as schools that already have base stations on them. In this regard it is important to note that the Stewart Report does not recommend that there is any need to remove existing equipment from schools or indeed from any other sensitive location. Nor does it recommend that there is any need to introduce a moratorium pending the introduction of revised planning arrangements.

Equally, we believe that the precautionary measures outlined here, taken together, represent an appropriate degree of precaution given the conclusions and recommendations of the Stewart Report. There is sensitivity surrounding the handling of new proposals in advance of the new NPPG and secondary legislation. In response to concerns expressed that mobile telephone companies have accelerated their applications to avoid the new planning regime Scottish Executive officials have monitored the situation. There is no evidence that this is happening. There are claims that some planning authorities are currently not determining planning applications for base stations until a new planning regime is in place. Given that the Stewart Report recommends neither a moratorium nor the removal of any existing masts, we see no need for such unilateral action by planning authorities. We have written to them to that effect.
ANNEX C

Extracts from NPPG 19: Radio Telecommunications – July 2001

Health Issues

19. In 1999, the Government asked the National Radiological Protection Board to set up the Independent Expert Group on Mobile Phones (IEGMP). This Group considered concerns about health effects from the use of mobile phones, base stations and transmitters. They conducted a rigorous and comprehensive assessment of existing research and gathered a wide range of views. The Group published its report, 'Mobile Phones and Health' (The Stewart Report) on 11 May 2000.

20. In respect of base stations, the report concluded that "the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the ICNIRP (International Commission on Non-Ionising Radiation Protection) public exposure guidelines. However, there can be indirect adverse effects on their well-being in some cases". It also said that the possibility of harm could not be ruled out with confidence and that the gaps in knowledge were sufficient to justify a precautionary approach.

21. The IEGMP recommended a precautionary approach, comprising a series of specific measures, to the use of mobile phone technologies until there is more detailed and scientifically robust information on any health effects. The Government's response to the IEGMP report includes acceptance of the recommended precautionary approach. Responses to specific recommendations include:

- Emissions from mobile phone base stations should meet the ICNIRP guidelines for public exposure as expressed in the limits set in the EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields. Most base stations already meet the guidelines, which are more stringent than the former guidelines, and all new base stations will do so.

- Forming a national database giving details of all base stations and their emissions. Such a database will be established and maintained by the Radiocommunications Agency and it is intended that information relevant to each site including emission levels, will be made available to the public and planning authorities.

- Having an independent audit of emissions undertaken to give the public confidence that base stations do not exceed the ICNIRP public exposure guidelines. The surveys are being undertaken by the Radiocommunications Agency (see paragraph 15). The initial focus of the audit is schools with base stations on their premises. The surveys commenced in December 2000 and 29 have been completed, with all measurements so far showing emissions to be hundreds of times below the ICNIRP guidelines. The results are published on the RA website at www.radio.gov.uk. The RA intend to complete about 100 surveys by the end of 2001. A report will then be produced identifying any emerging trends and decisions will be taken on how to progress the audit.
Taking forward the Stewart Report's recommendation regarding the zone where the concentration of radio waves is higher than elsewhere. The IEGMP recommended that the concentration should not fall on any part of a school's grounds or buildings without agreement from the school and parents; and that, if for an existing base station, agreement could not be obtained, the antennas may have to be re-adjusted accordingly. Network operators have agreed to provide schools with information on the pattern of radio wave emissions on request.

- Having clear exclusion zones around all base station antennas to protect the public from exposure to radio frequency radiation above the ICNIRP public exposure guidelines. (These exclusion zones relate to an area directly in front of and at the height of the antennas). The mobile operators are developing and will be deploying common signage for sites where there is access to the zones.

- Commissioning a comprehensive programme of further research on health matters. The first invitation to submit research projects for funding under the Government's Mobile Telecommunications and Health Research Programme was issued in February 2001. For more information see www.dti.gov.uk/ost/link/mobhealth.htm

- Issuing a leaflet to provide information for the consumer which will inform choices about their own and their families’ use of the new mobile phone technologies. (Two leaflets, Mobile Phone Base Stations and Health & Mobile Phones and Health have been issued by the Scottish Executive/Department of Health.)

