Public Petitions Committee – a template for public petitions

Should you wish to submit a public petition for consideration by the Public Petitions Committee please complete the template below. Please refer to the Guidance on submission of public petitions for advice on issues of admissibility before completing the template. You may also seek advice from the Clerk to the Committee whose contact details can be found at the end of this form.

<table>
<thead>
<tr>
<th>Details of principal petitioner:</th>
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<tbody>
<tr>
<td>Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to, email address and phone number if available</td>
</tr>
<tr>
<td>The Society for the Protection of Salmon and Sea Trout</td>
</tr>
<tr>
<td>Frank M Buckley,</td>
</tr>
</tbody>
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<table>
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<tr>
<th>Text of petition:</th>
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<tbody>
<tr>
<td>The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.</td>
</tr>
<tr>
<td>The petitioner requests that the Scottish Parliament considers and debates the implications of the proposed Agenda for Change legislation for Speech and Language Therapy Services and service users within the NHS</td>
</tr>
<tr>
<td>Petition by Mr Buckley calling for the Scottish Parliament to urge the Scottish Executive to ensure greater protection for the rivers, streams and lochs of Scotland, such as Loch Broom and the River Gruinard, from fish farms developments.</td>
</tr>
</tbody>
</table>
Additional information:
Any additional information in relation to your petition, including reasons why the action requested is necessary, should not be included here. However, it may be appended to the petition and will be made available to the Public Petitions Committee prior to its consideration of your petition. Please note that you should limit the amount of any additional information which you may wish to provide in support of your petition to no more than 4 sides of A4.

Action taken to resolve issues of concern before submitting the petition:
Before submitting a petition to the Parliament, petitioners are expected to have made an attempt to resolve their issues of concern by, for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MPs. Please enter details of those approached below and append copies of relevant correspondence, which will be made available to the Public Petitions Committee prior to its consideration of your petition.

Charles Kennedy MP, Rhona Brankin MSP, John E.Murra MSP
Rose Finnie MSP, Highland Council, Alasdair Morgan MSP, SNH

Petitioners appearing before the Committee
The Convener of the Committee may invite petitioners to appear before the Public Petitions Committee to speak in support of their petition. Such an invitation will only be made if the Convener considers this would be useful in facilitating the Committee’s consideration of the petition. It should be noted that due to the large volume of petitions it has to consider, the Committee is not able to invite all petitioners to appear before the Committee to speak in support of their petition.

Please indicate below whether you request to make a brief statement before the Committee when it comes to consider your petition.

I DO request to make a brief statement before the Committee

I DO NOT request to make a brief statement before the Committee

Signature of principal petitioner:
When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should

Signature...

Date 14/2/06
SALMON, SEA TROUT AND SALMON FARMS

THE FACTS

1) DECLINE
There has been a steady decline in sea trout and salmon due to various factors, including global warming and over-fishing at sea. However, soon after the salmon farms were located on the West Coast, there was a decline in sea trout and salmon stocks. This has continued, year on year, to the present critically low levels.

2) STOCKS
Wild sea trout and salmon in Loch Maree are near their lowest levels since records began.

3) EXTINCTION
We have already seen some areas devoid of salmon and sea trout. To name but one area, Salmon became extinct in Loch Sguod in 1990. Loch Sguod is connected to Loch Ewe.

4) FARM SALMON
Some years in the 1990’s indicate that up to 38% of salmon caught in the River Ewe were escaped farm fish. In recent years, farm fish have interbred with wild stocks, ruining the genetic strain of Ewe salmon which has evolved over thousands of years, and thereby affecting their ability to survive in the wild.

5) ESCAPES

6) TOURISM COLLAPSE
There has been a massive downturn in tourism, due to the increasing lack of sea trout and salmon. For example, fishing enthusiasts and their families staying in affected areas have declined greatly.
7) **Economic Effect a:**
For example, Loch Maree Hotel used to employ twelve fishing ghillies, plus extra hotel staff. There is now only one part-time ghillie and a consequent reduction in other staff. There were also many more ghillies, employed by other hotels, and self-employed, throughout Wester Ross. These jobs have virtually disappeared but could return if wild stocks were increased.

8) **Economic Effect b:**
Kinlochewe, Gairloch, Poolewe, Aultbea, Laide, Lochcarron, Dundonnell, Ullapool.
Many of the fishing enthusiasts and their families stayed in the above areas (and others too many to mention) in hotels, self-catering units and B&Bs. We have lost this tourism input and the related jobs.

9) **Unprecedented**
Allowing for the natural rise and fall of the fish population, with its usual peaks and troughs, there is no evidence whatsoever that such a decline in wild salmon and sea trout stocks has ever happened before.

10) **Sea Lice**
In 2004, sea-lice monitoring was carried out on the River Ewe by myself and other groups. On average, 70 sea lice were recorded on post-smolt sea trout in the River Ewe.
30 sea lice can kill a sea trout post-smolt. Studies in Norway have shown that salmon post-smolts are killed by less than 15 sea lice. No studies have been published on the numbers of sea lice on post-smolt salmon leaving Scottish sea lochs. There should be an immediate programme of synchronized sea lice treatments on all farms in adjacent areas.

11) **Jobs Crisis**
Just between Kinlochewe and Poolewe, a distance of only some 27 miles, the number of jobs lost is conservatively estimated at between thirty and forty with many small businesses also affected (e.g. cafes, shops, post offices, garages etc.) Traditional rural jobs, e.g. shellfish farming, fishing, river keepers, ghillies, etc. have also been affected, having been the backbone of employment in the Highlands for hundreds of years. In addition the number of jobs available for hotel and B & B staff have been reduced.

12) **Revenue Loss**
The loss of revenue to the area is staggering. How many bed nights have been lost in hotels, B&Bs, and self-catering? How much revenue has been lost to all the above businesses and to the Highland Economy overall?
13) **COOPERATION**
Area Management Agreements have been the main form of cooperation between the fish farms and wild fish interests. However, everyone on an AMA is obliged to sign a confidentiality agreement. Why the need for secrecy? The decline of salmon and sea trout has an economic impact on all of us in the area. All AMA's should have representation from a much wider spectrum of the community than is currently involved. There should be representatives from the tourism industry, environmentalists, etc.

14) **REGENERATION**
Where fish farms have been fallowed for long periods of time, or relocated, and where strict sea lice monitoring is in force, stocks of sea trout and salmon have started to regenerate. The Norwegian Government monitor sea lice levels on fish farms (and temporarily close down farms where levels are too high) and have also relocated a number of fish farms away from migratory fish routes. These have proved to be key points in helping to halt the decline.

15) **TOURISM**
Tourism is Scotland’s biggest industry and generates £4.5 billion per year, employing over 180,000 people. It is an activity that dwarfs all of our other industries. Why should poor sea lice management and a poor choice of location of fish farms threaten tourism, which is a sustainable industry that has very minimal environmental effects on Wester Ross?

