

# **COMMUNITIES COMMITTEE**

Wednesday 18 January 2006

Session 2

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## COMMUNITIES COMMITTEE

2<sup>nd</sup> Meeting 2006, Session 2

### CONVENER

\*Karen Whitefield (Airdrie and Shotts) (Lab)

### DEPUTY CONVENER

\*Euan Robson (Roxburgh and Berwickshire) (LD)

### COMMITTEE MEMBERS

Scott Barrie (Dunfermline West) (Lab)

\*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

\*Christine Grahame (South of Scotland) (SNP)

\*Patrick Harvie (Glasgow) (Green)

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

Tricia Marwick (Mid Scotland and Fife) (SNP)

\*Mary Scanlon (Highlands and Islands) (Con)

### COMMITTEE SUBSTITUTES

Shiona Baird (North East Scotland) (Green)

Alex Johnstone (North East Scotland) (Con)

Christine May (Central Fife) (Lab)

Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

Ms Sandra White (Glasgow) (SNP)

\*attended

### THE FOLLOWING GAVE EVIDENCE:

Johann Lamont (Deputy Minister for Communities)

Rosie Leven (Scottish Executive Development Department)

Professor Greg Lloyd (University of Dundee)

Professor Alan Prior (Heriot-Watt University)

Michaela Sullivan (Scottish Executive Development Department)

### CLERK TO THE COMMITTEE

Steve Farrell

### SENIOR ASSISTANT CLERK

Katy Orr

### ASSISTANT CLERK

Jenny Goldsmith

### LOCATION

Committee Room 6



## Scottish Parliament Communities Committee

*Wednesday 18 January 2006*

[THE CONVENER *opened the meeting at 09:33*]

### Item in Private

**The Convener (Karen Whitefield):** I open the second meeting of the Communities Committee in 2006. Scott Barrie sends his apologies. Item 1 concerns item 6, which relates to a claim for witness expenses arising from our consideration of draft Scottish planning policy 21, on green belts. Members are asked to consider whether to take item 6 in private. As members do not wish to comment on the proposal, the committee will take item 6 in private.

## Green Belts (Draft Scottish Planning Policy 21)

09:34

**The Convener:** I welcome the Deputy Minister for Communities, Johann Lamont. She is accompanied by officials from the Scottish Executive's planning division: Michaela Sullivan, who is the assistant chief planner, and Rosie Leven, who is the principal planner. Thank you for joining us this morning. Would you like to make your opening statement?

**The Deputy Minister for Communities (Johann Lamont):** I am grateful to you for allowing me to make a statement. I am pleased to have this opportunity to respond to any questions that the committee has on draft SPP 21. However, before I do, it might be useful if I briefly set out the Executive's position.

Green-belt policy is well known, and, as I am sure you are aware, groups and individuals hold strong views on the future of green belts, particularly in relation to protecting open space and areas of countryside around their communities. The Executive is committed to strengthening our green belts to help to shape our towns and cities in a sustainable way. The green-belt policy has been in place for several decades, and it is time for it to be updated in the light of changes in development pressures and how green belts are used. However, we do not consider a radical shift in policy to be necessary.

Circular 24/1985, "Development in Countryside and Green Belts", sets out the current policy on green belts. They are primarily a tool to help to manage the growth of towns and cities in the long term. They allow patterns to be considered strategically, particularly where they extend across local authority boundaries. Once it has been designated, green-belt land can be used for a variety of functions, including recreation and tourism. The unique feature of green-belt policy is that it affords a higher level of protection to designated land and restricts the developments that can take place in the green belt. The terms of the circular have been broadly supported over the years. Nevertheless, from time to time there have been calls for greater clarity on, for example, the types of development that should be allowed on green belts.

In June 2002, a commitment was made in the "Review of Strategic Planning—Conclusions and Next Steps" to review and update the series of planning and policy guidance notes, including those on green belts, and to publish them as Scottish planning policies. We commissioned independent research on the effectiveness of

green-belt policy to gather up-to-date evidence on how the policy was being operated in green belts and across local authorities. The research was undertaken during 2003-04. It concluded that there was much public and professional support for green belts, but that there was a need to update policy on them.

The research confirmed that green belts should be used as a tool of strategic long-term settlement planning, which has not always been the case. It stressed that a complete belt was not always necessary to achieve our objectives and that other measures, such as wedges and buffers, could work too. The research also suggested that a two-tier approach to green-belt designation be taken, to manage the different functions that are appropriate to different areas more effectively. The research recognised the need to enhance recreational and environmental conditions in green belts and suggested ways in which green-belt land could be better managed. Overall, a number of recommendations on revising and updating the policy were made, and we considered them in drawing up the draft policy.

A task group with members drawn from a range of interests was formed to steer the review of circular 24/1985. A draft was prepared and was the subject of public consultation in the autumn of last year. The proposals in draft SPP 21 take forward many of the recommendations that the research made. The main exception is the two-tier approach. We consider that such an approach would dilute control over the lower tier and lead to greater confusion about where development is and is not allowed.

Responses to the consultation are being independently analysed, and a report of the analysis will be published soon. SPP 21 is still in draft, and changes will be made to reflect suggestions that were made by respondents as well as points that arise out of the committee's scrutiny. It is worth recognising that, apart from in a small number of areas, there is widespread support for the draft policy. In their evidence to the committee before Christmas, a range of community, environmental and business interests made further suggestions on the policy. The Executive continues to examine those suggestions, along with all the responses to the consultation. They will inform the final version of the policy.

I want to say a little about the content of the policy. First, I am pleased with the widespread recognition of the need to tie green-belt review into the development plan. I am pleased, too, with the recognition that the development plan should play a key role in considering options for change and in engaging with local people and others in the long-term strategy for each area. That is essential. The

green belt should not have a separate life of its own. It is one of a number of policy tools that the development plan employs to shape future settlement patterns.

There has been debate over whether green belts are needed and, if they are, where they are needed. There are seven green belts and three more are planned. Given the size of Scotland and its settlement patterns, we believe that that is reasonable coverage; we do not anticipate a significant increase in the need for more. Green belts play a particularly useful role when they extend across local authority boundaries. The policy allows for green belts to be proposed in smaller settlements within local authority areas, for example where the character and identity of a town might be harmed by unplanned growth.

There has been another debate around the decision not to include the specific wording on preventing coalescence that featured in circular 24/1985 as part of the objectives of green-belt policy. From an initial look at the consultation responses, it appears that many environmental and community groups are concerned that its absence will lead to the erosion of the character of smaller, outlying settlements. However, our decision not to include that wording was supported by the findings of the green-belt research, which indicated that, in some cases, coalescence of two neighbouring settlements might, in fact, be the most sustainable way to accommodate new development in an area—possibly more sustainable than developing other open land further away from centres of employment or local facilities.

One of the stated objectives of green belts, as set out in the draft SPP, is

"To protect and enhance the character, landscape setting and identity of towns and cities".

That encapsulates the need for a wider assessment of all the settlements in an area. Depending on the individual circumstances, those settlements with a special character and identity would still be protected by the draft policy.

There has been some discussion around the 20-year period for green belts. We intend that more certainty and greater permanence be given to green belts. The period coincides with the longer timeframe that structure plans and, in future, strategic development plans should look to. That is reinforced in SPP 3, "Planning for Housing", which discusses development plans

"taking ... preferably a 20-year view of the pattern of future development".

We want planning authorities to conduct rigorous and realistic assessments of development needs in the long term and to draw green-belt

boundaries appropriately. Many respondents have discussed the wording:

"Inner boundaries should not ... be drawn too tightly."

I know that the committee has considered that in particular. We consider that realistic assessments of needs might lead to a fundamental review of some existing boundaries, allowing them to be redrawn to accommodate future growth and change. The new boundaries will need to be supported by the effective phasing and master planning of new development. That will ensure that new developments, with high-quality layout and design, are brought forward in a managed and controlled way, and that the delivery of essential infrastructure is phased appropriately to support growth and change.

As we might expect, there has been pressure from a range of bodies for assurances that their use of or operations in green belts will be deemed appropriate, for example equestrian uses or development linked to rural diversification. Given the diversity of places and pressures for development, it is not appropriate for the draft SPP to specify precisely the developments that will and will not be appropriate in every green belt. However, the draft SPP provides a general framework, which will guide planning authorities in producing clear and unambiguous development plan policies that are relevant to the green belts in their areas.

As has been suggested, the draft SPP might also be useful as a cross-reference to other SPPs that deal with specific guidance on particular types of development, for example housing, mineral working or transport infrastructure. We will consider the suggestions that have been made, and we are happy to receive further ideas on what uses or developments might be considered appropriate in green belts before we finalise the SPP.

Wider issues around inclusion and trust in the planning system have manifested themselves, to an extent, in the discussion around SPP 21. Many communities feel strongly about protecting their green belts, and they are actively involved in local green-belt groups. They feel that their local green belt plays an important role in protecting the quality of life in their communities and, understandably, they want to be fully involved in any decisions that affect the future scale or shape of that green belt.

With that in mind, I return to the issue of the development plan. The SPP will strengthen the link between green belts and the development plan. It seeks to ensure that decisions on green belt creation and review are made in a co-ordinated and strategic way, not through individual planning applications. The development plan-led

approach allows for a thorough examination of options through the strategic environmental assessment process. Critically, it affords local people and others an early opportunity to influence the future shape of their green belts and, therefore, their communities. That sits squarely with the proposals in the Planning etc (Scotland) Bill to place development plans at the heart of the modernised planning system and to facilitate early and effective engagement at an early stage.

The purpose of the review is to ensure that there is greater clarity about the role of green belts, so that we can continue to strike a balance between the need for vibrant, sustainable urban areas and the need to protect our valued green space for recreational and environmental purposes. As well as containing updated guidance to local authorities, the draft SPP continues to have a strong presumption against development in the green belt. It includes proposals to improve control over development in green belts by notifying ministers of more applications for development.

Helpful comments were made in response to the consultation paper, as well as by those who gave evidence to the committee. I await the outcome of the committee's consideration of the draft SPP with great interest, and I hope that we will be able to answer any questions that the committee has on the Executive's position. Subject to the views that are expressed and to a full consideration of all the responses, the Executive hopes to publish a final version of the SPP in the spring.

**The Convener:** You have touched on a number of points that committee members will wish to pursue with you this morning. I want to ask about the work of the task group. I am sure that its members were representative, but how did you ensure that the Executive listened to the views of all interested parties and included them in your deliberations?

09:45

**Johann Lamont:** We seek to have representative groups, but they cannot be comprehensive. We genuinely tried to have the range of views represented. The process that we are now following must be given significant weight, in addition to what the group said. We are conscious that some organisations would have liked to be on the review group; special efforts were made to engage directly with organisations that might have sought representation on the group but which were not represented on it. We tried to be as open as possible. Because we all have a great interest in the policy, we have not approached it with a closed mind, so if we can reflect on particular issues that people pursue we will do so.

