

COMMUNITIES COMMITTEE

Wednesday 29 September 2004

Session 2

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COMMUNITIES COMMITTEE

25th Meeting 2004, Session 2

CONVENER

*Johann Lamont (Glasgow Pollok) (Lab)

DEPUTY CONVENER

*Donald Gorrie (Central Scotland) (LD)

COMMITTEE MEMBERS

*Scott Barrie (Dunfermline West) (Lab)

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Linda Fabiani (Central Scotland) (SNP)

*Christine Grahame (South of Scotland) (SNP)

*Patrick Harvie (Glasgow) (Green)

*Mr John Home Robertson (East Lothian) (Lab)

*Mary Scanlon (Highlands and Islands) (Con)

COMMITTEE SUBSTITUTES

Shiona Baird (North East Scotland) (Green)

Christine May (Central Fife) (Lab)

Shona Robison (Dundee East) (SNP)

Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

John Scott (Ayr) (Con)

*attended

THE FOLLOWING ALSO ATTENDED:

Mrs Mary Mulligan (Deputy Minister for Communities)

Jean Waddie (Scottish Executive Development Department)

CLERK TO THE COMMITTEE

Steve Farrell

SENIOR ASSISTANT CLERK

Katy Orr

ASSISTANT CLERK

Jenny Goldsmith

LOCATION

Committee 5

Scottish Parliament

Communities Committee

Wednesday 29 September 2004

[THE CONVENER *opened the meeting at 10:03*]

Interests

The Convener (Johann Lamont): Welcome to this meeting of the Communities Committee. I welcome in particular Linda Fabiani and Christine Grahame, who have now joined the committee. We record our thanks to Sandra White and Stewart Stevenson for their work during their time on the committee. Sandra White was on the committee only for a short time, but Stewart Stevenson, along with the rest of us, worked hard on matters relating to the committee.

I invite Linda Fabiani to declare any interests.

Linda Fabiani (Central Scotland) (SNP): I am a fellow of the Chartered Institute of Housing, a member of the Transport and General Workers Union and a trustee of a charity called Just World Partners, which is based in Scotland.

The Convener: Thank you. I invite Christine Grahame to declare any relevant interests.

Christine Grahame (South of Scotland) (SNP): I will take the belt-and-braces approach. I do not know whether this is relevant to the committee, but I am a member of the Law Society of Scotland and the National Union of Journalists.

The Convener: Thank you very much.

Subordinate Legislation

Housing Grants (Assessment of Contributions) (Scotland) Amendment Regulations 2004 (Draft)

10:05

The Convener: Item 2 is subordinate legislation. We come to consideration of the draft Housing Grants (Assessment of Contributions) (Scotland) Amendment Regulations 2004. I welcome Mary Mulligan, the Deputy Minister for Communities, and Jean Waddie, an Executive official, who have joined us for this item. As members are aware, the instrument is subject to the affirmative procedure, so the deputy minister is required under rule 10.6.2 of standing orders to propose by motion that the draft regulations be approved. Committee members have received copies of the regulations and the accompanying documentation. I invite the minister to speak briefly to the instrument, but she should not yet move the motion.

The Deputy Minister for Communities (Mrs Mary Mulligan): Good morning everybody. It is pleasing to be back before the Communities Committee; I have missed you all over the recess. As the convener indicated, there are some new faces. I look forward to working with you during this session of the Parliament.

I have a couple of comments to make about the regulations and then I will be happy to take questions.

Members will be aware that last year we implemented the Housing Grants (Assessment of Contributions) (Scotland) Regulations 2003 to introduce a national test of resources for the grants paid by local authorities for the improvement or repair of private housing. The test of resources assesses the amount that the applicant should contribute to the cost of the work to ensure that public resources are targeted at those on the lowest incomes. When the 2003 regulations were introduced, the Subordinate Legislation Committee raised a number of points, which the Scottish Executive undertook to address at the earliest opportunity. That is the main purpose of the draft regulations.