16) **FISH FARM JOBS**
The value of these, in my opinion, has been greatly overstated, although they do provide some valuable employment in rural areas. Since the closure of some fish farms due to non-profitability, plus an increase in automation, the number of available jobs have been reduced.

17) **ECONOMY**
Every wild fish caught is worth approximately £100 for the economy (based on previous studies). A recent study from the Scottish Executive has indicated that wild fisheries, even in their present poor state, are worth £113 million to the Scottish economy. Additionally, financial grants from various official bodies, given to fish farms are staggering, and a number of fish farms have closed down, losing millions of pounds of public money. In contrast, very little money is available to assist in the preservation of wild salmon and sea trout stocks.
18) **Concerns**

Aquaculture has a good future, but not in its present form. Where fish farms are located in sea lochs where migratory fish run, they should be relocated to sites where they will not affect the wild fisheries. Financial assistance for relocation could be given by the Scottish Executive.

Also, more pressure should be put on fish farms to cooperate with angling associations, fisheries, environmental groups, and tourism to ensure an appropriate balance of the interests of all parties.

19) **Pollution**

Fish farms should be fined for incidents resulting in pollution, including overstocking. To this end, far stricter monitoring should commence as a matter of urgency. These should be spot checks, and not, as at present, prearranged visits.

20) **Preservation**

Relocating a fish farm to a less sensitive site (either land-based with treatment plants, or moved further out to sea, or in a bay where there are no migratory fish runs), is a small price to pay for the preservation of a precious resource that is a vital component of our tourism industry and an incomparable part of Scotland’s heritage. If no action is taken, the result will be;

21) **Further Losses**

Of tourism jobs
Of angling tourism
Of revenue to Scotland
Of sea trout
Of salmon

The Society for the Protection of Salmon and Sea Trout
Dear Dr Johnston,

PETITION PE941 FROM MR FRANK BUCKLEY ON BEHALF OF THE SOCIETY FOR THE PROTECTION OF SALMON AND SEA TROUT

Thank you for your letter of 4 April 2006 to Professor Cook. We would make the following comments on issues raised in the petition.

1) Decline

Declines in sea trout and salmon evident over the last few decades are real, based on trapping and catch data. Decline in sea trout catches was already evident before the advent of salmon farming. The main driver of the decline has been a reduction in the proportion of smolts migrating to the sea that return as adults but the cause(s) of increased marine mortality have not been identified. The decline in salmon has affected both west and east coast catchments, areas with and without salmon farms, respectively. Rod catches can be used as a proxy for in-river abundance. For east coast stocks there is an increasing trend whereas for west coast stocks no overall trend is evident. Salmon stocks are critically low in a small number of west coast rivers. Sea trout stocks on the west coast appear to be regionally variable, with some stocks increasing, some stable, and some still in decline.

2) Stocks

Reported catches of wild sea trout and salmon in Loch Maree in 2005 were at or near lowest levels since records began although low salmon catches were also recorded in the 1970s.

3) Extinction

Available information does not make it possible to state objectively if salmon and sea trout stocks in Loch Sguod have become extinct. However, local Trust biologists report recent high trap catches of salmonids. The most comprehensive listing of the status of salmon rivers in Scotland is the NASCO rivers database which does not deal with individual rivers. This indicates that overall rivers are classified as:

<table>
<thead>
<tr>
<th>Status</th>
<th>Count</th>
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<tbody>
<tr>
<td>Not threatened</td>
<td>363</td>
</tr>
<tr>
<td>Lost</td>
<td>2 (both in the East region)</td>
</tr>
<tr>
<td>Maintained*</td>
<td>1 (East region)</td>
</tr>
<tr>
<td>Restored</td>
<td>5 (the R Clyde + 4 in the East region)</td>
</tr>
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Threatened with loss 11 (5 in the Clyde Coast region + 6 in the West region)

*salmon stock now only maintained through human intervention.

4) Farm Salmon

The sampling procedures, procedures for identification of farm fish, and the authority of source of the stated figures are undocumented and therefore cannot be commented on directly. Our own survey of maternal feed pigment in salmon fry in the early 1990s showed spawning of farmed females in 14 of 16 rivers (Sloway to east Sutherland, but not including the Ewe) with mean incidence of 5% and highest levels of circa 20%.

Studies carried out by research groups in Ireland and Norway indicate that interbreeding of escaped farm fish with wild fish can be expected in many circumstances to have a detrimental impact. However, the extent and nature of the impacts which may have occurred on the west coast of Scotland is unknown because of the difficulty of conducting rigorous studies which can inform on the question.

5) Escapes

The numbers of escaped farm salmon cited are broadly correct. The Registration of Fish Farming and Shellfish Farming Businesses (Scotland) Order 2002 obliges fish farmers to notify the Executive of any escape, or risk of escape, of farmed fish. The Scottish Executive has worked with the fish farming industry to produce a code of practice in relation to containment of farmed fish and it intends to underpin that code of practice by introducing new legislation to ensure fish farm equipment is fit for purpose.

6) Tourism Collapse – no comment

7) Economic Effect a: – no comment

8) Economic Effect b: – no comment

9) Unprecedented

The formal catch record, on which much of our understanding is based, has existed only since 1952; this is a short time-scale in a biological context. Fish populations, including salmonids, show profound variations in productivity over extended time scales. Nitrogen isotope studies in Kodiak Lake, Alaska, inferred large productivity variations on century scales extending back more than 2000 years, in the absence of substantial fisheries.

10) Sea Lice

FRS cannot comment in any detail on the sea lice monitoring carried out in the River Ewe as it has not seen the data. It is not clear whether the lice reported were all mobile stages. Studies in Norway identified potential lethal levels of mobile sea lice on smolts. Studies on sea lice levels on post-smolt salmon leaving sea lochs have not been published in Scotland.

Since 1999, the Scottish Executive has supported a voluntary initiative aimed at ensuring the sustainability of wild and farmed stocks of salmon and trout by seeking management solutions to address health problems common to both farmed and wild fish. The Tripartite Working Group (TWG) Concordat was signed in June 1999. It opened up communication lines between fish farmers and wild fish interests. SEERAD appointed a National Development Officer to promote the formation of Area Management Groups comprised of fish farmers, riparian owners, Fisheries Trusts and District Salmon Fishery Boards and other stakeholders, as appropriate to the local area. Highlands and Islands Enterprise, along with Scottish National Heritage and the Crown Estate, funded regional projects, including Regional Development Officers, until end March 2006. The Executive provided further funding for the next two years. So far, 14 of a possible 20 Area Management Groups have signed Area Management Agreements (AMA). These agreements are unique to the local area but are based on the principles of the TWG Concordat, which include a target of zero ovigerous sea lice, particularly at critical times such as during the wild smolt migration period from February to June and adherence to codes of practice.