**The Convener:** Many organisations have an interest in the policy. The Executive tries hard to equality proof its legislation, but it might not be apparent that equalities groups have an interest in the policy. Were their views considered, or were they at least given the opportunity to engage in your consultation process?

**Johann Lamont:** You are right that, because it does not immediately pop into our heads that equalities groups would be interested in the policy, consulting them is not, perhaps, the first box to tick. I ask Rosie Leven to say who we consulted.

More generally, we and committees should be more aware of that issue when we are developing policy. Perhaps committees should have dialogue with the Equal Opportunities Committee, and the Executive's equality unit should ensure that we have as much of a focus on the matter as possible.

**Rosie Leven (Scottish Executive Development Department):** We consulted the normal range of bodies that are on our planning distribution list—a set of bodies is consulted on all the documents that the planning division produces. Off the top of my head, I cannot say whether the full range of equalities groups are on that list, but we will certainly check that and get back to them.

**Johann Lamont:** We will check that, because it will be particularly important that we have got that right as we go through the Planning etc (Scotland) Bill process. We will confirm who we have consulted. If the list is not as comprehensive as we would wish, that will be sorted out before the bill is passed.

**Christine Grahame (South of Scotland) (SNP):** It would be much easier just to have a copy of the list of consultees.

**The Convener:** I assume that there is no problem with giving us the list.

**Johann Lamont:** I was going to do more than just photocopy a list for you. Any correspondence on the matter will include the list.

**The Convener:** That is great—thank you.

Are the changes that have been made to the three key objectives in the Scottish planning policy appropriate and do they strike the right balance?

**Johann Lamont:** In my initial statement, I referred to the changes. The controversial change relates to coalescence. We recognise that people might be concerned about the implications of that, but we are reassured that the policy is intended to address urban sprawl and that we are establishing proper development plans. Linking the policy as closely as possible to the development plan process will give us the greatest security.

**The Convener:** The Planning etc (Scotland) Bill will place a statutory obligation on local authorities to update development plans every five years. The proposed timeframe for a green belt is 20 years. How will those two timescales work together effectively? Do you foresee difficulties?

**Johann Lamont:** When people draw up a development plan, they should also consider the 20-year plan for the green belt, and if they revisit the development plan, they should still be considering the 20-year plan for the green belt. The development plan should identify the green belt and the growth areas, and consider development over the longer term. That should offer reassurance to those who are concerned about the green belt. Lack of clarity and lack of medium and long-term planning can lead to pressures on people to breach their green belt. Although the development plan is considered every five years, that is done in the context of a 20-year plan for the green belt. In addition, there is crossover to other planning policies—in particular, to SPP 3, which is the housing planning policy and covers the issue of settlements.

**The Convener:** How will the Executive set out the procedures for the review of green-belt boundaries? Do you intend to issue a planning advice note?

**Johann Lamont:** In evidence to this committee and elsewhere, a feeling has been expressed that more detailed guidance is required. Some of your witnesses said that they did not want another planning advice note; they wanted the key role of local authorities to be acknowledged and for them to be given as much leeway as they needed. People felt that more detail was required in the planning policy, and we would be happy to consider whether more guidance could be included in the SPP, rather than having a separate PAN.

**The Convener:** It is important to strike the right balance so that local authorities do not feel constrained. Communities and developers must understand how they can engage in the process when, in the interests of the wider community, changes might be appropriate.

**Johann Lamont:** The argument over where guidance should go can be slightly academic; the real argument is whether the guidance is necessary. It was generally acknowledged that more clarity was required.

**Mary Scanlon (Highlands and Islands) (Con):** I want to ask about paragraph 16 of SPP 21, on inner boundaries. I have always understood that the green belt was sacrosanct and could never be built on, but paragraph 16 says:

“Inner boundaries should not ... be drawn too tightly.”



Paragraph 12 says:

"Ministers do not expect to see many new green belts being designated",

and paragraph 31 says that once a green belt is in place it should be "robustly protected".

I get a bit confused. You said in your opening remarks that the inner boundary of a green belt should not be too tightly drawn, and that that would be considered in the development plan. Does the existence of a green belt mean a presumption against development? Does it mean that people are protected, or does it not mean anything at all? Like many witnesses, I am confused about the policy and concerned about developments on green-belt land.

**Johann Lamont:** I read the evidence that was given to the committee and I did not detect that degree of confusion. I do not think that SPP 21 is contradictory. It will help to protect the green belt. Just because a green-belt policy is useful in certain places, it does not have to be applied everywhere; the green-belt policy will not wither on the vine in the longer term.

I might be able to obtain for you a technical explanation of the phrase "tightly drawn". When I was reading SPP 21 and wrestling with the detail, it struck me that using the phrase "not tightly drawn" could create the impression of having a line that might be round about here or round about there, but that what it actually means is that the line is not drawn too tightly around what might be regarded as the edge of the town or the urban area. You and I might agree on where a green belt should be, but there should be a space between the edge of the urban area and the beginning of the green belt. It must be recognised that there could be planned developments over time.

SPP 21 does not say that the boundary of the green belt can be negotiated; it says that the boundary should not be forced up against the edge of the urban development. However, it recognises that there is an area between the boundary and the urban development in which there can be planned development. If the boundary were to be tightly drawn close to the edge of the urban development, there would be urban development and then green belt; there would be no space in which to deal with the pressures that urban developments come under, which we must recognise. If such a space were to exist, a robust position would have to be taken with regard to the presumption against development in the green belt, because there would be a planned and phased way of dealing with growth. That is where the development plan kicks in.

I do not think that there is a contradiction in the policy. As I said in my opening remarks, the policy

reflects the fact that green belts in themselves are not the only way of managing green space, recreational space and development, although they are an important part of doing so.

**Mary Scanlon:** I will not dwell on the matter for too long, but I point out that a contradiction is involved if it is said, on the one hand, that

"Inner boundaries should not ... be drawn too tightly"—

which means, basically, that development is more likely to take place, as you said—and, on the other hand, that green belts should be robustly protected once they are in place.

**Johann Lamont:** Those two things can be said; indeed, the policy will ensure that people are sensible about where green belts are placed. A green belt can be robustly protected if the pressure for development and growth in the space between the green belt and the urban area—I think that such space is called white land—has been recognised and there is not huge pressure where development is needed. Green belt can be robustly protected because it will have been recognised that there will be change over time, and growth over time will have been allowed for in identifiable areas. Green belts are easier to defend on that basis.

**Mary Scanlon:** I do not want to pursue the matter, but the area to the inner boundary will obviously be more open to development and there will be a greater presumption for development than there will be at the outer boundary. Therefore, you cannot say that the inner boundary will be robustly protected, given that there is obviously—

**Johann Lamont:** Yes, we can. Phased development over time will be allowed in the space between the two boundaries.

**Mary Scanlon:** Yes; phased development over time will be allowed.

You mentioned expanding the list of appropriate uses, and recreation and leisure. I think that you said that you are examining that matter and that you will make proposals. Do you want to expand on what you said?

**Johann Lamont:** Jonathon Hall, who appeared as a witness, raised that issue. We all understand—indeed, some people understand far better than I do—the different nature of rural communities, rural employment and industry, the rural economy and so on, and we do not want to do things that would prevent imaginative diversity in rural development. We are keen for the policy to link in with SPP 15, which is on planning for rural development and would contextualise it. We are certainly open to having a dialogue about whether there are things that we need to say or to clarify in the planning policy that would mean that

diversification in the rural economy, with which we would all be comfortable, will not unnecessarily be inhibited.

**Mary Scanlon:** You mentioned tourism, which was not mentioned originally. We will return to that matter briefly.

You said that urban coalescence may be the most sustainable way forward in some areas. What would be the criteria for urban coalescence? When would there be concern about it?

**Johann Lamont:** Such matters would be explored and explained through development plans. Rather than its being said that two settlements must be kept separate, local authorities could identify the best way of dealing with matters in development plans. There is a logical way of proceeding. Development plans would need to clarify matters.

**Mary Scanlon:** So there is no national guidance. It will be up to the local authority to decide what would be in the best interests of the area.

10:00

**Michaela Sullivan (Scottish Executive Development Department):** The matter would fall to local authorities, because it is part of their general development planning responsibilities for their areas. A development plan is required to consider a settlement strategy, growth or contractions in population projections, strategic transport routes and everything in the round—that is what a development plan is for. The local authority development planners would do all the research, look at how the settlement is evolving and decide on the most appropriate way in which to balance all the demands. In certain circumstances, particularly along strategic transport corridors, the most sensible way to enable a settlement to grow might be to allow a settlement plus adjoining settlements to join together. That might be better than having new developments outside the green-belt area. Alternatively, more sensitive parts of green-belt areas elsewhere could be released.

**Mr John Home Robertson (East Lothian) (Lab):** My constituency includes the outer edge of a green-belt area. It is a pity that the phrase

“Inner boundaries should not...be drawn too tightly.”

is included in the draft planning policy, because it tends to confirm the view that some people have that green-belt areas are there for the benefit of cities and can constrain other areas. It looks as though green-belt boundaries will be elastic as far as the city is concerned, but that the outer boundaries will be hard and fast. That appears discriminatory and could cause difficulties. If a

boundary is elastic on one side, why is it not elastic on the other?

**Johann Lamont:** As I have explained, it is not a case of the boundary being elastic: the boundary is not drawn too tightly to what you would perceive as the edge of urban development. The word “tightly” means close to—there will not be absolute boundaries, with a settlement on one side and green belt on the other, nor will the outer limit be fixed while the inner boundaries are negotiable. That is not what is being said. We must recognise that there is a ring round urban areas that should be like a breathing space for development. That addresses some of the concerns that have been raised in the committee about what the consequences for other areas will be of cities having, and protecting, green belt.

**Michaela Sullivan:** The matter should be considered in the total context of development planning, including the guidance in SPP 3 and the fact that the development plan should have a 20-year horizon for the settlement. We are saying that the local authority, as a starting point, should examine aspects such as population projection and consider how the settlement might grow and change over the next 20 years. For example, the population in a settlement might be considered likely to expand by 2,000. We suggest that the local authority, rather than drawing a green-belt boundary that stops at the urban edge and does not allow for housing, schools and employment land for those extra people, acknowledges that the settlement will grow over those years and that those people will need to be accommodated.

As a result, the green-belt boundary, which is hard, fast and non-elastic, would be drawn just outside the existing settlement, thereby creating an area into which the settlement could expand if necessary. Over the next three plan reviews—every five years during those 20 years—the local authority will consider how the phasing of that development should take place, along with matters such as where the strategic roads and primary school should go and when the school should be built. That process takes the realistic view that the settlement will grow. Instead of revisiting the green-belt boundary every five years and, in effect, making it elastic each time, we are saying, “This is the boundary and here is an area into which the settlement can expand if it needs to.”

