



OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government and Communities Committee

Wednesday 12 September 2018

Session 5



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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

24th Meeting 2018, Session 5

CONVENER

*James Dornan (Glasgow Cathcart) (SNP)

DEPUTY CONVENER

*Monica Lennon (Central Scotland) (Lab)

COMMITTEE MEMBERS

*Annabelle Ewing (Cowdenbeath) (SNP)

*Kenneth Gibson (Cunninghame North) (SNP)

*Graham Simpson (Central Scotland) (Con)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*Andy Wightman (Lothian) (Green)

*attended

THE FOLLOWING ALSO ATTENDED:

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)

Claire Baker (Mid Scotland and Fife) (Lab)

Claudia Beamish (South Scotland) (Lab)

Alex Cole-Hamilton (Edinburgh Western) (LD)

John Finnie (Highlands and Islands) (Green)

Rhoda Grant (Highlands and Islands) (Lab)

Kevin Stewart (Minister for Local Government, Housing and Planning)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Local Government and Communities Committee

Wednesday 12 September 2018

[The Convener opened the meeting at 09:32]

Interests

The Deputy Convener (Monica Lennon): I welcome everyone to the 24th meeting of the Local Government and Communities Committee in 2018. I remind everyone to turn off their mobile phones, or at least to switch them to silent mode. As meeting papers are provided in digital format, tablets may be used by members during the meeting.

We have received no apologies. As our convener stood down last week, I will chair the meeting until a new convener has been appointed.

Jenny Gilruth and the former convener, Bob Doris, have left the committee to pursue new roles. I am sure that the committee will want to join me in thanking Jenny and Bob for all their hard work in what has been a busy period for our committee. We wish them well in their new roles. Following their departures, we welcome James Dornan and Annabelle Ewing to the committee.

I invite James Dornan to declare any relevant interests.

James Dornan (Glasgow Cathcart) (SNP): I have no relevant interests to declare.

The Deputy Convener: I invite Annabelle Ewing to declare any relevant interests.

Annabelle Ewing (Cowdenbeath) (SNP): I am not sure whether it would be deemed relevant, but it seems prudent to mention that I am a member of the Law Society of Scotland and hold a current practising certificate, albeit that I am not currently practising.

Convener

09:34

The Deputy Convener: That brings us to our second agenda item, which is the choice of committee convener. The Parliament has agreed that only members of the Scottish National Party are eligible for nomination as convener of the committee. I invite nominations for the post.

Kenneth Gibson (Cunninghame North) (SNP): I nominate James Dornan.

James Dornan was chosen as convener.

The Deputy Convener: I congratulate James Dornan and welcome him as convener. We will now swiftly swap seats.

Decision on Taking Business in Private

09:35

The Convener (James Dornan): Agenda item 3 is a decision by the committee on whether to take agenda item 8, which is consideration of its work programme, and agenda item 9, which is consideration of its approach to the Fuel Poverty (Target, Definition and Strategy) (Scotland) Bill, in private. Are we all agreed to do that?

Members *indicated agreement.*

Subordinate Legislation

Regulation of Social Housing (Influence of Local Authorities) (Scotland) Regulations 2018 [Draft]

09:35

The Convener: Under item 4, the committee will take evidence on a draft statutory instrument. I welcome from the Scottish Government Kevin Stewart, who is the Minister for Local Government, Housing and Planning, Yvonne Gavan, who is from the housing services policy unit, and Kirsten Simonnet-Lefevre, who is a solicitor.

The instrument was laid under the affirmative procedure, which means that Parliament must approve it before the provisions come into force. Following this evidence session, the committee will be invited under the next agenda item to consider a motion to approve the instrument. The Delegated Powers and Law Reform Committee has reported on the instrument and did not draw it to the Parliament's attention on any of its reporting grounds.

I invite the minister to make a short opening statement.

Kevin Stewart (Minister for Local Government, Housing and Planning): Thank you, convener, and good morning. I am pleased to be here today to present the Regulation of Social Housing (Influence of Local Authorities) (Scotland) Regulations, which complete the implementation of the policy in the Housing (Amendment) (Scotland) Act 2018.

First, I thank both this committee and the Delegated Powers and Law Reform Committee, which have worked with the Government to expedite their scrutiny of the affirmative instrument that is before the committee today. I realise that that is unusual, but your agreement to expedite it will enable the economic statistics committee of the Office for National Statistics to take the regulations into account at its next meeting on 19 September, which we hope will lead to registered social landlords being reclassified back to the private sector very soon thereafter.

We are all well versed in our understanding of why the bill came about and the need for us to take action to ensure reclassification of RSLs to the private sector. It is crucial in order to enable our work towards delivering 50,000 new affordable homes during this parliamentary session to continue.

The instrument that is before you today is the last step in working towards securing that reclassification. The committee will recall that

section 9 of the 2018 act enables ministers to make regulations “limiting or removing” the influence that local authorities may exert over RSLs, through any ability they may have to appoint officers of the RSL or to exercise certain voting rights. The instrument specifies that local authorities may nominate only up to 24 per cent of the board members of an RSL and that they may not exercise control over RSLs—for example, through powers of veto over the RSL.

At stage 2, the Government lodged an amendment to introduce a sunset clause—that is, a time limit of three years on ministers’ powers to make regulations under section 9—meaning that the powers will expire three years from the time that the 2018 act received royal assent, which was in July this year. We took that action to address concerns that this committee, the DPLR committee and UK Finance raised about the open-ended nature of the powers during their scrutiny of the bill.

I once again thank the committee for agreeing to expedite its scrutiny of the instrument. I look forward to moving the motion to approve the regulations to limit the influence of local authorities over registered social landlords.

The Convener: Thank you. As no members have any questions, I move to agenda item 5. Under this item, the committee will formally consider motion S5M-13767, which calls for the committee to recommend approval of the draft Registered Social Landlords (Repayment Charges) (Scotland) Regulations 2018.

Only the minister and members may speak in this debate. I invite the minister to speak to and move motion S5M-13767.

Motion moved,

That the Local Government and Communities Committee recommends that the Regulation of Social Housing (Influence of Local Authorities) (Scotland) Regulations 2018 [draft] be approved.—[Kevin Stewart].

Motion agreed to.

The Convener: The committee will report on the outcome of our consideration of the instrument shortly.

I suspend the meeting to allow for a change of witnesses.

09:40

Meeting suspended

09:41

On resuming—

Planning (Scotland) Bill: Stage 2

The Convener: Agenda item 6 is consideration of the Planning (Scotland) Bill. This is day 1 of our consideration of the bill at stage 2.

I again welcome the Minister for Local Government, Housing and Planning, Kevin Stewart, and his accompanying officials. A number of members of the Scottish Parliament who are not committee members but who have lodged amendments to the bill will also be in attendance today and are very welcome.

Before section 1

The Convener: Amendment 115, in the name of the minister, is grouped with amendments 115A, 5 and 103.

Kevin Stewart: I am glad that there is a degree of consensus on the purpose of planning. Having considered the evidence that was given at stage 1, I agree that having a clear purpose could strengthen the reputation of planning and help it to be properly valued for the contribution that it makes to delivering better long-term outcomes for our communities, economy and environment.

We are all agreed that the overarching purpose is to manage the development and use of land in the long-term public interest. Amendment 115, in my name, would insert that into the Town and Country Planning (Scotland) Act 1997 and apply it to functions relating to the national planning framework and local development plans, which are covered by parts 1A and 2 of the 1997 act respectively. That is in contrast to the amendments lodged by Monica Lennon and Graham Simpson, each of which stands alone in the bill and applies to the whole planning system.

I believe that it is better to focus on development plans, as they are the basis for decision making. If the purpose were to apply to all functions of planning, it could undermine the primacy of the development plan, and generate new grounds to challenge any planning decision. I remind the committee of the comments that Norman Macleod of the Scottish Government’s legal directorate made during my stage 1 evidence session on that matter. It would not be helpful to introduce a purpose that adds further bureaucracy to the system. For example, do we really want to see every decision—even for an advertising sign or a house extension—being accompanied by a possibly lengthy explanation of why it is in the long-term public interest? I suggest that that would be disproportionate.

As regards defining what is in the long-term public interest, amendment 115 mentions, in particular, contributing to sustainable development and achieving the national outcomes. I recognise that, in giving evidence to the committee, stakeholders have emphasised the importance of sustainable development. There is already a duty for development plans to contribute to sustainable development, and the amendment has built that in to the purpose. Linked to that, new section 1A(3) will repeal sections 3D and 3E of the 1997 act, as they are superseded by their inclusion in proposed new section 3ZA.

09:45

The purpose has also been specifically linked with the national outcomes under the Community Empowerment (Scotland) Act 2015. The national outcomes express all that the public sector aims to achieve, in all areas of our lives, and they include the United Nations sustainable development goals and the fulfilment of human rights. Under the Community Empowerment (Scotland) Act 2015, all Scottish public bodies are required to have regard to the national outcomes in carrying out their functions. Therefore, including that in the purpose of planning will help to ensure that it is comprehensive and consistent with wider frameworks.

Amendment 115A, from Andy Wightman, would add specific sustainable development commitments to the proposed new section 3ZA, creating two different objectives for planning authorities and ministers in relation to development planning. Amendment 115 has sought to avoid that by the incorporation of the existing sustainable development duty from sections 3D and 3F.

Sustainable development goes to the heart of the planning system and I have no doubt that it will continue to be a key driver for the development of the national planning framework. However, I would prefer to keep the purpose clear and succinct, rather than include a long list of documents and commitments that could change over time. The UN sustainable development goals and the Quito declaration form part of our understanding of what sustainable development is, and as I have said, the UN sustainable development goals are embedded in the national outcomes. It is not helpful to add such specific references to the primary legislation and to expect planning authorities to address multiple goals that all seek to achieve the same thing.

Monica Lennon's amendment 103 would highlight health, environment, and equality and human rights as aspects of the long-term public interest. As I have said, the national outcomes that are mentioned in my amendment 115 reflect the

17 United Nations sustainable development goals and refer to the fulfilment of human rights, so they cover all those aspects in a more global way.

I move amendment 115.

Andy Wightman (Lothian) (Green): We agreed in the stage 1 report that we need a purpose of planning. I am pleased that we have reached a broad consensus on that principle. However, at stage 1, having had dialogue with those who gave evidence, I was clear that a purpose of planning should be a stand-alone purpose of the planning system to give some direction and coherence to a system that has now been in place for 70 years.

Amendment 115 does not do that. The purpose in amendment 115 is not a purpose of the planning system; instead, it relates to the purpose to be achieved by ministers and planning authorities in exercising their functions. That is a subtly different concept, but the difference is important.

The minister made the point that the rationale for that is to restrict the application of the purpose to the development planning process, rather than apply it to the system as a whole. I hear what he says about evidence that was given by one of his officials from the legal directorate. However, I would say that many other countries have a purpose of planning that is freestanding in statute. Witnesses drew our attention to those in written evidence at stage 1.

I am keen to see a purpose of planning as a stand-alone purpose at the head of the bill. Therefore, I will support amendment 5, in Graham Simpson's name. There is scope for expanding that, although I am open to further discussions on that. For the sake of argument, I will also support amendment 103 in Monica Lennon's name.

As far as amendment 115, in the minister's name, is concerned, I have a problem in that I believe that the purpose should stand alone above it. However, it is a useful new section, which could be reframed as "Exercise of functions", rather than "Purpose of planning".

I am content for section 3D of the 1997 act to be repealed, although I am not sure about section 3E, because that is a power to issue guidance, which I am not certain is replicated in amendment 115. However, I am content to support amendment 115 on the basis that, between now and stage 3, we have a stand-alone purpose and amend the new section to make it about the exercise of functions in development planning.

On amendment 115A, which is in my name, it was put to us in evidence that the planning system in Scotland does not sit in isolation from the planning system across the United Kingdom,

which does not exist in isolation from that in Europe or indeed the world. With increasing global concerns about a number of areas that are expressed in the sustainable development goals, there are increasing numbers of international instruments that draw attention to the need to plan the use of land in ways that contribute to key international goals. We heard evidence that that would be a useful idea, and amendment 115A is specifically targeted at ministers and planning authorities exercising their functions. It is not actually related to the purpose of planning, which is why I lodged it as an amendment to amendment 115 rather than as a free-standing amendment.

I move amendment 115A.

The Convener: I call Graham Simpson to speak to amendment 5 and the other amendments in the group.

Graham Simpson (Central Scotland) (Con): Thank you, convener. I welcome you to your new role and apologise for being late. However, here I am to speak to amendment 5.

As Andy Wightman said, the committee considered the issue carefully and concluded that there should be a purpose for planning. That seems to have been widely accepted and I am glad that the minister has lodged such an amendment.

