OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government and Communities Committee

Wednesday 26 September 2018

Session 5

The Scottish Parliament
Pàrlamaid na h-Alba

Wednesday 26 September 2018

CONTENTS

LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE
26th 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 PARTICIPATED:

Alex Cole-Hamilton (Edinburgh Western) (LD)
Daniel Johnson (Edinburgh Southern) (Lab)
Lewis Macdonald (North East Scotland) (Lab)
Kevin Stewart (Minister for Local Government, Housing and Planning)
Adam Tomkins (Glasgow) (Con)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Local Government and Communities Committee

Wednesday 26 September 2018

[The Convener opened the meeting at 09:46]

Decision on Taking Business in Private

The Convener (James Dornan): I welcome everyone to the 26th meeting in 2018 of the Local Government and Communities Committee. I remind everyone present to turn off their mobile phones. As meeting papers are provided in digital format, members may use tablets during the meeting.

The first agenda item is to decide whether to take in private agenda item 3, on the committee's approach to the Fuel Poverty (Target, Definition and Strategy) (Scotland) Bill. Do members agree to do so?

Members *indicated agreement.*

Planning (Scotland) Bill: Stage 2

09:46

The Convener: Agenda item 2 is day 3 of stage 2 of the Planning (Scotland) Bill. I welcome to the meeting the Minister for Local Government, Housing and Planning, Kevin Stewart, and his accompanying officials. MSPs who are not members of the committee but have lodged amendments to the bill will be in attendance today; they are very welcome. I welcome Daniel Johnson at this point. Some of those MSPs are not present just now, but they will pop in later on.

Section 3—Local development plans

The Convener: Amendment 74, in the name of Graham Simpson, is grouped with amendments 112, 194, 118, 118A, 197, 198, 121, 201, 202 and 77.

Graham Simpson (Central Scotland) (Con): I will speak to amendments 74, 201 and 77 in the group, which is on consultation on and participation in the local development plan.

I am not alone in thinking that the front loading of the planning system has not been fully thought through in drafting the bill. I appreciate what the bill is attempting to do but, although the Scottish Government says that it wants a more front-loaded system, I do not think that it has designed one in the bill. In response, I have genuinely tried to be helpful. I have lodged several amendments, some of which are in other groups, that aim to improve the front loading and public participation in the planning system. I am working on more amendments for stage 3, and I am open to speaking to anyone, including the minister, about that. I am genuinely trying to be constructive.

Amendments 74 and 201 work to provide specific directions as to how a planning authority must ensure that it encourages and welcomes public participation. That is what those amendments are all about. We hear a lot—as we did during the written consultation period—that members of the public feel ignored by the planning process. Amendment 74 is intended to provide a route whereby people can get more involved. However, the last line of that amendment states that councils should

"issue a copy of the statement"

on the local development plan

"to each household in their district."

I have spoken to other members and stakeholders, and I am now of the view that that is too onerous on councils, so I will not move the amendment. However, the sentiments behind it stand, in that I want people to be more involved.

Monica Lennon's amendment 112 on the same subject allows a greater degree of flexibility, so I will support that.

The Convener: Could you move amendment 74 for the sake of the debate? You can seek to withdraw it later.

Graham Simpson: I can move all my amendments in the group.

Amendment 201 is about the Scottish Government issuing guidance on effective community engagement. It is on the same subject. The amendment is backed by the Royal Town Planning Institute, and it still stands because it works.

Amendment 77 refers to the central Scotland green network, which covers 19 council areas—more than half of the local authorities in Scotland. If it is passed, amendment 77 would ensure that those councils have to consult the network on any proposed local development plans. The CSGN is a vital project that is dedicated to protecting and enhancing the green lungs of a large part of Scotland, and it is essential that the network is formally involved in the planning system. The Central Scotland Green Network Trust was uncomfortable with another amendment that I had lodged, so I did not move that one. It did not think that it could work with that amendment, but it is happy with amendment 77. The chairman of the trust, Keith Geddes, told me:

"To achieve positive outcomes in the 19 councils in our area a fundamental building block would be that councils incorporate the principles of CSGN into their LDPs. If we are a National Priority that priority should be incorporated at a local level."

That makes sense. The area that I represent is also covered by the network. It does a fantastic job, and it should certainly be involved at the local development plan stage. Therefore, I hope that the committee will support amendment 77.

I move amendment 74.

Monica Lennon (Central Scotland) (Lab): I will speak to amendment 112 and all my other amendments in the group.

Amendment 112 would put a duty on the planning authority to promote the local development plan to local residents

"in such a manner as they consider sufficient to ensure that it is brought to the attention of residents of the area or district to which the local development plan relates."

Amendment 112 would also require a planning authority to publish a yearly statement

"setting out the steps they have taken to promote the local development plan".

The purpose of the amendment is to strengthen early engagement in the development of the plan and to put a duty on the authority to promote the plan to local residents and to set out publicly how it has done so. It is about accountability. There are, of course, different needs and requirements across different planning authorities, depending on their geography and population size, for example, but amendment 112 reflects the requirement for authorities to promote the LDP while still allowing flexibility for local decisions to be taken on how best to achieve that.

I welcome Graham Simpson's comments on amendment 74. I felt that issuing a copy of a statement to every household through the post might be unnecessary and that less prescriptive options were available. I am glad that Graham Simpson will not press that amendment, as I would not have been able to support it.

My other amendments in the group are aimed at strengthening community voices during the consultation phase of local plan preparation. Amendment 194 would introduce specific requirements for the planning authority to consider and facilitate the participation of children and young people in the preparation of the local development plan. That is important because the decisions that we take around planning will affect the lives of children and young people for decades to come. Therefore, it is only right that they are properly consulted. Involving children and young people should result in places that better cater for their needs long into the future and should help to develop citizens who have a good understanding of what planning can achieve and why participating matters.

As a minimum, amendment 194 references

"schools, youth councils and youth parliament representatives"

as points of contact for consulting young people on the plan. Schools are also a mechanism for parents, families and the wider school community to be aware of the local plan.

Amendment 194 also introduces a duty on the authority to publish up-to-date information about how it has gone about meeting its obligations to involve the views of children and young people in the preparation of the plan. As we all know, the United Kingdom is a signatory to the United Nations Convention on the Rights of the Child, and the Scottish Government asserted in the recent programme for government that it will incorporate the principles of the convention into domestic law. Paramount to the UNCRC is the recognition that children are entitled in equal parts to protection, provision and participation. I hope that the Scottish Government will take the opportunity—particularly as it is the year of young people—to put its commitments to protect the rights of children into action in the bill by supporting my amendments.

Amendment 118A would adjust amendment 118 to ensure that the views of children and young people would be sought during the preparation of the evidence report.

Amendment 198 seeks to ensure that, when the evidence report is being prepared, young people will be consulted and that the planning authority must consult the general public and existing statutory consultees for planning applications. I recognise that the principle of amendment 198 is similar to what the minister is trying to achieve in amendment 118. I will support amendment 118, but I will also press my amendment, and I hope that we can reach consensus on what should be required for the preparation of the evidence report for stage 3.

I will not press amendment 197, because it is quite similar to amendment 198, which includes the provision about children and young people.

My amendment 202 would give community councils and access panels the right to be consulted in the preparation of the LDP. Access panels work in their local areas to improve the built environment and promote social inclusion for disabled people, and community councils provide an additional democratic link with local communities. Consulting access panels at an early stage should result in places that are accessible for all and should help to embed equality for people with disabilities in the planning process.

I had a look at the briefing from Disability Equality Scotland. The access panels are fully constituted members of Disability Equality Scotland and are recognised by local authorities. Disability Equality Scotland said in its briefing that, too often, access panels are consulted too late in the process, which

"leaves the knowledge and experience of the Access Panels to a tick box exercise."

I do not think that any of us would want that to be the case. Across Scotland, the quality of consultation with access panels varies. Giving them the right to be consulted would level the playing field.

The Minister for Local Government, Housing and Planning (Kevin Stewart): Good morning. First, I will speak to my amendments 118 and 121, which seek to strengthen involvement in local development plans.

During stage 1, the committee and many stakeholders were keen to ensure that the changes to the process of preparing local development plans would result in greater engagement, particularly with groups in society that may not always have their voices heard. That is my aim, too, of course. Early and effective engagement in the preparation of plans that set out the future of our places is critical to their success.

I originally intended to provide more detail on that in secondary legislation and guidance. However, in response to the committee's concerns and to underline our commitment, I undertook to lodge amendments so that stronger opportunities for engagement in development planning are included in the bill.

Amendments 118 and 119 set out specific requirements for engagement at the crucial early stages of plan preparation. Amendment 118 will require planning authorities to seek and have regard to the views of key agencies, the public at large and others as may be prescribed from preparing their evidence reports. Amendment 119 will require planning authorities to report on how they have done so and how the views expressed have been taken into account.

The Scottish Government is committed to ensuring that Gypsy Travellers are properly involved in planning the future of their places. I agree with the independent panel that children and young people need to be more actively involved in the future of their places. The report on consultation will be specifically required to cover those groups. Under amendment 118, children and young people are those aged 25 and under. The term "Gypsy Travellers" is to be defined in regulations, because there is, to date, no definition in Scots law. We will engage with the community in establishing that definition.

10:00

Monica Lennon's linked amendment 118A also reflects the need to involve children and young people. Although I agree with the intention behind her amendment, I do not consider it appropriate to specify particular groups of children and young people in primary legislation. It would be better for guidance to indicate the ways in which to engage with those who are not yet involved in the formal structures.

I have the same difficulty with amendments 194, 198 and 202. With regard to amendment 202, access panels are not statutory bodies, and their roles and capacities differ across the country. I hope that they will be involved with local development plans, but I feel that guidance would be a better way of ensuring that each of them is engaged in the way that they find most appropriate. I am happy to have further discussions with Ms Lennon on that area.

I cannot support Monica Lennon's amendments 197 and 198, which appear to introduce an additional step into the preparation of an evidence report by requiring a draft report to be consulted on. That would lead to delay in plan preparation,

and I want stakeholders to play an active part in the preparation of the evidence report instead of being consulted once it has been drafted.

Amendment 77 also raises concerns about the proper place for specific consultation requirements. Our general approach in planning is to specify those requirements in regulations, where they can be adjusted as necessary. I fully respect and support the central Scotland green network and expect the relevant planning authorities to include its co-ordinating organisation in their consultation. However, given that the CSGN partnership was replaced by the Central Scotland Green Network Trust in March 2014—and given that we do not know whether there will be any more changes to names—I think that it would be wiser to keep such provisions in secondary legislation, where they can be kept fully up to date.

The Town and Country Planning (Scotland) Act 1997 already contains a range of requirements relating to the publication of documents at different stages and the provision of information about consultation. Section 20B of that act requires the publication of an annual development plan scheme, including a participation statement that sets out

"when consultation is likely to take place and with whom",

the form that it will take, and

"the steps to be taken to involve the public at large".

It must be published—that may include online publication—and a copy must be placed in a public library.