Modern veterinary medicines for sea lice have significantly reduced the number of sea lice on Scottish salmon farms in recent years. Furthermore, the control of sea lice has been improved by the strategic use of effective medicines and other management techniques, such as site thinning. Synchronized sea lice treatments on all farms in adjacent areas appear to have been successful in reducing sea lice levels in Loch Torridon and Loch Shieldaig. This level of co-operation between different fish farm companies became possible with the formation of an Area Management Group.

11) Jobs Crisis – no comment

12) Revenue Loss – no comment

13) Cooperation

The confidentiality agreement within Area Management Groups protects the commercial confidentiality of the companies involved but encourages rapid and free information exchange within the group. Any information can be made public with the agreement of the contributors. The membership of an AMG is not limited and there could be representatives of other interest groups.

14) Regeneration

There is some evidence that stocks of sea trout and salmon have improved in some parts of the west coast of Scotland. There is evidence in the Loch Torridon area that this is associated with changes in farming practices associated with the use of veterinary medicines and synchronization of sea lice treatments but available information is insufficient to establish whether this is generally the case for the West Coast as a whole. The
Norwegian Government does monitor sea lice levels on fish farms, as do the Irish authorities. Recent studies in Norway suggest that synchronized lice treatments on fish farms in a fjord can reduce the numbers of sea lice on the farms and on wild salmon smolts. This also seems to work in Scotland (see point 10).

15) Tourism – no comment

16) Fish Farm Jobs – no comment

17) Economy – no comment

18) Concerns

The potential for relocation of fish farms in sea lochs where migratory salmonids run is being addressed by a Location-Relocation Working Group established by the Scottish Executive following the recommendations of the Strategic Framework for Scottish Aquaculture. This Working Group has representatives from government, aquaculture, local authority, wild fish and conservation interests. It is difficult to provide a scientific measure of the impact which fish farms may be having on wild fish populations and the benefits which may be achieved through relocation (Raynard et al 2006: Options for investigating whether benefits to wild salmon and sea trout populations are derived from the relocation of marine Atlantic salmon aquaculture. Fisheries Research Services Internal Report 02/06. 30 pp). Nevertheless, pilot fish farm relocation projects have been agreed by the Location-Relocation Working Group and the Executive has agreed to provide financial assistance for relocation projects which meet the necessary criteria.

Fish farming and wild fish interests are achieving closer cooperation through the Tripartite Working Group (TWG) which was established in 1999 to address problems common to salmonid farming and wild salmonid fisheries and to seek solutions for ensuring the maintenance of a healthy stock of wild fish whilst at the same time promoting a sustainable aquaculture industry. Further information on the TWG process is provided in the response to paragraph 5.

19) Pollution – no comment

20) Preservation

See comments on the Location-Relocation Working Group in section 18 above.

21) Further Losses

As the causes of the observed downward trend in abundance of salmon and sea trout are not well understood and probably multifactorial, there is no a priori reason to suppose that further losses are inevitable. As mentioned by the petitioner in point 14, stocks of sea trout and salmon have started to regenerate spontaneously in some areas. Supporting action may be taken in certain cases to promote or accelerate recovery, for example through appropriate restoration stocking, fishery regulation or AMAs. The action appropriate for a given river or area should be determined on a case by case basis.
Please do not hesitate to contact me if you require any further information.

Yours sincerely

Dr Trevor Hastings
Programme Director
Aquaculture and Aquatic Animal Health
I have pleasure in providing the Executive’s response to Petition 941.

Our detailed comments on the issues raised by the Petition are contained in the attached Annex. You should also have a separate response from the Chief Executive of Fisheries Research Services, our scientific advisers.

I would want to impress upon the Committee that for some years now the Executive has taken very seriously the interactions between the fish farming industry and our native wild fisheries, particularly salmon and sea trout stocks. Both sectors are vitally important to Scotland and we want to ensure that they can co-exist effectively and in harmony with the environment. To that end we have been working extremely hard with both sectors and other key stakeholders to address the challenges.

I believe we have made a great deal of progress through initiatives such as the Strategic Framework for Scottish Aquaculture (SFSA), the Tripartite Working Group and the Freshwater Fisheries Forum. The industry today is very different to that of five or six years ago when the then Transport and Environment Committee conducted its ‘rolling inquiry’ into fish farming as a result of public concerns at the time. It is now much better organised and managed and the recent launch of the Code of Good Practice, a product of the SFSA, is another very positive step. I would also add that there is now a very good working relationship between the industry and wild fish interests and this is giving local managers and proprietors the confidence to invest in and improve their fisheries.

We must not, of course, be complacent. There are still challenges. We must continue to build on what we have achieved thus far and we must strive for continuous improvement within the industry. I trust that the information that FRS and the Executive is providing will persuade the Committee of that and we would be happy to provide further information if that would be helpful.
Background

Fish farming in Scotland started as a small industry some 30 years ago and now produces around 150,000 tonnes annually, worth about £350 million (farm gate value). The industry was initially welcomed by almost all in Scotland, especially those living in the economically fragile and remote rural communities, from which the industry largely draws its workforce. However, as the industry has expanded, public concerns have arisen, a number of which are outlined in the petition.

Most of the issues, we would argue, are either addressed by existing or emerging legislation and/or by current policy initiatives developed in conjunction with stakeholders.

The principal tool for tackling the issues of public concern and delivering a sustainable industry is the Strategic Framework for Scottish Aquaculture (SFSA) which was launched in 2003. The SFSA was developed by the Scottish Executive (SE) with the full participation of the industry, the wild fish sector and other key stakeholders. The SFSA contains an ‘action plan’ currently with [36] priorities for action. Progress is monitored by the Ministerial Working Group on Aquaculture (MWGA) and reports are published every 18 months; the next such report is due within the next few weeks. Since the launch of the framework very good progress has been achieved.

Another important tool is the Tripartite Working Group (TWG) which involves the Executive, wild fish sector, the fish farming industry and key regulators such as Scottish Natural Heritage (SNH) and SEPA. The aim of the TWG is to facilitate a dialogue between the fish farming industry and wild fish interests and to encourage best practice through the development of Area Management Agreements (AMAs). The TWG participants believe that the process is working well.

In addition to these initiatives the Executive is about to introduce to Parliament, the Aquaculture and Fisheries Bill which contains, inter alia, new proposals for tackling sea lice and fish farm escapes.

The Executive therefore believes that the issues raised in the petition have either been addressed or are in hand.

Regulatory Framework

It might be helpful to the PPC to understand the broad regulatory framework within which fish farming operates.

Currently marine fish farming, the siting and operation of moored cages is controlled through leasing mechanisms under the ‘Interim Scheme for the Authorisation of Marine Fish Farms in Scottish Waters’ which is administered by The Crown Estate Commission (CEC) for coastal waters along the Scottish mainland, the Western Isles and parts of the Orkney Islands. The Orkney Islands Council control fish farming through a works licence system for ‘harbour’ areas. Shetland Island Council controls all fish farming activity in its surrounding coastal waters through a work licences system. Land-based facilities are dealt with by the relevant local authorities which will assume statutory planning responsibility for marine fish farming later this year.