22. Making sure that these steps are taken is the responsibility of the Government, the telecommunications regulating authorities and the mobile industry. They are not matters for the planning system but are included here for information. The wider health issues played a prominent part in the consideration of controls over telecommunications development and particularly in the recommendations of the reports of the Transport and the Environment Committee and the IEGMP. The role of the planning system regarding emissions and health is dealt with in paragraphs 53 – 55 below.

Emissions, Health and the Role of the Planning System

53. The planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of radiofrequency (RF) radiation are controlled and regulated under the appropriate legislation by the DTI and the Radiocommunications Agency. The Health and Safety Executive also have responsibilities (see paragraph 17). With these mechanisms in place, together with the arrangements set out below, the Scottish Executive concludes that it is not necessary for planning authorities to treat RF emissions as a material consideration. The role of the planning system in addressing public concerns about the siting and design of mobile phone base stations is dealt with in paragraph 40.

54. To demonstrate to planning authorities that the known health effects have been properly addressed, applications for planning permission involving antennas must be accompanied by a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to
radiofrequency radiation. The certification arrangements also apply to antennas installed under the relevant permitted development rights. Over and above this requirement, further reassurance may be taken from the fact that the RF power outputs from mobile phone base stations are set at the minimum levels commensurate with effective service provision and the technical conditions under which base stations operate, including their maximum power, are specified in the operator's Wireless Telegraphy licences. These technical requirements ensure that the risk of interference within the network and with other radio networks is minimised. Statutory powers to control outputs and ultimately to switch off radio transmitters are exercised on behalf of the Secretary of State for Trade and Industry by the RA. Hence there should be no need for planning authorities to consider power outputs. Additionally, independent audits of base station emissions are carried out by the RA as described at paragraph 21 above.

55. It is the responsibility of the Scottish Executive and the UK Government to decide what measures are required to protect public health. The Executive’s approach and policy described above are a practical and proportionate response to this matter. Provided this guidance is followed it is unlikely that planning authorities could find justification for applying extended or alternative requirements either in development plans or development control. This approach and policy will also be applied in the determination of appeals.
Subject: Petitions on Playing Fields

Petition PE 422 by Mr James Docherty on protection for school playing fields.

Petition PE 430 by Mrs M Glendinning on the sale of school playing fields.

Petition PE 454 by Mr Peter Watson on the sale of playing fields.

Meeting No: 15th Meeting

Date: 8 May 2002

Author: Note by the Acting Assistant Clerk

Introduction

1. The Public Petitions Committee considered these petitions on 12 February 2002 and agreed to refer them to the Transport and the Environment Committee. The Public Petitions Committee has requested that these petitions be considered together due to similarities in subject matter.

2. The Public Petitions Committee recommends that further consideration be given to the adequacy of current procedures and potential conflicts of interests arising from the selling of public land by local authorities and the granting of planning permission for the development of the land by the same authorities.

3. The following items are attached for members' information—

   • a copy of each of the petitions
   • a response from the Executive to the Public Petitions Committee on PE 422
   • a response from the Executive to the Public Petitions Committee on PE 430

Petition PE 422

Background

4. The petitioner is calling for the Scottish Parliament to take necessary steps to implement a similar protection for school playing fields in Scotland as provided by Section 77 of the Schools Standards and Framework Act, 1988 in England and Wales.

5. The petitioner is specifically concerned with a proposal by Stirling Council to amend Stirling Local Plan to re-zone two areas of playing fields within the area of Torbex in Stirling to allow houses to be built on the land. One of these areas is owned by the Council and is used as a school playing field.

6. Section 77 of the Schools Standards and Framework Act 1988 states that local authorities, school authorities and foundation bodies may not dispose of or
change the use of school playing fields, except with the consent of the Secretary of State.