Moreover, section 20A of the 1997 act requires similar publication of the local development plan and copies to be placed in public libraries. The plan must also be advertised in a local newspaper, and anyone who made representations on the proposed plan must be notified. Those are the minimum requirements, but I am aware that authorities regularly go beyond that, in particular by using digital communications to good effect. I have also seen frequent electronic newsletters and council publications covering the plan. As Ms Lennon's amendment 112 duplicates the requirement to publish the development plan, with less detail, I do not believe that it adds any value.

I am pleased that Mr Simpson will not be pressing amendment 74, because the sort of exercise that he proposed would have been extremely costly. Even a second-class stamp for every household would cost around £1.5 million, and there is, of course, no guarantee that people would read the document in question. I would prefer an emphasis on the quality of engagement and the use of a wider range of techniques to inspire more people to get involved. I am more than happy to talk to Mr Simpson and others about that. I see exactly where he is coming from, and I want as many people as possible to get involved.

Amendment 201, which is also in the name of Mr Simpson, would support that kind of quality engagement and build on the national standards for community engagement, which were reviewed and updated in 2016. Specific advice for planning authorities is contained in planning advice note 3/2010, which was published after the last suite of legislation following the Planning etc (Scotland) Act 2006. That will require to be refreshed, of course, and the principles set out by Mr Simpson are ones that the Scottish Government is willing to support. I therefore ask the committee to support amendment 201.

Finally, I ask the committee to support amendments 118, 119 and 121 in my name and amendment 201 in the name of Mr Simpson, and to reject the other amendments in the group.

The Convener: I call Graham Simpson to wind up and to indicate whether he wishes to press or withdraw amendment 74.

Graham Simpson: This is a pretty uncontroversial measure. I think that we are all on the same page, and the question is how we get there. I welcome the minister's comment that he is open to further discussion. It is disappointing that he does not back amendment 77, which relates to the central Scotland green network, but—

Kevin Stewart: Will Mr Simpson take an intervention?

Graham Simpson: Yes.

Kevin Stewart: I support the network but, as I said, I am worried about setting out that sort of thing in primary legislation. It would be hard to revisit the matter if, for example, the names of those involved changed. It would be easier to revisit that in guidance. I am more than willing to discuss with Mr Simpson how we might set out that guidance, but we might cause ourselves difficulty if we set out certain things in primary legislation that will not be easy for us to change if, say, an organisation itself makes a change.

Graham Simpson: I hear what the minister is saying, but my intention is to firm things up. I will move amendment 77, but I am certainly open to having further discussions ahead of stage 3.

I will leave it there, convener. I do not think that there are any huge disagreements over the proposals.

Amendment 74, by agreement, withdrawn.

Amendment 175 moved—[Kenneth Gibson]—and agreed to.

Amendment 110 not moved.

Amendment 7 moved—[Graham Simpson].

The Convener: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

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

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

Amendment 7 disagreed to.

Amendment 75 moved—[Graham Simpson].

The Convener: The question is, that amendment 75 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 75 disagreed to.

Amendment 111 not moved.

Amendment 176 moved—[Andy Wightman].

The Convener: The question is, that amendment 176 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 176 agreed to.

Amendment 112 moved—[Monica Lennon].

The Convener: The question is, that amendment 112 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 112 disagreed to.

The Convener: Amendment 193, in the name of Alex Cole-Hamilton, is grouped with amendments 8, 76, 195, 196, 119, 120, 226, 199, 200, 227 and 203. If amendment 199 is agreed to, I cannot call amendment 200, because of pre-emption.

Alex Cole-Hamilton (Edinburgh Western) (LD): Thank you, convener, for allowing me to be an interloper once again. I am grateful for the committee's forbearance.

Amendment 193 seeks to reverse provisions in the bill to remove the main issues report. Paragraph 136 of the committee's stage 1 report says:

"We agree with witnesses that removing the main issues report could reduce the opportunities for engagement with stakeholders and communities."

The Liberal Democrats absolutely agree with that and, in our consultation with the leaders of all our council groups across Scotland, it was seen as a bastion that they wanted to protect. That speaks to the reasoning behind the amendments that I lodged on changing the national planning framework, which we have already debated. It is about local autonomy and consultation—for my party, the main issues report represents the principal vehicle for local consultation.

I move amendment 193.

Graham Simpson: I will speak to amendments 8, 76 and 120. Amendment 8 relates directly to housing and aims to ensure that the local development plan demonstrates the viability of housing sites. Too often, sites are zoned for housing and then nothing happens for years. We have all seen that happen.

Amendment 8 is designed to ensure that planning authorities do not include allocations in their plans if they are not confident that development can be achieved within the period of the plan. It could inspire the authorities to better consider the viability of meeting policy requirements, particularly in respect of old sites that are reallocated in successive plans, while new sites promoted by house builders and others are subject to increasing scrutiny.

The current practice favours old allocation over new, despite track records of long delivery, market changes and other changes. If amendment 8 is agreed to, with the potential for refinement at stage 3—as you know, convener, I am always up for refining amendments—it could be a useful tool in supporting the plan-led system.

Under amendment 76, which would strengthen community links, evidence reports would have to demonstrate the way in which the planning authority has engaged with the local community to prepare the local place plan. I will say more on that point when speaking to an amendment that we will debate in a later grouping.

I support amendment 200, in the name of Monica Lennon, which would enhance community engagement.

Amendment 120 is also about the evidence report. The amendments in my name are all about enhancing the evidence report.

Monica Lennon: Amendment 195 will require the planning authority to set out how it has consulted on the evidence report and how the views that were expressed during the consultation process have been taken into account.

I am pleased that the committee has supported the retention of strategic development plans. Amendment 226 would require any authority that is not within a strategic development partnership to state in the evidence report how it has taken into account cross-boundary policies and the reasons, if any, why it has not done so. That puts a duty on all planning authorities to engage in regional planning, even if they are not part of a strategic authority. That recognises the value of regional planning and the fact that it deserves dedicated resources even if a planning authority is not part of a strategic development plan authority.

I appreciate Graham Simpson's supportive comment on amendment 200. The intention behind amendment 200 is to strengthen the gate-check process for the evidence report by creating a representative community panel to encourage positive and early community engagement in the planning process. However, I have been looking at the amendment again and I do not feel that it is satisfactory as currently drafted, so I want to reflect further on it. I will not press amendment 200, but I will come back to the issue at stage 3. I will be happy to speak to Graham Simpson and others about that.

10:15

My final amendment in the group is amendment 227, which would introduce the play sufficiency assessment. Play is vital to children's physical and mental health as well as to the building of social networks and a sense of community. Amendment 227 highlights the importance of that space and will allow councils and the Government to be held to account if the space is reduced or if we see that not every child has access to a space to play.

The right to play is embedded in the United Nations Convention on the Rights of the Child. Amendment 227 is therefore completely in keeping with Scottish Government commitments to incorporate those principles into domestic law. A similar approach has been taken in Wales, where a duty has been placed on local authorities to assess and secure sufficient play opportunities for children. I hope that the committee and the Government will support amendment 227.

I am supportive in principle of amendment 8, in the name of Graham Simpson, on the issue of viability of housing sites. However, I am glad that Graham Simpson recognises that it probably needs some refinement in terms of how local authorities would assess viability. I think that the word "apparent" appears in the amendment too, and we need some clarity on that. There is work to be done, but I support the amendment in principle.

I also support amendment 196, in the name of Daniel Johnson, which would require authorities to

"assess the demand for, and availability of, student housing".

For some authorities, it is not—

Graham Simpson: I will just point out that the word "apparent" does not appear in amendment 8.

The Convener: Thank you for the clarification.

Monica Lennon: I apologise. Perhaps I was thinking of another amendment. I will look again before we vote.

The amendment on student housing would not be applicable in every area; it would apply in areas where there are colleges or universities, and it could encourage some transparency over the availability of student accommodation and the need to plan for it. That has been an issue for me in South Lanarkshire recently, because of the relocation of the University of the West of Scotland campus. Daniel Johnson's amendment 196 would require the authority to take account of the need for student accommodation and the impact on surrounding areas in the evidence report. That is

useful information to have when preparing the LDP.

Lastly, the amendments from Alex Cole-Hamilton seek to retain the main issues report, which is being replaced by the evidence report. As I have proposed a number of amendments aimed at strengthening the evidence report, I cannot support Alex Cole-Hamilton's amendments.

Daniel Johnson (Edinburgh Southern) (Lab): I thank the committee for welcoming me today; this is very important work. I will make a brief declaration of interests: my wife is a practising planning lawyer.

Monica Lennon has set out many of the reasons why I lodged amendment 196. Student accommodation is having a huge impact on many towns and cities. We have seen a huge increase in the number of student accommodation developments and I feel that the planning process and local development plans in particular need to take account of that.

In the city of Edinburgh, some 20 per cent of people are connected to universities. Therefore, adequate provision in the planning process is hugely important. My amendment would work in a broadly similar way to Graham Simpson's amendment 8. It is also vital that, in moving forward, we take account of affordability, and the format and massing of student accommodation, and amendment 196 would make important progress on those points. It would ensure that we have a diversity of student accommodation and that we accommodate our students adequately when they seek to study.

Kevin Stewart: I cannot support amendments 193, 199 and 203 from Alex Cole-Hamilton, as they appear to be piecemeal, they do not work on a technical level and they undermine improvements to development planning.

Amendment 193 would reinstate the monitoring report that accompanies the publication of a main issues report. We have proposed removing the requirement for a main issues report, which communities have found hard to understand. No amendments seem to reinstate it, therefore the amendment would result in a monitoring report being published "from time to time" but with no particular stage or timescale specified for doing so. Amendment 203 also appears to replace a reference to the section on the evidence report with a reference to the section on the main issues report, which—as I have already said—will no longer exist. The monitoring report summarises the evidence base for the plan, the changes since the previous plan and its impacts. The evidence report will replace it and go further, so reinstating the monitoring report would simply create duplication.

Amendment 199 would remove the requirement for ministers to appoint a person to assess the evidence report and for that person to notify ministers and the authority whether they are satisfied with the report. That independent scrutiny is important, and members and stakeholders have welcomed that gate-check stage in the process.

On amendment 8, in the name of Graham Simpson, I recognise that development plans should have a focus on delivery and that the sites that they allocate for development should be realistic and viable. However, the amendment raises a number of issues, the first of which is on timing. At the gate-check stage, the focus will be on evidence and information to inform the plan, rather than on allocating sites. The amendment may also mean that land with significant potential—for example, sites that will make a significant contribution to land supply or support regeneration—cannot be included in the development plan, regardless of its merits, if the site proposer cannot meet the information requirements.

I am also concerned about the time and cost that the amendment could add to the process. Our recent research showed that, although more information would be helpful, it would come at a not insignificant cost to the prospective developer. The amendment would apply to sites that may not progress to the proposed local development plan, and so would generate increased risk for site proposers. In recognition of those issues, the research suggested that a staged approach could help to ensure that information requirements do not disadvantage smaller developers or act as a barrier to investment. We intend to develop fuller guidance based on the research, rather than introduce a blanket requirement. That is another example of how a well-intentioned new duty could prove difficult to implement without generating unintended consequences. I ask Mr Simpson not to move amendment 8, although I am happy to have discussions around it.