The CEC has put in place a process to consider whether a lease or lease modification should be granted, what conditions should be attached, and if any studies, including an Environmental Impact Assessment (EIA) are required. (Both Shetland and Orkney Island Councils under their works
licensure systems can and do also require EIA.) The CEC undertakes local consultation and takes advice from statutory consultees including SEERAD, SNH, SEPA and the relevant local authority to allow it to make properly informed decisions.

Pollution

The petitioner raises the issue of pollution and suggests that farmers should be fined for incidents resulting in pollution, including over-stocking and that monitoring and inspection of farms should be far stricter, with unannounced visits. SEPA regularly monitors all fish farms in Scotland to ensure that environmental quality standards are met; some of these visits are pre-arranged, however others are unannounced. SEPA also conducts sampling of water and sediments around fish cages to monitor the impacts of the fish farming activities upon the environment and to detect illegal use of medicines. SEPA does not hesitate to take appropriate enforcement action and refers cases to the Procurator Fiscal where appropriate. SEPA’s aim in regulating the industry is to ensure adequate environmental protection proportionate to the risk posed by the industry.

Potentially the main environmental impact stemming from marine fish farms is the downgrading of water quality and impact on the benthos due to deposition. SEPA authorises fish farms in the same way as it does for all domestic and industrial discharges to the aquatic environment. This means, for example, that nutrient inputs to the water column and deposition on the sea bed below cages are all required to meet appropriate environmental quality standards. The ability to meet these standards will depend upon a combination of inputs and the ability of the water environment to dilute, disperse and assimilate pollutants to maintain a healthy ecosystem. This ability of the environment to be able to self clean and continue to function also applies to the benthos and deposition is assessed using a specialist assessment tool, DEPOMOD, to ensure the sea bed continues to function properly. Also, all discharges, including fish farm inputs to the marine environment, have to allow the standards set in EU Directives to be met. SEPA has a statutory duty under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) to advertise proposals for discharge authorisations so that the public is informed about the conditions that are intended to apply to a discharge. Members of the public may raise objections and seek to appeal the conditions set. Each authorisation is monitored and policed through site inspections and the conditions are reviewed periodically. SEPA has a ‘Procedures Manual covering Regulation and Monitoring of Marine Cage Fish Farming in Scotland’ which provides full details on how appropriate assessment and robust environmental protection is delivered. Fish farms have to meet the same quality standards as all urban and industrial waste water discharges within the receiving water environment.

Where there have been charges of fish farming causing eutrophication, chemical residue build up and harm to important species, the Executive and its agencies have conducted investigations. Appropriate monitoring and assessment studies, which meet international standards, have been applied, some of these studies have been submitted to the OSPAR Commission for its contracting parties (other States including France, the Netherlands, Germany and Denmark as well as the European Commission). Independent reviews, including those by Swedish and US Scientists, have also been conducted to ensure that any risk of bias or error is addressed. In most cases, studies have been able to refute charges and indeed have pointed towards an over precautionary approach being applied in situations where there has not been enough information available prior to the study programme. This was found to be the case in the Post Authorisation Monitoring Programme (PAMP) which is outlined in greater detail below.

Fisheries Research Services will, in their response, comment on the status of wild stocks, but we welcome this opportunity to respond to some of the other “facts” cited in the petition.
Sea Lice

The petitioner blames sea louse burdens on smolts (young sea trout and salmon migrating to sea) and the impact of escaped farm salmon as causative factors in the decline of wild populations. While there is no substantial evidence that sea lice from fish farms have an adverse affect on wild stocks, it is accepted that fish farms may contribute towards making a bad situation that much worse.

The fish farming industry monitor and control sea lice on their farms to maintain the health and welfare of their stocks. The need for an assessment of sea lice controls was included in the SFSA and relevant protocols are included in the recently launched industry Code of Good Practice for Scottish Finfish Aquaculture (CoGP). As already mentioned, the Executive has included proposals on sea lice in the upcoming Aquaculture and Fisheries Bill which will allow inspectors to undertake counts of lice on fish farms where they judge significant numbers to be present. A farmer may be required to treat his fish, where the sea lice burden is considered a threat to local wild and farmed stocks.

As for other discharges and activities, sea lice treatments for fish farms are authorised by SEPA under CAR 2005. To address concerns that treatment residues were building up in the environment around fish farms, a Post Authorisation Monitoring Project was established jointly with the Veterinary Medicines Directorate, Defra and others to study the ecological effects of sea lice treatments. The study was undertaken by independent researchers and the findings published in 2005. The results of the project report, which was subject to independent scrutiny, are publicly available at the following website (http://www.sams.ac.uk/research/coastal%20impacts/col.htm) The research concluded that adverse impacts of such treatments were not detectable within the wider ecosystem.

The Tripartite Working Group Area Management Agreements (AMAs) also make a major contribution by covering a range of issues including - sea lice monitoring and treatment; the containment of farmed fish and minimisation of escapes, contingency plans to recover escaped fish and single year class production plans to deliver synchronised fallowing to minimise sea lice and fish disease risk. There are currently 14 signed AMAs with another 6 in prospect.

Fish Farm Escapes

The Executive has put a number of initiatives in place to deal with this important issue. Legislation was first introduced in May 2002 which requires the mandatory notification of all escapes of farmed fish. Any suspected escape must also be reported to the Executive. This legislation also allows for recovery action to be considered and the deployment of measures, such as the use of gill nets, to protect local wild stocks from escapes. Fisheries Research Services Inspectors follow up reports of escapes to ensure lessons are learned and appropriate measures taken to prevent a recurrence.

The Executive also requires site specific containment and contingency plans in support of all applications for fish farm sites to prevent escapes.

Out of the SFSA process Containment Guidance for regulators and industry has been drawn up with the help of key stakeholders, and included in the industry CoGP. Other containment issues including fish farm structure and design are currently being reviewed and it is expected that further recommendations may be made to the MWGA.

Through the Aquaculture and Fisheries Bill the Executive foresees the current remit of the Fisheries Research Services Inspectorate being extended to cover the inspection and control of fish farm containment and security measures – with powers to serve a notice on a fish farm operator where...
improvements are considered to be necessary. This is intended to complement and underpin the industry’s Code of Good Practice and deal with any farm which is not signed up to it.

The aim, as specified in the Strategic Framework for Scottish Aquaculture is to minimise escapes. It is difficult to say eliminate because of the environment in which fish farming operates where even the best operated farms may be exposed to occasional severe weather.

**Location/relocation of fish farms**

The SFSA and associated action plan recognised that some fish farm sites may, with the benefit of hindsight, be poorly located and has taken action to develop a rationale to relocate fish farms, particularly with wild fish impacts in mind.