In the assessment of contributions, payments from various named charitable trusts are excluded from the calculation of income. The Subordinate Legislation Committee noted that the Eileen Trust and the trusts that make payments to variant CJD sufferers were not among those listed. The draft regulations correct that omission and also insert in the list the Skipton Fund, which relates to hepatitis C. We felt that it would be most appropriate to include the Skipton Fund at the same time as the

other trusts, but that meant that we were not able to lay the regulations earlier, because we were waiting to establish details of the fund. Regulations 3, 7(b) and 11 deal with that issue.

Regulation 12 addresses an issue that has come to light as the test of resources has come into operation. In the test of resources, rent or mortgage payments are subtracted from the applicant's earnings and other income to arrive at a net income figure. There are provisions to prevent a person from deliberately reducing his income to obtain more grant, but there are no equivalent provisions to prevent him from increasing his outgoings. The regulations limit the deductions for rent or mortgage payments to the level that the applicant is contractually required to pay. That will prevent someone from making additional payments or even paying off their mortgage early while at the same time seeking public funding to repair the property that they have bought. The Subordinate Legislation Committee also picked up a number of minor points on cross-references and references to other legislation, which the remaining regulations correct.

Mary Scanlon (Highlands and Islands) (Con): I understand that the measures have been introduced because there have been difficulties with the registration of housing support services by the Scottish Commission for the Regulation of Care and are intended to ensure that problems do not prevent service providers from receiving funding—

The Convener: You are on the wrong instrument. We are not dealing with that one yet.

Mary Scanlon: What I am really asking is why the exclusion is limited to the Eileen Trust, the Skipton Fund and trusts that make payments to variant CJD sufferers.

Mrs Mulligan: This instrument has nothing to do with the care commission. We are adding trusts that were identified as not being on the original list. The trusts are additional; they are not the only ones.

Mary Scanlon: If further trusts were to fit into the same category in the future, would the door also be open to them?

Mrs Mulligan: Yes, I assume so. The point is that those trusts had been missed from the original list and that is why we are including them now.

The Convener: As there are no further questions, I ask the minister to move the motion.

Motion moved,

That the Communities Committee recommends that the draft Housing Grants (Assessment of Contributions) (Scotland) Amendment Regulations 2004 be approved.—
[Mrs Mary Mulligan.]

Motion agreed to.

The Convener: Do members agree that we will report to the Parliament our consideration of and decision on the instrument?

Members indicated agreement.

The Convener: Do members have any concerns that they wish the committee to report to the Parliament?

Members: No.

The Convener: I thank the minister very much for her attendance.

Housing (Scotland) Act 2001 (Payments out of Grants for Housing Support Services) Amendment (No 2) Order 2004 (SSI 2004/348)

The Convener: We move on to item 3, which is another piece of subordinate legislation. The item for consideration is the Housing (Scotland) Act 2001 (Payments out of Grants for Housing Support Services) Amendment (No 2) Order 2004 (SSI 2004/348). Members have been provided with copies of the order and the accompanying documentation. Do members have any comments?

Donald Gorrie (Central Scotland) (LD): It all seems very sensible. Could we write to the Executive to find out why the slippage occurred to cause the order to be necessary? There was obviously a hiccup in the registration system. We should agree to the order, which is a sensible measure to fill a hole, but we should write to ask why the hole occurred in the first place.

Christine Grahame: I ask for clarification of the expression "in due course". The note on the order states:

"The Executive intend to restore the link between payment and registration in due course."

Is there a timescale for the restoration of the link?

The Convener: I suggest that we take a view on the order and that we might write separately in the terms that have been identified. We can ask what caused the slippage and what timescale the Executive envisages for going back to the system as it was.

Is the committee content with the order?

Members indicated agreement.

The Convener: Therefore, the committee will not make any recommendation on the order in its report to the Parliament. I ask members to agree that we report our decision on the order to the Parliament. Is that agreed?

Members indicated agreement.

The Convener: We have further agreed that we will write to the Executive in the terms outlined.