Progress of the Petition

7. PE 422 was first considered by the Public Petitions Committee at its meeting on 4 December 2001. The Committee agreed to seek the views of the Scottish Executive Development Department on the issues raised in the petition, asking in particular for details of any legislative protection for school playing fields in Scotland, and how this compares with that which exists in England.

8. The Public Petitions Committee considered the Executive response at its meeting on 12 February 2002.

Executive Response

9. The Executive’s response suggests that, when the School Standards and Framework Act 1988 in England and Wales was being prepared, the conclusion was reached that a similar approach was not necessary in Scotland as adequate provisions already existed.

10. The School Premises (General Requirements and Standards) (Scotland) Regulations 1967 prescribe minimum area standards for school playing fields.

11. The response notes that the planning system also provides safeguards against the sale of playing fields. For example NPPG 11: Sport Recreation and Open Space sets out the policy framework that planning authorities should take into account when considering the proposals for the redevelopment of playing fields.

12. The response states that SportScotland must be consulted on all planning applications likely to prejudice, or lead to the loss of, playing fields. Scottish Ministers must be advised when planning authorities intend to grant consent for any proposal which SportScotland has advised against. Ministers could decide to call in the application at this point.

13. The response notes that SportScotland has already raised its concerns with Stirling Council about the specific proposal objected to within PE 422.

14. Finally, in terms of public consultation processes, the response explains that, where a planning proposal is being considered as a possible amendment to a local authority local plan, the public can become fully involved in this process and lodge objections. Any unresolved objections can then be considered at a local plan inquiry.
Petition PE 430

Background

15. The petitioners are calling for the Scottish Parliament to consider (a) whether it is appropriate for local authorities as owners of school playing fields to be able to sell such assets and also grant planning permission to a developer, when such a sale is opposed, and (b) whether in the circumstances of an opposed sale, there should be legally binding guidelines as to the method of consultative procedures.

16. The petitioner is specifically concerned with the proposed sale of part of a playing field for house building purposes at Broomlands Primary School, Kelso. They point out that sufficient land for upmarket housing has already been identified for the next 11 years, according to the 2001-2011 Structure Plan.

17. The Council is of the view that the area of land in question, allocated in the Roxburgh Local Plan for educational purposes, far exceeds the requirements of the school.

Progress of the Petition

18. PE 430 was first considered by the Public Petitions Committee at its meeting on 18 December 2001. The Committee agreed that, in view of the similarities between this petition and PE 422, it should be quickly copied to the Executive asking that the response requested in relation to the PE 422 should now address the issues raised in both petitions.

19. The Executive produced a separate response to the issues raised in PE 430. The Public Petitions Committee considered the Executive response at its meeting on 12 February 2002.

Executive Response

20. The response details much of the same information, relating to the procedures surrounding the sale of school playing fields, as the response to PE 422.

21. In addition, the response makes clear that, in situations where a planning authority has a financial interest in a proposed development, the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 provides safeguards.

22. The Direction states that any development where a planning authority has a financial or land interest, where what is being proposed does not accord with an adopted or approved local plan, or has been the subject of a substantial body of objections, must be notified to Ministers.

23. In relation to the suggestion made in the petition that there should be legally binding consultative guidelines as to the methods of consultation when selling school playing fields, the Executive is of the view that existing consultative arrangements are adequate.
24. The response builds on the information on public consultation which is provided in the response to PE 422. It states that there is a standard requirement to notify owners and neighbours of all planning applications. It also refers to the requirement to advertise in the local press applications where the planning authority wishes to grant approval to a development that is contrary to the development plan. This allows a period of 21 days for the public to make representations.

Petition PE 454

25. The petitioner is calling for the Scottish Parliament to (a) investigate whether the rules governing the disposal of playing fields in Scotland are strong enough and if those rules are being adhered to by local authorities and (b) ensure that planning legislation disallows planning authorities from agreeing a sale of playing fields and designating them a suitable for housing development where they have a conflict of interest.

26. The petitioner is specifically concerned with a proposal from South Ayrshire Council to sell North Park playing fields at Alloway to a prospective housing developer for £1.59 million. The playing fields adjoin Alloway, a conservation area, and major Heritage and Tourist attraction. This is an area of land designated for recreational use in both the current and emerging local plan.