This is a complex issue. It is difficult to define what constitutes a poorly sited fish farm and as such the stakeholder working group tasked with looking at relocation decided to start by identifying fish farms in close proximity to rivers recognised as important for wild salmon and sea trout. However, there are 2 projects being taken forward which if implemented would help facilitate best practice recognised under TWG and should facilitate the development of effective Area Management Agreements.

Fish farmers and wild fish interests have been asked to consider candidate sites and work up relocation projects which meet the principles of a Strategic Environmental Assessment (SEA), which is currently the subject of public consultation. Any relocation projects will be taken through an adoption process and if they comply with the principles may qualify for financial assistance from a scheme to be set up by the Executive – a point raised in the petition. All relocation projects will be subject to the local authority planning and development process which was a point raised in the petition and may require the publication of an Environmental Statement (ES).

A scoping study into the potential benefits that might flow from fish farm relocation has been undertaken by FRS and is the subject of a peer review process.

**Economic impact**

The petitioner suggests that the decline seen in wild stocks has had a significant impact upon the rural economy, in particular jobs in the tourism industry. The decline in stocks on the River Ewe/Loch Maree is undeniable but it is not proven that the fish farming industry is to blame. Stock declines started before the fish farming industry was present on the Scottish west coast and as such can only be at most one factor in a very large range of possible contributing factors causing stock decline or inhibiting recovery.

The economic effects that are referred to concentrate on changes (over an unspecified period) in the number of ghillies that it is claimed were employed by the Loch Maree hotel. There is no attempt to put any such changes into any context such as trends elsewhere. It is asserted that the number of fishing enthusiasts staying in the area have decreased but no figures are provided to show this. There is then a claim that between 30-40 jobs have been lost between Kinlochewe and Poolewe (presumably because of the asserted decline in the number of game fish anglers) but again there is no evidence to support the assertions and the same applies to claims that “the loss of revenue to the area is staggering.”

We are not aware that there are, in fact, any estimates that show the changes in numbers of anglers in Wester Ross over time. The work by Alan Radford et al for SEERAD ("The Economic Impact of
Game and Coarse Angling in Scotland") was only able to make a one-off estimate of angler days at the Highland region level. Presumably a survey of riparian owners in Wester Ross would be needed to obtain data on trends in angler days over time but we are not aware that this has been done.
26th June 2006

Dr James Johnston
Clerk to the Public Petitions Committee
TG.01
Parliamentary Headquarters
EDINBURGH
EH99 1SP

By e-mail to: james.johnston@scottish.parliament.uk

Dear Dr Johnston

Consideration of Petition PE941

On behalf of its salmon farmer members from mainland Scotland, Western Isles, Orkney and Shetland, the Scottish Salmon Producers’ Organisation (SSPO) is pleased to have the opportunity to comment on the issues raised in Petition PE941.

Decline in Salmon and Sea Trout Numbers

It is well documented that the decline in salmon and sea trout numbers has many causes. Predators, overfishing, river management problems such as agricultural run-off, as well as parasites are some of the many potential influences on wild salmon numbers. There is also evidence that wild salmon populations are cyclical, being affected by changing offshore currents and the location and size of marine feeding areas. The decline was evident before salmon farming began in Scotland and has occurred in many areas, often where fish farming does not exist.

(see Appendix A for graphs based on Scottish Executive statistics)

Sea Lice Management by Salmon Farmers

Nowadays, salmon farmers use a range of strategic measures such as falling and rotation of fish farm sites, fully licensed and authorised medicines prescribed by the farm’s vet to address the issue of sea lice. Health and welfare of the salmon is of prime importance. The effectiveness of sea lice control strategies, including medicinal treatments, has continued to improve since the introduction in 1998 of the Scottish Quality Salmon National Treatment Strategy for the control of sea lice which promotes best practice for both fish health and welfare and sound environmentally friendly farming. This significant progress is something welcomed by wild fisheries interests and our members as a means of maintaining high health status for both wild and farmed salmon.

The issue of sea lice remains topical, however, and much scientific work to limit their impact on farmed and wild fish is now coming to fruition. Some critics have suggested that halving the number of salmon kept in pens or increasing falling periods would reduce sea lice numbers, but research undertaken at the University of Strathclyde on 106,000 sea lice records has found that this is not so.
Working with Wild Fish Interests – the Tripartite Initiative

Salmon Farmers are extremely sensitive to the concerns of wild fish interests and together with them the Scottish Executive Environment and Rural Affairs Department (SEERAD) has successfully established a network of Area Management Groups along the west coast of Scotland. In many of the designated areas it was the first time that all interested parties have sat down together to discuss the way forward for their particular loch systems and address specific local issues, but overall the common objective is to promote better and more productive working relationships in the interests of long term sustainable salmon farming and wild salmon fisheries.

There are now 15 Area Management Agreements, many of which have positive results to report about fish returns and co-operation between wild and farmed salmon interests.

Escapes

No fish farmer wants to lose fish and the industry has made significant progress in preventing these sorts of losses over the past 10 years.

The industry has improved the engineering of its pens and introduced site specific environmental management systems to identify and correct potential areas of concern. The new Code of Good Practice for Scottish Finfish Aquaculture will lend further weight to measures to improve the containment of farmed salmon.

While headline statistics relating to lost fish sometimes appear dramatic, it is important to recognise that few fish survive once they have escaped, especially if the cause is storm damage or predator attack. Indeed the number of farmed fish caught by anglers and recorded in 2003 (last available figures) was under 500.

Our members are working at local, national and international level through participation in the Area Management Agreements with wild fish interests and the Scottish Executive and contributing to the work of the North Atlantic Salmon Conservation Organisation (NASCO) with Governments and industry in other EU countries, Canada, Norway, USA and the Faroes.

Relocation of Fish Farms

Any discussions about relocation should be considered based on scientific assessment of sites and within a programme of site optimisation, to allow companies and their investors to commit confidently to Scottish production as well as meet the needs of wild fish interests.

Industry Code of Good Practice

The recently introduced Code of Good Practice fulfils the industry’s commitment set out in the Strategic Framework for Scottish Aquaculture. The Code covers every aspect of finfish farming management and good husbandry practices, including standards in environmental practice, containment, and animal health.

The Code is a major achievement for Scottish finfish farming, and clearly demonstrates the progress made in Scottish aquaculture over the last 10 years. It
also represents the most comprehensive and open exercise of its kind ever undertaken by any food producing industry in the UK.

The Code was been developed by the Scottish Finfish Aquaculture Working Group. All interested stakeholder groups have been consulted including: the Scottish Executive Environment and Rural Affairs Department; Scottish Environment Protection Agency; Scottish Natural Heritage; Veterinary Medicines Directorate; Fisheries Research Services; WWF Scotland; Scottish Environment Link; RSPB Scotland; the Association for Salmon Fisheries Boards; Rivers and Fisheries Trusts of Scotland; Scottish Anglers National Association; Sea Trout Group; local authorities and the public.