Aberdeen City Council (Bobby Calder Park) Compulsory Purchase Order (No 3) 2001 (SE 2004/156)

The Convener: Item 4 is, again, subordinate legislation: the Aberdeen City Council (Bobby Calder Park) Compulsory Purchase Order (No 3) 2001 (SE 2004/156). Members have been provided with a copy of the order and the accompanying documentation. Do members have any comments?

Patrick Harvie (Glasgow) (Green): When I read through the order, I was a little unclear about the current status of the land. Owners are listed as “Unknown”, so I wonder who the land is being purchased from, who will be paid if no one knows who the owners are and whether it is common land. There is a reference to “common or open space” being land that comes under this type of order. I wonder whether the order goes against the recent trend to regard common land as something that cannot be bought and sold. Could we get more information on those issues?

The Convener: My understanding is that the council has gone through a range of procedures and that the Executive has to agree this order for the matter to be progressed. You are right that it seems that it is not known who owns the land. I think that it is deemed to be common land.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Members will note from the paper before us that the Subordinate Legislation Committee questioned why the order had been delayed for so long. There had been a three-year delay by the time it came to that committee earlier in the month. The fact that the council has promoted the compulsory purchase order will have been advertised widely within the local area. The whole idea of advertising is to give anyone with an interest in the issue an opportunity to comment. If no owners have come forward, I would not like the committee to hold up matters for any longer than is necessary.

10:15

The Convener: There is a further stage—when the compulsory purchase order goes through, the Executive will have to consider the responses. I presume that it will have to deal with the possibility that the land in question is common land. My understanding is that the laying of the order before Parliament is not the final part of the process.

Patrick Harvie: Can we get a clear description of what Parliament’s role is in relation to the order, as this is the first time that such an order has

come before Parliament? On what basis must we agree it or not agree it?

The Convener: I understand that the order needs to receive parliamentary approval after the Executive has considered it.

Patrick Harvie: Can we grant or withhold that approval on our own terms?

The Convener: It seems that there is no objection to the order locally. I presume that any such objections would have been flagged up to us.

Linda Fabiani: It used to be the case that Scottish Office approval was necessary when one wanted to acquire land the owner of which one could not trace. Such approval might well have been replaced by parliamentary approval. I do not know whether that is useful.

Christine Grahame: I might be being a bit dim, but does not paragraph 6 of paper COM/S2/04/25/3 provide the explanation? It says that the CPO

“is subject to special parliamentary procedure under article 2(1) of the Scotland Act 1998”.

That seems to be the legislative grounds for the order.

Patrick Harvie: My question was more about the terms on which we can take a view on the order. Can we withhold or grant our approval on whatever terms we consider fit and, if so, do we not need to know a bit more about the case?

The Convener: A motion to annul the order, which would have allowed us to have such a discussion and make that decision, has not been lodged. We would not be able to withhold our approval. The fact that the order is subject to the negative procedure means that it would have been necessary for a motion to annul it to have been lodged; we would have had a vote on that. No member has chosen to lodge such a motion. We might want to brush up—both individually and collectively—on the implications of our responsibilities in such matters and it might be helpful to get a note on that, but a motion to annul the order under consideration has not been lodged and obviously that cannot be done now.

Is the committee content with the order?

Members indicated agreement.

The Convener: As the committee is content, it will not make any recommendation on the order in its report to Parliament. I ask members to agree that we report our decision on the order to Parliament. Are we agreed?

Members indicated agreement.

Petitions

Community Volunteers (PE447)

10:18

The Convener: Agenda item 5 is consideration of petitions. PE447, which was submitted by Gregor McIntyre, is on local community projects and was last considered by the committee in March. Since then, we have received two responses from the Executive, which advocate the use of joint health improvement plans within the community planning process. Are there any comments on the petition?

Linda Fabiani: As a new committee member, I am new to Mr McIntyre's petition, but I can understand the frustrations that many people have felt about the lack of genuine involvement and participation in social inclusion partnership projects. I know that SIPs are being replaced by the community regeneration fund and I wonder whether the committee has discussed or has any view on monitoring the regeneration aspects of the CRF and assessing whether local communities are having an input and are participating properly.