**Mr Home Robertson:** That is commendably pragmatic, and I am sure that we can all go along with it. However, what is sauce for the goose is sauce for the gander. A small town or village on the outside edge of the boundary could just as easily have similar long and medium-term planning needs for industry, housing or whatever. SPP 21 has been written in a way that suggests that the inner boundaries should not be drawn too

tightly, but the outer boundaries are presumably being drawn very tightly. More thought needs to be put into that, so that the policy is seen to be fair to towns and villages that are outside green-belt areas.

**Johann Lamont:** There is no intention of not being fair to other towns, villages and settlements. SPP 15, on rural development, may address some of that. Also, that may be addressed through the city region plans, the structure plans and so on, in the planning process. It is important to have a dialogue across local authority boundaries.

I know the strength of feeling that was expressed by Scott Barrie and Tricia Marwick about the impact of the Edinburgh green belt on Fife. That may be replicated in other places.

**Mr Home Robertson:** It sure is.

**Johann Lamont:** In developing a green belt and a development plan through the city region process, it is important to have that dialogue to see whether there are unintended consequences or pressures in other directions.

**Mr Home Robertson:** I do not want to go on, but I invite the minister to reflect on what looks very much like a discriminatory term in the document. It might be worth giving that a bit of thought.

**Johann Lamont:** I am more than happy to do that. The concerns are around what you are taking from that and, more broadly, the policy issue around the implications for settlements that are on the other side of the green belt. I am more than happy to look at that.

**The Convener:** Christine Grahame has a specific question to ask on that point.

**Christine Grahame:** My question is about the way in which a green belt's boundaries interact with the development plans that local communities look at. The minister has brought home to me the fact that people should be looking at the local development plans for other areas, not just the plans for their own area. Perhaps that will be reflected in the evidence that we take next. When there is mandatory consultation with a community on the local development plan, that community should also look at neighbouring areas' local development plans because of the impact of green belts on its area. That may be an issue to raise.

**Johann Lamont:** That is being addressed specifically through city region planning.

**Christine Grahame:** I had thought of that as well, but I think that there is a requirement for communities to look beyond their own development plan boundaries.

**Mr Home Robertson:** My next question is on the theme of rural development within the green

belt. Agriculture, horticulture and traditional rural industries are dynamic and change over time. The minister has acknowledged that that should be permitted and that appropriate development of businesses that employ people in the green belt will be considered sympathetically. She might want to endorse that.

**Johann Lamont:** Yes. We have said that, if people have specific suggestions for what should be put in the policy, we will consider them. The policy should be viewed in the context of other policies, though, and we want to reflect the overarching policy of SPP 15 on rural development. It would not make sense if a green-belt policy ran counter to the Executive's general commitment to diversifying the rural economy.

**Mr Home Robertson:** That is most welcome and deals with the small agricultural diversifications that might be appropriate. The document also refers to existing major developments in green-belt areas—airports and other institutions that may be located there. As the policy is written, it looks as though such developments have almost carte blanche to expand and develop. I hope that the situation is not quite as straightforward as that.

**Johann Lamont:** I hope that we would not give anybody carte blanche to do anything in planning.

**Mr Home Robertson:** Paragraph 23 of SPP 21 proposes the exclusion of such developments

"to allow for growth and change."

**Johann Lamont:** I shall say this many times over the next couple of months, but the development plan is key. Any developments would have to be viewed in the context of a thoughtful, well-prepared, well-considered and evidenced development plan and in the context of the city region plans.

**Mr Home Robertson:** So, we had better watch that space. Thank you.

**Christine Grahame:** Minister, you have referred to guidance. On the development and protection of the green belts, the Scottish Society of Directors of Planning believes that clearer guidance is needed on the redevelopment of existing sites or brownfield land in the green belt. I am looking at paragraph 25 of the draft policy. I note what you have said about guidance—that it is academic whether it is included in the policy document or put in a separate document—but will you comment on the need for clearer guidance to planners on the redevelopment of brownfield sites? Such sites occur in rural areas as well as in cities. There are many old industrial sites in Galashiels and Hawick, for example.

**Johann Lamont:** Are you talking about brownfield sites?

**Christine Grahame:** Yes. I am talking about developing brownfield sites to protect green belt.

**Johann Lamont:** We need to think about how much needs to go into SPP 21 to reflect what people are asking for. I accept that brownfield sites are part of that, too.

**Christine Grahame:** Many people see industrial sites in their local areas that have been derelict for a long time. Perhaps somebody is holding on to those sites for good commercial reasons, but they have not been redeveloped and are a blight. Such sites could be used for development and perhaps we could do with some guidance on that in SPP 21. That leads me to ask whether we have an audit of available brownfield land. Do we know how much there is in Scotland?

**Johann Lamont:** I will ask for some official advice on that, but my recollection is that I have seen some parliamentary questions that at least explore whether there is an audit or to what extent it is possible to identify how much brownfield land and how much contaminated land there is in local authority areas. Perhaps Rosie Leven knows more about that.

**Rosie Leven:** Vacant derelict land is recorded and we have figures for that, but I am not sure whether we have figures for brownfield land specifically. We would have to check the PQs that the minister mentioned and check the figures for you.

**Christine Grahame:** It would be very interesting to know not only how much vacant and derelict land there is, but how much contaminated land, because there are other issues that follow on from that. When could we have that information?

**Johann Lamont:** As soon as possible.

**Christine Grahame:** We know that that is elastic, minister. It would be useful to have the information when we are considering green belt.

**Johann Lamont:** I do not like to lay down timescales for work that I am not going to do myself without knowing what is involved.

**Christine Grahame:** Such information about brownfield land ought to be available for the use of society as a whole, not just the committee. That is a serious point.

**Michaela Sullivan:** By and large, local authorities carry out audits of the brownfield land in their areas, so each local authority will have a brownfield audit document for its area. I do not know how comprehensive and up to date those documents are, but local authorities tend to conduct such audits because they form part of development planning and the redevelopment of urban brownfield land is a priority.

**Christine Grahame:** That means that the Executive is in a position to get the information in a reasonable timescale.

**Michaela Sullivan:** We could ask every local authority in Scotland to supply a copy of its audit.

**Christine Grahame:** Yes, and you could collate it for us.

**Michaela Sullivan:** Yes.

**Christine Grahame:** Witnesses have suggested that new green belts should be created in Scotland. What is your opinion on that?

**Johann Lamont:** The draft policy says that we do not envisage huge numbers of new green belts. We realise that there are places, such as St Andrews, where people are actively arguing for green belt. There might be other ways of securing the same outcomes without designating green belt, but that would have to be established through the development plan.

**Christine Grahame:** Making more use of brownfield sites in all areas—picturesque places as well as urban areas—might tie in with the ability to create more green belts.

**Johann Lamont:** There are other tensions surrounding brownfield sites in cities. People might regard them as being for developments other than housing. There are pressures in cities such as Glasgow, where every available development site seems to be taken up. We acknowledge those tensions.

**Christine Grahame:** I got the impression that more people want to live in cities and want warehouses to be developed into housing. The sprawl that encroaches on to green belts usually consists of housing developments. There is a move towards people living nearer their work and in city centres, so brownfield sites could be used to take the pressure off green belt.

**Johann Lamont:** Nobody is arguing against that. We are keen to retain in SPP 21 the presumption against development on green belt, but there has to be a sensible agreement about where the green belt is and why it is there.

**Christine Grahame:** The Scottish planning consultants forum suggested that green belt should be a functioning planning tool, whatever that means. Do you know what it means, minister?

10:15

**Johann Lamont:** I think that the SPCF said that the green belt is one planning tool among many. If we define a planning tool as a means by which to manage development, the changes that grow settlements over time and so on, green-belt policy is part of that process.

**Christine Grahame:** Should the policy be reviewed?

**Johann Lamont:** It is being reviewed, is it not, in the draft policy?

**Christine Grahame:** The Executive is reviewing the policy now, but should it be reviewed again at some stage, in the longer term?

**Johann Lamont:** It would not be possible to stop such a review if ministers wanted to do that. Yes, of course, it could be done again.

Speaking more generally, the way in which planning develops and grows changes over time. We cannot therefore say that things will be set in stone. I am not sure whether that is what you meant by your question. Obviously, the Executive is saying that, in terms of establishing our green belts, it will be 20 years before this window of opportunity comes round again.

**Christine Grahame:** So you are saying that it is set for 20 years.

**Johann Lamont:** As I said, in producing development plans, we expect local authorities to envisage their green belts as a 20-year strategy.

**Christine Grahame:** My interest is more in brownfield development, but I asked the question because the point was raised by the SPCF.

**Mr Home Robertson:** I return to the theme of developments around the green belt, which Scott Barrie, Tricia Marwick and other members explored in some detail at our previous meeting. I refer to the issue of developers leapfrogging green belts, which leads to housing development outside the green belt.

The obvious example is Edinburgh, which is a successful thriving city with a growing population. The demand that that is generating, at least for housing, is not being met within the city boundaries—better use of brownfield sites may improve that performance, however. As Scott Barrie, Tricia Marwick and others said at our last meeting, there is evidence from all round Edinburgh—across the Forth in Fife, in my constituency of East Lothian and elsewhere—that large numbers of houses are being built in neighbouring authorities to meet Edinburgh's need and demand. Edinburgh generates the demand while the neighbouring authorities have to make the space and provide the services and all the rest of it.

That is a major planning issue, which needs to be understood and managed. From the way in which things have gone until now, I suggest that it is not being managed very cleverly. We need to do it better: more should be done to help the neighbouring areas around Edinburgh. We also need to provide better organic growth for cities. What are your thoughts on that?

**Johann Lamont:** Again, I return to what I said about the need for green-belt policy to recognise the growth that takes place over time. City region plans are needed, together with dialogue across local authorities and an understanding of the implications that the decisions of one local authority can have on other authorities. Clearly, local authorities have a democratic accountability to their citizens and responsibilities that they have to discharge. However, someone at the centre of Edinburgh should not determine development across Scotland. That said, we contextualise solutions; we do not determine them.

We cannot hook on to our review of green-belt policy a range of other factors, including the issue that economic growth in one area is creating housing hot spots in other areas. That is far beyond the reach of green-belt policy; it is more about housing and rural development policies. Taken on its own, green-belt policy will not solve the situation that John Home Robertson describes. However, if a green belt is acting as an inhibitor in an area and producing unintended consequences, we need the means to address that. I suggest that that is best done through the city region plan process.

John Home Robertson's Fife colleagues made quite strong representations to the committee when they raised the matter. My impression—and it can only be an impression, as this is not my area of expertise—is that there are housing pressures. However, evidence shows that, if there is a huge amount of economic activity in one city area, areas beyond it begin to benefit—their economies are stimulated and changed. We have to recognise not only the pressures but the positive changes that take place in those areas as a consequence.