I have been on a bit of a journey with this one. I started off including all kinds of things in the purpose for planning, so I had a couple of quite long versions of my amendment. I was then persuaded that it is better to keep it simple, which is where I ended up.

Amendment 5 could not be simpler. It is really only one sentence:

“The purpose of the planning system is to manage the development and use of land in the best long-term public interest.”

I think that that works and that we do not really need to add to it. However, there are other amendments to consider so, despite my view that we should keep things simple, I have had a good look at Kevin Stewart’s amendment 115. Nothing in it jars with me, so I am happy to support it. Similarly, Mr Wightman’s amendment 115A seems to make sense, although we would be getting very wordy. I would however be happy to support Mr Wightman’s amendment.

I have concerns about Monica Lennon’s amendment 103, because I am not clear how we get equality and human rights into the planning system. For that reason alone, I will not support amendment 103. I will move my amendment 5 and support the others.

Monica Lennon (Central Scotland) (Lab): I begin by welcoming the minister’s opening remarks, and allying myself with most of what Andy Wightman said. I will turn to Graham Simpson’s points later.

We have had a good debate on the planning system, and our scrutiny of the bill has been excellent. It is clear to us that everyone who engages in planning needs to know why we plan in the first place. That is why it is important that we have a purpose for planning in the bill, and I welcome the minister’s movement on that, notwithstanding the comments of his legal adviser, Mr Macleod.

We all agree that planning has to work for the best long-term public interest but, because planning has such a huge impact, including on the natural environment and on the nation’s health outcomes, it is important for the bill to say what planning is for and why we bother at all. The consequences of bad planning are catastrophic, here in Scotland and globally, which is why my amendment 103 seeks to ensure that spatial planning in Scotland is used to improve health and environmental outcomes and to promote equality and human rights.

I gently say to Graham Simpson that, if we do not understand that planning has to respect and protect human rights and embed equality into our decisions, we have a planning system that does not work for the vast majority of people. We have heard a lot of evidence from communities and organisations about why that matters. I am pleased that the amendment—my attempt to enshrine the right to health as a core planning objective—is supported by Voluntary Health Scotland, Alcohol Focus Scotland, Nourish Scotland, Obesity Action Scotland and Samaritans in Scotland, which is set out in a joint statement that was sent to members ahead of the stage 2 debate.

I accept that we may have to work on the language around health and environmental outcomes. I hear what Homes for Scotland has said about the words limiting the scope for planning and I am open to what we can do to further economic and social outcomes, although they are embedded already. I am disappointed that Graham Simpson does not support a commitment to equalities and human rights in the bill. We have some work to do. I welcome the progress that the Government has made, but the minister’s amendment 115 falls short; we really have to embed our ideals about improving public health. We know that inequality is spatially embedded in our communities and we have a big opportunity to get that right, not just for today but for the long term.

Annabelle Ewing: I ask the minister for a clarification when he responds to the points that have been raised. I thought that I heard him say that the UN sustainable development goals are embedded in national outcomes. If that is the case, any further reference would be unnecessary, from a drafting perspective, and may inadvertently risk confusion.

The Convener: As there are no other questions for the minister, I ask him to wind up. Andy Wightman will get a chance to wind up, too.

Kevin Stewart: I will answer Ms Ewing's question first. The UN sustainable development goals are embedded in the national outcomes. The goals are an ever-changing feast, so they are difficult to put in primary legislation, as that would take away from the current situation in which we can change things quite easily. We would have to change primary legislation here in order to keep up with the times so, although Mr Wightman means his amendment to be helpful, it would actually be an impediment to keeping up with ever-changing situations in relation to sustainable development and international treaties.

What is the planning system for, if not for the authorities' functions in the bill? Those functions are not clear in some of the amendments, which is why our amendment 115 is specific.

I do not want to reiterate certain points again and again but, with regard to what I said about Mr Macleod's comments in the stage 1 evidence, it would not be helpful to introduce a purpose that would add further bureaucracy to the system. To use the same example as I gave earlier, do we really want to see every decision—including simple ones on things such as the advertising sign that I mentioned—be accompanied by a lengthy explanation of how it is in the long-term public interest? Some of the proposals are rather disproportionate. I therefore ask the committee to agree to amendment 115 and to reject amendments 115A, 5 and 103 in the names of Mr Wightman, Mr Simpson and Ms Lennon.

10:00

Andy Wightman: I will press amendment 115A.

I hear the minister's comments on international treaties, but those do not change very fast: the UN sustainable development goals took the best part of eight years to negotiate, and we have passed a planning bill once every decade or so. I do not anticipate that changing, given that the planning system will require to be reformed on a regular basis. The fact that UN treaties might change or be amended is no impediment to embedding two important international instruments in the bill to make it clear that, in Scotland, we recognise the validity of those instruments.

I do not agree with the minister's suggestion that a stand-alone purpose or the incorporation of the two international instruments proposed by amendment 115A have any bearing on development control or planning applications for advertising signs. In the stage 1 report, and in the arguments that I and others have made, it is clear that the purpose of planning is a purpose of the system. The merits of any planning application for an advertising sign or a bungalow extension rest on the local development plan and material considerations in relation to the planning authority that has control over that. I remain to be persuaded of that argument, although I am happy to listen further as to whether there are real legal concerns.

The Convener: The question is, that amendment 115A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 115A agreed to.

The Convener: The question is, that amendment 115 be agreed to. Are we all agreed?

Members: No.

The Convener: There will be a division.

For

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Lennon, Monica (Central Scotland) (Lab)

The Convener: The result of the division is: For 6, Against 1, Abstentions 0.

Amendment 115, as amended, agreed to.

Amendment 5 moved—[Graham Simpson].

The Convener: The question is, that amendment 5 be agreed to. Are we all agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 5 agreed to.

Amendment 103 moved—[Monica Lennon].

The Convener: The question is, that amendment 103 be agreed to. Are we all agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 103 disagreed to.

The Convener: Amendment 184, in the name of Andy Wightman, is grouped with amendment 158.

Andy Wightman: The idea of having a chief planning officer has, as I understand it, been around in professional planning circles for a long time. The Royal Town Planning Institute Scotland produced a thinkpiece in March 2017—"A statutory chief planning officer in local authorities"—that put the case for having one to mirror, in some senses, the role of a chief social worker, a chief education officer and, arguably, a chief planner in the Scottish ministers' planning service.

I am pleased that the ministers accept that there is a case for having a chief planning officer. The purpose is to elevate planning to its rightful place as a vital service in planning authorities. It is about leadership and performance. Currently, we have heads of planning who are not required to be planners. In some instances, they are heads of service in local government, who cover other matters such as building control, cemeteries and the like.

A chief planning officer is about enhancing the professional standing of the planning profession

within the planning authorities. Importantly, it is not about creating a new statutory role with a new salary or anything like that. The idea that has been put forward by the RTPI, of which I have been persuaded and which is reflected in amendment 184, is to make sure that every planning authority appoints a person from within it to be responsible for discharging the functions that are listed in proposed new section 1A in the amendment. That will ensure that all planning authorities have someone who clearly and explicitly speaks for planning, and provides leadership on it.

Graham Simpson: I hear what Mr Wightman is saying, but I wonder what his view is of the following. Councils should be able to organise themselves as they see fit. All councils have someone who is in charge of planning. Sometimes those people may also have other briefs, but that has been the council's decision. With amendment 184 we run the risk of telling councils how to organise themselves. Quite apart from that, despite what Mr Wightman says about the amendment not creating new roles, it might do so. If someone is in charge of planning and something else, councils may feel the need to break that up and have someone who is in charge only of planning, and that might create new roles and add to costs. My basic point is that councils should be able to run their affairs as they see fit and not be ordered by us.

Andy Wightman: Local government and planning authorities sit within a statutory framework. There are chief social workers, returning officers and chief education officers. Local government fills a myriad of statutory roles and a range of accountable officers are provided for in statute. I do not view amendment 184 as telling planning authorities what to do; rather, it is a means of strengthening the planning system by having a clear focus for planning within the planning authority.

Amendment 158, in the name of the minister, which we will not be voting on for some weeks yet, is too broad in its language. I am sure that the intention is similar, but I will be interested to hear from the minister why he chose to adopt a broad framing in his amendment and was not persuaded by the rather more detailed amendment that has been advocated by the RTPI.

I move amendment 184.

The Convener: I invite the minister to speak to amendment 158 and other amendments in the group.

Kevin Stewart: I am convinced that there is a strong case for establishing the role of statutory planning officer. That will re-establish the role of planners as leaders in the improvement, protection and development of good-quality places for

people—a theme that has been central to our review of planning. Clearly, it is for local authorities to make their own decisions about staffing and resourcing, and I agree with the points that Mr Simpson made. However, there is a need to raise the profile of the planning profession within authorities so that its relevance to a wide range of services is better understood.

Amendment 158 will require each local authority to have a chief planning officer. In setting out the role of chief planning officer, it focuses on the provision of planning advice to the authority. As well as requiring authorities to be satisfied that their chief planning officer has appropriate qualifications and experience, it will allow the Scottish ministers to provide guidance on qualifications and experience but will not oblige them to do so.

The role will vary in different local authorities, so amendment 158 does not set out in detail the specific duties of the chief planning officer. It is designed to be broad and flexible so that the post is established but planning authorities will be able to make their own decisions about how the role will work in their areas. I believe that that is a proportionate approach.

I am pleased that Andy Wightman agrees that that would be helpful, but his amendment 184 would impose wider requirements on planning authorities and ministers. In my opinion, it goes further than is necessary or appropriate. Chief planning officers should, of course, engage in community planning, but we have already strengthened the link with the local development plan, and there is no need to prescribe that as an additional duty.

In addition, amendment 184 would require ministers to prepare, consult on and adopt much more detailed guidance than is proposed in amendment 158, including on the outcomes to be achieved by the work of each authority's chief planning officer and on promoting awareness of the role. There has been some debate about centralisation during the bill's consideration. I think that amendment 184 would result in centralisation, which I do not want to see. I do not agree that aspects such as those that I have mentioned should be centrally defined, which is why amendment 158 is designed to allow authorities to tailor the role as they see fit.

Graham Simpson: What will change as a result of amendment 158? As I said earlier, councils have people who are responsible for planning but who can also be responsible for other areas. Does amendment 158 seek to change that, or will councils be able to leave things as they are?

Kevin Stewart: As I said, amendment 158 sets out the role of chief planning officer and focuses

on the provision of planning advice to the authority. It will require authorities to be satisfied that their chief planning officer has appropriate qualifications and experience and, although it will allow us to provide guidance on qualifications and experience, it will not oblige us to do so.

Mr Simpson has made a point about the freedom of local authorities to do what they need to do in such regards, and I think that that is the right way forward. Amendment 184 is too prescriptive, and if it were to be agreed to, local authorities would be denied that freedom.

Therefore, I ask the committee to support amendment 158, and I ask Mr Wightman to seek to withdraw amendment 184.

Monica Lennon: I fully support Andy Wightman's amendment 184, and I regret the fact that the minister's amendment 158 is rather weak.

We need to set the issue in the context of what has been happening to local authorities and, in particular, to planning departments. I declare an interest as a member of the Royal Town Planning Institute. There has been a 23 per cent reduction in the planning workforce in Scotland's councils over the past six years. The budget pressures are well rehearsed, but because people have not had a clear understanding of the purpose of planning, we have not had joined-up thinking or corporate working.

10:15

The workforce has diminished across Scotland's councils. In the summer, the Royal Town Planning Institute published UK-wide figures from a member survey, which looked at whether there was a head of planning in the top tiers of local government. The figures showed that the vast majority of UK councils—83 per cent—had planning lower down their tiers, but the figure was 94 per cent in Scotland. The issue is not about dictating what councils have to do but, if we are serious about the purpose of planning and its statutory function, it has to be properly resourced and have leadership. That is why amendment 184 is on the money and why I will support it.

Annabelle Ewing: It will be important to require that there be a chief planning officer, which amendment 158 does, but, nonetheless, each local authority should be afforded the ability to tailor that role vis-à-vis its planning operations, as Mr Stewart said. That approach respects the role of local authorities, which all members want to see.

Andy Wightman: We obviously differ in degree, and I do not accept the arguments that amendment 184 is overprescriptive or that it limits planning authorities' freedom to organise things as

they want to. Scotland has one planning system and we need a bit more prescription about the chief planning officer role to ensure a certain minimum of standards, responsibilities and functions carried out uniformly across Scotland by that person.

I am perfectly prepared to accept that some of the detail that is spelled out in amendment 184 might be redundant or go too far, and I am happy to have the conversation between stage 2 and stage 3, which we will have because there is broad agreement that there shall be an amendment to provide that there shall be a chief planning officer.

The Convener: The question is, that amendment 184 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 184 disagreed to.