Donald Gorrie: I wonder whether, in addition to what the paper suggests, we might tell the petitioner that, if the new CRF system does not seem to deliver on the particular points that he has raised with the Parliament, he should re-engage with us. His petition could be reactivated or he could consider lodging a new one. Such action would be slightly stronger than that suggested in paragraph 10 of the paper.

The Convener: As Linda Fabiani will recall, this committee in its previous guise as the Social Justice Committee did a lot of work around how social inclusion partnerships operated and so on. Perhaps it would be worth while for the committee to keep an eye on how the transition to the CRF is going and whether the key aims of bending the spend, community involvement, empowerment and so on work out in practice, or whether the CRF is simply a place where professional organisations in a community come together and decide matters.

The concerns that PE447 flags up would be a helpful prompt for us and we might want to keep the petition as a reference point for future considerations to see where those concerns fit in. Realistically, we have a heavy agenda, but it would be worth while for the committee to consider the development of the SIP process into the CRF and to keep the points that committee members have highlighted in mind when we do. Is that agreed?

Members indicated agreement.

The Convener: Donald Gorrie's suggestion that the petitioner should be encouraged to keep prompting us about the matter is helpful as well.

We have agreed that we will keep the transition from SIPs to the community regeneration fund on our agenda. We should also encourage the petitioner to come back to the Parliament if he has further points to make. Is that agreed?

Members indicated agreement.

The Convener: We must also agree to conclude consideration of petition PE447. Is that agreed?

Members indicated agreement.

Terrestrial Trunked Radio Communication Masts (PE650)

TETRA Communications System (Health Aspects) (PE728)

The Convener: We move on to consider petitions PE650 and PE728, on TETRA communication masts in Scotland. PE650, by Alison Mackay, is on behalf of NO 2 TETRA; and PE728, by Paul Goddard, is on behalf of Comrie Action on TETRA. Both petitions relate to the potential health risks of terrestrial trunked radio and the committee agreed in June to consider them together.

The Executive's report, "An Evaluation of Revised Planning Controls Over Telecommunications Development", was published during the summer. It does not specifically take account of health issues, although it acknowledges that there are public concerns over the health risks of TETRA. We should note, too, that health concerns are not considered to be a material planning consideration. Members will be aware that there are strong feelings on the TETRA issue—I have had correspondence on it from a range of concerned people. Given how concerned the members of the public who have contacted us are, we should take plenty of time to consider the matter seriously. Can I have comments from members?

Donald Gorrie: We should clarify with the Executive the exact role, if any, of health issues in planning decisions. As I understand it, there is a two-stage process. There is a decision on planning considerations, whatever they may be; and, if there is a health issue, it comes in later. That seems to me to be pretty stupid. We are meant to have joined-up Government, so I would have thought that planning matters would be considered in the round, which would include consideration of health issues. I wonder whether we can raise the planning side with the Executive. On the health side, we are not the committee to decide whether TETRA masts cause ill health;

however, we do have a concern that the planning system should be sensible. In my personal view, that means that health considerations should be included.

Patrick Harvie: I echo Donald Gorrie's comments. It would be useful for us to consider whether the Executive intends to allow health issues to be a material consideration in planning. It has indicated to us that it does not intend to make such a change, but if it did, that would be an extremely important decision about the planning process and we should scrutinise it.

There is another issue. As I understand it, some reporters recognise the public perception of health fears as a planning consideration, so there are some contradictions that need to be ironed out.

At the last meeting at which we discussed the issue, we agreed to await the Executive's research, but I am disappointed that that research mentions TETRA only once in passing and not in relation to any of the health concerns.

Bearing in mind all those points, I would be keen for us to act on the matter in some way.

The Convener: In what way?

Patrick Harvie: I would support the idea of an inquiry, but if there is a feeling that we need to set out the remit of any inquiry more carefully at a preliminary stage, I would be open to members' ideas.

The Convener: Do you envisage this committee conducting that inquiry?

Patrick Harvie: We are recognised as the lead committee on the matter and the Health Committee has offered to send a reporter to consider the health issues if we conduct an inquiry. The process that is rolling out TETRA masts is the planning process, which comes within our remit.