27. The petitioner is of the opinion that the proposal from South Ayrshire Council goes against the Ayrshire Joint Structure Plan and planning guidance within NPPG 11 and NPPG 18.

28. The Ayrshire Joint Structure Plan aims to avoid the loss of existing recreational and amenity open spaces.

29. NPPG 11 is designed to safeguard facilities and resources for sport and recreation in urban areas and the countryside which contribute to existing and future needs. It recommends that councils should lead by example in resisting the development of council owned land.

30. NPPG 18 states that planning authorities should consider the likely impact of development proposals for sites which lie outwith the conservation area but which would impact upon its appearance, character or setting.

Progress of the Petition

31. PE 454 was considered by the Public Petitions Committee at its meeting on 12 February 2002. In view of the similarities between this petition and PE 422 and PE 430, the Committee considered this petition in the context of the Executive responses to these petitions.
Options for Action

Option A
32. The Committee could note the petition, and write to the petitioners informing them of the Committee's policy not to take a view on individual local planning decisions.

Option B
33. The Committee could write to the Scottish Executive to seek further information on issues raised in the petitions, including the adequacy of current procedures for safeguarding playing fields and the potential conflicts of interests arising from the selling of public land and the granting of planning permission for the development of the land by the same local authorities.

Option C
34. The Committee can take any other action it feels appropriate.

Recommendation

35. The Committee is asked to consider and agree how it wishes to deal with the petitions.

Rosalind Wheeler
Acting Assistant Clerk
Transport and the Environment Committee
May 2002
PETITION 470: GENETICALLY MODIFIED CROPS

Thank you for your letter of 18 April following the Committee’s discussion of this matter at its meeting the previous day. I am disappointed that a majority of the Committee have chosen to ignore the statutory position which was set out at great length in my letter of 10 April and have recommended a course of action in relation to the site at Munlochy to which I cannot possibly accede.

Without wishing to repeat myself unnecessarily, Scottish Ministers are required to operate within existing law. My legal advice is clear. It would be illegal for me to withdraw a consent for a particular release in the absence of sound scientific evidence of potential harm. My scientific advice is unambiguous. No evidence has emerged which might call into question the safety of any of the Scottish trials. While the views of some of the Committee members on the implications of a number of recent studies are at odds with those of the Executive’s scientific advisers, it would be irresponsible to ignore the advice of the expert bodies whose role is precisely to provide such advice. Ministers and our scientific advisers remain of the view that the crop which has been released at Munlochy can continue to grow without posing a safety threat to the environment or to human health. A decision taken in the absence of sound scientific evidence would be subject to a successful legal challenge and would ultimately be unenforceable. Such a course of action would not constitute sound government.

Your letter asks a number of specific questions which I shall address in turn. It should be kept in mind that these responses relate to the Munlochy site which was planted with GM oilseed rape in autumn 2001 rather than the nearby site which was planted with the same crop in autumn 2000 and harvested last autumn.
1. **Can you confirm whether there was a site-specific risk assessment carried out for the GM crop trial at Munlochy.**

A site-specific risk assessment was completed by the applicant in respect of the site at Munlochy as required by the legislation. This assessment was verified by government scientists and, additionally, the views of Scottish Natural Heritage were taken on the potential implications for natural heritage and, specifically, designated sites. In all cases it was confirmed that the site at Munlochy complied with the original risk assessment for the release of this particular crop.

2. **How far are the nearest non-GM commercially grown crops (ie non-GM crops which are not part of the Munlochy farm scale evaluation) sited from the GM crop trial at Munlochy. To what extent is there a risk of cross-pollination between the GM crops at Munlochy and non-GM commercially grown crops in the area.**

There are three commercial crops of winter oilseed rape in the vicinity of the field trial planted at Roskill Farm, Munlochy in August 2001. The closest is 1.3 kilometres, followed by two others which are at 1.5 and 1.7 kilometres, from the GM crop. At this stage it is difficult to be certain that there is no spring oilseed rape in the area as these may have been sown but as yet may not have emerged. The distance to the nearest known crop is twenty five times greater than the separation distance of 50 metres required by the consent 01/R33/11S.