Mr Simpson's amendment 76 is linked to a requirement, which we will come to later, for planning authorities to invite communities to prepare local place plans as part of local development plan preparation. I will look at that later amendment in more detail to ensure that local place plans continue to be truly community led, but I have no objection to the requirement to report on that issue and on the assistance that planning authorities have provided to community bodies.

I also support amendment 120, which will introduce a requirement for the full council of a local authority to approve an evidence report before it is submitted to the Scottish ministers. That will help to strengthen corporate

responsibility for the plan and will align with the proposal in the bill for the proposed plan to be signed off by the full council.

Amendment 195 is consequential on Ms Lennon's amendments 197 and 198, which we have already spoken about. Similarly, I have made my points on statutory requirements for consultation with access panels. I do not support amendment 202.

Ms Lennon's amendment 200 would require planning authorities to set up a panel of citizens to assist the appointed person to consider the evidence report. It is not clear what the role and purpose of such panels would be. Although they might have a role to play in some circumstances, in others they might not. Making the setting up of a citizens panel a blanket requirement for every evidence report could lead to unnecessary delay. In addition, citizens panels can be very resource intensive, have a long lead-in time and be very costly. In prescribing a particular method, amendment 200 overlooks the need to adopt a range of engagement techniques to reflect the needs and preferences of different stakeholders.

It appears that amendment 226 seeks to introduce a new requirement for strategic planning for some planning authorities, which would involve using the evidence report for local development plans. I have a number of significant issues with that. The evidence report has an important role to play in the new process. According to amendment 226, on top of setting out local evidence, it would have to set out proposals and policies for dealing with strategic and cross-boundary issues, and explain how that work was being done, including where, with whom and how it was resourced.

I am concerned that what the amendment proposes is out of step with the new approach to development planning. We want the evidence report to be prepared, published and scrutinised early, and we want the gate check that follows to be transparent, participative and proportionate. It is important that the evidence report is not overloaded.

I am not just concerned about overcomplicating the evidence report. Amendment 226 seems to be an attempt to introduce strategic development planning through the back door, with authorities that are outwith strategic development plan areas being relegated to a second-division approach. Two-tier strategic development planning will just make the process more complicated and confusing. Therefore, I ask the committee to reject amendment 226.

Amendment 227 relates to play opportunities. I consider that the most appropriate place to address that matter is in policy and guidance rather than in the bill. I have already made it clear that we expect the evidence report to cover infrastructure matters for the plan area. "Infrastructure" is broad in meaning, but it includes "green infrastructure", the definition of which in Scottish planning policy includes play spaces. Therefore, I do not support amendment 227.

Daniel Johnson's amendment 196 would require the evidence report to identify the demand for and availability of student housing accommodation. Although I wholly agree that housing is a key matter for the evidence report to consider, I do not think it appropriate to include in section 3 a reference to one specific area of specialist housing. I have set out the requirement to consider a range of specialist housing, and student accommodation is included in that.

Officials have been working with a small number of stakeholders to consider how the evidence report could work in practice. I expect that there will be broader interest in that issue and wider views on what the evidence report should contain, and I think that it would be more appropriate for there to be further debate on that when we come to more detailed regulations and guidance. That is provided for in the bill in proposed new section 16A(2)(b) of the 1997 act.

Finally, I will explain my amendment 119. I want there to be a statement in the evidence report that reports on the steps that have been taken to seek views and to engage with people, and on the extent to which those views have been taken into account. Amendment 119 seeks to introduce such a requirement. It also identifies the need for the statement to specifically address how Gypsy Travellers and children and young people have been involved. The Scottish Government is committed to ensuring that Gypsy Travellers are properly involved in planning the future of their places in the same way as everyone else is. We also agree with the independent panel's view that children and young people need to be more actively involved in the future of their places. The Government's focused amendments will address the issues that emerged during stage 1 and will ensure that the evidence report is prepared on the basis of meaningful and inclusive collaboration.

I ask the committee to support amendment 119.

The Convener: Thank you, minister. It is amazing how quickly "finally" has become my favourite word.

10:30

Andy Wightman (Lothian) (Green): I will say just a few words. I agree with the minister on the amendments in the name of Alex Cole-Hamilton. The committee, while expressing concern that

"removing the main issues report could reduce ... opportunities",

went on to say:

"We consider however that the new evidence report and gatecheck provides a mechanism to address these concerns."

If we are rejecting the main issues report and creating the evidence report, a piecemeal approach to put some of the main issues report amendments back in is not appropriate.

I have problems with amendment 8. It is a well-intentioned amendment, but it is difficult for planning authorities to demonstrate viability, when that can relate to issues to do with land ownership, infrastructure, the actions of other parties et cetera. I am keen to discuss that with Graham Simpson between now and stage 3 to see whether we can improve what is proposed. In the meantime, my judgment is that it would be better not to have that provision in the bill, but I am happy to have something that is similar to it.

Graham Simpson: I thank Andy Wightman and the minister for their comments on the amendment, which I reflected on while they were speaking. I will take up the minister's offer to have discussions on the matter and I will not move the amendment.

Andy Wightman: I thank Graham Simpson for his intervention.

Daniel Johnson's amendment 196 is on student housing. That is an important issue and it is appropriate for it to be addressed in the bill, but the wording of the amendment is not correct. Instead of using the phrase "student housing accommodation", it might be better if it used the phrase "housing accommodation for students". The amendment should make clear that it relates to further and higher education students and not students in primary and secondary education. However, I am happy to support the proposed provision and get it in the bill on the basis that the member agrees to have further discussions about its wording.

On Monica Lennon's amendment 226, we are in a difficult place, because there are still discussions to be had about what we do about strategic development plans. As I argued last week or the week before, we are not persuaded that we should get rid of them, but neither are we persuaded that they are the best solution for strategic development planning. Although the amendment would introduce a sort of twin track and it is perhaps not in the best place, I will support it on the basis that I want to have that conversation. We must have the conversation between now and stage 3 to thrash out what we are doing about strategic development planning.

The Convener: As no other member wishes to comment, I ask Alex Cole-Hamilton to wind up.

Alex Cole-Hamilton: The minister and Andy Wightman referred to my attempt to preserve the main issues report as "piecemeal". I would like to think of it as surgical rather than nuclear, as the alternative would have been to remove the entire section. There is still an important point to be made about consultation with communities, so I will press the amendment in the hope of not going down seven-nil again.

The Convener: Thank you. I admire your confidence.

The question is, that amendment 193 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: Alex, I say for the record that it was not my suggestion that we keep on rubbing this in. [*Laughter*.]

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

Amendment 193 disagreed to.

Amendment 194 moved—[Monica Lennon].

The Convener: The question is, that amendment 194 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 194 agreed to.

Amendment 118 moved—[Kevin Stewart].

Amendment 118A moved—[Monica Lennon].

The Convener: The question is, that amendment 118A 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 118A agreed to.

Amendment 118, as amended, agreed to.

Amendment 8 not moved.

Amendment 76 moved—[Graham Simpson]—and agreed to.

Amendment 195 moved—[Monica Lennon].

The Convener: The question is, that amendment 195 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 195 agreed to.

Amendment 196 moved—[Daniel Johnson].

The Convener: The question is, that amendment 196 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 196 agreed to.

Amendment 119 moved—[Kevin Stewart]—and agreed to.

Amendment 120 moved—[Graham Simpson]—and agreed to.

Amendment 197 not moved.

Amendment 198 moved—[Monica Lennon].

The Convener: The question is, that amendment 198 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 198 agreed to.

Amendment 226 moved—[Monica Lennon].

The Convener: The question is, that amendment 226 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 226 agreed to.

Amendments 199 and 200 not moved.

Amendment 121 moved—[Kevin Stewart]—and agreed to.

Amendment 201 moved—[Graham Simpson]—and agreed to.

Amendment 227 moved—[Monica Lennon].

The Convener: The question is, that amendment 227 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 227 agreed to.

Amendment 202 moved—[Monica Lennon].

The Convener: The question is, that amendment 202 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 202 agreed to.

Amendment 77 moved—[Graham Simpson].

The Convener: The question is, that amendment 77 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 77 agreed to.

The Convener: Amendment 9, in the name of Graham Simpson, is grouped with amendments 122 to 127, 153 and 278.

Graham Simpson: I will be very quick, convener, because my proposal is ridiculously simple. All amendment 9 seeks to do is to widen the timeframe for representations on a proposed local development plan from eight to 12 weeks to give the public more time to engage with and fully understand the plan, which is something I would have thought that we would all want. That is all I need to say, convener.

I move amendment 9.

The Convener: I call the minister to speak to amendment 122 and other amendments in the group. Please feel free to follow Mr Simpson's example, minister.

Kevin Stewart: I might take a little bit longer than Mr Simpson has taken, convener.

Amendment 9 proposes increasing the period for representations on the proposed plan. That period is currently six weeks. The bill will extend it to eight weeks and Graham Simpson proposes another extension to 12 weeks.

I am content to support amendment 9, although, on its own, it will have limited effect. I hope that we can all agree that the most important thing is the quality of engagement, stimulating community-led engagement and encouraging innovative and creative approaches to involving a wider range of people in planning. I hope that planning authorities will use the additional time to deepen rather than just lengthen engagement.

My amendment 127 relates to the participation statement in the development plan scheme. The need to prepare such a scheme is an existing requirement; it sets out the planning authority's programme for preparing and reviewing its plan, and it must include a participation statement that sets out when and with whom consultation is likely to take place, the likely form of that consultation and the steps to be taken to involve the public at large.

Amendment 127 will mean that when a planning authority is preparing its scheme, it must first of all talk to people about how it can best engage with them. That will improve the effectiveness of engagement and allow authorities to tailor their approach so that a wider range of people can get involved. It is a key part of good practice in engagement that we would expect planning authorities to do anyway, but amendment 127 makes it explicit.

On amendments 122 to 126 and 153, I note that, at stage 1, the bill was described as "centralising". Of course, I disagree with that, but the committee's views led the Scottish Government to look again at the balance of powers in the legislation and for opportunities to further strengthen local accountability for planning. As part of that, I revisited the report of the independent planning review panel and our subsequent consultation. Although the panel

proposed the removal of plan examinations, our consultation showed a great deal of support for the independent scrutiny that they provide. We sought to move part of that scrutiny to an earlier stage, and we introduced the concept of a development plan gate check. The stage 1 debate also gave us an opportunity to explore more radical options for delivering on the aspirations of the panel and the committee for stronger local ownership of and responsibility for local development plans.

As a result, I am proposing these amendments, which remove Scottish ministers' ability to intervene in local development plans at the end of the plan preparation process prior to their adoption. The amendments are a collection of detailed and technical changes. Some remove existing requirements to notify ministers—for example, amendment 124 seeks to remove section 19(12) of the 1997 act; some, such as amendment 125, remove ministers' existing abilities to intervene prior to adoption; and others deal with the consequences of the changes to publication and notification arrangements at the end of the process and ensure that requirements are not duplicated.

Currently, Scottish ministers have 28 days to consider the local development plan before it can be adopted by a planning authority. If, during that time, ministers find the plan to be unsatisfactory, they can direct the authority to consider modifying it. As a result of these amendments, that consideration period will be removed and, following the independent examination of the plan, there will be no intervention in the process by ministers.