The Convener: It is helpful that we now have Christine Grahame, who used to be the convener of the Health Committee. It would be useful to get an insight into the Health Committee's thinking and why that committee considered that it could not address the matter.

Christine Grahame: That is a challenging remark, convener.

I find the Executive's statement that it does not conclude that health is a material consideration for planning guidance to be extraordinary. If a planning authority was considering an application for a sewage works or a landfill site, it would take the health issues into consideration.

The reason why the Health Committee cannot take on the matter is simple: its agenda for the year is so chock-a-block with inquiries, research

that is the foundation for further inquiries and legislation that it was simply impossible for the committee to do justice to the matter. The suggestion that the matter be batted back to the Health Committee is not appropriate because it would send the wrong signal to the petitioners. They went to the Public Petitions Committee, which remitted the petitions to this committee, which remitted them to the Health Committee, which remitted them back to us, and we are talking about remitting them back to the Health Committee. The issue is serious, so it is not correct, procedurally as well as for other reasons, to send it back to the Health Committee.

I have a great deal of sympathy with what Mark says about the matter. [*Interruption.*] I am sorry; I meant Patrick Harvie—I have made my first bloomer. By the way, from the noise in the room, I think that there is a TETRA mast behind him.

We are not scientists, but when the Health Committee discussed the matter, Helen Eadie and David Davidson said that we needed scientific input. It might be useful to collate information on the various scientific aspects from both sides of the argument, which would not need to take up committee time. I believe that there is European work on the matter, so perhaps the Scottish Parliament information centre could prepare a paper to give us a basis before we think about beginning an inquiry. Perhaps we could find out a timescale for that.

The Convener: The Health Committee is not unique in having a heavy work load, and if a committee ends up being the last one to consider something, it ends up becoming het—as they say in Glasgow—because, as you are right in saying, we do not want to send the wrong message to petitioners about our attitude to the concerns that they highlight.

Christine Grahame: May I respond to that?

The Convener: I will let you come in later. Scott Barrie has a comment to make.

Scott Barrie (Dunfermline West) (Lab): It is clear from the amount of correspondence that the petitions have generated that there is a fair degree of public disquiet about the possible health impacts of TETRA masts. Members are right to say that there are two elements to the matter. One is the planning process, but concern about that process has been generated by the health concerns, and we cannot conveniently separate the two.

One of the difficulties about the health issues is that it is always much easier to prove a positive than a negative: it is much easier to say that something is a danger than that it is not. Quite rightly, people want reassurance on the matter; they want to know that the masts are not a danger.

That is the point at which we enter into a more difficult arena of the debate.

I was not a member of the committee that considered the issue in the first session of the Parliament. If I remember rightly, the Transport and the Environment Committee undertook an inquiry into telecommunications masts. However, I am not sure that the report clarified the position as accurately and clearly as people had hoped would be the case.

My initial response is that I am reluctant to go down the road of an inquiry, as that would give the impression that we would be able to come up with a cast-iron answer when that might not be the case. We should tread carefully and not raise expectation that, by having an inquiry, we will come up with the answer.

That said, we need to ensure that we consider the issue thoroughly. I am not sure that we are in a position today to come up with a statement about where we should be going. Perhaps we should gather more information. If the Executive believes that TETRA masts are not the danger to health that some people suggest they are, perhaps we need to ask it to present its evidence in a more forthright fashion than has been the case to date.

10:30

Mary Scanlon: Two issues are involved, the first of which relates to our committee and the second to the Health Committee. Our focus is whether health concerns should be taken into account in planning. Given the current consultations, the new framework and the fact that we are getting a planning bill in around 14 or 15 months, I suggest that we could look into the health concerns.

The issue has been acknowledged in the paper that was produced for the Scottish Executive. Under the section entitled "Changing Perceptions", the paper says:

"Whilst the new regulations provide opportunities for greater consultation and information sharing, the perceived exclusion of health-related matters in the context of telecommunications is problematic."

We should look at that issue when we consider the bill.

In welcoming my new colleague Grahame—I am sorry, I mean Christine—

Christine Grahame: We are all getting our names wrong.