Section 1—National Planning Framework

The Convener: Group 3 is on the national planning framework. It is a very big group of amendments, so to facilitate debate, it has been divided into five sub-groups, which debate will be structured around. When that is completed, we will dispose of amendments as normal.

For each sub-group, I will call those who have amendments in the sub-group to speak. Members will be called in the order in which their amendments appear, as usual. There will then be the opportunity for any other member who wishes to speak on the sub-group to do so. Finally, if he has not already been called, I will give the minister an opportunity to comment on the amendments in each sub-group. Members should not move, press or withdraw their amendments unless I indicate to them that they should do so.

I draw members' attention to the information about pre-emptions that is in the groupings document, which I will remind members about when we reach the amendments in question. I point out that both amendments 38 and 39 pre-empt amendment 6—that information was omitted in error from the groupings document.

The first sub-group is on the form and content of the national planning framework. Amendment 185 is in the name of Alex Cole-Hamilton.

Alex Cole-Hamilton (Edinburgh Western) (LD): Good morning to the convener, minister and members. I appreciate that I am an interloper in the committee and take the opportunity to extend my thanks to the committee members who have included me in discussions around the foothills of the bill and have explained a lot of its contents to me. I am very grateful for that.

Members will remember that the Liberal Democrats were the only party to oppose the bill at stage 1. As the bill is currently worded, the pre-eminence of the national planning framework is intended to bolster the powers of ministers. That was the reasoning behind amendment 185, in my name. If members look at the change that section 1 of the bill would make to section 3A(2) of the Town and County Planning (Scotland) Act 1997, on the national planning framework, they will see that it attempts to delete the wording

"in broad terms how the Scottish Ministers consider that the development and use of land could and should occur"

and replace it with a phrase that suggests that the national planning framework is how ministerial policy will be put into action.

I have discussed the issue with Liberal council group leaders across the country and, as Liberals, we cannot in good conscience support such a movement of power to the centre. The minister may argue that the issue is one of phrasing and semantics, but I say that the wording sets the tone for the entire bill, which unnecessarily and disproportionately empowers ministers at the expense of planning authorities. If we pass the bill unamended, we will see councils relegated to the role of consultees. I was gratified to hear the minister say that he did not want to see centralisation in the bill. I hope that he and other SNP members will support amendment 185.

Amendment 163 is a similar amendment to amendment 185, based on the Government's proposed amendments to that section of the 1997 act. Although we are not voting on them just now, I give my party's support to amendments 38 and 39, in the name of Graham Simpson, to better empower the Scottish Parliament. We also support amendments 39A and 39B, in the name of Andy Wightman in respect of extending the consultation periods for the Scottish Parliament.

I move amendment 185.

Graham Simpson: I have several amendments in the group: amendments 30, 31, 41, 116O and 116S. I hope that members will bear with me.

On amendment 30, the national planning framework should define regional housing targets.

Given that the subject of the bill is planning, the amendment focuses on

“targets for the use of land in different areas of Scotland for housing.”

As there are no formally defined regions, the amendment uses the word “areas” instead. Homes for Scotland has backed amendment 30. It says that if the statutory development plan for an area is to comprise two components, the MPF and the local development plan, clarity must be provided on their respective roles. Homes for Scotland says that amendment 30 would help to achieve that clarity.

The national planning framework should be more integrated with wider Government policies and strategies. Amendment 31 extends that obligation to include the national transport strategy, the strategic transport projects review, the land use strategy, the national marine plan, the infrastructure investment plan, the programme for adaptation to climate change and the housing national strategy and action plan. The aim is to join it all up.

Amendment 116O, which is also supported by Homes for Scotland, is an amendment to amendment 116, which we have not yet discussed. It sets

“targets for the use of land in different areas of Scotland for housing.”

We have a housing crisis. The Conservatives believe that the national planning framework should include targets for land set aside for housebuilding. We need to increase housebuilding. There is a role for the Government in that. I hear what Alex Cole-Hamilton is saying about centralisation, but it would be remiss of any Government not to set housing targets.

Amendment 116S says:

“The National Planning Framework must be prepared with due regard to other relevant policies and strategies”.

I have covered that issue already.

I promised not to speak for too long, but I would like to address amendment 116, in the name of Kevin Stewart. If we were to accept it, it would sweep away other amendments that I think are positive ones, so I am not minded to support it.

Monica Lennon: I have already been quite clear that my proposed purpose of planning involves the fact that the planning system has the potential to have a positive impact on health outcomes across Scotland. That can be realised only if we embed the idea at every stage of decision making in planning. The idea is that people’s health should be taken into account during the development of the national planning framework and local development plans and at

individual development level. Amendment 104 intends to ensure that the consideration of the health effects of any national development is enshrined in the development of the national planning framework and is taken into account at that level.

Amendment 83A seeks to amend amendment 83, in the name of Andy Wightman. At stage 1, we heard from Engender, whose submission to the committee said that it believed that gender equality had been inadequately embedded in the planning process as set out in the bill. We have on-going discussions about the relevance of equality to planning, and I do not want to rehearse all the arguments here. However, I appreciate that some members still need to be convinced, which is why I consider that we have to have such matters set out very clearly in the bill.

I will support Andy Wightman’s amendment 83. My minor suggested changes seek the addition of the words “and equality” after “gender”, which is intended to make it much more explicit that the national planning framework should be required to set out how it will promote and take account of gender equality in Scotland, rather than simply reporting on how the policy and proposals in the national planning framework relate to gender. I know that the minister has committed to having further discussions with Engender and other equality groups, and I look forward to hearing how those are going.

The Convener: I call Kenneth Gibson to speak to his amendments—

Kenneth Gibson: Of course, there is a huge swathe—

The Convener: —and to other amendments in the group.

Kenneth Gibson: I am sorry, convener; I was so excited about the possibility of speaking on the bill that I jumped in before you had finished.

Amendments 116A and 116B are belt-and-braces amendments, which would apply if amendment 116 were to be agreed to. Amendments 167, 168, 116A and 116B are amendments to ensure that the provision of housing for older people and disabled people is considered in the national planning framework.

Amendment 167 seeks to amend section 3A(3) of the Town and Country Planning (Scotland) Act 1997 to include a specific statement in the NPF that focuses on our housing priorities in relation to older people and disabled people to help to meet their housing needs.

Amendment 116A seeks to include what the Scottish ministers consider to be the priorities for housing that is suitable for older people and disabled people. The NPF has a strategic role to

play in the development and use of land in Scotland and in the setting of national infrastructure priorities. That should include setting clear national targets for delivering older people's and disabled people's housing where it would be most effective and deliver the best outcomes.

Amendments 116, 167 and 116A address the housing challenges that arise from the demographics of Scotland's rapidly ageing population, which underline the need to invest in housing for older people and disabled people. Scotland's population of older people is projected to increase significantly, with the number who are aged 65 and over being expected to rise by 59 per cent to 1.5 million by 2039. Many of those will be infirm or have disabilities. There is therefore a pressing requirement to ensure that the housing needs of older people and disabled people are explicitly recognised in the planning system.

Housing has a key role to play in allowing older and disabled people to live independent, healthy and active lives at home for as long as possible. Investment in housing will save resources that would otherwise be spent on health and social care, help to tackle loneliness and isolation, and contribute to improved health and wellbeing.

10:30

Amendments 167 and 116A would ensure that a strategic co-ordinated national approach is taken to address the housing needs of older and disabled people and that planning authorities, developers, the third sector and other key agencies take a consistent approach. Without a strategic approach, there is a real risk that the housing needs of Scotland's ageing population will go unmet, with significant consequences for older people, disabled people and society as a whole.

Planning policy must anticipate the long-term needs of Scotland's ageing population and plan now to deliver the different types, tenures and sizes of homes that are urgently required in the future—homes specifically adapted for people living with dementia, mobility issues, disabilities and sensory impairment.

Amendments 168 and 116B would provide national targets in the national planning framework to address the housing needs of older and disabled people, including the adaption of existing housing and the building of new housing. Setting clear targets for the provision of older people's housing will help us to proof the provision.

The case for national targets is further underlined by the increase in housing needs for single older people, which is projected to rise by 45 per cent to almost half a million by 2039. The amendments are being moved in order that society can help to address those issues.

Rhoda Grant (Highlands and Islands) (Lab): I want to speak to my amendments 211, 212, 213, 116R, 116T and 116U. I was brought up in a small community in Wester Ross. Over the years I have watched the fortunes of that part of the region change, with population decline being a constant challenge. It was, therefore, with some horror that I read a recent report from the James Hutton Institute that was commissioned by the Scottish Government. It states that areas such as the one where I was brought up risk losing over a quarter of their already reduced population by 2046. That will threaten their very existence.

That is not just a challenge for the Highlands and Islands; it also impacts on the southern uplands and many parts of rural Scotland. So, what is our response to be, as a society and as a Parliament? Past planning systems and land-use policy have caused some of the decline and, therefore, we must have something to offer by way of a solution to the challenges that we face.

Our rural areas provide huge benefits for Scotland. They are places that people in Scotland like to visit because they are beautiful. However, as well as having nice countryside and wild places for people to visit, we surely want to visit living places and vibrant communities with distinct culture and traditions. It is time to give the people dimension of the countryside greater status in building future planning policy, not just to retain but to restore the population. People are the lifeblood of those places.

The challenge is to ensure that Scotland's planning system facilitates rural repopulation and balances sustainable economic development with protection of our natural heritage. The Planning (Scotland) Bill offers an important opportunity to make sure that we focus on the real challenges of our rural areas and my amendments seek to take advantage of that opportunity.

Amendment 211 is perhaps modest in scope in relation to those matters, but it is an important building block towards ensuring that the planning system enables Scotland's rural places and communities to thrive and prosper. It requires that

"Scottish Ministers must have regard to the desirability of ensuring that ... the population of rural areas ... increases",

and that

"resettlement is encouraged in rural areas that have become depopulated."

It asks nothing more than that ministers should consider the desirability of those objectives when preparing the national planning framework. Placing such a duty on ministers sends an important signal that rural repopulation is a matter that Parliament requires ministers to consider seriously in framing future planning policy. It is also a signal that the sustainable development of

Scotland's rural places is a policy priority that is shared by all.

Amendment 212 is designed to assist in the development of a national planning framework through the production of maps and associated materials relating to no-longer inhabited human settlements. The purpose of those maps is to show where in Scotland's rural areas human settlements previously existed, thereby providing an indication of where rural repopulation may be desirable through resettlement, as expressed in local development plans and local place plans.

Graham Simpson: I must admit that, when I read amendment 212, I was slightly baffled about its intention. It asks for the national planning framework to contain

"maps, diagrams, illustrations ... of no longer inhabited human settlement".

The first question that arose in my mind—it arose in the minds of others, too—was, "How far back do you want us to go?" Should we go back to Roman times or pre-Roman times? What are you trying to achieve? What you propose could create an enormous amount of work.

Rhoda Grant: We would not go back that far. Anyone who goes into our countryside—this is certainly the case in the areas that I cover in my region—will be very aware of villages that used to be there. Uninhabited houses are visible where whole communities have disappeared. I suggest that we should go back to the time of the clearances, when areas were cleared to make way for sheep, but not much further back than that. There are communities in our glens that were vibrant and which could be vibrant again, and it is important to indicate that. Of course, the issue is partly one for the plan, so it would be necessary to consult to make sure that that was a desirable outcome for those communities. It is important that the local people who are still there, as well as people who were in those communities or had family in them, are involved in that consultation process, so that we make sure that those areas form part of the national plan.

The Convener: Have you finished, Rhoda?

Rhoda Grant: No—I have a couple more comments to make.

The criteria for creating the maps and associated material would be developed after public consultation, so the proposal would be consulted on, as detailed in amendment 216, which we will come to later.

The maps of human settlements that are no longer inhabited will complement Scotland's network of 42 wild land maps, which covers 3.7 million acres, by representing a material consideration in relation to planning decisions. The

crofting community where I was raised was surrounded by so-called wild land, but much of it was actively crofted and stocked with sheep in the summer. It might be right that we have maps of wild land, but I would have thought that it would also be right for us to map our human heritage, so that we understand that the landscapes that we see today were once home to families and entire communities. I hope that those places might once again ring with the voices of children playing in that wonderful environment, which would not in any way compromise the scenic characteristics of the landscape.

The maps that I envisage being produced would bring to life the understanding of not only what our landscape's history has been, but what its future might be, in which people and nature could co-exist to their mutual benefit.

Amendment 213 is intended to give the Scottish ministers the option, when they prepare the national planning framework, to assess existing legislation or national strategies that could be amended to improve their impact on delivering the planning system's outcomes. In doing so, it seeks to provide an opportunity to join up the planning system with existing legislation and national strategies to produce a more cohesive policy framework. It is intended to offer flexibility and to be of assistance to ministers.