The bill as introduced included measures to ensure that timescales and powers for ministers to make directions were adequate and that arrangements were unequivocal. However, in view of the strength of views expressed and to show my commitment to subsidiarity, I have reconsidered that approach.

10:45

As their name suggests, these are "local" development plans. They address local planning matters for local people, they are prepared by local planning officials and they are adopted by locally elected members. It is therefore appropriate that after a comprehensive process of preparation and independent scrutiny, the ultimate decisions on the local development plan rest with the local authority. The amendments align with wider objectives to streamline and front load the development plan process and to use resources effectively. They will shorten the adoption timescale of a local development plan by removing the 28-day consideration period.

The Scottish Government regularly receives correspondence calling on ministers to change local development plans at the very end of the process. There is no statutory provision for that, and the amendments will remove any expectation that changes should be made by ministers after the examination has concluded.

The amendments will further support the front loading of the planning system. Instead of our having oversight at the end of the process, there will be, as we have already proposed, enhanced scrutiny at the gate-check stage. The amendments will also enable Government resources to be focused on where they can support the wider process proactively rather than reactively. Time can be redirected towards contributing to local development plans at an earlier stage and to undertaking engagement and collaborative working to inform the new national planning framework.

I therefore encourage the committee to support the amendments as a sensible approach to preparing plans that leaves the responsibility for local development plans squarely in the hands of local authorities.

Graham Simpson: I strongly welcome the minister's words and his amendments, which seem to me to make the bill less centralising. I know that the minister does not accept that he was being centralising, but his amendments appear to contradict that and are therefore to be welcomed.

I also welcome the minister's commitment to subsidiarity and the fact that there will be no intervention from ministers. This is all going in the direction that the committee wanted the bill to go in. The amendments are without a doubt to be supported, and I am also glad to hear that the minister supports amendment 9 in my name.

Amendment 9 agreed to.

Amendments 122 to 127 moved—[Kevin Stewart]—and agreed to.

Section 3, as amended, agreed to.

Section 4—Supplementary guidance

The Convener: Amendment 66, in the name of Andy Wightman, is grouped with amendments 67, 68, 131 to 136, 69 and 70.

Andy Wightman: Section 4 of the bill repeals section 22 of the 1997 act, which provides that planning authorities "may ... adopt and issue" statutory supplementary guidance in relation to strategic and local development plans. As our stage 1 report noted, the committee remains to be convinced that getting rid of such guidance will simplify local development plans and improve scrutiny and accessibility. A range of planning authorities told us that they found the ability to

publish such guidance a useful part of the planning functions, with Edinburgh, for example, highlighting that it enabled it to respond quickly and transparently to changing circumstances. South Lanarkshire also highlighted its ability to adopt guidance on issues such as minerals and onshore wind. This is another part of the bill where, although the status quo might have defects, we are not persuaded that the situation can be resolved by getting rid of the existing provisions in their entirety. As a result, amendment 66 seeks to delete section 4 and to restore the status quo.

Amendment 67 seeks to restore the strategic development plan as part of the development plan as defined under section 24 of the 1997 act, and amendment 68 seeks to restore the language of section 24 of the 1997 act in relation to approval of the plan by the planning authority or Scottish ministers and in relation to supplementary guidance. Finally, amendments 69 and 70 are consequential.

I move amendment 66.

Kevin Stewart: This group of amendments raises significant issues that could have a dramatic and damaging effect on this reform of our planning system.

First, on amendments 66, 69 and 70, there appears to have been some confusion among stakeholders about the removal of supplementary guidance. I remind the committee that the bill seeks to remove statutory supplementary guidance that is currently adopted under section 22(1) of the 1997 act, so that it no longer forms part of the development plan. Authorities would still be able to bring forward guidance on matters relating to the planning system as they saw fit, but although that guidance might be a material consideration in decision making, it would not form part of the development plan.

There are very good reasons for removing statutory supplementary guidance as part of the development plan. Such guidance does not reduce the complexity of development plans—it adds to it. Planning authorities appear to be using it to adopt significant policies that have the full weight of the development plan behind them, but without the rigour, engagement and independent scrutiny that are vital in producing a development plan.

Crucially, I would question the transparency of statutory supplementary guidance. The way in which it is used means that big issues—issues in which developers and communities have a significant interest—are subject to only limited consultation and no independent scrutiny.

It also confuses people, as key policies can be spread across several individual documents that are published at different times. We have clear evidence that supplementary guidance is being overused. Earlier this year, my officials established that at least 342 separate pieces of statutory guidance were referred to in development plans across Scotland, with 12,000 extra pages added to the statutory development plan. The number per authority ranged from zero to 38. That length and that inconsistency are not helpful. As the independent panel recommended, it would be much easier if all local development plan policies and proposals were in one place.

Supplementary guidance generates duplication. At present, many supplementary guidance documents are used to repeat national planning policy, but that will not be necessary if the national planning framework, incorporating Scottish planning policy, forms part of the development plan.

There are further technical difficulties. Planning authorities have used this guidance to add further policies either during the preparation of a plan or afterwards. However, when they adopt a new local development plan, all existing supplementary guidance falls, leaving a policy vacuum until that guidance is replaced.

I understand that environmental organisations have concerns that removing supplementary guidance would result in the loss of environmental policies. However, I would argue the opposite. Instead of leaving significant policy on, for example, green space or wind energy to a separate document, these issues would be addressed up front in the local development plan.

Supplementary guidance adds to the planning system's complexity and lacks rigour and transparency. That is why the bill seeks to remove those provisions, and it is why I ask the committee to reject amendments 66, 69 and 70.

On amendments 67 and 68, I have already set out my concerns about maintaining strategic development plans, and I have agreed to have further conversations on that issue. For the reasons that I have just explained, we need to remove statutory supplementary guidance in the interests of removing complexity and improving the transparency of development planning. I therefore strongly resist the insertion of these additional documents into the definition of the development plan, as proposed by amendments 67 and 68. Once more, I ask the committee to take the bill as an opportunity to make development plans—and the planning system as a whole—much simpler and easier for everyone to understand. I cannot support amendments that would not only miss that opportunity but make the system even more complicated than it is now.

Finally, the amendments in my name are technical but important to the system's effectiveness. Amendments 131 to 133 deal with the effective date of provisions of the national planning framework and local development plans, making it clear that if a provision of one part of the development plan is inconsistent with another, the later provision is to prevail. That will be of particular relevance where one document is amended at a later date than the other, and the new arrangements will help development planning move forward instead of having to look back to outdated documents.

Amendments 134 to 136 seek to make minor changes to provisions for legal challenge to the national planning framework in recognition of the provision for it to be amended and the arrangements for publishing an amended framework. However, I would note that amendments 133, 135 and 136 refer to sections that would have been inserted by amendment 116, which has not been agreed to. I will therefore not move those amendments today, but I intend to lodge at stage 3 equivalent amendments with the appropriate references.

Andy Wightman: I listened very carefully to what the minister has said, and I appreciate his putting on the record, perhaps for the first time, a rather clearer exposition of the reasons why the bill does what it does. This is an area where I think there is some confusion, but to my mind, what the minister has said has clarified his intentions. I still want to have further conversations about the matter, because there is no uniformity of view, but in the spirit of good will, I will neither press amendment 66 nor move amendments 69 and 70.

I will be moving amendment 67, because it is consistent with the committee's approach to date on the retention of strategic development plans. I realise that it contains a provision on supplementary guidance and that, as a result, my intention to move this amendment is not consistent with my decision not to press amendment 66, but given that we are going to have to tidy up strategic development planning in what we are doing, I think that the issue can be dealt with at stage 3.

I will not be moving amendment 68. Amendments 69 and 70 come later in our consideration and, to be frank, I cannot remember what they relate to in schedule 2. Perhaps we will deal with that when we get to the vote in several weeks' time.

Amendment 66, by agreement, withdrawn.

Section 4 agreed to.

The Convener: This would be a good place to stop for a five-minute comfort break. I ask members to be back here as soon as they can.

10:59

Meeting suspended.

11:05

On resuming—

Section 5—Key agencies

The Convener: Amendment 10, in the name of Graham Simpson, is in a group on its own.

Graham Simpson: I will be quick. I lodged amendment 10 in the mistaken belief, probably because of my lack of expertise in legalese, that the section could apply to named individuals. I have been assured that it does not and that it will merely apply to office-holders. Therefore, I will not move the amendment.

Amendment 10 not moved.

Section 5 agreed to.

Section 6 agreed to.

Section 7—Amendment of National Planning Framework and local development plans

Amendment 128 not moved.

Amendment 41 moved—[Graham Simpson].

The Convener: The question is, that amendment 41 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 41 agreed to.

The Convener: Amendment 11, in the name of Graham Simpson, is grouped with amendments 28, 130 and 29.

Graham Simpson: I will speak for a bit longer to amendment 11, which is about amending the local development plan. It provides:

> "A planning authority must amend a local development plan constituted for their district if it becomes apparent that insufficient supply of land is available for housing."

On the face of it, that might sound a bit top down, but it is vital that councils keep development plans up to date, especially given that we are

moving to a 10-year cycle. Recent plan examinations have found significant housing supply shortfalls in areas such as Edinburgh, Fife and Glasgow, which amendment 11 would help to address. That is important for councils because they are often challenged on the issue, and I do not want to see that—indeed, none of us wants to see that. By keeping things up to date, councils will keep themselves safe.

The bill must address the issue of building homes, and an LDP must be updated in the event of a housing supply shortfall. That will best support a plan-led system, which we all want, and the role of the LDP in managing sustainable growth and the benefits that flow from that. It is about keeping things up to date and preventing challenges to councils from developers.

I move amendment 11.

Daniel Johnson: My amendments 28 and 29 are aimed at addressing a fundamental point, which is similar to the one that Graham Simpson outlined. If we are moving to a 10-year cycle, it is vital that the local development plan can be updated.

That should be particularly true of large, publicly owned sites. My view is drawn from direct experience in my constituency, which in recent years has seen three major sites being put up for sale in quick succession, and communities having to mount large vocal campaigns—seemingly, to very little effect. When large public sites are sold, early consultation must be facilitated so that people have a stake up front, prior to the sale. That is important for two reasons. The first is to do with the scale of such sites, and the second is to do with people feeling that they have a stake in their ownership. Frankly, we are talking about sites that are cherished parts of the community, the development of which can radically change the nature and character of communities.

We might look at the example of the Royal hospital for sick children: the local plan, as it stands, says that it is a hospital. The brutal bottom line is that people do not expect the purpose of such large sites to change. That is why I lodged amendments 28 and 29. What they seek is that when planning authorities become aware of a proposal to sell land, they should engage in a consultation process that will update the local development plan so that, given the change in circumstances, it reflects local need. Furthermore, I have sought to clarify matters by stating that the consultation process should be robust, which means that consultation would be not just required but explicitly reflected in the update.