The points that Scott Barrie and Tricia Marwick made raise important issues. I do not pretend that they are a matter only for our green-belt planning policy; they must also be about planning for housing, including affordable housing, and for diversifying the economy. We need to ensure, in the broadest terms, that the way in which we manage economic growth brings benefits not for some but for all. Economic growth should be sought not for its own sake, but because its benefits will be felt in the immediate area and far beyond it. The benefits of strong economic development in Edinburgh should be felt across Scotland. We must address the unintended consequences that you mention, and the city region plans will allow dialogue to take place between local authorities.

**Mr Home Robertson:** We will have another opportunity to discuss that issue. There is anxiety that a city region will inevitably be dominated by the city, so we will need to have checks and balances to ensure that neighbouring areas have their say in development plans.

Some aspects of the management of the green-belt policy are perceived to be a problem. Flexibility is required—we keep coming back to that point. I hope that the Executive will bear it in mind, and that it will consider the experiences that Scott Barrie has described in Fife and that I have described in East Lothian. I am sure that the situation is similar around Glasgow and the other major cities.

**Johann Lamont:** Glasgow has very challenging problems in relation to the green belt. For example, because of council tax considerations, there are pressures to develop land to keep people within the city boundary. People are choosing to move out of Glasgow.

Different cities have different pressures and different relationships with their surrounding areas. Lots of complicated issues arise, with which the planning process can help, but our broader economic policies and management of economic growth will also be important.

**Patrick Harvie (Glasgow) (Green):** I want to ask about the protection of open space. Paragraph 19 of SPP 21 says:

“Where major releases of green belt land are planned, consideration should be given to the potential for expanding that green belt at another location.”

What level of protection does that offer? What are “major releases” and what is the process by which consideration would be given? If open land in the green belt is released for development, how sure can people feel that it will be replaced?

**Michaela Sullivan:** Earlier, I explained about the development plan process and the 20-year horizon. A major release would entail a redrawing of the green-belt boundary in the context of statistical analysis that suggested that a particular settlement would need to grow during those 20 years. I would not want to put a number on what would constitute a major release; a major release for St Andrews could be significantly smaller than a major release for Edinburgh or Glasgow.

The green-belt boundary could be moved as a result of a 20-year settlement strategy suggesting a need for growth. However, there would of course be provisos in the development plan to ensure that the growth was managed.

Members of the task group were especially keen that if a green-belt boundary was changed for such a reason, land should be added to the green belt elsewhere. That view has led to a lot of comment in the responses to the consultation. If settlement patterns, tree belts and rivers were considered before the outer boundary was drawn, some people think that it would be artificial to add land later. We will need to consider such points as we prepare our final draft.

**Patrick Harvie:** I can see the difficulty that people have commented on, but to imagine that a green-belt boundary is fixed for all time is artificial too. If the proposal is to replace released land with additional green-belt land elsewhere, I presume that that land will be added at the outer boundary of the green belt. It is not possible just to create some more land and put it inside the boundary of a green belt around a city.

**Johann Lamont:** We have to look at that. What you say comes back to what John Home Robertson said, which was that releasing land might have consequences elsewhere that might be regarded as inappropriate. It might seem like a simple solution to take a bit of land here and put a bit back there, but that might have consequences elsewhere. We can look at that.

**Patrick Harvie:** You mentioned the relationship between green-belt policy and the development plan system. At our previous meeting in December, there was some discussion about the idea that, as the green-belt policy and locations develop over time, any future changes will be contingent on the Executive’s objectives for the Planning etc (Scotland) Bill being fulfilled and on the reformed planning system making the development plan system work effectively, so that plans are up to date and there is proper involvement. Is it the Executive’s view that—as we have heard in evidence—any future changes to green-belt policy should be considered only if those wider planning objectives are met successfully?

**Johann Lamont:** The development plan-led process works logically. We do not want planning policies that are honoured only in the breach, which is a particular issue in the green belt.

**Patrick Harvie:** But what if the reformed planning system gives us a situation that none of us wants and which is similar to the current situation, in which development plans are out of date, consultation is poor in some areas and where people feel that they do not have any purchase on the development plan in their area? That would be an inhibitor to successful review and implementation of the green-belt policy.

**Johann Lamont:** If we took the view that a development plan planning system was not working, we would have to address that—unless somebody could convince us that having a development plan-led system was the wrong policy approach. However, there is consensus about this, if about nothing else: knowing, planning, preparing and evidencing is the best way to manage change. Although we do not want to envisage a situation X number of years down the line that is the same as now, we would hope that there would be triggers much earlier on to show us

that there was potential for that to happen. We would then have to explore why it was happening.

It certainly cannot be the case that local authorities will not give the system priority, because we have argued that it is a priority. If there were problems in that regard and if development plans were out of date, we would have to address the problems as opposed to saying, "This is something that we just have to live with." Development plans are crucial and we would need to find out why people were not keeping them up to date and to address that problem.

**Patrick Harvie:** I am just concerned that the successful application of one policy depends on the wider system working as it is intended to.

My final question is about the balance between the protection of the green belt and the diversification of rural businesses. You will be aware that we heard some evidence from the Scottish Rural Property and Business Association about the appropriate uses of the green belt that are listed in paragraph 20 of SPP 21. The association suggested that the list is arguably more restrictive than current Scottish Executive initiatives and funding mechanisms in the wider rural sector. It talked about potential problems with the development of farm shops, tourist accommodation, residential letting and various other issues. Has the Executive considered the appropriate uses listed in that paragraph and is there any thought about what the final draft might include?

**Johann Lamont:** I made the point earlier that we recognise that, as John Home Robertson said, we do not want to find ourselves running counter to planning policies for rural development or to the Scottish Executive economic strategy for both rural and urban Scotland. We have made a commitment to look at that, to reflect on what people have said about it more generally and to see how those concerns that we might be closing down opportunities for rural diversification and the economy can be addressed. I give members an assurance about that.

**Patrick Harvie:** Thank you.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** Before Christmas, we took evidence from community organisations. How can community and amenity groups be effectively and meaningfully involved in green-belt boundary reviews?

10:30

**Johann Lamont:** I will ask for more details to be provided on this matter, but I can say that the proposals in the Planning etc (Scotland) Bill for community engagement in the development plan

process will be central. People have to be engaged early on and, indeed, feel that such engagement is worth their while. Of course, any discussion about the location of green belts should involve local communities.

**Rosie Leven:** Obviously, the current system allows people to get involved in development planning. However, that is where discussions about green-belt boundaries should take place. Hopefully, with this planning reform, such opportunities will increase and be more effective.

**Cathie Craigie:** Have community groups been consulted on how they might become involved? Indeed, have they been asked what the green belt means to them? At our meeting in December, Deryck Irving of Greenspace Scotland said that his organisation was working in a number of areas to identify people's aspirations for the green spaces around them and to find out what needs should be addressed. Has the Scottish Executive engaged with groups in such a way?

**Johann Lamont:** As I said in response to the convener's initial questions on community engagement, during the review we engaged with the groups that sat on the review group and with other organisations.

We have also engaged with a huge range of different organisations and community groups on the Planning etc (Scotland) Bill, and are having a lot of discussions with groups and organisations on inhibitors to involvement and on the kind of involvement that best allows people to become involved at an early stage. After all, people's engagement can very often be a reaction to individual developments. They get exercised about developments if they find out that something is going to be built at the bottom of their garden, but they do not seem to engage in theoretical discussions about the location of housing developments. We take the matter seriously and are working with groups to address it.

When we talk to some community groups and organisations, it becomes obvious that a commitment to and support for green belts can be a defensive reaction to their experience of the planning process. It becomes a way of repelling development because they do not trust the system and have not been engaged in it earlier. We have to address that problem through the planning system instead of simply telling those groups that their views on green belts are wrong.

As I have said, we are working hard to involve community groups during the passage of the bill and are taking advice on how we can shape a strategy in that respect. Groups have been consulted on draft SPP 21, but we need to acknowledge that there is what could almost be described as symbolic support for green belts. It is

as if the groups feel that such a stance is a defence against uncontrolled development and sprawl driven by all-powerful developers.

**Cathie Craigie:** I cannot quite put my finger on the specific evidence at the moment but, at the meeting before Christmas, we heard concerns from community group representatives that having a 20-year review period might be difficult. After all, communities can change in that time. I realise that you have answered a couple of questions on this matter already, but who has been consulted on the length of that review period?

**Johann Lamont:** Well, that is the problem with long-term planning and with taking a more strategic, longer-term view. However, I believe that that could be tempered by the fact that the development plan has to be reviewed every five years.

People must take a long-term view and say, "We realise that there will be change, and this is the way in which we want to manage it." We have to get support for such an approach instead of engaging people in the reactive way that I outlined in my previous response. As I have said, the development plan process is much more regular but, of course, general local authority engagement at the individual planning stage will also be important.

**The Convener:** That concludes the committee's questions. We will reflect on the points that have been discussed later in the meeting and will decide what action, if any, we will take to provide some helpful advice on green-belt policy.

I suspend the meeting to allow for the changeover of witnesses.

10:35

*Meeting suspended.*

10:40

*On resuming—*

## **Planning etc (Scotland) Bill: Stage 1**

**The Convener:** I reconvene the meeting. It is evident that some members of the committee are incapable of telling the time, but we will get started.

The committee will hear evidence on the Planning etc (Scotland) Bill from one panel of witnesses. I welcome Professor Alan Prior, who is from the school of the built environment at Heriot-Watt University. He is joined by Professor Greg Lloyd from the school of town and regional planning at the University of Dundee. Thank you, gentlemen, for joining the committee. We have a number of questions to put to you.

**Mary Scanlon:** Part 1 deals with the national planning framework. Will the proposals to put the national planning framework on a statutory basis make it a more powerful instrument for securing the delivery of national policies and programmes?

**Professor Greg Lloyd (University of Dundee):** That is a key question. The national planning framework was long awaited. When it was first published in 2004, it was a welcome addition to the land use planning system in Scotland, because it pointed out the need for overall strategic thinking on the Scottish economy in order to pull things together. The intention of the white paper and of the Planning etc (Scotland) Bill is to make the framework stronger and more central to the planning system. That is not only welcome; it is absolutely necessary. We have difficult choices and decisions to make—in all our interests—about how we provide infrastructure and how we control patterns of development. I certainly welcome the framework.

**Mary Scanlon:** That is very helpful. Given your wide range of experience and research, can you tell us whether there is anything that we can learn from the national planning policies of other countries? Perhaps you have information or advice that might help us deal with the planning bill.

**Professor Lloyd:** The idea of national planning frameworks is a European process. Right across Europe, a great deal of attention is given to providing large-scale, holistic, strategic frameworks. Some are process based; others are more outcome based. They provide a context for what is happening on the ground and in the relations between town and country and different cities. Following devolution, Wales developed an innovative spatial plan—although you might



expect me to say that. Northern Ireland has gone down that road, as has Ireland. I understand that countries such as Iceland are looking at the need to provide an overarching framework document.