If amendment 116 is agreed to, amendments 116R, 116T and 116U simply repeat the provisions of amendments 211, 212 and 213—basically, I am hedging my bets against that. I will say nothing more for now, but when the time comes, I hope to move those amendments.

The Convener: Thank you very much, Rhoda.

Andy Wightman: The sub-group of amendments includes amendment 116, which seeks to delete and replace the whole of section 1. There are many amendments to section 1 for us to get through, some of which I support and some of which I do not. Of course, we will not vote on amendment 116 until we have dealt with all the other amendments to section 1 and all the amendments to amendment 116.

I will start with amendment 185, in Alex Cole-Hamilton's name. I can assure him that the bill will be amended by the time we reach stage 3. I have some sympathy with the Liberals' position, but I think their view of the proposed amendment to section 3A(2) of the 1997 act is rather misplaced. We are talking about an alternative wording. There is broad agreement that there should be a national planning framework. Provision was made for that in 2006 and there are several amendments to that in the bill that we are debating. If the Liberals do not agree with the idea of a national planning

framework, it would be useful to hear that they do not.

The question is, what is the national planning framework to do? The 1997 act describes it as something that set out

“in broad terms how the Scottish Ministers consider that the development and use of land could and should occur.”

However, the bill deletes those words and instead will amend the 1997 act to say that the national planning framework is to set out

“the Scottish Ministers’ policies and proposals for the development and use of land.”

That form of words is more elegant and more succinctly captures what the national planning framework is. I am content with that wording and I do not believe that it has the ulterior motives that Alex Cole-Hamilton attributes to it.

I agree with amendments 30, 104, 167, 31 and 211. I draw members’ attention to amendment 104, in Monica Lennon’s name, which is part of a suite of amendments that seek to incorporate health in the planning system. That is a very important proposition. I am aware that there may be some concerns about it, and I am open to having conversations on that, but it has echoes of the genesis of the town and country planning system in 1947.

Soon after the war, the Scottish Office—as it was then—set up the Scottish home and health department. Home and health were linked intentionally, because there was a wide awareness that the living conditions of people across the United Kingdom were substantially suboptimal, that the war had drained the country and that, in the process of reconstruction, people’s health was a vital interest. It was understood that people’s health was materially impacted on by the environment in which they lived and therefore the environment should be substantially designed and planned for people. One of the first people to work in the Scottish home and health department on advancing that remit was the planner Ian McHarg, who went on to become internationally renowned and founded the school of landscape architecture at the University of Pennsylvania.

It is a very important debate, particularly when we discuss the increasing pressure on the health service and the need to ensure that people are healthier—the aim is to reduce the pressure on the NHS and have a healthier population.

Amendment 211, in the name of Rhoda Grant, is also part of a suite of amendments and is also very interesting. We heard evidence from Community Land Scotland on the subject. It is quite a departure, but it is very healthy that the planning system should begin to reflect a bit on decisions that were made in the past—I am not

talking about Roman times—about the use of land, prior to the introduction of the formal town and country planning system in 1947. Considerations about how land was used in 1870, 1890, 1920, 1940, 1950 and 1960 should inform our view on how land should be developed in the future. The amendments in Rhoda Grant’s name ensure that the information necessary to take that view is incorporated at the outset.

Amendment 83, in my name, is also one of a series of amendments—they will crop up in different parts of the bill—to the national planning framework, strategic development plans and local development plans, such that the plans include a statement setting out how the policies in those plans will take account of and impact on gender equality. I thank Monica Lennon for amendment 83, which is very helpful and clarifies that the issue is gender equality. Amendment 116F replicates that.

10:45

Academic research has shown that the design and planning of the built environment is and can be heavily gendered, with a disproportionate negative impact on women and girls. There are very good examples across Europe. I highlight the example of the city of Vienna in Austria, which is doing remarkable and interesting work on that issue.

Practice is evolving, and the fact that we know through academic research that the planning system is gendered and, therefore, that it has an impact on equalities should be reflected in our laws on planning. We should ensure that there is a statement—the amendment calls for no more than that—setting out how the plans and policies in those areas will take account of gender equality.

I was awaiting Rhoda Grant’s explanation of amendment 213, because I confess that I did not really understand what it was about. I am content with it, as long as it is clear that it is merely an option for ministers that “The framework may contain” those things.

I agree that the process of drawing up the national planning framework will engage questions about the use of land on which other strategies and other bits of legislation have an impact. It is appropriate to draw to the attention of Parliament and the people of Scotland the fact that we may need to change some legislation or amend various strategies in order to achieve the goals set out in the national planning framework, and it would be helpful to draw attention to that in the draft framework.

Amendment 116 is a substantive amendment, and I will not be supporting it, for two reasons. First, it would delete section 1 entirely, together

with any amendments made to it. That is countered to some extent by the fact that people have taken out insurance policies in the form of the long list of amendments to amendment 116.

More substantively, amendment 116 contains proposals for how the function of current strategic development planning might be taken forward in future; in other words, it is taking in the subject matter of sections 1 and 2. The specific proposals subordinate strategic planning to any input to national planning.

We will talk more about that when we come to section 2 and the proposed amendments to it. I believe and will argue that we should retain the current framework for strategic planning, so I cannot vote for an amendment that presumes to remove that.

Amendment 155 would be pre-empted by my amendment 48, which forms part of a series of amendments that are designed to retain strategic development plans, so I will be voting against amendment 155.

John Finnie (Highlands and Islands) (Green): I thank the clerking staff for their assistance. My colleague Andy Wightman has spoken to the other amendments, so I will restrict my comments to amendment 160. I have lodged other amendments that we will come to at a future date.

Amendment 160 asks that

"The framework ... have regard to the desirability of preserving disused railway infrastructure for the purpose of ensuring its availability for possible future public transport requirements."

At the moment, the national planning framework, which we are told is a statute for all of Scotland, makes reference to

"supporting change in areas where, in the past, there has been a legacy of decline."

It also says that it

"brings together our plans and strategies in economic development, regeneration, energy, environment, climate change"

and "transport", and there are references to

"the construction of new and/or upgraded railway track exceeding 8 kilometres connecting existing networks to the freight handling facility."

Unless we can secure the desirability of preserving that infrastructure, there will be challenges for constructing the new and upgraded track.

The second page of the national planning framework is about outcomes. Rather than read the entire page, I will go quickly across the four columns that outline the planning outcomes. The first outcome is:

"Planning makes Scotland a successful, sustainable place—supporting sustainable economic growth and regeneration, and the creation of well-designed places".

Amendment 160 certainly meets those criteria.

The next outcome is about low carbon and there are, of course, opportunities there. The third is:

"Planning makes Scotland a natural, resilient place—helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use."

Again, amendment 160 would meet that objective. The final outcome is:

"Planning makes Scotland a connected place—supporting better transport".

If we genuinely want to see a move from road to rail for passengers and freight, we need to maintain the infrastructure that there is. Amendment 160 would play its part in that.

Claudia Beamish (South Scotland) (Lab): Good morning, colleagues and minister. Amendment 214 would require the national planning framework to

"have regard to an infrastructure investment plan published by the Scottish Ministers and include a statement setting out the ways the plan has been taken into account in preparing the framework".

The existing IIP sets out priorities for investment and a long-term strategy for the development of public infrastructure in Scotland. It is designed to be complementary to the budget. My amendment is a probing amendment, and I would welcome comments from the minister and other members of the committee.

On 30 July this year, the Cabinet Secretary for Environment, Climate Change and Land Reform, Roseanna Cunningham, said in a letter to the Environment, Climate Change and Land Reform Committee:

"The Scottish Government is committed to supporting the delivery of low-carbon infrastructure as a vital part of our long-term transition to a carbon-neutral Scotland. Our current Infrastructure Investment Plan, published in December 2015, supports Scotland's climate change goals by making low carbon considerations one of the guiding principles upon which investments are prioritised."

She draws to a close by saying:

"The current Plan includes a range of long-term low carbon commitments, such as; energy efficiency as a national infrastructure priority, broadband coverage and rail electrification. Future refreshes of the Plan will take into account the requirements of Scotland's climate change legislation at that point in time."

The IIP is an important document in terms of climate change focus, and I am aware that its current scope goes beyond infrastructure. The intention behind amendment 214 is to give the IIP statutory weight and to stress its link with the planning system, but my proposed approach might restrict the document in such a way that we would

require a new section setting out the form and content of the IIP and stipulations on how to prepare it. I would welcome further discussion on that.

As drafted, the amendment gives the IIP some statutory weight, and the statement detailing the national performance framework's compatibility with an IIP ensures a joined-up approach. That would bring the benefits of a longer-term vision, a cross-portfolio awareness and greater consistency in linking the low-carbon agenda with financial budgets and capital investment.

Amendment 116V would have the same effect, and was lodged as a contingency to the passing of amendment 116.

Convener, with your forbearance, am I allowed to comment briefly on other amendments in the group, or is that not acceptable?

The Convener: In the sub-group? Yes.

Claudia Beamish: Thank you. I will speak in support of Rhoda Grant's amendment 211 and others in the group that she highlighted, and reinforce what she stressed about the people dimension to rural planning. There are real challenges for rural regeneration, and in my view those amendments could contribute to that important cause for rural people. They support sustainable development across rural Scotland, not just in the Highlands but in my region of South Scotland.

In speaking about Monica Lennon's amendment 83A I should declare an interest. I have just become convener of the cross-party group on men's violence against women and children, and that should be recorded in the *Official Report*. I support my colleague Monica Lennon's amendment on gender equality in the planning system. In this day and age, we need to take those things into account. The points were eloquently made by both Monica Lennon and Andy Wightman, so I will leave it at that.

Finally, I support John Finnie's amendment 160, having taken a strong interest in rail issues. There are a number of places where links need to be maintained very carefully. It is important to record that, in recognition of rail's contribution to low carbon and connectivity.

The Convener: Thank you. After the minister has spoken to amendment 116 and others in this sub-group, we will have a five-minute break.

Kevin Stewart: Grand, convener; I am glad that we will have a break after this. I apologise to you and the committee members for creating a monster group with the addition of amendment 116.

I hear Mr Simpson's fears, but very few amendments have been removed by amendment 116 that have not been repeated as amendments to it. The position that was taken was that the bill as introduced plus the amendment that was proposed by the Government would be much easier to read. In proposing further amendments to the provisions that will amend the 1997 act, we reached the point at which it was clearer to rewrite the whole piece.

However, I appreciate that that has caused complications in managing some of the other amendments. I recognise that, in many cases, members have made parallel proposals for the current version of the bill and for amendment 116, and I will address each pair of amendments together. I will speak to the relevant parts of amendment 116 in relation to each sub-group.

The proposed new section 3A in amendment 116 covers the form and content of the national planning framework, which remains largely unchanged from the bill. It adds a requirement to include a statement of what land the Scottish ministers consider requires to be made available for housing.

In addition, proposed new section 3A(6) will ensure that Scottish ministers are not prevented from setting out policies beyond the national planning framework. That is an important clarification, as it would not be reasonable to expect Parliament to approve every planning policy the Scottish Government produces.

I know that we will have a fuller debate on strategic planning in a later group, as Mr Wightman mentioned. However, at this stage it is important to explain more about our thinking on that in amendment 116, as that is where we have addressed the topic.

I have followed closely the debate about strategic development planning in Scotland, and I remain of the view that existing arrangements need to be updated if strategic planning is to realise its full potential. We must be clear that fulfilling timescales and producing new plans every five years is not enough to make a real difference to the lives of people living within the four city regions. It also means very little to people living in the rest of Scotland. My amendment will therefore introduce a new duty for strategic planning that moves away from procedure, extends to all parts of Scotland and re-establishes strategic planning as a more visionary and influential pursuit.

Proposed new section 3AE introduces a new duty for Scottish ministers to have regard to strategic development reports in preparing, revising or amending the national planning framework. That is a significant new addition that reflects the importance that the Scottish

Government attaches to strategic planning and our intention to work collaboratively.

Proposed new section 3AH sets out the requirement on planning authorities to produce strategic development reports that include a spatial strategy. That is a significant change from text-heavy lengthy plans that largely repeat national policy.

The duty is also flexible. It does not set a fixed timescale, there is no prescription of the governance or administrative arrangements required, and it does not dictate which authorities should work together. That is a significant improvement on what we have in existing legislation. Planning authorities can address strategic planning in a way that reflects the value it can add, rather than because they have to. The amendment also makes provision for consultation on the strategic development report.

Finally, proposed new section 3AH(8) sets out the definition of "strategic development". Strategic development might or might not extend across administrative boundaries, but it will have an impact in more than one planning authority area. That will be open for planning authorities and their partners to define.