Finally, I have sought to clarify the scope of amendment 28, in that its focus is on major sites. The approach draws on what is in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 and adds the public element. From informal conversations, I understand that there are concerns as to what is implied in proposed new section 20AB(2) of the 1997 act, which amendment 28 would insert, by the reference to a local authority's becoming "aware". I draw committee members' attention to proposed new section 20AB(3), which would require ministers to issue guidance about how public bodies would be required to inform local authorities if they intended to sell sites. That would avoid the possibility of public bodies concealing—through circumstance or intent—their intention to sell so that they can obtain planning permission before they update their plan. The requirement for regulations would ensure that we had a process that prevented that.

Likewise, amendment 28 includes specific requirements on the consultation and provides for ministers to issue guidance in that regard, so that the specific and technical requirements could be thought about more clearly. I point out to members that amendment 29 also stipulates that regulations would be subject to the affirmative procedure. How both elements are conducted is vital.

I conclude by saying that development of large publicly owned sites is hugely controversial. My amendments are important in principle and would have beneficial practical impacts. I also point out that having in the bill a strong definition of "consultation" would be useful here, and potentially useful elsewhere.

Kevin Stewart: I agree with the aim of Graham Simpson's amendment 11 and expect to issue guidance that will explain in more detail the range of circumstances that could trigger a review of a local development plan. Our working groups discussed the issue, and their suggestions included a significant change in local economic circumstances, a shortfall in the number of homes being delivered or the emergence of a local place plan. Those were set out in our technical paper in December 2017.

It would be more useful to look at such triggers in the round, rather than elevate one over all the others. In particular, amendment 11 could lead to perpetual review of local development plans, where the matter of housing land is in dispute and review is required in every case. If plan amendments were to be required in all cases as a matter of law, planning authorities could easily be caught up in continually justifying their land supply. Rather, it is important that local authorities are able to use their judgment and consider the evidence more fully in determining when the time is right to amend plans.

11:15

With regard to amendment 28, members should realise that planning cannot stop or delay sites being sold, and I am not convinced that the issue that amendment 28 covers is a planning issue. Public sites may change ownership without generating a planning issue. As with many other amendments that we have discussed today, amendment 28 would place significant additional administrative duties on planning authorities without necessarily having any relevance to the question of future development. Where change of use that constitutes development arises, the public body would need to engage with planning when it submitted a planning application and meet any associated requirements for consultation at that stage. In any case, local authorities must be able to use their judgment and consider the evidence more fully in determining when the time is right to make plan amendments in their areas.

Setting out the triggers for reviewing local development plans in guidance would allow for further consultation with stakeholders on the different circumstances that are relevant and how those circumstances are defined. It would also enable us to revisit and update those circumstances, if practice requires. Therefore, I ask the committee not to support the amendments in this group. My amendment 130 was consequential to amendment 116, which was not agreed to, so I do not intend to move amendment 130.

Monica Lennon: I want to clarify a remark that I made earlier, because I think that I got ahead of myself. In the discussion on the group on the main issues report and evidence report, I talked about the use of language in the context of Graham Simpson's amendment 8. In particular, I referred to the use of the word "apparent". I was actually thinking about amendment 11, which is in the group that we are dealing with now.

In principle, I am supportive of what is proposed, but the guidance would be important. We need to be clear about what would trigger the process. If we are saying that the planning authority "must amend" the plan, we must be clear about the criteria that we have in mind.

I support Daniel Johnson's amendment 28, which relates to proposals that are submitted for major sites, especially those that are in public ownership—I am thinking about hospitals, in particular, which are a topical issue in Lanarkshire at the moment. Daniel Johnson made a good case for his amendment. The lifetime of local development plans is 10 years, which can seem like a short period but can also seem like a long time. I know that the minister is keen to keep local place plans in the bill, too. We have previously asked what would happen in an area if a number of local place plans were put forward. What would that mean for the local development plan? Could that also trigger an update to the plan? There are some wider issues that remain to be considered.

I accept the principle behind amendment 11, but further clarification is necessary on what we would be asking planning authorities to take responsibility for.

Andy Wightman: I understand the sentiments behind amendment 11, but I am rather concerned about putting into legislation terms such as "apparent" and "insufficient supply", which are wide open to interpretation and dispute, in describing what would trigger amendment of the local development plan. I would be happy to talk to Graham Simpson and, indeed, the minister about how we might do what is proposed, but I feel uncomfortable about supporting amendment 11 at this stage.

I support the spirit behind Daniel Johnson's amendment 28. We have large sites that are not anticipated to be changing in any way and then suddenly they change. It would be appropriate to have a more fundamental look at how such land should be used in the future. However, as the minister said, that engages a question about consideration of matters when a planning authority becomes aware that a body is considering a proposal for sale, which has nothing whatever to do with the planning system.

The proposed regulations would not cover big public authorities such as the Ministry of Defence, as it is not a Scottish public authority, yet the Ministry of Defence—as we know—has a programme of land disposal, including some large sites in Lothian and other parts of Scotland.

There is also potential conflict because no provision is made as to what happens if the owner of one of those sites or indeed anybody submits a planning application under the existing local development plan. How would one retrospectively amend the plan? There is not a good fit there.

We need to do something in this area and I commend Daniel Johnson for the work that he has undertaken. I think that a lot of what he proposes could form part of an amendment at stage 3 but I am not minded to support amendment 28 at this stage, because I think that it needs substantial work, which is better done from a blank sheet than from amending a large amendment.

Graham Simpson: I have reflected on what people, particularly the minister, said about amendment 11. The minister seems to accept the principle behind the amendment but believes that the matter would be better dealt with in guidance. He is probably right on that. The words "apparent" and "insufficient" in the amendment are open to interpretation—how would we prove either? I am

someone who likes precision in language and I am afraid that amendment 11 is not all that precise, so I will seek leave to withdraw it. However, I welcome the minister's commitment to having further discussions.

On Daniel Johnson's amendment 28, I see where he is coming from but I tend to agree with the minister on this—it does not fall under planning. Perhaps he should revisit the matter for stage 3 and have discussions with people.

Amendment 11, by agreement, withdrawn.

The Convener: Amendment 55, in the name of Alexander Stewart, is grouped with amendments 56, 57, 61, 148, 149, 150, 62, 63, and 151. Amendment 56 is pre-empted by amendment 93 in the group on simplified development zones—procedure. Amendment 57 is pre-empted by amendment 95 in the same group. Amendment 150 pre-empts amendments 62 and 63 in this group. I hope that you have all got that.

Alexander Stewart (Mid Scotland and Fife) (Con): I am happy to speak to amendment 55 and the other amendments in the group.

The bill states:

"The Scottish Ministers may direct a planning authority to exercise their power"

to amend a local development plan for their district

"in relation to matters specified in the direction."

The bill does not currently include a requirement for the publication of directions given by the Scottish ministers to a planning authority under that section. Amendment 55 would insert a requirement for publication and so would ensure increased accountability in relation to the directions given by the Scottish ministers.

Amendment 56 relates to simplified development zones. The bill states:

"The Scottish Ministers may at any time direct a planning authority to ... make a scheme ... or ... alter a scheme in such manner as the Scottish Ministers consider appropriate."

Amendment 56 inserts a requirement for publication of those directions. As per amendment 55, it would increase accountability.

I turn to amendment 57, on the Scottish ministers giving a calling-in direction to the planning authority in relation to the authority's proposal for making an alternative scheme. As per amendments 55 and 56, amendment 57 would introduce increased accountability.

I turn to amendment 61, which concerns the power to transfer functions from a planning authority that is unable to exercise its functions as a result of prohibition under section 24(1). Under the provision, the Scottish ministers may issue a direction allowing for the functions of a planning authority to be exercised by another planning authority or by the Scottish ministers on the planning authority's behalf. As per amendments 55, 56 and 57, the amendment will increase accountability. Arguably, that is particularly significant as functions can be transferred by a direction that is given by the Scottish ministers to the Scottish ministers themselves.

Amendment 62 concerns the performance of planning authority functions. Directions can be issued in certain circumstances where the Scottish ministers require the planning authority to take such action as is specified in a direction concerning recommendations for a performance assessment report by the Scottish ministers. They may vary or revoke such directions. The amendment clarifies the situation. It states:

"a direction must be in writing."

The requirement for the direction to be given in writing will ensure publication in written form, and the amendment provides some flexibility by leaving to the discretion of the Scottish ministers the direction in which they may wish to travel.

Amendment 63 clarifies that the direction or variation or revocation of the direction must be published

"as soon as reasonably practicable after it is given".

That will allow scrutiny of the decisions and the direction at an appropriate time.

I move amendment 55.

Kevin Stewart: This group of amendments responds to the Delegated Powers and Law Reform Committee's request that there be a statutory requirement for ministerial directions to be published, including the reasons for making the direction. The committee limited itself to addressing new direction-making powers introduced by the bill. However, there are other direction-making powers already in the 1997 act, and I think that it is more appropriate that they should all be handled in the same way. Amendment 151 therefore inserts a provision that applies to all directions made under the 1997 act. It requires the Scottish ministers to publish the direction and their reasons for making it, and clarifies that publication is to include publication by electronic means.

Amendments 148 to 150 tidy up other parts of the 1997 act to ensure that the requirements are all consistent.

I should explain the exception to the requirements relating to section 265A. That allows the Scottish ministers or the secretary of state to direct that evidence in a planning inquiry may be heard or inspected by specified persons only if it

relates to national security or the security arrangements for any premises or property and disclosing it in a public inquiry would be contrary to the national interest. It follows that the direction describing such evidence should not be required to be published.

I appreciate Alexander Stewart's efforts to implement the Delegated Powers and Law Reform Committee's proposal. However, I suggest that the amendments in my name are a little more comprehensive, and I hope that he will not press amendment 55 and that he will not move his other amendments in the group. I ask the committee to accept the amendments in my name.

Alexander Stewart: I thank the minister for his comments. I note what he said and think that he has made valid points. Therefore, I seek to withdraw amendment 55.

Amendment 55, by agreement, withdrawn.

11:30

The Convener: Amendment 177, in the name of the minister, is grouped with amendments 129, 78, 137, 138, 178, 179, 204, 180, 205, 206, 139 and 87.

Kevin Stewart: Please give me a few seconds, convener—I am a bit behind in the old paperwork.

The bill as introduced would have required planning authorities to "have regard to" local place plans when preparing or amending local development plans. In line with the commitment that I made at stage 1, amendments 129, 177, 137 and 138 seek to replace the requirement to "have regard to" local place plans with a requirement to take them "into account". As my commitment to lodging such amendments was welcomed by the committee in its stage 1 report, I trust that the committee will welcome these amendments at stage 2.

At stage 1, I also committed to considering amendments that would help to clarify our expectations of planning authorities in dealing with local place plans. There was concern that the bill as introduced would not require a planning authority to respond in any way when a local place plan was submitted. Amendment 139 is intended to address that by requiring planning authorities to maintain a register of local place plans. When a valid local place plan is submitted, a planning authority must place the plan on the register and tell the community body that it has been registered. If the planning authority considers the local place plan not to be valid and as a result does not register it, it must advise the community body of its reasons for that. That will give community bodies the information that they need to correct any problems and get an invalid proposal up to standard.