It sets out comprehensively the standards that farmers must demonstrate and against which they will be independently audited by UKAS-approved Inspection Services. There are more than 300 main specific compliance points in the Code, plus additional sub-points in many cases. These cover all aspects of finfish good practice, notably protecting the environment - including sea lice management and containment standards. The Code also contains detailed annexes giving further technical guidance on good practice, including the National Sea Lice Treatment Strategy, Integrated Sea Lice Management, Containment, and a Veterinary Health Plan.

The salmon farming industry remains committed to high standards of fish health and welfare – for the long-term benefit of both wild and farmed fish. The industry’s Code of Good Practice should be considered as the way forward to address any issues relating to sea lice, escapes and other fish health matters.

Yours sincerely

SID PATTEN
Chief Executive
APPENDIX A
The graph below demonstrates that wild salmon numbers were in long-term decline for many years before the advent of salmon farming. Indeed, catches seem to have stabilised as farming production has grown.

CATCHES OF SEA TROUT BY ALL METHODS IN NW SCOTLAND VS SALMON PRODUCTION

Source: Scottish Executive Statistical Bulletin 2000

If there was a strong relationship between farming and the declining wild population, areas without fish farms should escape this trend. However, as shown below, on the east coast of Scotland – where no farms are present – wild salmon's decline has followed a similar pattern.

RIVER TWEED SALMON & SEA TROUT CATCHES

Source: SEERAD
SCOTTISH ANGLERS NATIONAL ASSOCIATION

Dr James Johnston
Clerk to the Public Petitions Committee
TG.01
Parliamentary Headquarters
Edinburgh
EH99 1SP

May 17, 2006

Dear Dr Johnston

The following is our response to Mr Frank Buckley’s PETITION PE941 which seeks greater protection for Scottish migratory fish stocks from salmon farm developments.

_The Scottish Anglers National Association (SANA), with some 30,000 members, is recognised at the Governing Body for the sport of Game Angling in Scotland._

This response will be very brief. We support, in general, the terms of PE941. Before and since devolution, SANA – along with other angling and environmental organisations – has raised or highlighted all the points made by Mr Buckley in his document "The Facts." _Many of these cannot be disputed._

SANA believes that most, if not all, of the problems arising from salmon farm operations would be minimised by the full implementation of the proposals regarding aquaculture contained in the Consultation document on the forthcoming _Aquaculture and Fisheries Bill._

However, if these proposals are diluted to any extent during the Parliamentary process, then salmon farming operations will continue to be a danger to wild migratory stocks with the consequential environmental and economic damage.

Yours sincerely

Ian Calcott
Chairman, Migratory Fish Committee, SANA.
20 June 2006

Dr James Johnston
Clerk to the Public Petitions Committee
The Scottish Parliament
Parliamentary Headquarters
EDINBURGH
EH99 1SP

Dear Dr Johnston

Consideration of Petition PE941

The Society for the Protection of Salmon and Sea Trout are concerned over the decline in stocks occurring in some area of Scotland and raise, in particular, the issue of possible interactions between wild and farmed fish.

The reasons for the decline in wild stocks are many and varied and it often results from complex interactions of a number of differing factors. The cause of decline in one area may be completely different from that in another. It should be noted that a general decline in catch predated the beginning of salmon farming.

Unfortunately, when stock declines have occurred, persistent angling pressure appears in some cases to have removed a large proportion of surviving broodstock. In fact there is evidence that angling pressure may have actually contributed to declines in some populations of sea trout on the west coast of Scotland such as in L. Maree, where large specimen fish, for which the fishery was famous, were actually long-lived, slow growing multiple spawners. The removal of such fish by anglers is likely to have had a significant effect on recruitment and thus on the structure and stability of the population. This situation has improved recently with the returning of stock to the river after being caught by anglers.

In some areas, a notable decline has been reversed. An example is the River Tweed, where the purchase of netting rights combined with the clearance of obstructions to allow access to spawning grounds has recently resulted in record catch statistics. Similarly, up and down the west coast, the establishment of Area Management Groups and Area Management Agreements and excellent cooperation between fish farmers and wild fish
interests has been highlighted as one of the factors contributing to increased catches of salmon and sea trout.

I find the timing of the petition to be surprising. As you are doubtless aware, the Scottish Executive is currently bringing forward an Aquaculture and Fisheries Bill which addresses most of the issues of concern to the Society for the Protection of Salmon and Sea Trout. The Scottish Salmon Producers Organisation is also currently implementing a new Code of Good Practice which also addresses these concerns. During the development of the Code and through the development of the Bill, extensive consultation has taken place and there has been considerable interaction between wild and farmed fish interests. Indeed, the Society for the Protection of Salmon and Sea Trout submitted their own response to the consultation on the Bill. In recent years, the Tripartite Working Group consisting of representatives from wild fish interests such as the Association of Salmon Fishery Boards, aquaculture and government, has played a leading role in reaching consensus on how the varying interests should cooperate for the benefit of all. The Scottish Executive has also set up a series of working groups with appropriate representatives from the aquaculture industry, wild fish interests and government to address areas of concern. The Location/Relocation Working Group is addressing the question of siting of fish farms and developing methodology for relocation purposes. Meetings of the Aquaculture Health Joint Working Group have reported on issues such as sealice control, the epidemiology and control of viral disease and possible interactions between different fish species.

Industry practice in the control of sealice has been constantly improved with more efficient treatment products, the use of area management agreements to use strategically timed treatments at the time of smolt movements and synchronous treatments at all sites in a loch system when SEPA permission allows this to take place. In addition, synchronous fallowing of sites also occurs to ensure removal of farmed fish hosts for sealice control. Despite these actions by the industry, sealice numbers, especially in sea trout, can remain high as reinfection will always occur from wild fish. There has, in fact, been little direct evidence of the decline of wild salmonid populations being caused by sealice from farmed fish populations despite many years of research. Recent evidence from Norway suggests that such measures are effective in reducing overall lice burden.

The Society highlights the importance of angling to tourism and income generation and I wholeheartedly agree. The importance of aquaculture to wealth and job creation is rather understated. In many parts of the West Coast and the islands, aquaculture is a major local employer and ensures the success of local communities and their schools, shops etc. Farmed salmon production is also a major source of income in terms of food exports from Scotland and highly significant to the economy.

The Society cites examples of particular population declines. In the case of the decline of sea trout in Loch Maree, the Wester Ross Fisheries Trust Biologist has apparently reported significant competition from minnows (doubtless introduced by anglers) in nursery ground areas for young trout within the loch itself.
Escapes of farmed fish are also referred to. This has certainly occurred, to the cost of the fish farmers concerned. Extreme efforts are made to reduce this to a minimum and this issue is addressed in the Code of Good Practice and in the Aquaculture Bill. In Scotland very few farmed fish escapes are included in angling catch statistics despite, in some cases, the escape of a large number of fish. While the numbers of reported escapes may be high, the number of farmed fish caught in rivers are extremely low, even taking possible under reporting into account, supporting the proposition that the overwhelming majority of farmed fish which escape do not actually survive to interact with wild salmon.