Mary Scanlon: I am sorry to introduce a note of discord in welcoming Christine Grahame, but having sat on the Health and Community Care Committee for four years, during which time we considered weighty legislation such as the Mental

Health (Care and Treatment) (Scotland) Bill and the Community Care and Health (Scotland) Bill, I think that it is unacceptable for any committee to bat back a petition because it cannot find a place for it in its work programme. I accept that all committees have heavy work loads, but when the Health and Community Care Committee had such a work load, we appointed a committee reporter.

All members have received a lot of letters about TETRA masts. The bottom line for me is the Stewart report, which recommended that frequencies

"around 16 Hz should be avoided"

as they are known to interfere with rhythms in humans and may cause serious illness. It is alleged that TETRA masts pulse at 17.6Hz. I am aware that that issue is not for our committee, but for the Health Committee. I feel strongly that we should ask the new convener of the Health Committee to take on responsibility for the petitions.

Linda Fabiani: The first committee on which I served was the Transport and the Environment Committee, which conducted the inquiry. However, the subject of that inquiry was standard mobile phone masts, whereas the masts that we are considering are a very different animal. We need a lot more information on TETRA masts. Perhaps it would be useful if the clerks were to look at the recommendations in the Transport and the Environment Committee's report and at whether the base information in that report could act as a useful basis for an inquiry into TETRA masts. The Stewart report was quoted at the time and the committee took a lot of evidence. That might cut out some of the work that would be needed for a full inquiry into TETRA masts.

Mr John Home Robertson (East Lothian) (Lab): Picking up from Donald Gorrie's point at the beginning of the discussion, I note that the Executive stated in February 2004 that it does not intend to include health as a material consideration in planning guidance. I find that bizarre. If something poses a risk to health, surely it should not get past first base. We ought to give further consideration to that point in the planning context.

There are concerns about all sorts of things out there: one needs only to pick up any newspaper on any day to see the health issues that people are worried about. Scott Barrie made the point about trying to prove a negative. If the judgment about whether something is a health risk will be dealt with by a parliamentary committee, surely the Health Committee should do that. It is not a question of passing the buck; it is about ensuring that the buck goes to the right place and gets dealt with in the right place.

Christine Grahame: I will try to be conciliatory. I hear what John Home Robertson is saying. The Health Committee said that, if the Communities Committee decided to take on the issue, it would appoint a reporter to the Communities Committee. However, having raised the matter of health issues not being part of the planning process, perhaps we could broaden the inquiry. This may sound a bit daft, but a reporter from the Communities Committee and a reporter from the Health Committee could be appointed to deal with the issue, with the reporter from the Communities Committee looking at the planning aspects and broadening it out. [*Interruption.*] Do you not think that that is a good idea, John? That would tackle head-on the Executive—

Mr Home Robertson: It would be confused.

Christine Grahame: Okay.

Patrick Harvie: A couple of members have mentioned that it is difficult, if not impossible, to prove a negative. However, we can at least look for the link. In some cases, when there has been a lot of public concern but no proof, a significant attempt has at least been made to establish the link. That has not happened in this case. If we are arguing that health concerns should be a consideration in planning, it is for us to review the planning system and how the Executive operates it. If those considerations are decided without sufficient evidence having been gathered—without sufficient relevant research having been done—it is for us to review how the planning system is being operated.

Cathie Craigie: Anyone who was looking in at this committee might conclude that we were all trying to pass the buck. It seems like a hot potato that members are juggling about. As Scott Barrie said, people are seriously concerned about the health effects of the masts. Whether that is something that people should have a concern about, I do not know—I am not a scientist and I do not know the detail. However, it is clear that people want answers. I, too, am going to start passing the buck by saying that the Health Committee should take on the responsibility of looking into the concerns to see whether it can find some answers. The Health Committee should work with the Scottish Executive to ensure that we have the research that is required. Both petitions raise the issues of health and planning. This committee can take the matter forward and keep it in mind when we look at the planning issues that will come before us over the next wee while.