I now turn to the amendments that relate to proposed new section 3A. In amendments 184 and 116E, Alex Cole-Hamilton has proposed retaining the existing description of the national planning framework, which does not include the Scottish planning policy.

When we introduced the bill, we explained our reasons for making a change. It could play a significant role in streamlining the planning system by removing duplication between different tiers of the statutory development plan. There was support for that throughout our consultation, and the committee agreed that it is a sensible idea.

11:00

At present, each and every local development plan includes a set of policies that routinely simply restate the terms of the Scottish planning policy. That does not add value. Rather than pages and pages of policy wording, I would much prefer to see a clear local spatial strategy to guide future development. Authorities will be able to bring forward tailored local policies when there is a clear justification to do so, and they will be explored and tested at the gate-check stage. We will restructure our existing policy framework so that it acknowledges significant differences between planning matters in different areas. I therefore ask the committee to reject amendment 185.

The remainder of the amendments in the group seek to add specific issues that the national

planning framework must contain or take into account. I cannot support most of the amendments. The point is not that the issues are not important; it is that they are already covered in the framework or Scottish planning policy, or will be incorporated into it in the future. My aim is to ensure that we do not duplicate existing requirements and that we avoid making primary legislation overly prescriptive.

Housing is clearly key to development planning, and amendment 116 explicitly states that the NPF must set out a statement of housing land requirements. We are reviewing the methodology for addressing that, but we have not yet determined whether targets are the most appropriate approach. Other options might include, for example, setting out estimates, aspirations or minimum requirements, or a range of those. There could be tensions if the national planning framework went too far in imposing targets for housing in local areas, so that needs careful consideration. I therefore do not support the amendments from Graham Simpson or Alexander Stewart that seek to set targets.

The methodology for addressing housing land requirements will consider how the needs for different types of housing should be assessed. Currently, as part of the housing need and demand assessment, local authorities are required to consider the need for specialist provision. That covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing. The need for other types of accommodation and the needs of different types of household and, for example, Gypsy Traveller communities also have to be considered. All that will feed into the national planning framework.

Our programme for government reaffirms our commitment to delivering more wheelchair-accessible housing to help people who need it to live independently in their communities. Those are important issues.

Andy Wightman: Will the minister take an intervention?

Kevin Stewart: Very briefly.

The Convener: Would you rather take it at the end, minister?

Kevin Stewart: I will take it now. I have a lot to say, as you will well understand, convener.

Andy Wightman: I fully understand the minister's point that many of the policy areas are already taken into account. The key thing is a matter of principle: they are not required to be taken into account by statute. I do not doubt that Scottish planning policy covers them effectively and I do not doubt the good intentions of the

programme for government, but there is a distinction between ministers in a particular Administration having good policies on an issue and there being a statutory requirement for those to form part of the national planning framework.

Kevin Stewart: In the national planning framework and our intentions for Scottish planning policy, we are putting in place a number of new things to allow for that. I do not want duplication and I do not want a situation—I have to say that we have been accused of creating such a situation during this process—where we make decisions centrally that local authorities need to make in their local development plans, such as decisions on house numbers.

I return to my point about our seriousness on the issues. It is not appropriate to highlight one particular group of people in the national planning framework in the way that amendments 167 and 116R would do, so I cannot support them. I recognise that further amendments in a similar vein will be considered when the committee discusses local development plans.

Monica Lennon's amendments on assessing the health impacts of development and Andy Wightman's on gender would duplicate existing impact assessments that sit within a more comprehensive framework. Health impact assessment is undertaken as a matter of course as part of the strategic environmental assessment of any part of the development plan, and it is followed up when required by a more detailed environmental impact assessment at project level.

On gender and equality issues, the 1997 act already requires ministers and planning authorities to

"perform their functions under this Act in a manner which encourages equal opportunities".

In addition, ministers and local authorities are subject to the fairer Scotland duty and the public sector equality duty deriving from the Equality Act 2010. The public sector equality duty, in particular, requires the assessment of evidence, commissioning of research or consultation as appropriate, consideration of mitigating factors and publication of the authority's conclusions. It is also regulated by the Equality and Human Rights Commission, which can take appropriate action if authorities are not compliant.

Amendment 116 would require Scottish ministers to provide Parliament with a summary of the findings of any assessment of the likely impact of the proposed revised national planning framework, which would include the equality impact assessment and the strategic impact assessment. The Scottish Government takes the issues seriously, but the amendments would simply introduce additional bureaucracy without

any additional benefits. I ask the committee to reject amendments 104 and 116P, 83, 83A, and 116F.

I have no objection in principle to John Finnie's amendment 160, and he will find me much persuaded by other amendments that will come in due course on preserving disused railway lines that could be suitable for future public transport. That is already established as a policy in paragraph 277 of the Scottish planning policy, which will have greater weight in the future if the SPP, as part of the national planning framework, has development plan status. I ask Mr Finnie not to move amendment 160, given that it is already covered in policy, and that I feel that it is too specific in this context.

Graham Simpson and Rhoda Grant are seeking to ensure that the national planning framework takes into account the impact of wider legislation, policies and strategies. I am conscious that many stakeholders support stronger alignment of the NPF with wider policies and strategies, and I agree that that is very important. That has always been done, with NPF3 having done a particularly thorough job of bringing together that wider policy context for planning. The list in Graham Simpson's amendment could be viewed as incomplete and it will become outdated in time. Although I understand that it is not intended to be comprehensive, planning authorities could consider that the policies listed have a greater importance than others.

I also have concerns about Rhoda Grant's amendments, as they would lead to the addition of a potentially significant volume of detailed and technical information. I therefore ask Graham Simpson and Rhoda Grant not to move their amendments. Instead, I would be happy to work with them to introduce at stage 3 a high-level requirement for the national planning framework to reflect other national policies and strategies.

Claudia Beamish's amendments 214 and 116V would require the national planning framework to have regard to the infrastructure investment plan when designating national developments. The Scottish Government has already stated that it will seek to align the next version of the national planning framework with the infrastructure investment plan. I also want to ensure that future iterations of the infrastructure investment plan reflect the national planning framework. That is a clear priority.

That does not mean that all national development must be fully funded in the infrastructure investment plan—the national planning framework can include unfunded, long-term aspirational projects as well as those that are more immediately deliverable, with responsibility for delivery shared by the public and private

sectors. However, with all that in mind, I am comfortable with supporting amendments 214 and 116V from Claudia Beamish.

I turn to amendments 211 and 212 in Rhoda Grant's name, on resettling rural land, and their equivalent amendments, 116R and 116T. I have a lot of sympathy for those who criticise planning for sometimes taking an urban-centric view of our countryside. It is critical that the planning system plays a more active role in meeting the needs of rural communities. We can all agree that planning can and should do more to support rural communities.

I also agree that, in principle, resettling previously populated areas could help to achieve that. However, before we fully establish that as a requirement in the legislation, there needs to be fuller analysis and consultation on those proposals. Resettlement might not be appropriate in every area, and the Scottish Parliament should not go too far in instructing local authorities how to address the issue.

We need to look at potential pitfalls, such as the provision of public services, the impact on climate change emissions, and the risk of unfettered rural development that is out of keeping with the area. If I may stray into another sub-group for a moment, convener, I suggest that the amendments in Alasdair Allan's name, which we will come to later, are more measured and therefore more appropriate for primary legislation.

I ask Rhoda Grant not to move her amendments and to allow us to do the work that needs to be done on that issue in a sensible way.

Thank you for your patience, convener. I have spoken at length, but I have tried to address all the elements of the amendments that we are considering today.

The Convener: Thank you, minister. We will suspend briefly before we debate the next sub-group.

11:12

Meeting suspended.

11:20

On resuming—

The Convener: We now move to the debate on the next sub-group. I remind members that we will dispose of the amendments after having debated all five sub-groups.

The second sub-group is on consultation on the national planning framework. I invite Monica Lennon to speak to amendment 215 and other amendments in the sub-group.

Monica Lennon: The intention of amendment 215 is to improve transparency in the planning system. We always hear that the planning system is about land being used in the public interest and that the public must know how planning decisions are being made. It is not always immediately obvious how decisions are reached, who is consulted or why, nor is it very easy to find that out. Amendment 215 will clearly lay out who must be consulted and when. It will also provide opportunities to ensure that the right organisations are being consulted.

As we know, planning decisions can have many unintended consequences. For example, building a football pitch has implications not just for sport but for young people, the wider community and our health, which is a recurring theme today.

Kenneth Gibson: Amendments 169 and 116C specify the need to consult

"older people and disabled people, and their families,"

and such persons as represent

"the interests of older people and disabled people, including organisations working for, and on behalf of, older people and disabled people".

In addition, the amendments specify the need to consult carers, planning authorities, registered social landlords and developers.

The purpose of the amendments is to embed in legislation the requirement for consultation in developing the national planning framework, and to require the Scottish Government to consult a range of people on the targets that are to be set by Scottish ministers on the housing needs of older and disabled people.

Rhoda Grant: I will speak to amendments 216 and 116W. I set the scene for the amendments earlier, so I will not repeat those comments. The amendments relate to maps of no-longer inhabited human settlements and associated material that is contained in amendments 212 and 116T, which we debated earlier. They make provision for a public consultation on the criteria for developing the maps and associated material.

I am hedging my bets with the amendments, depending on what happens to amendment 116.

The Convener: I will let Monica Lennon back in to speak to amendment 186.

Monica Lennon: Thank you, convener. Amendment 186 would require ministers to consult the chief medical officer and the chief executive of NHS Scotland when preparing the national planning framework. Amendment 186 follows the theme of embedding the consideration of health in the planning system to ensure a positive impact on health outcomes across Scotland.

In a similar vein to ensuring that health is considered in the preparation of the national planning framework, requiring consultation with the chief medical officer and the chief executive of NHS Scotland is intended to ensure that ministers take into account the main challenges and opportunities relating to the nation's health when they prepare the national planning framework.

Amendment 186 would also require any representations that are received to be published in order to inform parliamentary scrutiny of the national planning framework—for proper scrutiny to occur, Parliament must be made aware of the recommendations that are being made by the chief medical officer and the chief executive of NHS Scotland.

The Convener: We now move on to the debate on the third sub-group, on—[*Interruption.*] I apologise, minister.

Kevin Stewart: I thought that you were about to leave me out, convener.

The Convener: There is so little for you to talk about that I thought it was hardly worth it. [*Laughter.*]

Kevin Stewart: There is a little less to talk about this time than there was last time.

Before I go through each of the amendments in turn, I point out that the consultation on the national planning framework is, as a matter of course, wide-ranging and inclusive. I also remind the committee that there is already a requirement for a participation statement to be prepared that sets out who is expected to be consulted and when.

The amendments in the group seek a relatively detailed approach to prescribing consultation requirements, but I am not convinced that those additional requirements are appropriate.

I understand the thinking behind Ms Lennon's amendments 186 and 116J. I recognise and respect the importance of planning to health and health to planning. Amendment 186 would introduce a requirement for ministers to consult the chief medical officer and the chief executive of NHS Scotland in preparing the national planning framework. We need to avoid being too prescriptive in primary legislation by naming key individuals and organisations when other consultees are usually set out in secondary legislation. I question whether it is appropriate to single out two individual offices when the consultation on the NPF is required to be very broad and inclusive. Many other sectors and stakeholders could no doubt argue that they should also be included on the list, so setting out a comprehensive list in primary legislation would be

impossible. I ask the committee to reject amendment 186.

Graham Simpson: Do you accept that naming people who must be consulted does not prevent wider consultation of others?

Kevin Stewart: It has been the norm for Parliament to deal with such matters through secondary legislation. Naming individuals or organisations and not naming others can cause a lot of grief in terms of setting that out in primary legislation. It is much better to do it in secondary legislation because others will no doubt come forward and say that they should be named in the primary legislation if certain other individuals or organisations are named.

Kenneth Gibson's amendments 169 and 116C propose an extensive list of specific interests to consult to inform his proposed targets on housing for older and disabled people. His amendments focus on the requirement for the participation statement for the national planning framework. Again, I agree that it is an important issue, but I am concerned that the amendments are too narrowly defined; many different interests could equally argue that they should be listed.

Kenneth Gibson: A lot of members accept what you are saying in principle, but our experience so far is that that has not really happened, which is why this belt-and-braces approach is being proposed by a number of members of the committee.

Kevin Stewart: Mr Gibson has been a member of Parliament for a long time, so he will know about the difficulties around naming some groups or things but not others in primary legislation. It has been the norm to deal with such lists through secondary legislation. I have said that I agree that we have to look at what is required for housing for older and disabled people: nobody would dispute that. Mr Gibson can be assured that I will do all that I can to ensure that their views are heard, but that does not necessarily mean that they need to be listed in primary legislation.