**Mary Scanlon:** Is there any experience of the national planning framework contradicting the local development plan? Is the framework flexible enough? After all, it looks at a 20-year period. Or is it too early to tell from the experience of other countries?

**Professor Alan Prior (Heriot-Watt University):** It depends on the constitutional arrangements of a country. As Professor Lloyd said, many countries have gone down the road of developing a national planning framework. We have to take into account the relationship between the different tiers of government and how they operate. One of the requirements of the national planning framework is implementation at the lower tiers of the planning hierarchy. The integration of development plans with decisions on major national developments will be key in that implementation.

In the planning profession generally, the idea of a national planning framework has, in principle, been thoroughly welcomed. There have been demands for 30 years for some kind of national spatial plan. I recall that the Select Committee on Scottish Affairs called for a structure plan for Scotland in 1972-73. The response to that call was national planning guidance. We have moved on, and it is generally welcomed that we should have some kind of national spatial strategy. That is also important in the context of the "European Spatial Development Perspective". It is clearly stated that part of the rationale for the framework is for the Executive to make sure that spatial planning for Scotland integrates with territorial issues across European space as well. To see how the national planning framework will work, we have to look at the lower tiers of the planning hierarchy to see how the framework will articulate with them and how it will articulate with the higher, supranational level. Generally, however, strengthening the national planning framework and giving it more teeth and more of an implementation focus is welcomed.

10:45

**Mary Scanlon:** That is helpful. I have two questions on the system of developing and approving the next national planning framework. The bill mentions consultation. Is there a need to be more specific about consultation or does the Executive consult widely enough? The committee was told last week that it will be for the Parliament to decide how it will scrutinise the national planning framework, given that the framework will be with the Parliament for 40 days for consideration. I note that

"the Scottish ministers are to have regard to any resolution or report of, or of any committee of, the Scottish Parliament".

Are the consultation and the method of approving the national planning framework sufficient to ensure that as many people as possible are consulted and on board?

**Professor Lloyd:** My experience of observing how the planning and development system has worked in Scotland leads me to believe that an incredible range of influences are brought to bear on the policies and thinking on development plans and so on. Developers and housebuilders, investment houses, retailers, environmental groups and communities are not shy in coming forward to make their views known. They articulate their concerns and aspirations.

We must remember that the national planning framework is being drawn up as a national strategic document. Consultation will be important, but on national strategic matters. I welcome the proposed scrutiny by the Parliament, because it is time that the planning system was given greater political authority and exposure—and legitimacy. The land use planning system should rightly be recognised as a stalwart of modern society.

Forty days' scrutiny sounds pretty awful when stated as a bald figure. However, we must recognise that economic change is moving apace and that things move on quickly. If we are to be flexible and stay ahead of change so that we are able to plan for it, we must be on the ball. There is an intellectual case for 40 days' scrutiny. Perhaps there should be a more active engagement through the committee process to inform the Parliament about the reasoning behind the framework.

**Mary Scanlon:** That is helpful.

**Professor Prior:** I endorse that. Consultation is important, and the Parliament's involvement is essential. The Executive will produce a document and will have responsibility for implementing it. Academically, there are always issues around whether it should be the Parliament's document or the Executive's, and there is an issue generally in development planning about how we ensure ownership of the process. However, the proposal to consult Parliament and to enable Parliament to agree resolutions on the framework and for the Executive to have regard to such resolutions is a minimum requirement for ensuring that the national planning framework has the status and influence that are intended for it.

**Patrick Harvie:** I agree whole-heartedly, as I am sure the committee will, with the intention of placing planning on a higher pedestal and of exposing the process to some political involvement at the national level. However, one of

the most important objectives that everybody shares is trying to rebuild trust in the planning system among the wider public: we will not get early, upfront, active involvement if trust is not rebuilt. Some people feel that the process for the national planning framework is undermining the building of trust.

Do you share that concern? Do you think that individuals will think that their elected MSPs should have a vote to approve or reject the framework, rather than ministers merely having to have regard to what elected politicians say? Is there a need for a process outside Parliament? Believe it or not, not everybody in Scotland places more trust in politicians than they do in the planning system. Do we need not just a consultation exercise, but a formal process of examining the framework document in public?

**Professor Lloyd:** That is an awkward question. I welcome the greater visibility of the planning system represented by the white paper, "Modernising the Planning Process", and the bill. I welcome the challenge that has been issued, but if the system is going to work, there will have to be a culture change. That sounds like a bit of a cliché, but effecting such a change is a challenge to everybody from members of the public in neighbourhoods and communities, to elected members, political activists, planning officers, local authorities and developers. We have to elevate people's engagement with and understanding of the planning system. That challenge has bedevilled planning practice for a number of years, because, as you said, not many people trust it. The challenge is to find ways in which we can sell the importance of the planning system. Therefore, we must consider the type of society and community that we have. It is not enough simply to say that everyone will understand what planning is about. We have to repackaging it and sell it in a much more innovative way.

**Professor Prior:** There is generally an issue about how the planning system is organised and about ownership of the policy at a national, strategic or local level. A key issue is who will be responsible for implementing a national framework or some other level of plan. We need to get the engagement and consultation right at each level. We might take a symmetrical approach and say that what is good for the development plan should be good for the national planning framework. The rationale is that the approach to the development plan should be the same as the approach to the national planning framework.

There is also an asymmetrical argument that the development plan and the national planning framework are different documents, with different levels of fitness for purpose. As I understand it, the framework is not intended to be a site-specific

document and will be more abstract than local development plans. There has been a general difficulty in engaging people with more abstract ideas. There is the risk of ending up with a document that is an aggregate of many different agendas and concerns and that is almost impossible to implement.

We need to get the consultation, scrutiny and approval process for the national planning framework, as for other policy making, right for that level, to ensure that the framework can be implemented and to avoid it becoming an area where we have a discussion with only relatively banal statements made. For any of this to have value, it has to be able to make a difference on the ground.

There will always be debate as to whether the framework should be approved by Parliament, whether Parliament should be consulted on it and to what extent we can have meaningful local consultation on a Scotland-wide document. It is hard to identify how best to do that. The way set out in the bill is broadly appropriate. There will need to be more guidance and perhaps even secondary legislation on how the consultation and approval process will work.

National planning framework 2 has evolved from national planning framework 1 and, no doubt, national planning framework 3 will be a further evolution. We are all finding our way, but we are broadly heading in the right direction.

**Patrick Harvie:** Are you able to give us any information about how decisions have been made in other jurisdictions? Where there has been a formal public examination, has that process been successful?

**Professor Lloyd:** Our understanding is that equivalent national planning frameworks tend to be non-statutory, so we are taking a bold and innovative step forward in Scotland.

**Christine Grahame:** My question returns to the 40 days for parliamentary scrutiny. You referred to scrutiny by a committee, but I have written down four committees, for a start, that might want a substantial input: this committee, the Enterprise and Culture Committee, the Local Government and Transport Committee and the Environment and Rural Development Committee. It seems to me that, if you are drawing up a document that has a 20-year vision and that impacts on all those areas, 40 days will be insufficient time for the Parliament to give it due regard, although we realise that it can be reviewed. Could you comment on that? I know that Patrick Harvie raised the issue at a previous meeting. We have 40-day scrutiny for less substantial documents than the national planning framework, and we want it to have some security and validity.

**Professor Lloyd:** That is the characteristic that bedevils planning; it affects everything. It is the form of governance that covers every square inch of Scotland—and indeed, under the Planning etc (Scotland) Bill, goes 12 miles beyond that into territorial waters. Planning affects everything and is influenced by other things, and the Parliament must assert leadership by making one lead committee take control of the matter and robustly take forward the thinking on the national planning framework.

**Christine Grahame:** I follow that. Having a lead committee is not a problem, but the question is how the other committees could feed in their views to the lead committee in that timescale. Let us suppose that the Communities Committee was the lead committee. Each of the other committees might appoint a reporter, but that might not be enough. For example, when we are the lead committee on a bill, we find the Finance Committee's comments invaluable, but it needs plenty of time to consider the financial aspects of a bill. In this case, the 40-day timescale is a bit headlong, given how substantially the Planning etc (Scotland) Bill affects other committees. You could pick pretty well any of those other committees to be the lead committee.

**The Convener:** I should point out, for clarification, that it will be Parliament that decides the lead committee.

**Christine Grahame:** I agree.

**The Convener:** I think that our witnesses have explained their position.

**Christine Grahame:** I am seeking their views to assist Parliament, because it will be on the record that 40 days is the timescale set out in the bill and that I am expressing concerns that I believe might be reflected by other committees. Others may not share my concerns, but I think that they will, so I am asking the witnesses to put their views on the record, so that when Parliament is considering the matter, or when the Procedures Committee is looking at it, other members will have some guidance.

**The Convener:** Do you have anything further to add, gentlemen?

**Professor Prior:** I would like to add briefly to what Greg Lloyd said. He alluded to an issue that runs throughout the modernisation of the planning system: the quest for speed and efficiency to get policies up and running and approved, while ensuring effective inclusion and participation. That thread runs through all levels of planning policy. Getting involvement and consultation right at earlier stages gives scrutiny bodies some assurance that the documents that they are receiving have been subject to wide consultation. If many views have been expressed, all the

committees involved would be able to take that into account, but that emphasises effectively front-loading the preparation process. That brings us back to our earlier discussion about how you engage effectively with communities on a document at the level of the national planning framework. One way of trying to square the circle of the 40-day timescale and the need for effective scrutiny is to ensure that when a document comes before parliamentarians there has already been a thorough debate about it in the public domain and that the parliamentarians are familiar with that debate.

**Christine Grahame:** So, that means that 40 days is all right, does it?

**Professor Prior:** And 40 nights. *[Laughter.]*

**Cathie Craigie:** I am sure that, if MSPs are trying to encourage public involvement in the process, they will put a lot more than 40 days and 40 nights into making themselves aware of what will be included in such an important document.

I will move on to development plans. The bill proposes replacing the current two-tier system of plans with a system of strategic development plans and local development plans. Will that help to achieve the objective of making the planning system fit for purpose?

11:00

**Professor Prior:** In the 1990s, I did some research for the former Scottish Office as part of a review of the existing development plan system. As you are aware, it is one thing to put in place a legislative framework, but another to ensure that plans are prepared speedily and kept up to date. The Executive proposes a new type of strategic plan that will be limited to city regions, with local development plans for the whole country. The aim is partly to cut down on the amount of work that is done on preparing strategic plans and, more fundamentally, to put in place plans that may be less comprehensive, ambitious and detailed, but that will be more focused, visionary and concentrated on what matters. That more limited but clearly focused agenda should assist planning authorities in the speedier preparation of plans and in keeping them up to date.