For the Executive to say that health issues are not a material consideration in planning is correct, in a way. However, environmental impact assessments have to be submitted with any major planning application, and those assessments take account of the development's effect on people's

health and the environment. We should deal with the issues that are raised in the petition when we look at the proposed planning legislation. We should say to the people who have petitioned us that although we will not be able to change the situation tomorrow, we can change it, and hope to do so, in the future.

When the Transport and the Environment Committee held its inquiry into the siting of telecommunications masts, the situation did not change overnight but changes were introduced over a period of time. As I recall, companies used to be able to erect telephone masts below a certain level, but changes were introduced to ensure that planning permission was required for all telecommunications masts. Changes happen, but not overnight. I realise that that will not please the people who are petitioning the Parliament, but if they can be reassured that we will consider seriously the points that they raise in regard to planning when we discuss the proposed legislation, that will be a step in the right direction.

The Convener: A couple of members have indicated that they want to speak. Before allowing them to do so, I will summarise the position and make an observation.

There has been a suggestion that we write to the Executive to ask how it thinks that the health and the planning aspects will fit together. It would be helpful to get that clarified. My understanding is that the argument centres on a fine point. One cannot deny planning permission to something because one has ruled that it is unhealthy. A process that related to health and safety regulations would determine whether something was safe or not safe. If something is deemed safe enough to be built, it cannot be denied planning permission on health grounds but something that is a threat to health should not be being constructed in the first place, regardless of whether it then secures planning permission. We need to have a dialogue with the Executive on that issue and get further information on the research that has been done. I understand that the relevant research has been done by the Home Office. We might want to get hold of that research and ask the Executive how it is being fed through into its work.

Another suggestion is that, if there is a question about whether the masts are unhealthy, the issue should not be whether the planning committee deems that they should be constructed. If that is the case, the Health Committee should conduct an investigation into that matter. However, we must be careful that we are not instructing other committees to do something; other committees have to make judgments on their work loads, just as we have done. As we have said, there will always be a difficult balance to be struck between parliamentary pressures on our time—our

commitments and responsibilities—and what comes to us through the public petitions system, and there will always be people who will not be happy with our decisions in that regard.

Linda Fabiani: Cathie Craigie and others have mentioned new planning regulations. The fact that health is not included as a planning consideration—a situation that the Executive intends to maintain—was a great frustration for the Transport and the Environment Committee when it conducted its inquiry into telecommunications masts. However, during that inquiry, there was no talk of a planning review or the implementation of a new planning system. Now that the Executive is changing the planning regulations, surely we should decide whether the Executive should be lobbied to consider having health as a planning consideration. That would support the call for a further inquiry.

The Convener: Would it be logical for us to say that, as part of our preparation for the planning bill, we undertake to enter into a dialogue with the Executive on the question of how health can fit into the planning process? We could take the matter forward in that context, which would allow the Health Committee to do other work.

Mary Scanlon: One of the 10 commitments in the paper entitled “An Evaluation of Revised Planning Controls Over Telecommunications Development” relates to International Commission on Non-Ionizing Radiation Protection certification. I am no expert on the issue, but I have read comments by people who have written to members of the committee, one of whom said that the ICNIRP certificate that is used by planning departments to rubber-stamp the safety of communication masts is not appropriate in the case of terrestrial trunked radio because it does not take into account the fact that the signal has a component of 17.6Hz periodicity.

I wonder whether that is correct. Is it the case that the evaluation is considering the old mobile phone masts and that the certificate does not take into account the TETRA system? If it does not, the guidance that is issued to local authorities should be updated. That could be done in advance of the planning bill.

Patrick Harvie: You are right to suggest that the international guidance and United Kingdom guidance measure the strength and intensity of radiation but ignore the pulsing, which is, principally, the issue with TETRA. The Executive has the power to implement its own set of guidelines. It is not bound to follow the UK or international guidelines, but can take a stricter position.

I want to pick up on the convener's point. It is correct to say that the overall safety of a piece of

technology in relation to health is not a matter for us, but even if a piece of technology is regarded in general as safe enough to use, the decision about where to site it is organised through the planning system. Applications that are submitted for TETRA masts in local communities, perhaps in residential areas, require planning decisions and they are relevant to us.