On amendments 216 and 116W from Rhoda Grant, I agree that if a map of no-longer inhabited settlements is to be included in the national planning framework, consultation should be undertaken. However, I make the same point that this is a very specific requirement and should not be necessary.

I cannot support Monica Lennon's amendments 215 and 116Q and what they propose, even in principle. The amendments would require the national planning framework to include a "complete list" of persons to be consulted in the carrying out of any and all planning functions under the 1997 act. The circumstances for, and

purpose of, consulting them would also have to be set out.

That is not a proportionate approach and would be difficult, if not impossible, to achieve. The Scottish ministers and planning authorities will be required to consult “the public at large”. How far would Ms Lennon expect us to go in identifying individuals and organisations within that, and in predicting the potential scope of future amendments, the exact people who would be interested in each and how those people and organisations might change over 10 years?

I ask the committee to bear in mind the fact that we seek to streamline the system, rather than to burden it with additional requirements that are unnecessary and, in the case of amendments 215 and 116Q, would be impossible to implement. I ask members not to press the amendments in the sub-group.

11:30

Annabelle Ewing: I am not sure of the procedure, but I want to ask the minister a question. Should I have got to him before he finished?

The Convener: You did not get to him before he finished.

Annabelle Ewing: No, I did not.

The Convener: If the question can be asked at the next stage, you will get to do it then.

Annabelle Ewing: Okay, I will do that.

The Convener: We move to the debate on the third sub-group. Amendment 187, in the name of Andy Wightman, is grouped with amendments 71, 72, 32, 33, 105, 106, 170, 217 to 219, 116G, 116N, 116K, 116Z, 116L, 116AA to 116AD, 116D, 116AE and 116M.

Andy Wightman: Amendment 187 would introduce a guidance power in relation to amendment 83, which has already been debated. I do not have anything to add to that, as it is self-explanatory.

The Convener: I ask everybody to follow in Mr Wightman’s footsteps.

Claire Baker (Mid Scotland and Fife) (Lab): I will speak to amendments 71 and 116K.

Amendment 71 seeks to add “cultural” to the list of characteristics that need to be considered in the advice that would be given to the Scottish ministers for the national planning framework. The amendment recognises the importance of cultural assets to communities. Including it in the bill would reflect the recent inclusion of culture as an outcome in the national performance framework,

indicate the significance of culture and acknowledge its benefits to society.

Local government is under significant financial pressure. Culture lacks statutory protection, can be vulnerable and is at risk of being overlooked and undervalued. Amendment 71 seeks to acknowledge the importance of local cultural assets and access in decision making.

Amendment 116K has the same aim as amendment 71 and will protect it if the committee agrees to the minister’s amendment 116, which would replace section 1.

Graham Simpson: Amendment 72 is not particularly controversial. It would ensure that information about the built heritage was included in consideration of the NPF. A planning authority would have to include information about an area’s built heritage when the NPF was prepared.

My intention with amendment 32 was to make it an obligation under proposed new section 3AA(2) of the 1997 act that information on housing needs be included among the matters to be taken into consideration in the formulation of the national planning framework. From what I heard from the minister, he did not seem to go along with that, but I will press it. Amendment 33 relates to the capacity of education services, so it is similar to amendment 32.

Homes for Scotland backs amendments 32 and 33. It is not in favour of everything that I have proposed but it is in favour of those amendments. It says:

“amendment 32 would assist the target-setting role of the NPF by ensuring evidence on housing need is provided to Ministers by planning authorities for the purpose of NPF preparation. On a point of detail, if need is intended here to cover ... all tenures then this should be made clear.”

We have touched on my other amendments in this sub-group. They are amendments to amendment 116, so I will not speak to them.

Monica Lennon: I will speak to amendments 105 and 106.

Amendment 105 is intended to ensure that the national planning framework considers the impact of developments on the capacity of existing health services in the area. It seeks to ensure that the development of the NPF is responsive to the health needs of the population and that there is a direct link between the development of the framework and consideration of the capacity of health services.

We all know that the impact of development on health services is profound, whether through increased demand that affects capacity as a result of an influx of properties in an area or as a result of unintended consequences of the development of other infrastructure and transport links.

Amendment 105 seeks to make sure not only that there is a much clearer link between the NPF and the consequences of development for health outcomes, but that the NPF is more cognisant of the needs of our health services and the unintended consequences of development.

Amendment 106 is similar to amendment 105. The intention is to make sure that the health needs of the population are specifically considered when the NPF is drawn up so that there is a much clearer link between proposed developments in the NPF and any unintended health consequences, depending on the health needs of the population. The impact of certain developments on air quality, for example, and the potential health effects on the population should be explicitly considered when the NPF is drafted.

The intention behind amendments 105 and 106 is connected to my earlier amendments on consultation of the chief medical officer and the chief executive of the NHS. I am sure that this is not the minister's intention, but when we talk about consultation of lots of consultees being burdensome, we have to remember that a people-centred and rights-based approach to planning is better for everyone. If we are saying that it is problematic to set out in legislation that the chief medical officer must be consulted, we need to look at the way in which we are approaching the issue.

I do not believe that any of my amendments in this area would be burdensome. It is extremely important that we take a rights-based approach to planning, whereby people know that they can be consulted. That does not exclude others from being involved. Time and again during our evidence sessions, we heard about people who felt that their views had not been taken into account. That is why I have proposed that access panels be consulted as well as community councils. People with disabilities and older people feel that their needs are not being taken into account. Such considerations should not be left to discretion or to chance. That is why a belt-and-braces approach is required.

Kenneth Gibson: Amendments 170 and 116D seek to ensure that, when the principal purpose for which land in an area is used is considered, the needs of disabled people and older people are taken into account. The amendments seek to introduce a duty to provide information about the housing needs of older people and disabled people within the planning authority area. That would enable the Scottish ministers, in preparing or revising the national planning framework, to require planning authorities to assist the process by providing information about the housing needs of older people and disabled people in their planning authority areas.

My amendments would give the Scottish ministers, in preparing or revising the NPF, the power to direct one or more planning authorities to provide information about certain matters relating to an area that are specified in the direction, including, for example, the principal physical, economic, social and environmental characteristics of the area.

Rhoda Grant: I will speak to amendments 217 and 116AA. Again, I am taking a belt-and-braces approach. I will not rehearse the arguments that I made earlier, which apply equally now. Both amendments refer to

“the desirability of allocating land for the purposes of resettlement”,

which would become one of the matters to which reference would have to be made in providing information to assist the preparation of the NPF. Providing for consideration of

“the desirability of allocating land for the purposes of resettlement”

is a practical step that might be helpful on the way to achieving resettlement. Amendments 217 and 116AA would provide ministers with the power to require information to be provided on that desirability, which I hope they would find helpful.

Claudia Beamish: Amendment 218 seeks to enhance recognition of the importance of renewable energy in our future planning decisions by enabling the Scottish ministers to direct a planning authority—or planning authorities—to provide information on the

“particular land available for the development and use of facilities for renewable sources of energy”

to contribute to our supplies. That information would, in my view, assist ministers in preparing and reviewing the NPF.

Amendment 218 seeks to add that specific reference to renewables to the end of the list of the infrastructure matters that are set out in the bill, including

“communications, transport and drainage systems and systems for the supply of water and energy”.

Although I appreciate that the term “energy” is already mentioned in that list, my amendment emphasises the fact that renewables need a joined-up Government approach and that it is vital that we succeed in shifting to a zero-carbon economy. Adding renewable energy to the list of specifications that need to be taken into account before preparing the NPF would bolster that imperative, give confidence to the sector and point us in the appropriate direction.

Amendment 116AE would have the same effect and was lodged as a contingency measure.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): Amendments 116L and 116M are driven by work with Community Land Scotland and my experience as an islands MSP, recognising the needs of people in rural Scotland and the need for planners to understand that some communities must either develop or die. I hope that my proposal is seen as a practical and proportionate way of recognising those facts.

Amendment 116L, which relates to the Scottish Government's amendment 116 on the national planning framework, seeks to require planning authorities to provide information on rural areas that have experienced substantial population decline when they are directed by ministers to do so, to inform the preparation of the national planning framework. That would effectively establish rural depopulation as a principle for the NPF to address. I understand the minister's point about duplication of effort, but I hope that he can reassure me that he will use the new powers to establish in the NPF the principle that planning decisions should specifically have regard to the need to repopulate rural Scotland.

Amendment 116M seeks to give ministers powers, when they make regulations, to define what constitutes a rural area and substantial decline.

Monica Lennon: Amendment 219 relates to the provision of advice on compatibility with statutory climate change targets before the publication of the draft NPF. We recognise that—as it does with health—the planning system has a huge part to play in protecting the environment and, where possible, in limiting our negative impacts on the planet. I believe that we must give both ministers and planners a tool to make that possible and that such a tool is offered through amendment 219. Parliament recognises that the statutory climate change targets are an important indicator of our work to protect against climate change, and amendment 219 would allow ministers to understand the impact that the NPF will have on those targets and on our work to meet them.

The Convener: Before I invite the minister to respond, I should say that, once he has stopped speaking, that will be the end of the debate on this particular sub-group of amendments. We will then move on to the next sub-group, so please do not seek to ask any questions after his speech. If members want to intervene on the minister—and if the minister wants to take your intervention—that is fine.

11:45

Kevin Stewart: All the amendments in the sub-group seek to add specific items to the information that can be sought by ministers to inform the

national planning framework. In considering the amendments, I am keen to ensure that the bill does not duplicate existing requirements and avoids becoming overly prescriptive.

I am also conscious that, in some cases, similar amendments have been proposed for local development plans. I ask the committee to bear in mind the fact that some issues might be more appropriate for more detailed, local-level planning and that there will be an opportunity to consider the matter further in discussing a later group of amendments.

Andy Wightman's amendments 187 and 116G would require the Scottish ministers to issue guidance to local authorities on his proposed new section 3A(3A) of the 1997 act, on the consideration of impacts relating to gender. I have already highlighted the existing public sector equality duty, which applies to ministers and local authorities. The Equality and Human Rights Commission issues technical guidance on that duty, and I do not think that we should seek to cut across or duplicate those responsibilities.

I agree with Claire Baker's amendments 71 and 116K. The Government wants to see culture at the heart of policy making, and the amendments could reinforce the importance of cultural facilities and opportunities through good place making and the very positive contribution that they make to life in Scotland. The proposal is proportionate and in the right place, and I am happy to support it.

I have no objection to Graham Simpson's amendments 72 and 116Z—I said "zee" there, which was very American; I meant "zed". Our built heritage is addressed in the national planning framework as a matter of course, and it could be argued that it is covered under the broader heading of "Environment". However, I agree that it is an important part of the quality, distinctiveness and identity of many of our places, and it would be useful to highlight it as a matter for authorities to consider as part of their plans.

Amendment 32, which is also in the name of Graham Simpson, would add

"the housing needs of the population in an area"

to the list of information that authorities can be asked to provide to inform the NPF. Amendments 33 and 116AD, which have also been lodged by Graham Simpson, would add

"the capacity of education services"

to the same list. In my view, the wording of my amendment 116 is preferable to both proposals. With regard to housing, planning terminology usually equates need only with affordable housing, and the requirement could also arise from outwith an area instead of being specific to the population within an area, as is suggested in Mr Simpson's

amendment. My amendment includes housing in the list of information that is required for the NPF, but it goes beyond need to encompass demand by referring to

“the availability of land in the area for housing”

and

“the availability of, and requirements for, housing in the area”.

In addition, amendment 116 reflects education as a type of infrastructure and focuses on facilities to align that with development and land use instead of taking the broader approach that is taken in amendment 33. Although, in principle, I support Graham Simpson’s amendments on housing and education, I ask him not to move them, as the matters in question have been addressed in amendment 116.

I agree with the aims of Monica Lennon’s amendments 105, 116AB, 106 and 116AC. It is important that we understand and address the impacts of development on people’s health and wellbeing, and development planning should take into account the capacity of health services. I am content to support amendments 105 and 116AB, although I suggest that they would sit more naturally in the list of infrastructure types in proposed new section 3AG(2)(d) of the 1997 act as set out in amendment 116. Perhaps I can discuss the matter with Ms Lennon before stage 3.

That said, I find it difficult to support the breadth of amendment 106. Planning authorities cannot be expected to explore fully all the health needs of the populations of their areas. I recognise that planning and place can make a big difference to people’s health and wellbeing by supporting them to be more active and to interact with others and by preventing developments that could have significant effects or by mitigating their impacts to an acceptable level. Suitable housing and employment are important to health, too.

However, some health issues might have nothing at all to do with development planning or land use. Examples that immediately spring to mind are smoking, alcohol-related diseases and contraception, which are nothing to do with land use. We need to be careful that we do not expect the planning system to address all of society’s issues. I would prefer authorities to have a clearer understanding of health infrastructure and its relationship with future development, as will be the case if the committee supports amendment 105.