One challenge will be how the plans are prepared and kept up to date; another will be the political priority of the plans and the resources that are available. In the past 30 years, we have had a relatively poor history with plans—they have not been speedily prepared and, in many cases, they have not been kept up to date. However, that cannot be changed purely through planning legislation; we need to put in place the processes, resources and priorities so that we get the plans in place and ensure that they have a role in

managing development. In practice, the existing plans have not worked because of several factors.

The Executive's approach to modernisation through the bill is to put in place statutory requirements that are backed up by potential sanctions. The Executive is not simply throwing its weight around—although that could be one interpretation; it is making it clear to planning authorities that the plans are absolutely crucial to the planning system. If targets are set, behaviour will be amended to meet them. One reason why plans have, in the past, been given less weight is that the priority has been speedy decisions on individual planning applications. Local authorities may argue that they have not had sufficient resources to treat the two matters equally.

The bill lays down a big challenge to planning authorities to ensure that the development plans are prepared speedily and kept up to date to help ensure that most, if not all, development decisions are in accordance with the plan. The system will break down and issues about the third-party right of appeal will resurface if decisions are seen not to be in accordance with development plans. There is still a bit of work to be done, part of which is encouraging a culture change, to put in place arrangements that will deliver speedily prepared plans, but I am not sure that the bill could go much further than it does already.

**Professor Lloyd:** I endorse that entirely. Last year's planning white paper stated clearly that although we have a plan-led system, we need to put in place a plan-led system that works and that is responsive to modern conditions. By distinguishing between strategic and local development plans and by opening up the opportunities for different interests to engage, we are perhaps stepping down the right road.

**Cathie Craigie:** The plans will have a five-year lifespan and will require resources. Can local government deliver them?

**Professor Prior:** I am probably not the best person to answer that question. The plans will be a statutory requirement, partly to try to change behaviour locally. Clearly, it will be for local authorities to manage the resources that are available to them. There are some issues around the resource implications of all the changes in the bill. As you will be aware, the background documentation to the bill tries to put some figures on that.

One of two things needs to happen. Either additional resources need to be made available in terms of people and skills or existing resources need to be deployed more effectively. If existing resources are to be deployed more towards preparing and keeping plans up to date, they are obviously going to be removed from some other

area of planning activity. Given that I have a vested interest in educating and recruiting planners, you would expect me to say that we need a lot more planners in the system.

**Cathie Craigie:** One of my colleagues will ask you about that in more detail later.

It appears to me that the professionals—planners—will have to be much more focused as a result of the bill. In my experience, a local plan can be tomes of paper that do not mean much to the ordinary man and woman in the street. The people who involve themselves in that process seem to be professional planners, retired professional planners, anoraks or people who have a development on their doorstep. The hope is that the bill will get people more involved. Do you think that reducing the size and complexity of the plan will help to do that?

**Professor Prior:** I do. Previous research that I and others have been involved in has indicated clearly that one of the reasons why plans take a long time to prepare is that they are grappling with a dynamic, changing context—as Greg Lloyd said earlier. There is also an expectation that the plan should anticipate every development eventuality so that there will be a policy in place to deal with it. There is a fear of adopting a document that might have gaps in it. We need to move away from that search for spurious comprehensiveness, which leads to documents of the length and detail that you describe. They are difficult enough for people like me to read, never mind people who are not familiar with planning terminology.

The bill and the white paper that lies behind it indicate that the new plans are not simply local plans and structure plans by another name, but are meant to be entirely different types of plans. In order for that to be the case, there will have to be a raft of planning guidance and good practice advice. Further, people who have spent their professional careers preparing plans in a particular way will have to be retrained. There is no reason why that cannot be done. We were here 30 years ago when we launched the current system. At that time, we had a raft of people who were used to preparing the development plans of an earlier era. The task is doable. However, for the new plans to be more useful, they need to be more focused and strategic—with a large and a small s. They need to be managed so that they can deliver something useful in a reasonable timescale and they need to be documents that people of all persuasions will see as useful and relevant and that they will, therefore, want to read and have a say on. That means that they need to do something that the plans have not been good at doing so far, which is communicating the importance of land use planning matters to everyone's everyday lives.

The response to local plan and structure plan consultation exercises is often low. It is wrong to assume, however, that that is because people are not interested. There is a lot of evidence that people are interested in environmental issues that affect them. However, the content of the plans and how that content is expressed can often be a barrier to people's participation. The bill sets out the framework for that—it gives us the skeleton—but the skin and the organs have to be spelled out in guidance and advice in a way that ensures that the Executive's objectives are delivered.

**Professor Lloyd:** There has to be a behavioural shift in how the plans are prepared. Plans should be much more sensitive to what is happening in different localities. They should be more iterative and evidence based, so that if circumstances change the process is more sensitised, rather than stop-start as it is at the moment. That would be welcome.

**Cathie Craigie:** You mentioned the need to move at the pace at which business and so on is moving. What role do you envisage for the action programmes that are part of the bill in ensuring that the policies contained within development plans are implemented?

**Professor Lloyd:** The action plans are an important step forward. Development plans tend to be all things to all people and tend not to focus on where change is expected or, indeed, needed. In many areas, planning authorities, working with developers, know exactly what will be coming up. The action plans allow for attention, resources and energy to be devoted to where that change is expected, to manage it and to ensure that it is delivered; the latter is another theme running through this modern system. I welcome the emphasis on action plans.

**Professor Prior:** They are a key implementation mechanism. There has always been an expectation—even in the current development plans—that the plans would include a statement about proposals, what will happen when and how much they will cost. There has never been any certainty that all the other agencies that the plan relies on to achieve its objectives are signed up to it. My understanding is that the action programme will be a statement of intent not just from the planning authority but from the other key agencies that participate in the process and that commit resources to it. It is crucial in that respect.

**Cathie Craigie:** We all know about the delays in approving local plans and that we can find ourselves bogged down in objections. The council considers them for months or even years; they go to the Scottish ministers; and it appears to some people that they sit on ministers' desks for a long period. Will increasing the opportunity to involve local people in the preparation of plans help to reduce the likelihood of objections?

**Professor Prior:** There has always been an aspiration in the planning system to produce policies and make decisions that take account of public views. Since the 1960s, the system has included a statutory requirement to involve the public in the preparation of development plans. Behind that is the assumption—which is probably not borne out in practice—that the more you involve people in the process, the more likely they are to be happy with the outcome. That assumption is derived from the report of the Skeffington committee in 1969. In practice, the evidence is that the more you involve people and raise awareness, the more likely it is that there will be people who will look at the document, find something they do not like and complain about it. We should be under no illusion that involving people in the planning process is necessarily a means of avoiding difficulties later on.

In the white paper and in the bill, there is an attempt to front-load community engagement to focus more on shaping the plan and to put in place arrangements that discourage local authorities from making decisions contrary to the development plan. It is around issues such as that that people get concerned. Planning is a system that intervenes in private property rights; therefore, we will always have to address issues to do with what is in the public interest and what is in the private interest. I doubt that we will ever put in place arrangements that avoid people feeling that their private property rights have been compromised—that is always a risk, and we should not be naive about it. Therefore, if we want to involve more people in the process, to make it more inclusive and participative and to give people more chance to shape the plan, we must be prepared for the fact that they may not agree with the planners' or politicians' views. The challenge for us is to resolve such issues throughout the process of plan making.

11:15

**Professor Lloyd:** It is important for society that we explain what the planning system does for all of us and how it can improve our quality of life. Our sad experience is that, over time, public engagement with planning has deteriorated to the point that it is mainly reactionary and people enter the process with an anti sort of attitude. We must work hard not only to front-load the system, but to be much more positive and to encourage positive engagement with planning. After all, the development plans set out visions for different localities, and we should all be part of that.

**The Convener:** Christine Grahame has a specific question on development plans.

**Christine Grahame:** I think that I am the next member to ask questions. May I pop it in then?

**The Convener:** No, you are not. Patrick Harvie has the next set of questions.

**Christine Grahame:** Oh. I want to ask about section 7.

**The Convener:** In that case, I will let Euan Robson in at this point.

**Euan Robson (Roxburgh and Berwickshire) (LD):** What does the panel see as being the main purpose of the strategic development plans, and how do they relate to the other two types of plan?

**Professor Prior:** There is always a question about developments that cross local authority boundaries as a consequence of development pressures in and around towns and cities. The issues arising from development cannot always be ring fenced within a municipal boundary, so a way must be found to resolve those issues. The Executive's view is that such issues are likely to arise mainly around cities, hence the need for city region plans and strategic development plans. That is one issue.

The other issue is the need to grapple with the development pressures around our main cities and city regions and to put in place a strategic framework that addresses the difficult questions about how much land we need for development and how that development should be spatially distributed. It is not always possible for Midlothian Council to make those decisions, for example, as some of the pressures on development in Midlothian arise from the fact that it adjoins Edinburgh. The situation is similar for the districts that surround Glasgow. It is important to address the issues of city regions and to put in place a strategic framework that takes a long-term view and helps to provide a context for the way in which local decisions should be made.

Strategic development plans around cities will provide a framework for local authorities to decide, for example, where the boundary of the green belt should be and where specific housing sites should be developed. They will provide the context. In setting out that vision for city regions, the strategic development plans are reliant on the local development plans and day-to-day decisions on planning applications. The city regions themselves will play a key role in determining what the national planning framework will be about. We need some level of strategic spatial planning to manage growth at the city region level, to help us to implement the national planning framework. That is the hierarchy and how the plans relate to each other in both a top-down and a bottom-up way.

**Euan Robson:** I advance the proposition—with which I do not necessarily agree—that that is a recipe for argument and conflict. If an additional authority is created and the component authorities

do not agree, how will matters be resolved? How can one impose a decision that is made at one level at another level? What happens when boundaries are proposed outwith the strategic planning authority area? Do you see those issues as a problem, or do you think that the Executive and the wider planning community are able to cope with those potential difficulties?

**Professor Prior:** I will give two quick responses because Greg Lloyd will have something to say. On the first part of your question, as the bill is formulated, strategic development plans will cover the boundaries of several authorities, so it will be important for authorities to work together to produce a common strategy. That has been the practice with old-style structure plans, so it is not beyond the bounds of reason to think that one of the ways in which we will avoid political conflicts, at least, is to ensure that the constituent authorities are signed up to that.

Under the bill, ministers will take powers to determine which authorities will make up a city region. That will be crucial. One can think of issues that might affect the city region of Edinburgh if the Fife Council area was not included in it or vice versa. Important considerations in resolving some of the issues that affect people who live outside a city region are who participates in the making of the plan, how big an area it should cover and, within that, what its boundary should be. Setting the boundary of the strategic development plan should ensure that the impacts of city development are properly managed in the widest possible area.

Part of the difficulty with the 17 structure plans is that their boundaries are too parochially drawn, which means that the wider issues—such as the impact of developments across the Forth and Clyde estuaries—are not grappled with. The Executive accepts that some of our structure plan areas are too small. One could argue that there was a clearer rationale for structure plan boundaries under the previous local government system, when they were much more clearly focused on regional authority areas. The abolition of the regions and the restructuring of local government have been to the detriment of strategic planning, so I welcome the Executive's attempt to address that in the bill. To tackle the problems that lie behind your question, it will be necessary to get right the shape of the city regions and to obtain the political commitment to delivering the plans across city regions.