The new Aquaculture Bill will provide official monitoring and control, through FRS, of sealice with an advisory and an enforcement role. Powers will also be provided to investigate escapes, regulate fish movements etc. Siting of fish farms will involve the planning process now in the hands of Local Authority Planning Departments where wild fish interests as well as other stakeholders will have the ability to make representations within the planning process before an aquaculture development will be allowed.

I believe that application of the comprehensive, robust and independently audited Code of Good Practice by the aquaculture industry, the powers contained in the new Aquaculture Bill and the planning process now in place appropriately address all of the concerns expressed by of the Society for the Protection of Salmon and Sea Trout in its petition to the Parliament.

Yours sincerely

R H Richards
Director
Institute of Aquaculture
University of Stirling
Petition by Robbie the Pict, on behalf of the Scottish Peoples Mission, calling for the Scottish Parliament to take the necessary steps to ensure that the names of judges serving on a judicial Bench are displayed and that a full-tape recording or short-hand record is kept of court proceedings which is available to any party involved.
Scottish Peoples Mission
Old Schoolyard, DUNVEGAN, Isle of Skye, Scotland
Tel: +44 (0) 1470 521 550/E-mail: spm@pictland.freeserve.co.uk

Clerk to the Committee
Public Petitions Committee

7 June 2006

Dear Ms Martin,

PUBLIC PETITION PE 759 – Identification of Judges and Record of Proceedings

Thank you for your letter of 30 March 2006 inviting me to comment on the response from the Minister of Justice. Since the Minister in turn cites the response of the Lord President of the day, Lord Cullen my response can clearly embrace the comments of Lord Cullen.

JUDICIAL NAMEPLATES ON THE BENCH

Lord Cullen solidly takes my point about the lack of judicial nameplates anywhere around or within the appellate Courts. The crucial moment for an appellant is when he stands before the Bench to hear his fate. At that point my Petition is requesting that he or she be in no doubt as to who is delivering judgment. Although Ms Emberson speaks of seeing ‘no reason why the names of Sheriffs and judges may not be displayed adjacent to the courtrooms in which they preside’ that maybe reflects her lack of experience of being brought up from the cells in a state of apprehension along a path where no indication is given as to the personnel on the Bench.

I would respectfully request that the Committee agrees to recommend an individual nameplate be placed on the Bench in front of any person sitting in judgement. These could be manufactured for a small sum per unit at the Joiners Workshop in HMP Saughton.

RECORD OF PROCEEDINGS IN CRIMINAL PROSECUTIONS

As to the second leg of the Petition there is clearly not the same prospect of harmony. The passage from the Lord President’s response upon which you have been asked to focus states:

“The recording of evidence and proceedings is currently regulated by a number of statutory provisions. I am not aware of any significant shortcomings in the present arrangements.”

While civil proceedings are not complained of in the Petition, Lord Cullen omits to say that in criminal cases, other than solemn indictment heard in the first instance by the High Court, there is absolutely NO PROVISION for any recording at all.

This allows a Sheriff whose judgement is appealed to write the required ‘Stated Case’ wholly subjectively and gives a free hand to those minded to protect their own interests, or even pride, rather than give a true account. Human nature dictates that a judge will defend his own decision. There must be a check against that being developed to a point of injustice. Judges in the High Court readily resort to asking an appellant if he is ‘saying that the Sheriff’s account is false?’ which is a delicate point to press. It is based only on a convict’s assertion of the truth, while confronted and compared with a brother judge’s account.
The Note of Appeal and the Stated Case are first subjected to examination for competency at 'sift'. This process involves one Judge sitting in camera, reading the account of a brother judge against that of an appellant, without the benefit of a record of proceedings. This practice is highly questionable in terms of the Human Right to a 'fair hearing in public'.

Should the sifting judge refuse the appeal any hearing at all, the right of appeal takes the paperwork before two judges where a similar scenario is re-enacted, again considering now two professional perspectives against that of one appellant, again without the benefit of a record of what actually transpired in Court.

Again at any subsequent hearing before the High Court of Appeal, if a hearing is permitted there is no record of proceedings at all.

Should there be an appeal by Petition to the Nobile Officium or an appeal on Human rights grounds to the European Commission of Human Rights, there is again no record to depend upon and the account by the Judge is undoubtedly given disproportionate weight, especially when there may be an assumption on the part of European Judges that matters are properly recorded in Scotland.

No society can claim that there is never a miscarriage of justice. When there is prima facie evidence that it has indeed happened the measure of civilisation and decency in a society is just how quickly and willingly it can make proper reparation. The corporate sense must be of readiness to apologise, not of denial of any wrong on its part. Great power is being managed at these points in a person's life. If power is given to a judge to incarcerate for years, impose pecuniary punishment or even condemn someone to a life-long inconvenience from having a criminal record; that power must be used wisely and carefully. Equally any mis-application of that power must be corrected immediately and with both grace and humility.

The victim of a miscarriage of justice has been wronged by society as a whole and the very least that can be done is to make available the basic tools of recovery and reparation. Even if a doubling of the original sentence were introduced to deter false claims, it would be an improvement on the present climate of corporate denial. Red faces in the judiciary cannot be protected using judgment based on class, cash or convenience.

From A Human Rights perspective there can be no possibility of a fair and equitable hearing when a subsequent Court hears only the case as stated by one party, the judge in question. There must be a public check on the human instinct of self-defence, even by the Scottish Judiciary.

TWO POINTS OF OBJECTION TO RECORDINGS

Throughout the responses by Lord Cullen and Cathy Jamieson two themes are repeated. The Petitioner seeks to reply briefly to both points.

COST A ninety-minute cassette tape costs less than £1, cheaper by bulk. There is no need to embark on the cost of transcription unless particular passages are required. While that would come out of the public purse in Legally Aided cases, both the Lord President and the Minister remind us that appeals arise in less than 4% of summary cases in the Sheriff Courts, and they will not all be beneficiaries of Legal Aid. This must be weighed against the costs of resisting a determined appellant armed with a prima facie case of injustice, something ministers were quick to cite as being in tens of thousands of pounds in the Skye Toll cases.
FORMALITY This objection is wholly mythical in nature. Recording of proceedings only requires that a judge discreetly presses the ‘start’ button on a recording device already prepared for use by the Clerk or Usher, as already happens daily when immediate judgments are pronounced from the Bench. The petitioner cannot imagine an accused person or an appellant complaining that the recording of proceedings in Court made matters unacceptably formal.

Lastly it is only fair to record why this petition was thought necessary. It arose from two real experiences of Scottish justice in the Skye Tolls cases, which began in Dingwall Sheriff Court.

1. Before a summary trial, a preliminary plea to competency was heard during which complaint was made that the statutory instruments require by the Act had not been properly laid before Parliament, that there was no alternative route which was prohibited and that the Secretary of State had failed to issue a statement certifying the construction of an alternative route before tolling on the monopoly route commenced, as required by statute. The Sheriff reserved judgment for a week to consider these matters.