Although I do not think that the housing needs of specific groups should be highlighted at the top level of the national planning framework, I am happy to accept Kenneth Gibson’s amendments 170 and 116D, which would ensure that local authorities might be asked to provide information

on the housing needs of older and disabled people.

Alasdair Allan’s amendments to address rural depopulation are more appropriate than Rhoda Grant’s amendments. I understand that both members have been inspired by calls from Community Land Scotland for planning to address the issue. I have a lot of sympathy for those who criticise our planning system as it applies to rural areas—I have said that previously, and I reiterate it. Last Friday, I took part in a rural planning summit to hear the views of folk who feel that we could do more on that front. I am concerned that, too often, communities are unable to sustain vital local services or meet their own housing needs partly—if not wholly—as a result of overly restrictive planning policy. In some cases, environmental considerations are put ahead of local people’s needs, although both are important and both need to be considered in national strategic and local development planning. Communities recognise the value of their environment, which makes a major contribution to their quality of life and to the tourism that is often important to local economies in rural areas. However, their quality of life will suffer if we cannot deliver the homes and facilities that they need, or if we are unable to sustain whole communities in the long term as a result of overly restrictive rural planning policies.

I am particularly struck by the positive approach to development that is taken by communities in remote parts of Scotland and by the work of Community Land Scotland to support and empower communities to take ownership of the future of their own places. Those initiatives are forerunners of a more positive planning system that will give people the right to plan their own places. I agree that the national planning framework has an important role to play in tackling rural depopulation. When we begin the review of the national planning framework, after the bill is passed, I will want to open a fuller debate on how we can sustain and grow rural communities, including by repopulating areas. A reference to that issue in the bill will ensure that such a debate takes place. I am sympathetic to all the amendments on the subject, but I am concerned that Rhoda Grant’s go too far in setting out detailed policy in the bill, so I ask her not to move the amendments, and I recommend that the committee support Alasdair Allan’s amendments, instead.

Claudia Beamish’s amendments 218 and 116AE would provide that, when ministers directed planning authorities to provide information on energy to inform the national planning framework, that information could mention particular land that was available for renewable energy developments. Planning has an important role to play in providing

a steer on where that type of development should and should not take place. NPF3 explores Scotland as a low-carbon place, and technologies that have continued to emerge even since 2014 will be considered in NPF4. It is arguable that proposed new section 3AG of the 1997 act already covers all types of energy. However, given the importance of renewable energy to climate change and the additional spatial focus that the amendments would bring, I am happy to support the proposal.

I turn finally to Monica Lennon's amendments 219 and 116N. The national planning framework has an important role to play in helping us to meet our climate change targets. Adapting to the impacts of climate change is also a key priority for a long-term spatial strategy. NPF3 introduced many proposals that will help us to reduce emissions, such as those for low-carbon energy generation and sustainable transport. Although the national planning framework must take into account many different and, often, competing policy objectives, it should, as a whole, have a positive impact on climate change. Any consultation on a national planning framework would naturally include a debate about its impact on climate change. That would also be fully assessed as part of the strategic environmental assessment of the NPF under the existing statutory requirements.

Once again, the amendments would simply duplicate existing statutory requirements. The Climate Change (Scotland) Act 2009 states:

"A public body must, in exercising its functions, act ... in the way best calculated to contribute to the delivery of the targets"

that are set out in the act, and the UK Committee on Climate Change is required to give advice on that duty. I do not consider that it would be helpful or necessary to restate that requirement in a slightly different way relating specifically to the national planning framework. I also have concerns about the additional resources that would be involved in formally seeking advice from the relevant body specifically on that matter in addition to the existing duties. Has Monica Lennon consulted the Committee on Climate Change on whether it considers that such an additional duty would be helpful?

I do not believe that amendments 219 and 116N would add value to the planning system, so I ask Monica Lennon not to move them.

The Convener: We move to the debate on the fourth sub-group. I ask Graham Simpson to speak to amendment 38 and the other amendments in the group.

Graham Simpson: There was a lot of discussion in the committee on whether MSPs

should be able to amend the national planning framework, and the committee's view is that we should have that ability. As things stand, however, no parliamentary procedure would allow that. The belt-and-braces approach would be to introduce a national planning framework bill, which is what amendment 38 proposes. I fully accept that that would be unusual and difficult, and for that reason I will not move the amendment. Nevertheless, I wanted to get the matter on the table, and that was the reasoning behind the amendment.

I have lodged amendment 39 as an alternative. It does not go quite as far as I would like to go, but it seeks to introduce a greater level of scrutiny and the ability for MSPs to have a say on the national planning framework.

The Government's reluctance to accept the point is the reason why there are lots of amendments dealing with policy areas. MSPs have pushed back and have seen an opportunity to get policy matters into the bill. If the Government had taken a different approach, that might not have happened.

Amendment 6 proposes that the time limit for scrutiny of the NPF should be at least 120 days. I believe that, if we agree to amendment 39, that proposal would be negated. However, Andy Wightman has lodged a similar amendment, which I am minded to support.

Amendment 40 would introduce a simple annual report mechanism for the NPF. It does not say in any detail what the report should cover—that could probably be dealt with by regulations—but it provides that the annual report must be submitted at the end of the calendar year. I accept that the Government might think that providing an annual report would be too onerous, but I do not think that it would be. The Government is capable of doing that.

Amendment 116X would ensure that the Scottish ministers

"may not bring into effect the National Planning Framework until a draft of it has been approved by resolution of the Parliament".

The amendment supports consideration of the NPF under the super-affirmative procedure, which goes back to what I said earlier about the ability of MSPs to influence the NPF.

Amendment 116Y is similar in that it calls for an annual report mechanism for the NPF.

I have made my points about scrutiny and the ability of MSPs to have a say in and to influence the NPF. I do not think that the Government is going far enough, and it may wish to reflect on that before stage 3.

12:00

The Convener: Andy Wightman will speak to amendment 39A and other amendments in the group.

Andy Wightman: This is an important group of amendments, as has been alluded to by Graham Simpson. The bill proposes that the national planning framework becomes part of the development plan for an area, alongside the local development plan. That is new; it has not been the case to date. It is an important reform that I agree with and—as I recollect—that the committee agrees with.

Unlike the local development plan, the national planning framework has no democratic underpinning. It is a plan of ministers and, although Parliament is consulted on it, Parliament has no role in improving the plan. Given that we have a spatial planning system that is based on the development of proposals, ideas and debate to a point at which a democratically elected body adopts or agrees the plan, similar procedures have to be put in place with regard to the national planning framework if the bill is to propose—and I agree with the proposal—that the NPF becomes part of the development plan.

If those arrangements are not put in place, it is important to highlight that there would be nothing to stop a minority Government of a party that, for example, wished to implement fracking, making that part of the national planning framework. Such a proposal in the NPF might be opposed by the Parliament and yet become part of the development plan, probably against the wishes of most local authorities and most of the population. In a democratic planning system, that is wrong. I am therefore pleased that the Government has accepted the key recommendation at stage 1 to rectify that and make the national planning framework subject to a resolution of the Parliament.

Amendment 39, in the name of Graham Simpson, provides an elegant legislative solution, by way of the now established, although not formal, mechanism of the super-affirmative procedure. I prefer the simplicity and elegance of that, and its increasing familiarity in Parliament, to the rather more long-winded drafting of amendment 116.

I disagree with the proposition in amendment 38. Graham Simpson has already indicated that he will not move that amendment, so I will say nothing more on that.

My amendments 39A and 39B would extend the period of parliamentary scrutiny of a draft national planning framework to no more than 120 days. The committee recommended at stage 1 that there should be no statutory limits for Parliament. I think

that ministers require and deserve some certainty in their own timetabling. The present limit of 60 days is probably too short—it could be done in 60 days only if it were a modest national planning framework—but anything up to 120 days would be allowed by amendments 39A and 39B. That does not mean that Parliament would necessarily use the whole 120 days.

Amendment 40 requires annual reports on the national planning framework. My view is that that is unnecessary and disproportionate, it is not a good use of the Scottish ministers' resources and I will not support it.

Kevin Stewart: I am delighted that Mr Simpson will not be moving amendment 38 to introduce the NPF as a bill for an act of Parliament. We tried to work out how that could be done and it would be extremely difficult. We have all taken the opportunity at times to use such probing amendments and I am glad that Mr Simpson has considered that amendment 38 is perhaps one probing amendment too far.

Amendments 39 and 116X, also in the name of Mr Simpson, separately propose that the Scottish Parliament approves the draft NPF. Amendment 116 in my name also addresses the approval of the NPF by a resolution of the Scottish Parliament. That is a significant change that I am proposing in direct response to the committee's stage 1 report.

I have other concerns about Mr Simpson's proposed procedures. Seeking representations alongside the period for parliamentary scrutiny is unnecessary, as a draft will already have been subjected to full public consultation and extensive engagement, prior to being laid in the Parliament. That comes under step 2 in amendment 116. I am not sure why the requirements relating to the non-disclosure of representations would be necessary in the context of the general data protection regulations, or how they would interact with that wider legislation and the information commissioner's responsibilities.

I agree with Mr Simpson's approach in proposed new section 3CZA(6), requiring additional consultation to be undertaken if changes were made at that point, but that is already required in the case of significant amendments under the terms of the Environmental Assessment (Scotland) Act 2005.

On timescales for parliamentary scrutiny of the NPF, Graham Simpson's amendment 6 suggests that the period for parliamentary scrutiny should be set at a minimum of 120 days. That is unnecessarily lengthy and open-ended. Andy Wightman proposes a maximum period of 120 days in amendments 39A, 39B and 116H. That is a bit clearer as it sets a limit on the process. However, both proposals have the potential to

generate significant delay and uncertainty, which would have an adverse impact on the planning system as a whole—120 days is too long and I do not support that timescale.

It is important to recognise that parliamentary scrutiny is one part of a lengthy process, including wide public engagement, and past experience shows that it can take around 18 months in total. If a period of 120 sitting days was required, it would account for around half of that process. Depending on when in the year the draft NPF is laid, a period of 120 days in the Parliament equates to eight or nine months.

Andy Wightman: I have some sympathy with what the minister is saying. Does he agree that the current period should be lengthened?

Kevin Stewart: The time that the Parliament takes to scrutinise the NPF should be in proportion to the wider process. Amendment 116 sets the timescales for parliamentary consideration of the NPF at 90 days—that is an extension and it is proportionate. That would give the Parliament more time to consider the NPF than it currently has.

The 60-day period for an amendment to the NPF is also ample, given that amendments will relate only to specific parts of the framework. In practice, if the Parliament needs additional time, ministers can extend the timescale for scrutiny.

I do not support amendments 39 and 116X and I urge the committee to support the procedure set out in amendment 116.

In amendment 40, Graham Simpson proposes an annual progress report on the NPF to be submitted to the Scottish Parliament. That is too frequent, as timescales for large scale development and infrastructure projects are generally much longer. I do not want to see unnecessary bureaucracy added to the process.

The Scottish Government already maintains an online action programme for NPF3, which is updated at least once a year. I would be happy to provide the committee with links to that, if it is of interest. Monitoring reports tend to be published ahead of a revision of the national planning framework, but the timing of that is flexible and it is a discretionary approach to ensure that reporting is meaningful rather than simply a tick-box exercise.

I fully believe that our commitment to stronger digital support for the next national planning framework will greatly increase the accessibility of the NPF for everyone. I have no objection in principle to reporting on progress, but I ask Graham Simpson not to move amendment 40.

Graham Simpson: Does the minister object to the principle or just to the proposed frequency?

Kevin Stewart: As I just said, I am not in principle against reporting on progress. However, reporting every year would be too often.

Beyond that, what with the monitoring reports and all the rest of it that we have online, I am not entirely sure whether an annual report is required. The committee has never been backward in coming forward to call me to account for various things. Future committees might get more out of the process if they called ministers to talk more often about where the national planning framework is at.

The Convener: We move to the final sub-group. Amendment 116H, in the name of Alex Cole-Hamilton, is grouped with amendments 128, 41 and 154.

Alex Cole-Hamilton: I have already given my reasons for lodging amendment 116H, which is my insurance policy if amendment 185 is not agreed to. However, given where we are, I might decide not to move amendment 116H if amendment 185 is not agreed to.

The Convener: I ask the minister to speak to amendment 128 and the other amendments in the sub-group. He should be aware that he will not sum up later.

Kevin Stewart: My amendment 116 introduces new section 3AB of the 1997 act, which addresses the amendment of the NPF. New section 3AB(2) disapplies new section 3AC from specified amendments to the NPF. It is expected to relate to minor amendments and it acts on a commitment that I made at stage 1 to clarify the different procedures for significant and minor amendments.