**Euan Robson:** Why have boundaries at all? What will happen to an authority that is sandwiched between two city regions?

**Professor Prior:** Greg Lloyd will get me out of answering that.

**Professor Lloyd:** That is an important question because one of the problems with the 17 structure plans, six of which are prepared jointly, is that they do not reflect functional travel-to-work relations, commuting flows and other journey-to-work issues. They also fail to reflect where people go shopping or go out for an evening. The strategic development plans offer an opportunity to redefine that.

There is a parallel set of evidence on city regions and city region planning, in relation to which boundaries are an issue. In my head, there is a very strong case for saying that boundaries are not necessary. We could just have sound, robust joint working. Once a boundary has been drawn, some activities are in and some are out and when change comes, there is the potential for conflict. One could make an intellectual argument for creating virtual city regions, which to my simple mind would avoid the problems that are caused by local authority boundary changes and so on.

For me, the main point is that we must explain exactly what we mean by the city regions and back that up in the strategic development plans, because many people might feel threatened by the thought of creating an additional level of bureaucracy—that is not the intention—and a new identity. Your idea could be interesting.

**Professor Prior:** I do not entirely agree with what Greg Lloyd has said about boundaries, but we are academics, so we are meant to disagree from time to time. Boundaries give certainty about the area to which a policy applies and investors and communities need to know that. If a strategic development plan contains a restriction, people need to know where the boundary is and in which area the restriction applies. The committee has had interesting discussions about the green belt. That is an example of a context in which it is important to know where the boundary is and in which area there are restrictions. With some policies, the absence of a clear boundary creates uncertainty and potential blight. A boundary is a pragmatic device; it does not conflict with Greg Lloyd's general aspirations. If we are to have territorial policies, unless they apply to the whole country, people will want to know whether a boundary affects them.

**Patrick Harvie:** As you heard, I have the next lot of questions.

The Executive has still to explain how the proposed hierarchy of developments will work and what will fall into which category. In general, should a strict mechanical and formulaic approach be taken? Will there be room to make case-by-case judgments about whether a development is major or local, for example?

**Professor Lloyd:** Further guidance will be produced in due course. I welcome the hierarchy,

because it demonstrates sensitivity to the types of development that arise. It will also allow much more sensible allocation of resource within planning authorities, so that major developments may be accorded greater effort and attention, because their impacts could be more significant or more controversial or might have to be explained more substantially. At the minor end, we could relieve pressures on the development authority, so that it is able to dedicate its attention elsewhere. The proposal is an important step forward and could represent very good management of the planning regulatory arm. It could work sensibly.

I am not starry-eyed enough not to recognise that the boundaries will be blurred—something that is local might be considered to be major or vice versa—but that could come out in the wash and could be articulated later. As a general principle, the proposal is a major step forward.

**Patrick Harvie:** Are you comfortable with the suggested approach, which is that the number of houses could determine whether a development is major? Is that the right approach? That might give a developer an incentive to squeeze in a few extra houses so that a development is treated at the next tier up and there are guarantees about timescales, processes and so on.

**Professor Prior:** Greg Lloyd is the economist; I am not sure whether such an approach would influence developer behaviour. Developers want the best return from developing land. I am not sure whether they would add five or 10 houses just to get out of one regime and into another. That might happen at the margins, but I do not think that it will be a big factor.

I think—although I stand to be corrected—that either the bill or the explanatory notes say that there might be scope to vary the boundaries between major and local developments in different parts of the country. What is minor or local around Edinburgh might be different if it were around Inverness, for example. There might be questions of scale and context. I understand that scope for sensitivity exists; that will be a matter for secondary legislation, such as regulations.

I support Greg Lloyd's view that the hierarchy is long overdue. Planning legislation and procedure say that all planning applications of whatever scale or complexity are broadly to be treated in the same way. The bill recognises that, in reality, that cannot happen.

**Patrick Harvie:** Sure.

**Professor Prior:** The hierarchy will also address a problem. Evidence shows that planning authorities that are good at meeting or getting close to meeting performance targets on dealing with all planning applications are good at dealing with the minor stuff, such as householder

applications, with the consequence that the major stuff suffers. The proposal could help us to ensure that, at different levels, the right procedures are in place to ensure that we allocate priority and resources where they are most needed.

11:30

**Patrick Harvie:** Is the difference in how major applications will be treated more about giving developers assurances, or does it cut both ways, and it is about communities and their sense of how proposals impact on them? Is it about giving additional time—if that is necessary—to get people on board and to make the case for something, as opposed to having a strict process that will result in a decision by a certain time?

**Professor Lloyd:** There are different aspects of the matter. For major developments, talking to the developer up front and more openly might encourage more partnership and understanding on both sides, which might be a way of avoiding difficulties later on. Talking about delivery timetables is also to be welcomed because that will introduce greater certainty to the process. Members of the public and different communities will always have an opportunity to inform strategic or local plans. Their views form the basis on which the local authority will discuss matters with developers. However, the system will be opened up rather more.

**Patrick Harvie:** Those are positive remarks, but we all know that, in reality, many people will not have become involved in discussions about a plan or will not have lived in the area when a plan was being developed, but will react—positively or negatively, depending on the circumstances—when a specific proposal is made. Should the treatment of the more major developments take into account a community's needs and the ways in which it can become involved rather than only the developer's need to have assurances about issues?

**Professor Prior:** That is an example of where the Executive is trying to square the circle in respect of speed versus engagement. One reason why major development applications often take months—if not years—to resolve is that issues emerge only once the application has been received. Therefore, developers face much uncertainty about the objections that could emerge and the authority's views and then face amending their plans in response to issues that are raised by elected representatives and local communities—that will happen after neighbours have been notified, for example. There is then no requirement to renegotiate, so things will be changed and people will not know what is going on.

The Executive is trying to address matters by front-loading the process and putting more responsibility for community engagement on the developer than on the authority, which requires a mechanism to ensure that such engagement has been thorough and effective. As a result, when the developer submits an application, they should have a good sense of what the local issues are likely to be, and they will have had a chance to amend—or perhaps even withdraw—their proposals before submitting the application. When the authority receives the application, it will know what local issues have been raised. Therefore, the time that it takes to resolve all the issues once the application has been made should be collapsed.

That gets to the heart of what the modernisation is about—it is about involving people, but it also aims to deliver certainty for developers. Clearly, the proof of the pudding will be in the eating and how the process works in practice. However, I welcome the approach, which is an interesting and challenging way of dealing with matters.

**Professor Lloyd:** That is another aspect of the culture change that lies behind the bill.

**Patrick Harvie:** Finally, I want to ask about the other end of the spectrum—minor developments and the idea of extending permitted development rights. Do you have views on whether or how that should be done? How might such an extension be perceived?

**Professor Prior:** I should say that I am leading for the Executive research for the review of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and householder applications. It is still at an early stage.

Such minor issues can be dealt with by a variety of means. Conflicts are involved, but one way of speeding things up and of reducing the pressures on local authorities so that they can concentrate on bigger applications is by extending permitted development rights and, therefore, reducing the number of applications. I am well aware that extending permitted development rights will remove neighbour notification rights—that is a challenge with which my team and I must deal. I am being guided by the Executive, which is looking for innovative, creative ways of dealing with that challenge. The research is under way, and it will progress as the bill is debated.

I can say little more at this stage. We are doing quite a lot of statistical analysis and are inviting views from a wide range of bodies. I can advise the committee more about that later on.

**Patrick Harvie:** I will not demand that you start disclosing things that you cannot disclose, but I end by expressing my hope that you are all talking microrenewables.



**Professor Prior:** It has been made clear to us that that is an issue that needs to be addressed.

**Mr Home Robertson:** Still on the theme of development management, will the proposals for neighbour notification, preliminary consultation, predetermination hearings and so on make the planning system more accessible? I have one or two specific questions on that but, more generally, do you think that the Executive is moving in the right direction with those proposals?

**Professor Lloyd:** I think that it is moving in the right direction. As Alan Prior said, an attempt is being made to bring the efficiency aspirations together with the inclusion aspirations. I can see nothing in the bill that diminishes either of those sets of aspirations. The bill contains an important set of steps, which will allow for development to proceed in the public interest. That, after all, is what planning is about.

**Professor Prior:** I agree. The neighbour notification process and the risks involved in that will put a lot of pressure on local authorities and one has to look for savings elsewhere in the system if the process is not going to add to costs.

**Mr Home Robertson:** Do you know anything about how neighbour notification systems work in other parts of the United Kingdom and in other countries? Are there any bright ideas that we could pick up?

**Professor Prior:** I had the honour of conducting research on that in the mid-1990s. Outside the United Kingdom, the only country where there is a comparable situation is Ireland. The British planning system is a discretionary plan-led system, which is very different from the more rule-driven systems that operate in mainland Europe. When we conducted our research, we were concerned about the risks that could be associated with challenges later in the process if things are not done correctly. At the moment, all the risk lies with the applicant, first to identify neighbours and secondly to ensure that they are served notice. That entire risk will be transferred to the local authority.

The view that we took, which the then Scottish Office and later the Scottish Executive have not supported, is that the risk could have been shared between the applicant, who would have responsibility for identifying who should be notified, and the authority, which would do the notification. In practice, even under the current arrangements, when an official notice appears through somebody's letterbox bearing the local authority's name and in a standard format, people believe that it has come from the authority, whereas it has in fact come from the applicant.

By putting the responsibility for serving notice on the authority, there would be less risk that people

who should be notified are not being notified. There are still in the system risks to the authority when it comes to people potentially being missed off the notification list; for example, because there might not be an up-to-date valuation register. There are still difficulties and notification is important. Other elements, such as the seeking of views on major contentious applications before decisions are made, are welcome. Hearings also provide a good way forward because they will ensure that people get the opportunity to have their say before the decision is made. To return to my earlier point, that does not necessarily mean that everybody will simply live with the outcome. Many people want to participate in decisions and not just in the process. At some stage, unfortunately, representative democracy kicks in.

**Mr Home Robertson:** Yes. Do you really think that pre-application consultation will strengthen public consultation, or will it just involve the usual suspects?

**Professor Prior:** There is a risk that consultation will just involve the usual suspects. The inclusion agenda will be a challenge for planning authorities in involving people in making plans, and for developers in involving people in pre-application consultations.

An interesting innovation in England—which is not being adopted in Scotland, but which might be worth considering—is the statement of community involvement, which requires local authorities to spell out their strategy for involving communities not only in preparing plans, but in planning decisions. The modernisation white paper's approach was to focus on involving people in making plans through notifying them that it was in the development plan scheme. There might be room for manoeuvre to extend that to the whole approach to involving communities in planning. That could enable local authorities to think about the best way of ensuring that communities that have traditionally been excluded, for whatever reason, have a chance to participate.