It is recognised that any release into the environment of a fertile pollinating GM plant raises the prospect of cross-pollination, the consequences of which are considered carefully as part of the application process. Successful cross-pollination over the distances involved must be considered extremely unlikely and, in the opinion of all our expert advisory bodies, does not give rise to any safety concerns.

3. **Has there been a formal assessment at Munlochy of the allergic risks posed by inhalation of pollen and dust from GM crops, as is recommended in the Royal Society Policy Document 4/02, February 2002.**

No. It would be highly inappropriate for health tests to be undertaken involving local residents and these field trials do no such thing.

The regulations require applicants to provide specific information on any toxic or harmful effects on human health or the environment potentially arising from the genetic modification. The Advisory Committee on Releases to the Environment in their assessment of potential risk consider toxic or harmful effects arising from exposure to pollen through inhalation or the consequences of the pollen’s presence in other food crops or honey.

 Ministers will not take risks with human health or the environment. The GM crops which are being grown have satisfied those best placed to assess whether they can be grown in safety. All are satisfied that these crops pose no greater risk to human health or the environment than an equivalent conventional crop of oilseed rape.

4. **Can you provide more information about the specific monitoring arrangements for the crop trial at Munlochy, including information on the frequency of the monitoring, and the nature of the monitoring tests to be carried out.**

There are several types of ‘monitoring’ which take place at the Munlochy field trial site.

Monitoring (in the regulatory sense) is the responsibility of the consent holder. The Executive’s appointed GM Inspectorate check, through interviews with the farmer during their inspections of
release sites at Munlochy and a management audit at the consent holder’s headquarters, that regular monitoring takes place. During a release, the consent holder is obliged by the terms of the consent to visit to monitor for establishment and normal crop growth during the release. From a recent management audit, the Inspectorate learnt that it is part of the company’s operational procedures to monitor a release site three times during a release: at establishment, pre-flowering and pre-harvest. At Munlochy the company monitored the active trial on 26 September 2001 (crop at 3-4 leaf stage) and for normal crop growth pre-flowering on 12 April 2002. The company has informed the GM Inspectorate that another visit will be made before harvest to mark the separation distances before combining the crop. Additional monitoring is also required to make assessments in the event of vandalism and a visit was made to the damaged Munlochy trial on 23 April 2002 for this purpose.

The consent holder is also required to monitor the test site for effective volunteer control, according to good agricultural practice, for one year post-release at periods of the year when climatic conditions favour the possible emergence of volunteers. The consent holder does this by checking the farmer’s management plans for the site to determine the likely effectiveness of volunteer control measures which helps them determine the dates for their forthcoming visits in the autumn, winter and spring.

Under the terms of their appointment, the Scottish GM Inspectorate has a commitment to inspect every deliberate release field trial in Scotland at least once a year. The purpose of these inspections is to ensure that each release is compliant with the terms of the consent. The site at Munlochy was inspected on 23 October 2001. The Inspectorate’s conclusion at the time of the inspection, which included noting the company’s monitoring activities, was that it was satisfied that the trial was being run in accordance with the conditions of the consent.

As outlined in my previous letter, the site is also visited by field researchers from the Scottish Crop Research Institute who are monitoring and comparing key indicators of biodiversity in the GM and non-GM sides of the field. A more detailed explanation of what this scientific work involves is set out in an annex to this letter.

5. Can you advise whether there has been any new research on genetically modified organisms since Scottish Natural Heritage (SNH) gave its views as part of the site assessment relating to Munlochy, which would lead SNH to reconsider its views on the Munlochy trials.

A response was sought from Scottish Natural Heritage to this question. They have responded as follows:

"Scottish Natural Heritage is not aware of any new research on GMOs which would alter our view that the likelihood of adverse impacts from the farm scale evaluation trials on natural biodiversity is extremely low. There is therefore no reason why SNH would need to reconsider its views on the Munlochy trials.