Subsections (3) and (4) of proposed new section 3AB allow the Scottish ministers to make regulations about the procedures for the minor amendments and how they are to be laid before the Scottish Parliament. Minor amendments will be defined in regulations that are to be subject to the affirmative procedure, so that the Parliament can actively agree to what can be exempted from the full NPF scrutiny and adoption procedure.

Amendments 128 and 154 are consequential on other amendments. Amendment 128 removes from the bill the section 3CA provisions in relation to amendment of the NPF, because those provisions are being updated and replaced by amendment 116.

Amendment 154 removes a reference to amending the NPF that was to be placed in section 3D of the 1997 act, which is to be repealed by the provisions in amendment 115, on the purpose of planning.

I turn to amendment 41, which is in the name of Graham Simpson. My amendment 116 sets out detailed proposals for considering substantial and

minor amendments to the national planning framework. My amendment also provides clarity on consultation and reporting requirements for NPF amendments, which reflects the commitment that I made at stage 1. As a result, I do not support amendment 41 and I ask Graham Simpson not to move it.

I do not support amendment 116H, which is in the name of Alex Cole-Hamilton. We have proposed a radical change to the NPF by giving the Scottish Parliament the power to approve the proposed framework before it can be adopted. That is a significant shift in the balance of power and responsibility for the NPF, which I hope that the committee welcomes.

Amendment 116H would not require the Parliament to state why it considers that the NPF should be amended or in what way. I assume that Mr Cole-Hamilton intends the resolution to set that out, but the NPF is a statement of the Scottish ministers' policies and priorities for the development and use of land. The Parliament's role should be to scrutinise Government policies, which includes suggesting changes when appropriate, but it should not be able to instruct ministers to amend the NPF in particular ways.

12:15

Alex Cole-Hamilton: The purpose of amendment 185 is to recognise that things come up and sometimes the planning cycle does not give ground or show flexibility when there is a shock to the system that requires a massive change to housing policy. We need a mechanism for Parliament to trigger that.

Kevin Stewart: As I have already stated, we have changed the way in which we are doing these things. Parliament has a lot of ways of dealing with shocks to the system and we will have to become adaptable in many areas, what with the chaos that might come from Brexit.

My concerns about Mr Cole-Hamilton's amendment are also practical. Making an amendment to the NPF will be a significant undertaking, given the rigorous process that we are now proposing, and it would be difficult to ensure that the time and resources required to follow the Parliament's instruction to amend the NPF would be available at any given time.

I ask the committee to agree amendments 128 and 154 in addition to amendment 116, which sets a clear and proportionate approach for amending the NPF. I ask the committee to reject amendments 41 and 116H.

Graham Simpson: The minister has already touched on amendment 41. It merely ensures that ministers are required to say when an amendment

to the NPF would be significant enough to require a plan to be revised. Again, this is all about enhanced parliamentary scrutiny, so I will move amendment 41.

The Convener: As we have now completed debate on the whole group, I call on Alex Cole-Hamilton to wind up and say whether he wishes to press or withdraw amendment 185.

Alex Cole-Hamilton: In my winding up, I will address specifically the point that Andy Wightman made. He expressed the view that my amendment is not necessary and that the bill is just tidying up the language of the 1997 act to reflect the new reality. My experience—before and since I was elected—is that parliamentary drafters and lawyers loathe unnecessary legislation. Andy might regard section 1(2) of the bill as just tidying up, but legislators do not do that: as far as I and my party are concerned, it is clearly to change intent. By so empowering ministers or by stating the supremacy of ministerial policy in this regard, and by tying it to the NPF rather than it being a vague notional direction for planning authorities, ministerial policy and influence are made the alpha and the omega of the planning system. As such, I restate my view and that of my council groups that this would be a gross centralisation of power and a relegation of the local authority to the role of consultee in the planning process. On that basis, I will press amendment 185.

The Convener: The question is, that amendment 185 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

The Convener: The result of the division is: For 0, Against 7, Abstentions 0.

Amendment 185 disagreed to.

The Convener: Given that, after this, there is a huge block of voting that will take up a considerable amount of time, I suggest that we stop the voting here and get on with some of the other business that we have to do today. That would give members a chance to get a bite to eat before the early start to this afternoon's plenary session. We will not get through all the votes before we have to break off today. We will just carry on with the voting next week.

Graham Simpson: I would quite like to do the voting while it is all fresh in our minds. I do not know how long we think it will take.

The Convener: We might not be able to get it all finished in time. However, I am happy to carry on if that is what the committee wishes.

Members indicated agreement.

The Convener: We will get on and do as much as we can, but none of you can come to me this afternoon and complain that you are starving.

Amendment 30 moved—[Graham Simpson].

The Convener: The question is, that amendment 30 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 30 agreed to.

Amendment 104 moved—[Monica Lennon].

The Convener: The question is, that amendment 104 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 104 agreed to.

Amendment 167 moved—[Kenneth Gibson].

The Convener: The question is, that amendment 167 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gibson, Kenneth (Cunninghame North) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 167 agreed to.

Amendment 31 moved—[Graham Simpson].

The Convener: The question is, that amendment 31 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 31 agreed to.

Amendment 211 moved—[Rhoda Grant].

The Convener: The question is, that amendment 211 be agreed to. Are we agreed?

Members: No.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 211 agreed to.

Amendment 83 moved—[Andy Wightman].

Amendment 83A moved—[Monica Lennon].

The Convener: The question is, that amendment 83A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Gibson, Kenneth (Cunninghame North) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 83A agreed to.

The Convener: The question is, that amendment 83, as amended, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 83, as amended, disagreed to.

Amendment 160 moved—[Andy Wightman].

The Convener: The question is, that amendment 160 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 160 agreed to.

Amendment 168 moved—[Kenneth Gibson].

The Convener: The question is, that amendment 168 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gibson, Kenneth (Cunninghame North) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the vote is: For 5, Against 2, Abstentions 0.

Amendment 168 agreed to.

Amendment 215 moved—[Monica Lennon].

The Convener: The question is, that amendment 215 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Wightman, Andy (Lothian) (Green)

The Convener: The result of the vote is: For 3, Against 4, Abstentions 0.

Amendment 215 disagreed to.

Amendment 212 not moved.

Amendment 213 not moved.

Amendment 214 moved—[Claudia Beamish]—and agreed to.

Amendment 186 moved—[Monica Lennon].

The Convener: The question is, that amendment 186 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gibson, Kenneth (Cunninghame North) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the vote is: For 5, Against 2, Abstentions 0.

Amendment 186 agreed to.

Amendment 169 moved—[Kenneth Gibson].

The Convener: The question is, that amendment 169 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gibson, Kenneth (Cunninghame North) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the vote is: For 5, Against 2, Abstentions 0.

Amendment 169 agreed to.

Amendment 216 not moved.

Amendment 187 moved—[Andy Wightman].

The Convener: The question is, that amendment 187 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the vote is: For 4, Against 3, Abstentions 0.

Amendment 187 agreed to.

Amendment 71 moved—[Claire Baker]—and agreed to.

Amendment 72 moved—[Graham Simpson]—and agreed to.

Amendment 32 moved—[Graham Simpson].

The Convener: The question is, that amendment 32 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the vote is: For 4, Against 3, Abstentions 0.

Amendment 32 agreed to.

Amendment 33 moved—[Graham Simpson].

The Convener: The question is, that amendment 33 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the vote is: For 4, Against 3, Abstentions 0.

Amendment 33 agreed to.

Amendment 105 moved—[Monica Lennon]—and agreed to.

Amendment 106 moved—[Monica Lennon].

12:30

The Convener: The question is, that amendment 106 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 106 agreed to.

Amendment 170 moved—[Kenneth Gibson]—and agreed to.

Amendment 217 moved—[Rhoda Grant].

The Convener: The question is, that amendment 217 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 217 agreed to.

Amendment 218 moved—[Claudia Beamish]—and agreed to.

Amendment 219 moved—[Monica Lennon].

The Convener: The question is, that amendment 219 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 219 agreed to.

The Convener: I suspend the meeting for a second.

12:33

Meeting suspended.

12:33

On resuming—

The Convener: Amendments 38 and 39 are direct alternatives. This means that the committee can decide on both. If both are agreed to, amendment 39 will replace amendment 38.

If either or both of the amendments are agreed to, I cannot call amendment 6, because of pre-emption. Unfortunately, this direct alternative and pre-emption information did not appear on the groupings paper. I ask Graham Simpson to move or not move amendment 38.

Amendment 38 not moved.

Amendment 39 moved—[Graham Simpson].

Amendment 39A moved—[Andy Wightman].

The Convener: The question is, that amendment 39A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 39A agreed to.

Amendment 39B moved—[Andy Wightman].

The Convener: The question is, that amendment 39B be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 39B agreed to.

The Convener: The question is, that amendment 39, as amended, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 39, as amended, agreed to.

Amendment 40 moved—[Graham Simpson].

The Convener: The question is, that amendment 40 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Wightman, Andy (Lothian) (Green)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 40 disagreed to.

Amendment 116 moved—[Kevin Stewart].

Amendment 116E not moved.

Amendment 116A moved—[Kenneth Gibson].

The Convener: The question is, that amendment 116A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gibson, Kenneth (Cunninghame North) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 116A agreed to.

Amendment 116O moved—[Graham Simpson].

The Convener: The question is, that amendment 116O be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 116O agreed to.

Amendment 116P moved—[Monica Lennon].

The Convener: The question is, that amendment 116P be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 116P agreed to.

Amendment 116B moved—[Kenneth Gibson].

The Convener: The question is, that amendment 116B be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gibson, Kenneth (Cunninghame North) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 116B agreed to.

Amendment 116F moved—[Andy Wightman].

The Convener: The question is, that amendment 116F be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 116F disagreed to.

Amendment 116Q moved—[Monica Lennon].

The Convener: The question is, that amendment 116Q be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Wightman, Andy (Lothian) (Green)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 116Q disagreed to.

Amendment 116R moved—[Rhoda Grant].

The Convener: The question is, that amendment 116R be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 116R agreed to.

Amendment 116S moved—[Graham Simpson].

The Convener: The question is, that amendment 116S be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 116S agreed to.

Amendments 116T and 116U not moved.

Amendment 116V moved—[Claudia Beamish]—and agreed to.

Amendment 116W not moved.

Amendment 116G moved—[Andy Wightman].

The Convener: The question is, that amendment 116G be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gibson, Kenneth (Cunninghame North) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 116G agreed to.

The Convener: I call amendment 116H in the name of Alex Cole-Hamilton, which has already been debated with amendment 185. Andy Wightman will move the amendment on behalf of Alex Cole-Hamilton.

Amendment 116H moved—[Andy Wightman].

The Convener: The question is, that amendment 116H be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

The Convener: The result of the division is: For 0, Against 7, Abstentions 0.

Amendment 116H disagreed to.

Amendment 116N moved—[Monica Lennon].

The Convener: The question is, that amendment 116N be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 116N agreed to.

Amendment 116X moved—[Graham Simpson].

The Convener: I remind members that if amendment 116X is agreed to, I cannot call amendments 116C and 116I.

The question is, that amendment 116X be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 116X agreed to.

Amendment 116Y moved—[Graham Simpson].

The Convener: The question is, that amendment 116Y be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Wightman, Andy (Lothian) (Green)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 116Y disagreed to.

Amendment 116J moved—[Monica Lennon].

The Convener: The question is, that amendment 116J be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gibson, Kenneth (Cunninghame North) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 116J agreed to.

Amendment 116K moved—[Claire Baker]—and agreed to.

Amendment 116Z moved—[Graham Simpson]—and agreed to.

Amendment 116L moved—[Dr Alasdair Allan]—and agreed to.

Amendment 116AA moved—[Rhoda Grant].

The Convener: The question is, that amendment 116AA be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 116AA agreed to.

Amendment 116AB moved—[Monica Lennon]—and agreed to.

Amendment 116AC moved—[Monica Lennon].

The Convener: The question is, that amendment 116AC be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gibson, Kenneth (Cunninghame North) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 116AC agreed to.

Amendment 116AD moved—[Graham Simpson].

The Convener: The question is, that amendment 116AD be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 116AD agreed to.

Amendment 116D moved—[Kenneth Gibson]—and agreed to.

Amendment 116AE moved—[Claudia Beamish]—and agreed to.

Amendment 116M moved—[Dr Alasdair Allan]—and agreed to.

12:45

The Convener: The question is, that amendment 116, as amended, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

Against

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 116, as amended, disagreed to.

Section 1, as amended, agreed to.

The Convener: That is a perfect example of the committee completely ignoring the convener's advice and getting through the questions.

12:49

Meeting suspended.

12:51

On resuming—

The Convener: We will delay taking item 7 until next week. The committee will now go into private session.

12:51

Meeting continued in private until 12:58.

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