10:45

The Convener: If people's concern, which they are legitimately expressing, is that they believe the system to be unhealthy—

Patrick Harvie: I could make the same case in relation to landfill sites, runways or incinerators. The Executive's position is that all those things are necessary, but where they are sited and how they impact on the people who live near them should be material considerations for planning. TETRA is another good example of that.

The Convener: Mary Scanlon asked why we are writing to the Executive. We want to drill into its thinking about why it says that health is not a planning consideration. The Executive's response will inform us in relation to the planning legislation that is coming through, and could be the starting point for that discussion.

Cathie Craigie: We must be careful about how we word that. If planning authorities took health into consideration in every planning application, anybody could argue that a planning proposal would have an adverse effect on their health. To give a petty example, if somebody wanted to come along and build a house right in front of mine and spoil my view, I could say that that would have an adverse effect on my health.

We must ensure that the environmental assessments that people have to submit when major planning applications are considered take into account the adverse effects that they might have on people's lives. The committee has considered the matter as a planning issue, but we have to widen it a bit. It is perhaps too easy for a civil servant somewhere to say that health is not a material consideration. If the Health Committee agrees to conduct an inquiry, we must try to get the scientific information that must exist on whether TETRA masts have a detrimental effect on people's health.

The Convener: As I said, I understand that there is continuing research into that by the Home Office. It would be useful to know whether such things are monitored regularly and whether there is a facility for pulling back from development if further information emerges.

Christine Grahame: I will try again to say something sensible. Would it be possible to

suggest to the Health Committee that it take up David Davidson's argument about collating information on various aspects of the science and health issues? The committee could commission that work and have it done off-piste, as it were; the research would not have to be part of its work load. Also, I would be interested to know what happens with planning applications elsewhere in the UK and Europe when TETRA masts are involved and what views are taken into account in planning processes before plans go any further. That would allow a two-pronged approach to the matter.

Donald Gorrie: We should write to the Executive and ask it to clarify the wider relationship between health and planning, as Cathie Craigie suggested. Secondly, we should ask the Executive for its understanding of the scientific research that has been done so far on TETRA masts and we should ask SPICe for an assessment of the existing published research, either directly or, if members prefer, via the Health Committee. We should try to get as much information as possible, while doing as little work as possible. We can do the necessary work on the basis of that information.

The Convener: We are reaching a consensus, which is remarkable. We will write to the Executive and ask it what point it has reached in this discussion and in its on-going research. We could ask SPICe for information or, if that would involve too much work for SPICe, we could commission a study or examine the published research, which presumably takes in what has been done at Home Office level. I am interested in the idea that at some point we should examine how these matters are dealt with elsewhere in planning terms, as that would inform our work on the planning bill. It is possible that the Scottish Executive has relevant information and that it is building its planning bill around work that has been done elsewhere, so we could usefully ask the Executive about that. Do members agree to those three suggestions?

Members indicated agreement.

Patrick Harvie: When we ask SPICe about the state of play with research, we should ask about research that is relevant to pulsed radiation, rather than just to telecommunications masts in general. That is the issue that has been raised with us.

The Convener: I do not envisage our returning to the broader discussion about telecommunications masts that took place in the first Parliament. Our inquiries will relate much more specifically to the issues that have been flagged up in the petitions.

Mary Scanlon: I want to seek clarification of whether the ICNIRP process that rubber-stamps the safety of masts takes into account TETRA.

The Convener: That is agreed.

Linda Fabiani: What we have discussed is all very well, but we have received petitions and back-up information from people who feel that their health is being adversely affected by TETRA masts that have already been installed. I do not know whether we can even begin to address that issue.

The Convener: We would need to ask the relevant organisations—the Executive and so on—how the masts are being monitored and what is being done to respond to local concerns.

Do we agree to take the course of action that has been proposed in relation to the petitions and to inform the petitioners appropriately?

Members indicated agreement.

The Convener: I thank members for their attendance.

Meeting closed at 10:52.

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