On his due date return the Sheriff failed to call that case and thus answer those preliminary points. The Court record was fabricated to read that the case had been called and the accused had simply pled ‘not guilty’, without mention of his preliminary plea or seeking leave to appeal any refusal of its terms by the Sheriff, which would be natural.

Ten years later that case is awaiting a hearing by the Nobile Officium, a gross miscarriage of justice which has been aired in both Court, including before Lord Cullen, and Parliament without any reasoned judgement and which could have been easily avoided had there been a record of summary proceedings at Dingwall Sheriff Court.

2. Ironically the second example specifically involved Lord Cullen, despite his claim that he is “not aware of any shortcomings”.

On attending an extra-statutory hearing to the competency of a Petition to the Nobile Officium, a hearing presided over by Lord Cullen for which there is no provision in any Criminal Justice Act, the Crown, in response to the Petitioner’s claim that no reasoned response had been given to the question of lack of subscription on the tolling licence, tried to claim that the reason for the lack of judgment on this issue was simply that it had not been argued on the day by the Petitioner.

Luckily the Petitioner had had the foresight to formally lodge his pleadings on the point in writing, to say nothing of the ten witnesses from Skye who had travelled down to Edinburgh to hear a three-hour presentation on this crucial topic. The Crown’s claim was an insult to justice, never mind public intelligence, but could not even have been attempted as a tactic if there had been a recording of proceedings.

In the event Lord Cullen merely declared that ‘one could deduce Lord Sutherland’s reasons from the conclusion he reached’ but a public test-case need not have suffered such an unjust and cursory dismissal if there had been a proper record of proceedings.

Please allow me to record my thanks to the Committee for the opportunity to respond.

Yours faithfully

R.B. the P.C.
Director.
Public Petitions Committee – a template for public petitions

Should you wish to submit a public petition for consideration by the Public Petitions Committee please complete the template below. Please refer to the Guidance on submission of public petitions for advice on issues of admissibility before completing the template. You may also seek advice from the Clerk to the Committee whose contact details can be found at the end of this form.

Details of principal petitioner:
Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to, email address and phone number if available

Leslie Morrison

Text of petition:
The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.
The petitioner requests that the Scottish Parliament considers and debates the implications of the proposed Agenda for Change legislation for Speech and Language Therapy Services and service users within the NHS

The petitioner requests that the Scottish Parliament........

Petition by Leslie Morrison, on behalf of Kirkside Area Residents, calling for the Scottish Parliament to urge the Scottish Executive to review the performance of all local authorities in Scotland in respect of maintaining and repairing roads, pavements and footpaths.

Additional information:
Any additional information in relation to your petition, including reasons why the action requested is necessary, should not be included here. However, it may be appended to the petition and will be made available to the Public Petitions Committee prior to its consideration of your petition. Please note that you should limit the amount of any additional information which you may wish to provide in support of your petition to no more than 4 sides of A4.
Action taken to resolve issues of concern before submitting the petition:

Before submitting a petition to the Parliament, petitioners are expected to have made an attempt to resolve their issues of concern by, for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MPs. Please enter details of those approached below and append copies of relevant correspondence, which will be made available to the Public Petitions Committee prior to its consideration of your petition.

HAD VARIOUS MEETING OVER A NUMBER OF YEARS WITH COUNCIL OFFICIALS ie:
JOHN HEARMON MANAGER ROSS-SHIRE TEC DEP'T
TRACEY VARZY MANAGER ROSS-SHIRE HOUSING SERVICES
COUNCILLOR VAL MACIVER HOUSING, SOCIAL WORK, PLANNING
COUNCILLOR ANDREW ANDERSON COMMITTEE/BOARD
IAN HAY TEC SERVICES ROSS-SHIRE
MSP FOR HIGHLANDS & ISLANDS MAUREEN MACILLAN.

Request to speak:

Petitioners may request to appear before the Public Petitions Committee in support of their petition, although it should be noted that requests to speak will only be granted if the Convener considers that a brief statement from the petitioner would be useful in facilitating the Committee's consideration of the petition. Due to the large volume of petitions being considered the Committee will usually only hear presentations on up to 4 new petitions at each meeting.

Please indicate below whether you wish to request to make a brief statement before the Committee when it comes to consider your petition.

Yes [ ] No [x]

*Delete as appropriate

Signature of principal petitioner:

When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should be appended to this form.

Signature .................................................................

Date 15th May 2005 ......................................................

Please note that any additional information, copies of relevant correspondence and additional signatures should be appended to this form and submitted to:

The Clerk to the Public Petitions Committee,
The Scottish Parliament,
Edinburgh
EH99 1SP
Tel: 0131 348 5186 Fax: 0131 348 5088
e-mail: petitions@scottish.parliament.uk
Dr James Johnston  
Clerk  
Public Petitions Committee  
TG.01 Parliamentary Headquarters  
Edinburgh  
EH99 1SP  

18 August 2006  

Dear Dr Johnston,  

Consideration of Petition PE855  

Thank you for offering COSLA the opportunity to comment on this petition, which calls for a review of the performance of local authorities in Scotland in respect of maintaining and repairing roads, pavements and footpaths.  

There are many reasons why repairs and maintenance of roads, pavement and footpaths are required, and the cause of any defect will affect the type of repair required. As well as traffic quantity, unpredictable factors such as a particularly harsh winter or excessive wet weather may also increase the number of repairs that are required. Local authorities will encounter defects in a number of locations, and repairs to these must be prioritised according to the nature and location of the defect. As with any prioritisation, some defects will therefore take longer to be remedied than others. While this is perhaps unfortunate, as councils do not have sufficient funds to meet all the demands placed on them it is a necessary fact of life.  

The Committee may wish to note that a not insignificant cause of defects is poor quality utility reinstatements. These occur where a utility company carries out work, but does not then repair the road or footpath to the required standards. As the law currently stands, a council must prove that a reinstatement does not meet required standards, rather than the utility company being required to prove that it has met its obligations. As a result of this, it can be particularly difficult for councils to force utility companies to rectify their errors, and there is little incentive on them to carry out work to the required standards. For your information, we include data on the performance of the various utility companies in a coring exercise carried out across Scotland. COSLA is currently considering ways in which we can work to improve the quality of reinstatements carried out by utility companies, and we would welcome the Committee’s support for this exercise.  

We believe that a review of councils’ performance on this issue is undesirable, as any national review would inevitably lead to comparisons across councils which would not necessarily reflect the different challenges faced on this issue by different councils. In addition, councils’ performance is already monitored through a variety of audit channels, and we would not welcome any addition to this burden.
Finally, we understand that the Society of Chief Officers of Transportation in Scotland (SCOTS) has also provided a response, and we fully support their comments on this matter.

Yours sincerely,

Hannah Reeve
Policy Officer