The Scottish ministers will have powers by regulations to make further provision on the register of local place plans, including the power to prescribe the form and content of the register. The regulations can also provide for when a local place plan may or must be removed from the register and allow for them to expire; otherwise, they could continue indefinitely in effect, even after the same community body had prepared a new plan. A register of local place plans for a local authority area, with a map of the areas that the plans cover, might also assist community bodies in defining the boundaries of their local place plans so that they do not overlap and provide potential developers with a source of information on the community's aspirations for its future development.

Amendments 178, 179 and 180 are technical adjustments as a consequence of adjustments made under amendment 139.

I can see that Mr Simpson's amendment 78 has the similar aim of linking planning authorities to the preparation of local place plans. I agree that it would be helpful if, when a planning authority was starting to prepare its local development plan, it let communities know when local place plans would need to be ready in order to be included. Likewise, information on the assistance that is available to communities from planning authorities should be widely advertised.

However, I am concerned that amendment 78, as drafted, might have the implication that local authorities should actively steer the preparation of local place plans and set criteria and deadlines for them. Our intention is for communities to lead the development of local place plans, working with rather than to local authorities. I agree that local authorities could—and probably should—prioritise areas for supporting local place plans, but communities in other areas should still be able to bring forward their plans if they want to, in their own way and in their own time. I will support amendment 78, but I want to look carefully at the wording before stage 3 to ensure that communities retain that pre-eminent role. I am more than happy to have further conversations with Mr Simpson and others on that.

Amendments 204, 205 and 206, in Ms Lennon's name, misunderstand the role of local place plans. Local place plans are not simply requests to amend the local development plans; a local place plan will be a recognised expression of a community's ambition for its place, and local place plans will have the status of a material consideration in the planning system, even before they are considered for inclusion in the local development plan.

Amendment 204 would prevent communities from bringing forward local place plans until at least five years after the adoption of the local development plan. Given that there is no restriction on when local development plans can be amended for other reasons, I see no justification for limiting communities in such a way. Communities already prepare things that look a lot like local place plans, when something inspires them, and such a plan should not have to sit on a shelf for five years before it can be recognised.

In preparing a local place plan, reflecting the local development plan's vision will be an important element. The bill requires community bodies to have regard to the local development plan, and I am not convinced that a separate requirement to set out why the local development plan should be amended is helpful.

Local councillors might act as important intermediaries for community bodies as they seek to prepare or garner support for their local place plans. However, the plan is the community's plan, and the views of councillors should not have the prominent status in the process that is proposed in amendment 206.

I am a bit disappointed that Mr Wightman lodged amendment 87. In its stage 1 report, the committee said:

"We welcome the statutory underpinning of LPPs as proposed in the Bill."

I will not rehearse the whole debate on local place plans, but I remind the committee of the intended benefits of such plans. The provisions were introduced to ensure that the plans that communities already prepare have a statutory underpinning, and there has been widespread support for the approach. Many communities and individuals supported the independent panel's original recommendation. The independent panel took the view that such an approach could make a big difference to the way in which people engage with the planning system. I agree that local place plans could play a significant role not just in front loading engagement but in securing full and positive involvement in planning from a wider range of people and at an earlier stage than is currently the case.

We have proposed other measures to improve engagement in development planning, but local place plans have perhaps the greatest potential to bring the planning system in step with community empowerment in Scotland. There is a need for planning authorities to change the way in which they engage with their communities. Local place plans will provide the maximum opportunity for people to put forward their ideas for planning rather than simply respond to proposals that planning authorities have put forward.

We are all aware of communities that have prepared plans that set out the vision for their areas. Over the summer, I met a number of such communities, which have shown great creativity and skill. Other communities will need more help. I recognise that local place plans should provide opportunities for all communities, not just those that already have access to skills and resources.

I remain convinced that communities should be able to set out a vision for the development of their areas, which should be taken seriously by planning authorities. That chimes with other work on community empowerment. Listening to communities should be the norm in all public bodies.

I urge members not to agree to amendment 87, in Mr Wightman's name.

I move amendment 177.

The Convener: I call Monica Lennon to speak to amendment 204. I apologise—I should have called Mr Simpson to speak to amendment 78 and other amendments in the group.

Graham Simpson: Thank you, convener. It can be hard to keep up with the process.

I welcome the minister's support for amendment 78.

The committee spent a good deal of time looking at local place plans. It is fair to say that we were unanimous in our view that they could be a good idea but that not enough thought has been given to how such plans could work in practice. Communities can produce plans for their areas, but councils should "have regard to" such plans. That means that councils could "have regard to" them, and then quickly disregard them. Even the alternative wording, whereby councils must "take account of" such plans, is little better.

The committee is worried that people could spend a lot of time and money producing plans for their areas that ultimately go nowhere. During a visit to Linlithgow, we heard evidence that a plan could be produced and then disregarded by the council. Of course, that would be the council's right; it would be for the democratically elected body to make the final decision, but why should we raise people's hopes? Amendment 78 replicates the committee's recommendation. Again, it is designed to enhance community engagement.

Andy Wightman will speak to amendment 87, which would remove section 9 entirely. I could easily support that but, given that the minister is prepared to engage on improving local place plans, I am prepared not to support amendment 87 if the minister is happy to support my amendment 78. The idea of local place plans has some legs, but we can and need to improve it. We

need to have more detailed discussion ahead of stage 3 because, if we want people to be involved in the planning system, we need to mean it and be serious about it. Local place plans could be a good idea, but they need some work.

I appreciate the comments that have been made about my amendment 78, and I hope that it will be agreed to. I will not support amendment 87.

The Convener: I call Monica Lennon—this time—to speak to amendment 204 and other amendments in the group.

Monica Lennon: With local place plans, we get into some of the fundamental issues of why the bill has been introduced. The minister talked about amendments 204 to 206 and seems to feel that local place plans have been misunderstood. To be clear, it is not that I or others "misunderstand" them, but that the Government has put many contradictions in the bill.

We agree that there needs to be a purpose for planning, but members have different views on what that purpose should reflect. I have argued strongly that we should take a rights-based approach to planning, with a real focus on outcomes. We need to be clear about why we are bothering to plan in the first place. Key to all that is a commitment to a plan-led system. The minister talks a lot about front loading and early engagement to ensure that all parts of a community have a stake in a development plan, and we are all trying to achieve that through the bill.

That brings us to local place plans, which are new propositions. What would the role of local place plans be? I support Andy Wightman's amendment 87, which would take local place plans out of the bill. That is not because I do not want communities to be more involved—I have just argued for more rights for people, including children and young people, and disabled people through access panels and community councils. The minister has argued against, and some committee members have voted against, all those proposals.

Annabelle Ewing (Cowdenbeath) (SNP): Will the member take a brief intervention?

Monica Lennon: I ask the member to bear with me.

Some committee members joined us only a couple of weeks ago, so I should say that, during stage 1, the committee held long evidence sessions with panels and went outside Parliament to a full-day conference and around different parts of the country. We heard about people's aspirations to get involved, but they want to be involved in development plans; they do not want there to be a parallel process in which communities get a second chance to update development plans.

We know that local authorities face a lot of financial pressure. The Government has set out in the financial memorandum what the local place plans will cost, but the Royal Town Planning Institute Scotland—of which I remind the committee that I am a member—felt that that might be quite a conservative estimate. I hope that all my years of professional experience have not been wasted and that I do not misunderstand what the minister is saying.

11:45

I am with Andy Wightman on this. I am not convinced about the need for local place plans, and I think that the bill could live without them. We all want to focus on getting development plans right. However, if we are to have local place plans, we must do it in a proportionate way, and that is what amendments 204, 205 and 206 are about.

Amendment 204 deals with timescales. We need to look at timescales, because a local development plan might be freshly adopted, only for a proposal for a local place plan to emerge six months or a year later. The minister is arguing that we should streamline the planning process and give certainty to everyone. In particular, he wants the bill to give certainty to developers and investors, who want to have a good handle on risk. If we are to have local place plans, I think that it would be reasonable for them to be introduced at the mid-point in the 10-year lifetime of the local development plan.

Amendment 205 says that reasons should be set out for why the local development plan should be amended, which I think is quite sensible. People need to have that understanding. The proposal chimes with what we talked about earlier in the context of Graham Simpson's amendments. The lack of an effective or sufficient supply of housing land could be a trigger for amending the LDP. That is an example of a reason that could be set out. There need to be clear parameters.

If local place plans are put forward, they will be put forward at a very local level—at neighbourhood or ward level. The role of local councillors is fundamental. It is not a case of giving local councillors "prominence", which I think is the word that the minister used; it is a case of making sure that there is proper engagement with local councillors, not all of whom will sit on planning committees.

I will let Annabelle Ewing come in at this point so that I can refer back to my notes.

Annabelle Ewing: I have two points to make on local place plans. The Government is seeking to

front-load community engagement, which I think is a good thing. Therefore, I will be happy to support the amendment on that.

I think that Monica Lennon has slightly mischaracterised what the minister said and how some members of the committee have voted. Monica Lennon lodged amendments on the involvement of young people and so on, whereas the minister had a different approach. I felt that the minister's approach was a better one, including from a drafting perspective, and I was very happy to support it.

Monica Lennon: Thank you for those comments.

I am still unconvinced, as I have been throughout our consideration of the bill. If we want to strengthen the development plan, as I know the minister does, I do not fully understand the role of local place plans in that process. I know that there is a strong desire in communities to reform other parts of the planning process, such as the appeals process, which we will come to at a later stage. Some of the amendments that I have lodged in that regard are strongly tied to the development plan—they are about not allowing people to go off on a tangent and make proposals that do not comply with the development plan; they seek to put in the necessary checks and balances. I know that the minister is not keen on that approach, but I do not think that allowing local place plans to come in at any point in the 10-year cycle will allow things to bed in, either. I remain unconvinced.

I have some concerns about the resourcing of local place plans. Perhaps the minister can remind me of the projected costs, but I think that we are talking about tens of thousands of pounds.

I am not sure that that would be the best use of resources when there is a lot more that we could do to ensure that communities genuinely get involved in the local development plan process and can be empowered to have a voice when the plan needs to be reviewed. However, the triggers would have to be quite clear. We could have a very crowded landscape of local place plans coming forward, and I am not sure that planning authorities will have the resources, time and effort to respond to them in the most positive way.

Andy Wightman: Section 9 of the bill provides that community bodies, as defined, have a statutory right to prepare local place plans, and that planning authorities must take account of them. In our stage 1 report, we concluded that

"As things stand the proposals for LPPs run the risk of being disregarded or ineffective."

Those who provided written and oral evidence had mixed views, with a common concern being that the time and effort spent on engagement with local place plan creation might be better spent on engaging in the local development plan process.

I have no objection to some of the amendments to enhance local place plans that have been lodged, including those in this group. However, I remain of the view that the case has not been made that such plans are a robust and meaningful contribution to the development planning process. My amendment 87 therefore deletes section 9 of the bill. If further work to address the concerns expressed by the committee, myself and others could be done before stage 3, I would be open to considering supporting the proposal. I feel rather uncomfortable about proposing that we remove a provision that is intended to engage local people in the planning system. However, we should not proceed with a provision if it does not provide a genuine, meaningful process for people, as part of the planning system. I reject the notion that we should do as England has done and make them a formal part of it. On that, I agree with the minister, who highlighted the point in correspondence to the committee. At this point, I am not persuaded that local place plans could make a meaningful contribution, given the task in front of communities and the fact that many disadvantaged communities will be in most need of effective planning but least able to deliver it.