The risk assessment carried out by SNH of the Munlochy field assessed whether native species related to oil seed rape occur in the area (i.e. within a 5 km radius) and, if they do, whether they are likely to be able to form a hybrid through natural pollination. The assessment also considered the scenario of the unlikely event of a hybrid forming as to whether such a hybrid had any selective advantage in remaining in that location given that glufosinate ammonium would not be used during the following year and that all volunteer crop plants should be destroyed.

The farm scale evaluation trials have been designed to assess whether there are any effects on biodiversity as a result of either the actual herbicide tolerant crops and/or the husbandry. The benefit of undertaking such a trial is to document whether there is an effect, what the effect is, and the
degree of that effect, thereby providing scientific evidence as to the real effects of such technology on the natural heritage. Such evidence is needed to assess whether the particular genetic modification would be safe or otherwise with regard to the natural heritage.”

6. **Can you provide information as to the likely flowering date for the GM crops at Munlochy.**

A small number of GM plants were noted as showing yellow flower buds on 12 April 2002. On 23 April the GM crop was uniformly in the first growth stage of flowering. The first flowers have now opened showing yellow colour.

7. **Can you advise what the implications would be for the farm scale evaluation programme at Munlochy of ploughing in the GM crops at that site.**

A decision to terminate the trial at Munlochy in the absence of any credible scientific evidence of potential harm would be both illegal and illogical. If evidence did emerge to suggest that this crop represents a safety threat, this would require us to withdraw consent for all sites where the crop is grown (not just field trials). The crops which are grown in these field trials have been grown under research conditions in this country for around a decade without difficulty. Evidence of harm would also call into question the commercial future of the crop in North America where it has been grown extensively for a number of years.

A decision by the Scottish Executive to act outwith its legal powers and to terminate the trial at Munlochy could jeopardise the voluntary agreement which exists to prevent any commercial plantings in this country pending the outcome of the FSE programme. That could result in commercial plantings which, on the basis of our current scientific knowledge, we would be powerless to prevent.

8. **Can you provide information on the benefits which might be expected from the specific GM crop trials which are being undertaken at Munlochy.**

It is not for the Scottish Executive to consider the benefits of this particular GM crop itself. Claims have been made that, if given commercial approval, herbicide-tolerant GM varieties could result in cheaper produce with less impact on the environment than conventional production. The farm scale evaluations will go some way towards shedding light on the second of those claims but the interest of the Scottish Executive is focused upon ensuring that any plantings which take place do not pose a safety threat to human health or the environment. We take the view that it is in the public interest to subject these crops to this type of thorough examination before any decisions are taken which could lead to their widespread use in our countryside. We consider that such important decisions should be informed by factual evidence and that sound decisions are to everyone’s benefit.

I have arranged for copies of this letter to be forwarded to Margaret Smith MSP, Convener of the Health & Community Care Committee and to the Transport and the Environment Committee Clerk.

ROSS FINNIE
Extract from a paper by the DEFRA Biotechnology Safety Group and the Scottish Executive - August 2000

The Farm Scale Evaluations

1. The farm scale evaluations of GMHT crops are designed to investigate the effect on the agricultural ecosystem of the management associated with their production. The crops themselves: forage maize, oilseed rape (winter and spring varieties) and beet (fodder and sugar varieties) have already cleared most of the regulatory procedures, designed to investigate their safety to human health. However, potential effects on the agricultural ecosystem resulting from the novel herbicide management that can be used with these crops have not been investigated. Industry has entered a voluntary agreement with Government that commercial development of GMHT crops will not continue until biodiversity effects relating to their management are understood.

2. The farm scale evaluations are comparing the impact on farmland biodiversity of two different herbicide regimes. They are not evaluating the safety of the GM plants themselves. There has been a widespread misunderstanding the FSE have been designed to investigate the potential effects on the environment of the GMHT crops themselves. This has already been done in the laboratory and in small-scale field trials. Consent to grow these crops at the scale of the farm scale evaluations would not have been granted if these plants were not already considered safe.