Finally, Monica Lennon's amendment 204 reveals part of the confusion about the system and what we are trying to do with it. I have some sympathy with having a bit of certainty, but if such plans are to be loose things, I consider that we should leave them loose. I am therefore not minded to support amendment 204. However, I am content to support amendments 205 and 206.

The Convener: I invite the minister to wind up.

Kevin Stewart: I will start by responding to Mr Simpson's comments on amendment 177. I recognise his concern about local place plans being prepared and not going anywhere. He describes current situations. However, we should note that there is currently no place in the system for local place plans, which colours some folks' experiences of what goes on at present. I hope that the committee will appreciate the amendments that I have lodged to ensure that there is a clear place for such plans, and a procedure for local authorities to deal with them.

I have made no secret of my view that I want as many folk as possible to be involved in planning. At various points, I have talked at length about trying to intertwine community planning and spatial planning. In many areas of Scotland, many people are involved in community planning. I want to see the same level of involvement in spatial planning. With the best will in the world, I do not think that a huge number of folk will necessarily be clamouring to get involved in development planning, because

they are interested in their own places. However, while they might not be happy to deal with development planning, getting involved in local place plans may move them on to those stages. Again, I want to see as many people as possible getting involved at every stage.

Local place plans are designed to give communities a route into the local development plan. As we have heard, communities can put together plans that go nowhere, and I think that what we are doing is designed to deal with that.

Kenneth Gibson: Will the minister take an intervention?

Kevin Stewart: I certainly will.

Kenneth Gibson: This has already been touched on, but what really concerned members of the committee was the fact that many communities simply do not have the capacity to do that sort of thing. As a result, you will end up with a very patchy situation across Scotland.

Kevin Stewart: I have talked to this committee and the Finance and Constitution Committee about where I think resources should go to help those communities that might not have the skills and the resources at the moment. Ms Lennon asked how much some of this will cost. As I have said, the Scottish Government is prepared to put in resources to support communities, including through our making places initiative, and we are also working with Planning Aid for Scotland and the Scottish Community Development Centre to help inform future guidance and support for communities and planning authorities in this regard. I hope that planning authorities themselves will place major emphasis on helping communities that need that help most, and we will take a further look at that if that is required.

As I have said throughout the process, local place plans have huge potential to engage people in the planning system at the earliest stages, allowing them to set out how they want their places to develop. We are seeking to ensure that those plans are taken into account in local development plans; they are key elements in this reform and in getting more people engaged in planning, which is something that I think we all want.

The Convener: I want to raise two points. First, can you respond to Monica Lennon's earlier question about the figure in the financial memorandum?

Secondly, while Kenny Gibson was making his intervention, I was writing down exactly the same point. Will there be funding available to make it easier for communities that might struggle to put together local place plans?

Kevin Stewart: We already make funding available, and I am willing to look at that issue in future. However, as I told the Finance and Constitution Committee, if the changes that we envisage are made to the system, local authorities should be making savings and putting money in, too.

With regard to the figures given to the Finance and Constitution Committee, we estimate the average cost of a local place plan at around £13,000. On the basis of there being about 92 local place plans a year, we reckon that that will amount to about £1.2 million per annum.

As I have said, this is about getting as many people as possible involved in planning. I recognise that we probably still have a bit of work to do on this matter, which is why I am quite happy to support Mr Simpson's amendment and to have further discussions about some of the issues that have been raised. However, it would be very sad if the committee were to delete section 9 from the bill.

Amendment 177 agreed to.

The Convener: We are going to have a change of officials, so I will suspend the meeting very briefly.

11:58

Meeting suspended.

11:59

On resuming—

The Convener: I call amendment 2, in the name of Lewis Macdonald, which is grouped with amendments 305, 181, 306, 258 and 1. I welcome Mr Macdonald to the meeting.

Lewis Macdonald (North East Scotland) (Lab): Thank you very much, convener. I am delighted to say that all the amendments in this group support the agent of change principle, which was endorsed by the committee at stage 1. The question, now, is how best to go beyond that principle and give it practical effect.

The amendments in my name are explicitly designed to provide planning authorities with a clear legal basis for rejecting development applications that would compromise the operation of existing cultural venues in an unreasonable way. That goes further than the general provision proposed by other amendments in the group in recognition of the need for a decisive shift in favour of live music venues in particular, many of which have closed in recent years due to adverse planning decisions.

This is a recent development. In the past 10 years, we have seen the return of residential accommodation and people to the centres of our towns and cities. Although that is very welcome, one unintended consequence has been the impact on live music venues and other cultural venues in town and city centres. The fact that a third of venues across the country have closed in that decade is very significant.

Jurisdictions across Great Britain—the Welsh Government, the UK Government in relation to England and the Greater London Authority—have sought to respond to such changes by introducing or updating planning guidance, and the minister did the same in Scotland a few months ago. That was a welcome move, but this bill gives us an opportunity to go beyond what is happening in England and Wales and for Scotland to give a lead in providing real protection for live music venues in the law itself.

Under amendment 306, planning permission may not be granted if a development would require an existing cultural venue to make "unreasonable adjustments" or if the developer failed to include adequate noise mitigation measures in the development application. In addition, there would be a higher test for applications in or near to areas designated as culturally significant zones, as set out in amendment 305. In such zones, there would be a presumption against residential development unless the developer could conclusively demonstrate and prove that existing cultural venues would not be required to make any unreasonable adjustments.

The designation of a culturally significant zone, therefore, would not only implement the agent of change principle in relation to new developments but introduce a degree of protection for venues against a change of occupier in a neighbouring building—for example, where a neighbour who enjoyed live music was replaced by one who objected to it. As the law stands, that new neighbour's complaints could lead to the venue being closed down, even though the venue was there first. With the designation that I am proposing, however, that would no longer be the case.

Amendment 2 is a consequential amendment enabling culturally significant zones to be taken into account in the preparation of development plans, while amendment 258 would make the Music Venue Trust a statutory consultee on the same basis as the Theatres Trust, which is entitled to comment on any planning application that would affect an existing theatre. Such a move would for the first time acknowledge the cultural significance of live music venues and put them on a par with other cultural venues. I think that that is significant.

The amendments in the name of Adam Tomkins and of the minister introduce general provisions and duties, although Mr Tomkins's amendment 1 goes further in defining development close to live music venues and other sources of noise as "noise-sensitive development" and prohibits planning authorities from imposing requirements on the noise source in granting planning permission to the development. As a result, amendment 1 is stronger than the amendment in the name of the minister but, in any case, both are eclipsed by amendment 306 in relation to existing cultural venues and by amendment 305 in relation to culturally significant zones. However, because they have wider application, they would still have effect if they were agreed to alongside my own amendments. It is therefore perfectly possible for the committee to vote in favour of my amendments with either one or both of the other amendments in the group, and I encourage committee members to do so.

I move amendment 2.

Kevin Stewart: We need to protect and encourage the music industry's significant cultural and economic contribution to our society. We have a proud history of producing fabulous performers and great music in Scotland, and we must do what we can to support our established and emerging musical talent to continue that tradition. First of all, though, on Mr Macdonald's point about people moving house, the fact is that—and I put this very firmly on the record—planning cannot resolve a situation in which a person who moves into a property does not have the same opinion as their predecessor of the noise coming from a neighbouring venue.

With regard to requirements to mitigate the impact of existing noise from the local area on new development sitting with the developer, some very compelling evidence in that respect was produced at stage 1, and I recognise both the strength of feeling and the clear case for acting to support our culture and the benefits of our night-time economy.

As Mr Macdonald has pointed out and as the committee will recall, I announced in February that the Government would seek to embed the agent of change principle in the next national planning framework. To ensure that that was implemented immediately, I also asked the chief planner to write to all authorities, asking them to act on it with immediate effect.

Amendment 181 in my name complements that commitment and takes it a step further by enshrining in legislation the need to thoroughly consider—and, where appropriate, to mitigate—the impact of noise from existing uses when considering planning permission for new development in its vicinity. The amendment

addresses noise sources generally, because there are lots of different types of use and development that raise these issues. However, it refers explicitly to the performance of live music to ensure that there is no doubt about the need to protect this great resource for future generations.

My amendment will enable regulations identifying types of uses and developments, and the circumstances to which the agent of change principle will apply. It is important that we do this well and in close consultation with those whom it will affect. Crucially, however, amendment 181 will place a firm duty on the applicant to provide a statement assessing the possible impacts of noise and a firm duty on planning authorities to take full account of the evidence of noise. If granting planning permission, authorities must be clear in their own minds and explain why, within the terms of the application and decision, the likely noise impact would be acceptable.

Amendment 181 will ensure that noise issues are taken seriously and that all possible steps are taken to support development delivery while also protecting our existing uses and businesses, including our highly valued cultural venues. We have shared the amendment with music venue owners and other stakeholders in the music industry, and the feedback has been positive.

I certainly welcome the support that Lewis Macdonald and Adam Tomkins have expressed for the agent of change principle. That said, I am unable to support Adam Tomkins's amendment 1, although, for the reasons I have just explained, I absolutely support its intention. The fact is that, although the planning system expects appropriate conditions to be attached to a planning permission, conditions cannot require action to be taken by a third party with no direct link to the development or the site. As a result, Mr Tomkins's amendment does not change the current position.

I also cannot give my support to the amendments in the name of Mr Macdonald, because of their impact on the operation of the planning system and the need for us to maintain the essential mix of uses in our town centres that help bring our places to life. It is difficult to see how amendment 305 on culturally significant zones would work or where they would be brought forward, given that our culturally significant sites and venues are—appropriately, in my opinion—scattered throughout our towns and cities, thereby contributing to the overall vitality and the local economies of the communities in which they sit.

I am also concerned that, especially with the risk of a presumption against some development up to 100m beyond the zone, the designation of culturally significant zones could lead to the clustering of venues and thereby disincentivise other uses that are needed to maintain vibrant communities.

Development plans can already designate land that is linked to policy, as already happens for a range of things, including town centres, so planning authorities can set policies in relation to areas or properties that they want to protect for their cultural significance. Our reforms are about delivering good development and removing unnecessary process from the planning system. Amendments 2 and 305 would add process and uncertainty, with no clear purpose or benefit.

Mr Macdonald's amendment 258 is unnecessary. If a planning application is made for development on land on which there is a music venue, the venue operators are notified, and they can choose whether to involve the Music Venue Trust. A burden of duty and associated costs is also placed on statutory consultees in the planning system, which would need to be carefully considered. Other statutory consultees are set out in secondary legislation, and I would be more than happy to explore that when revising the relevant regulations.

I am particularly concerned by Mr Macdonald's amendment 306. It would introduce a blanket requirement to refuse planning permission for residential use in certain circumstances. Proposed new section 37A of the 1997 act refers to

"unreasonable adjustments to the operation of existing cultural venues, facilities or uses".