The research consortium

3. Government invited 15 organisations to submit proposals for the evaluations, including the experimental design. As a result the ecological research is being carried out by a consortium of independent scientists from the Centre for Ecology and Hydrology (CEH), the Institute of Arable Crops Research (IACR) and The Scottish Crop Research Institute (SCRI). The scientific validity of the research is being overseen by a Scientific Steering Committee (SSC) of independent experts in agriculture and ecology drawn from Universities and organisations such as The RSPB and The Game Conservancy Trust (GCT).

Farm and site selection

4. The industry body SCIMAC (Supply Chain Initiative on Modified Agricultural Crops) finds farmers willing to offer fields for the evaluations. From these, a suitable number are selected by the researchers to be representative of regional geographical differences and the range of current farming methods, biodiversity and production intensities throughout the British Isles. The SSC approves the suitability of these sites for the FSE research. The experimental fields need to be large enough to allow commercial style crop management and to prevent edge effects from compromising the results. Field sizes permit up to 15 hectares of the GM crop to be planted.

Experimental design

5. The FSE experiment has been designed by the research consortium to test the statistical 'null hypothesis' that there is no significant difference in the effects on biodiversity from herbicide management in GM crops when compared with herbicide management in equivalent non-GM varieties of these crops. The use of a 'null hypothesis’ is a standard part of designing scientific experiments and not unique to the
FSE. It allows statistical analysis of data to seek for both potential positive and potential negative effects.

6. At each site, the field is split and one side sown at random with the GM crop while the other side is sown with an equivalent non-GM variety of the crop. This experimental design means that initial differences in biodiversity between the two halves are minimised and any differences in biodiversity detected during the course of the experiment will be the result of the herbicide treatment. As this is a manipulative experiment looking at differences between the crops, no baseline data on biodiversity are required, provided that the pairing is efficient. The grower is advised on herbicide use in the GM part of the field by the company providing the GM seed, but continues to manage the non-GM part in their usual way. The management in each FSE field is audited to ensure that herbicide use provides cost effective weed control, and that herbicide is not applied in a way that is unrepresentative of commercial practice.

Number of sites

7. The research consortium carried out a statistical power analysis to determine just how many fields would be needed in the experiment to allow the null hypothesis to be tested reliably and take into account natural variability. Overall, the analysis indicated that 60 sites would be necessary over the whole programme to give sufficient results. Ideally this meant 20 starts each year. However with the difficulty in obtaining sites, for the first year of research, the analysis indicated that 12-15 fields of oilseed rape, 12-15 fields of maize and 20-25 fields of beet would be a sufficient minimum to allow analysts to be confident that the hypothesis could be tested reliably. Ecological experiments are always subject to complications and the number of fields available in a given year of the FSE can fall below the optimum minimum, provided additional fields are added to the study in subsequent years.

Duration of the research programme

8. The evaluations are a four-year programme. In the first year, 1999, a small number of fields of each crop were sown to test the evaluation protocols. The main project started in spring 2000 and is due to end in autumn 2002 for the spring crops and summer 2003 for the autumn sown rape.

Species being monitored

9. It is not possible to monitor all biodiversity indicators in the FSE ecosystem, so a number of sensitive species that can be studied reliably have been selected. These are shown in the box below.

In practice, the variation in biodiversity can not be recorded for all species. The approach is to compare key indicators of biodiversity between the GM HT and non-GM HT cropping systems. In reporting these effects, they will be placed into the context of national recording schemes that can help to show the relationships between the biodiversity associated with the study sites and arable areas in general.