It gives no guide as to what sort of adjustment might be unreasonable or what criteria should be used to assess that.

Subsection (2) of proposed new section 37A would, in effect, create a presumption against the granting of planning permission for residential development within 100m of a culturally significant zone. The onus that would be placed on the developer to prove that no unreasonable adjustments were required would seem to be near impossible to meet, given that the amendment does not describe what would be unreasonable, which could be taken to mean any adjustment that the venue's operator might not wish to see.

Given that a culturally significant zone could comprise a single building and given that, under proposed new section 56A(4) of the 1997 act, a planning authority would be required to make a designation when a valid request was made, there could be a series of overlapping areas that had a presumption of no residential development. If the impact on new development from existing noise sources were to be unacceptable, we would normally expect a refusal, but that decision must be for the planning authority to make, after taking full and fair account of the development plan and all material considerations.

My amendment 181 respects that role of planning authorities and the planning profession in reaching reasoned judgments that are based on the best information, rather than tying their hands. It more appropriately and proportionately ensures that the issues from the impact of noise will be considered effectively before any decision is made on an application for planning permission.

I ask the committee to support my amendment 181, which will embed the agent of change principle in the planning system. I also ask it not to support the amendments in the names of Mr Macdonald and Mr Tomkins.

The Convener: I think that the minister will be delighted to hear that this is the last group of amendments that we will discuss today, so his voice should be okay to hold out for the rest of the day.

Kevin Stewart: I am sure that that will bring great joy to many people.

The Convener: I think that people all around the world are applauding.

Adam Tomkins (Glasgow) (Con): I welcome the fact that the agent of change principle now appears to have universal cross-party support. I agree with Lewis Macdonald that the question is how we deliver that in legislation. It is imperative to deliver it in primary legislation and not merely in regulations or guidance, although regulations and guidance must be in accord with what primary legislation says about the agent of change.

12:15

I also welcome and very much agree with Lewis Macdonald's comment that members of the committee can support all the Opposition amendments—the amendments in my name and those in his name, which overlap, to some extent, and complement one another.

The agent of change principle shifts responsibility for mitigating the impact of noise from an existing music venue to the developer who is moving into the area. As Mr Macdonald said, the issue has become a particular problem in our city centres, as a result of the regeneration of city centres as places in which to live. I declare an interest, as someone who lived in Glasgow city centre for four and a half years and could certainly hear a lot of noise at the time.

The principle means, in essence, that those who bring about change must take responsibility for its impact—it is really as simple as that. The key point is chronology. We want to avoid a situation in which an existing music venue business finds that, as a result of a developer moving into the area, fresh noise mitigation measures must be put in place at the venue's expense.

As the law stands, that is exactly what is happening: responsibility for managing and mitigating the impact of noise on neighbouring residents and businesses lies with the business or activity that is making the noise, regardless of how long the noise-generating business or activity has been operating in the area.

As members know, the current system is causing a crisis in the live music industry in Glasgow, in particular. It is threatening the very existence of King Tut's Wah Wah Hut and the Sub Club—two of the principal live music venues in Glasgow city centre. Just last week, I was at a meeting that the Night Time Industries Association hosted in Glasgow, at which concerns about the issue were raised.

KSG Acoustics, which advises King Tut's and the Sub Club with regard to the legal action that both venues are reluctantly having to take, has explained that it supports the Opposition amendments in this group but not the Government amendment, amendment 181, which it thinks does not go far enough.

Amendment 1, in my name, is designed to ensure that the spirit of agent of change, which is to ensure that venues and new developments can co-locate—this is in no sense an attempt to restrict the planning system—is in primary legislation in Scots law. As my remarks have made plain, amendment 1 was lodged primarily to address concerns from the live music industry that the current system is inflicting escalating costs on music venues. However, the amendment is deliberately broad in scope, so that the underlying principle can apply in other sectors.

The Music Venue Trust, which gave evidence to the committee during its stage 1 consideration of the bill, supports all the Opposition amendments in the group but does not support Scottish Government amendment 181, which, in the trust's view, could fail to deliver the desired policy outcome. With respect to the minister, I share that view.

I have some concerns about whether all the amendments in Lewis Macdonald's name are strictly necessary and whether some of them go too far in some respects. In particular, amendment 306 has the potential to obstruct the planning system, by imposing a blanket ban on residential development in town centres where there are cultural venues—or clusters of such venues. I heard what the minister had to say about that.

The starting assumption in amendment 306, if I have read it correctly, is that an application for a new development must be refused if the proposed development is in or within 100m of a cultural zone, unless proved otherwise. I think that such a provision could be tweaked at stage 3, so,

notwithstanding my reservations, I urge the committee to agree to amendment 306 at this stage. We can then revisit it and consider whether the wording needs to go quite as far as it does.

With respect, I think that there are two problems with amendment 181, in Mr Stewart's name. First, it does not do enough to put the principle of agent of change in primary legislation; it relies too much on regulations. Secondly, as the Music Venue Trust has said, amendment 181 does not make transparent exactly how firm duties are to be placed on developers to provide a noise impact assessment at their own cost or undertake mitigation measures themselves.

Those are our reservations about amendment 181. If amendment 181 were to be agreed to, the provision could be used against live music venues such as King Tut's and the Sub Club, in the city that I represent.

For all those reasons, I urge members of the committee to support all the Opposition amendments in the group and to reject amendment 181.

Lewis Macdonald: The minister said that planning cannot deal with a change of neighbour. I encourage the minister to be more ambitious than that. Planning can and should reflect our priorities as a society and as a Parliament. This is an ideal opportunity to demonstrate what our priorities are and to put them into effect.

We need to go beyond simply reminding planning authorities of their existing duties or requiring reasons to be laid out in a decision notice. We need to seek a change in the culture and the practical experience of music venues over recent years, which is that the planning system is, in effect, working to close venues down. Therefore, we need to put in place adequate provision and protection to ensure that that ceases to happen.

The minister said that the operators of music venues welcome amendment 181. It is important to say that every step that the Government has taken—there have been two or three different steps in the past six months—are all steps in the right direction but this is an urgent situation and short steps in the right direction are not enough; we need a change in the basis of the law and a change in the basis on which we go forward.

Kevin Stewart: I am happy to work with Mr Macdonald and Mr Tomkins to get this right for stage 3. I think that there are some real difficulties in some of these amendments, which could create areas where development would not take place. That is probably not the intention but that is what could happen as a result of Mr Macdonald's amendments.

I reiterate what I said previously—I understand the difficulties that there are in certain places in relation to live music venues. That is why I moved as quickly as I did and wrote to planning authorities about the issue. However, planning cannot deal with folk moving into existing properties—existing housing—who may not have the same opinions as those folks who were in those houses before them. We have to recognise that and also let folk out there understand that this applies to new development and not to what already exists. I think that some folk out there are a little bit confused about what this is about.

Lewis Macdonald: I hope that the amendments in my name will remove that confusion by addressing the issue of new development and the issue of changes in an existing neighbourhood.

It is important to be more ambitious than the minister is being in seeing what the planning system can do, because the planning system can protect live music venues. Adam Tomkins mentioned the case of King Tut's. The minister will know of other cases, in Aberdeen and Edinburgh, and I am sure that there are others across the country. We need a provision that protects those venues against development if we know that the development would lead to the closure of those venues. That is the seriousness of the situation that live music venues currently face and the reason for taking action in the way that we have described.

The minister was concerned that amendment 306 did not define "unreasonable adjustments". The term is not defined but the expectation is that the Government will introduce the necessary regulations, as under any other primary legislation, in order to define that term closely and precisely.

Graham Simpson: We have heard concerns from the minister and Mr Tomkins that one of the perhaps unintended consequences of amendment 306 is that it could prevent people from living in these culturally significant zones. Like Mr Tomkins, I also used to live in a city centre—in Newcastle. Within a stone's throw of my flat was a dance studio and just around the corner was a night club; I enjoyed living there. I am sure that such a consequence is not your intention, Mr Macdonald, but are you prepared to look into that for stage 3?

Lewis Macdonald: I certainly welcome Adam Tomkins's comments on how to address the issue at stage 3. I prefer his proposition, which is to agree these amendments today and come back at stage 3 to look at any refinement that is required, to the minister's proposal, which is to not take forward the amendments and then trust that he will come up with something that goes some of the way towards what we seek to do.

The intention is not to prevent people from living in culturally significant zones; the intention is to signal that someone who, for example, likes live music choosing to occupy a flat next to King Tut's is good, but someone who wants King Tut's closed down choosing to do so is not. That is the nature of the choices that have to be made. I will press my amendments in the group, because there would be significant benefits to providing, in primary legislation, a clear legal basis on which councils and planning authorities could protect live music venues. That is what is required and it is the right thing to do.

The Convener: The question is, that amendment 2 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 2 agreed to.

Amendment 129 moved—[Kevin Stewart].

The Convener: The question is, that amendment 129 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)
Lennon, Monica (Central Scotland) (Lab)
Wightman, Andy (Lothian) (Green)

Against

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

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

Amendment 129 agreed to.

Amendment 203 not moved.

Amendment 28 moved—[Monica Lennon].

The Convener: The question is, that amendment 28 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)

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)
Wightman, Andy (Lothian) (Green)

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

Amendment 28 disagreed to.

Section 7, as amended, agreed to.

Amendment 130 not moved.

Section 8—Development plan

Amendment 67 moved—[Andy Wightman].

The Convener: The question is, that amendment 67 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 67 agreed to.

Amendment 68 not moved.

Amendments 131 and 132 moved—[Kevin Stewart]—and agreed to.

Amendment 133 not moved.

Amendment 134 moved—[Kevin Stewart]—and agreed to.

Amendments 135 and 136 not moved.

Section 8, as amended, agreed to.

Section 9—Local place plans

Amendment 78 moved—[Graham Simpson]—and agreed to.

Amendments 137, 138, 178 and 179 moved—[Kevin Stewart]—and agreed to.

Amendment 204 moved—[Monica Lennon].

The Convener: The question is, that amendment 204 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 204 disagreed to.

12:30

Amendment 180 moved—[Kevin Stewart]—and agreed to.

Amendment 205 moved—[Monica Lennon].

The Convener: The question is, that amendment 205 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 205 agreed to.

Amendment 206 moved—[Monica Lennon].

The Convener: The question is, that amendment 206 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 206 agreed to.

Amendment 139 moved—[Kevin Stewart]—and agreed to.

Amendment 87 moved—[Andy Wightman].

The Convener: The question is, that amendment 87 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)
Wightman, Andy (Lothian) (Green)

Against

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

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

Amendment 87 disagreed to.

Section 9, as amended, agreed to.

The Convener: That is the end of this stage of stage 2. I thank the minister, his officials and the MSPs who attended today's meeting.

Day 4 of stage 2 will take place on 24 October, when the committee's target will be to get to the end of part 3 of the bill. Any further amendments that relate to the bill up to the end of part 3 should be lodged by 12 noon on Thursday 4 October, due to the October recess.

12:32

Meeting continued in private until 12:52.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

The Scottish Parliament
Pàrlamaid na h-Alba