The indicators being measured are:

- soil seed bank;
- arable plant diversity, biomass and estimated seed return;
• field margin and boundary vegetation, noting species in flower and signs of spray drift;
• Gastropods (slugs and snails) abundance, activity and diversity measures;
• Arthropods on vegetation, concentrating on plant bugs (Heteroptera), springtails (Collembola), and the caterpillars of butterflies, moths, (Lepidoptera) and sawflies, diversity and biomass measures;
• Carabid beetles and other ground dwelling arthropods, abundance and diversity measures;
• bees and butterflies, observational studies;

10. The emphasis is on studying species at the lower end of the food chain. The assessment methods are based on existing protocols, which have been modified appropriately for this project. In addition to studying animal indicator species, protocols are being used to investigate seed and plant biodiversity in and around the study fields. The study is limiting the number of confounding factors by using a split-field design and controlling for all the variables except the herbicide treatment. The monitoring takes place throughout the growing season in relation to herbicide applications. After the first year the studies will continue in the subsequent follow-on conventional crops.

Other studies

11. The opportunity has been taken to use the FSE fields for other work where this does not interfere with the evaluations themselves. The decision to allow such additional studies lies with the SSC.

12. The main additional project is monitoring gene flow from the GM half of the fields of rape and maize to the non-GM half. Both the flow of pollen and the extent of cross-pollination is being monitored. The work is being done by the Central Science laboratory and where appropriate they are also monitoring cross-pollination in nearby fields.

13. The Centre for Ecology and Hydrology is monitoring any cross-pollination with wild relatives of rape within the fields themselves and within a margin of 10 metres. Maize has no wild relatives present in the UK agricultural ecosystem.
PETITION 470: GENETICALLY MODIFIED CROPS

At yesterday’s meeting, the Transport and the Environment Committee gave further consideration to a petition from Mr Anthony Jackson on behalf of the Munlochy Vigil on genetically modified crops. The Committee discussed in some detail your letter of 10 April 2002, and I would wish to thank you for the extensive nature of your response and for responding promptly to our questions.

Following the discussions at yesterday’s meeting, Committee members voted on a proposal that the Committee should take oral evidence on the issues raised by the petition. This proposal was disagreed to by five votes to three, with one abstention. Members then voted on a proposal that the Committee should recommend to you that the current farm scale evaluation programme at Munlochy should be terminated. This proposal was agreed to by five votes to four.

I should be grateful for your response to these decisions of the Committee. In addition, I would be grateful if you could respond to a number of other questions raised by members during the discussion of your letter at yesterday’s Committee meeting. These questions are set out below:

- Can you confirm whether there was a site-specific risk assessment carried out for the GM crop trial at Munlochy.

- How far are the nearest non-GM commercially grown crops (ie non-GM crops which are not part of the Munlochy farm scale evaluation) sited from the GM crop trial at Munlochy. To what extent is there a risk of cross-pollination between the GM crops at Munlochy and non-GM commercially grown crops in the area.

- Has there been a formal assessment at Munlochy of the allergic risks posed by inhalation of pollen and dust from GM crops, as is recommended in the Royal Society Policy Document 4/02, February 2002.
Can you provide more information about the specific monitoring arrangements for the crop trial at Munlochy, including information on the frequency of the monitoring, and the nature of the monitoring tests to be carried out.

Can you advise whether there has been any new research on genetically modified organisms since Scottish Natural Heritage (SNH) gave its views as part of the site assessment relating to Munlochy, which would lead SNH to reconsider its views on the Munlochy trials.

Can you provide information as to the likely flowering date for the GM crops at Munlochy.

Can you advise what the implications would be for the farm scale evaluation programme at Munlochy of ploughing in the GM crops at that site.

Can you provide information on the benefits which might be expected from the specific GM crop trials which are being undertaken at Munlochy.

In light of the decisions taken by the Committee yesterday, I would be grateful for an early response to this letter. I am therefore writing to you in advance of the publication of the Official Report of the Committee meeting. However, I would be grateful if you could review the Official Report when it is published and address in your response any additional relevant points raised during the Committee's discussions.

I am copying this letter to the members of the Committee and Margaret Smith MSP, Convener of the Health and Community Care Committee. I should be grateful if you would ensure that your response is copied Ms Smith and the clerk to the Transport and the Environment Committee.

Yours sincerely

Bristow Muldoon MSP
Convener