Earlier research on who gets involved at the planning stage illustrated that it is difficult to involve certain groups, so we need to develop more creative and innovative ways of doing that. One way would be to have a pre-application process, but that could be hit or miss because some developers and their consultants would be creative and innovative, while others would not. My wish would be to ensure consistency because I have a slight concern about that as matters are currently framed.

**Professor Lloyd:** There is no disadvantage in promoting good practice among developers of different types to encourage them to engage with communities. That would be a welcome step. For example, the telecommunications sector engages

with communities by talking to them to find out where there are sensitivities. Perhaps that good practice could be extended.

**Mr Home Robertson:** That would effectively be another stage in the process. What would that do to the workload of planning authorities? Some planning authorities are under a lot of pressure and have difficulty keeping to timetables. Would that get worse or would greater engagement with communities speed things up?

**Professor Prior:** There are at least two ways to look at the matter. One is to say that there would be a lot of additionality but not enough people to do the job, so we would need many more planners. I would not stand in the way of that argument. Another way to address the matter, which I think is the Executive's view, is to say that it might be broadly cost neutral if savings were found elsewhere in the system by redeploying people away from dealing with relatively minor and inconsequential applications. If planning authorities dealt differently with minor planning applications, there would be scope to release resources and to redeploy appropriately retrained people to deal with areas in which there is growth in activity. However, that could be stretched only so far. Local authorities will undoubtedly have their own views on that.

There will be a need for additional resources. In terms of the bill's overall shape, the Executive is clearly saying that there will be a need for more resources at national level but that the bill's impact might be broadly cost neutral at local level, if other things that are part of the modernisation agenda also work. A cautious approach would be to say that there may be a need for net additional resources at the margins, given that local authorities would be taking on tasks that might be more work than the tasks that they would be giving up.

**Professor Lloyd:** I will come in on that—I am rather more pessimistic. I think that preparing the new plans, keeping them up to date and dealing with the new procedures will have a major impact on local authorities. It is an aspect of the modernisation agenda that we cannot bring in a new, modern planning system and use old institutions and mindsets to deliver it. We need a major change, so I suspect that there will be a transitional period as people adjust and take on new jobs. I suspect that the resource costs will be substantial, given that there is a shortage of professional planners in the public sector and that people must change. It is not an easy task.

**Mr Home Robertson:** I am afraid that you are probably right. To return to having the earliest possible public engagement, I am sure that I am not alone in having constituency experience of a situation in which an issue had been thoroughly

thrashed out in the local plan consultation—or it was thought that it had been—some years before. A developer has come along, acquired land and wanted to undertake development that was included in the local plan following consultation, but the entire local community has suddenly thrown up its hands in horror and said that they did not know anything about the plan. Objections have come in at the application stage. How on earth can we give people their say when the strategic decisions are being taken? That, surely, is the big question.

11:45

**Professor Lloyd:** That is a massive issue and a cultural challenge, to be honest. Generally, people tend to be constrained in their relationship with the planning system; they tend to engage with it when it affects them or when circumstances change, so there is a negative aspect of the planning system. Part of the challenge for us is to assert the importance of land use planning to every community in Scotland and to open up that planning to political scrutiny at the national planning framework level. We must be able to demonstrate across the board the importance of the new development plans, the openness of the process and the opportunities for engagement by individuals. We must get communities looking forward rather than always backward in reaction to proposals. We must all engage in—to use a hackneyed phrase—the visioning.

The challenge for all of us is to translate the importance of planning into terms that will be accepted by the public. We cannot simply assume that everyone is sitting there passively, waiting for us to come along and say, "This is how important planning is and this is what it's about." We live in a deeply consumerist society and we perhaps need to reflect that in how we present planning because it is important—it is part of our fabric. That is another major challenge.

**Mr Home Robertson:** My final question is on the role of elected members in relation to predetermination hearings. We have all seen examples of elected members being put in difficult positions. An elected member who is a local ward councillor but who is also a member of a planning committee can find himself or herself in the difficult position of not being able to express a view on behalf of the people who have elected him or her about a proposed development in their ward. The people in the ward do not understand why the member has been gagged and feel that they are not being represented. Surely people get angry about that, but the elected member must be seen to be impartial. Will the situation be even more complicated if members are taking part in predetermination hearings? What can Parliament do to get round that problem?

**Professor Prior:** There is already a lot of practice around those hearings; we need to identify how some issues are being addressed and resolved. There are conflicts about the extent to which a local member is both a policy maker and a representative, so they can get into difficulties such as Mr Home Robertson described. However, predetermination hearings are not a completely new development; they have been tried by several authorities. We need to examine existing practice and how problems are being addressed, if they are being addressed. That information could be disseminated and we could produce for elected members guidance or amendments to codes of conduct in order to ensure that things are done in a way that avoids members getting themselves into such situations. We need to do some research to find out what is being done already.

**Mr Home Robertson:** It is not the members who get themselves into such situations; rather, the legislation does that when a proposed development is controversial but the local member is prevented from saying anything about it because of the risk of planning decisions being challenged as a result of their saying something about the development beforehand. Can we find a way of helping to avoid that sort of problem through the bill?

**Professor Lloyd:** Part of the problem is that, at the moment, planning issues are rarely discussed in general debate. We do not see fruitful dialogue about planning issues in local newspapers, nor do we hear about what different communities expect or aspire to. That dialogue just does not exist. We have in that respect developed a secretive society, such that when a proposal comes along and issues are thrown up, the situation is suddenly adversarial and sensitive and people take polarised views.

That is not the case elsewhere. In parts of the United States, for example, planning debates are regularly covered in local newspapers and people understand the issues that arise. I am even led to believe that an award is given to the newspaper that provides the best planning analysis. We need to try to bring planning much more into the public domain, so that we can impress on everyone how important it is and allow issues to be addressed. If a proposed development will create jobs and inward investment and if we have a political framework and framework for economic development in Scotland that asserts the need for greater economic development, we cannot have it both ways and start snipping at the development. We need to reconcile those attitudes.

**Mr Home Robertson:** I will resist the temptation to comment on the Scottish press.

**Christine Grahame:** If I have seemed preoccupied during some of the evidence, that is

because I was trying to get my head round some of the processes in relation to schemes of delegation. I understand that the schemes relate to local developments and minor issues such as Velux windows and conservatories. If a local authority decides to treat a proposal as a local development, how could the community challenge that? I heard what you said about proportionality, but if a proposed major development—for example, a plan to attach 1,000 houses to a village in the Borders that has only about 100 houses—is to be treated as a local development, how could the community challenge that? I cannot see anything about that in the bill.

**Professor Prior:** One way to deal with that would be to introduce consistency by determining local developments and thresholds through secondary legislation, such as development orders, so that everybody would know that local developments fall within certain limits and that a development that falls outside them is a major one. To leave that to the discretion of the development plan would lead to difficulties at the margins. People might assume that a deliberate political decision had been made to treat differently a development in a particular category.

We get into similar difficulties with departures from the development plan. The policy memorandum uses the term “significant departure”, but the question is who decides whether a departure is significant. One way to avoid that issue would be to take the matter out of the decision maker’s hands by producing secondary legislation so that everybody would know what a “significant departure” would be. Another way to deal with the issue would be to require development plans to spell out exactly what they mean by significant, major and local developments and to ensure that authorities stick to that.

**Christine Grahame:** So we would allow communities to challenge proposals at that stage, if the definition was in the local development plan.

**Professor Prior:** Yes.

**Christine Grahame:** Fine. I want to put that matter aside for a moment.

I have been trying to imagine a flow chart that would show how the review and appeal system will operate. I assume from the evidence that we have heard that, if I want to install a Velux window, that would go to the planning officer. If my neighbours object to the window and do not like it because it spoils the terrace and I want to appeal, how does the process operate? To whom would I go next?

**Professor Prior:** Minor developments would be permitted. For local developments, the answer depends on how the schemes of delegation are

prepared—they are to be prepared by local authorities but submitted to ministers.

**Christine Grahame:** Broadly, what is your guidance on the matter?

**Professor Prior:** If a person is refused permission for a local development by an officer acting on behalf of the authority, or if somebody is granted permission subject to conditions that they believe to be restrictive, the right of appeal will be to the elected members, who will review the decision. If the person is not happy with the outcome of that process, that is it.

**Christine Grahame:** There is no further appeal.

**Professor Prior:** There is not—unless the person feels that there has been legal impropriety, in which case they can go to the Court of Session.

**Christine Grahame:** That is the process for my conservatory or Velux window. What about a local builder who wants to put 30 houses in an area that is designated for building in the local development plan, but who is refused permission for whatever reason? How would the flow chart look in that case? I understand that the case would go first to the planning committee.

**Professor Prior:** If the decision is not delegated, it would be taken by the authority. Any review would be done by central Government, at ministerial level.

**Christine Grahame:** The case would be referred to the Executive's Development Department and there would be a right of appeal beyond that to the Court of Session.

**Professor Prior:** Yes, but only on legal grounds.

**Christine Grahame:** So the appeal could relate only to processes.

**Professor Prior:** Yes.

**Christine Grahame:** I have asked previously whether the system will be standardised throughout Scotland. I know that proposals have still to be produced on that, but what is your view? We do not want people in Midlothian to find that East Lothian Council has different rules and restrictions.

**Professor Prior:** There are two aspects to that. One is whether the definitions of "major", "local" and "minor" will be the same everywhere. If they are to be the same, that will be spelled out in secondary legislation. The other aspect is what will be delegated to officers. As I understand it, the fairly minor local stuff will be delegated, but there is scope in the delegation scheme for each authority to act slightly differently by giving their officers more or fewer delegated powers. Currently, some councils delegate a lot of powers

to their officers and others delegate none. One way to avoid inconsistency and potential unfairness is to ensure that the definitions of "major", "local" and "minor" are determined nationally. The question would then be whether schemes of delegation should conform to a norm. I suspect that local authorities will want to decide what powers to delegate to their officers and not have ministers tell them to do it.

**Christine Grahame:** So we might have quite a bit of variety.

**Professor Prior:** The schemes of delegation are to be prepared by the authorities and submitted to ministers. Therefore, ministers can intervene if they are unhappy.

**Professor Lloyd:** The point about consistency is important. In all the consultations leading up to the modernisation of planning, the concern that was expressed by communities, developers and house builders was about there being inconsistency. It is important that there is a solid and robust attempt to create consistency, openness and transparency in the procedures.

**Christine Grahame:** I chose the example of Midlothian and East Lothian at random, but we know that it is much harder to get building warrants for certain things in Edinburgh than it is in other parts of the country. We hear solicitors saying that people have had to jump through hoops to get building warrants in Edinburgh, but people in other areas have not.

I turn to the matters that can be introduced in appeal and review procedures. It is generally the case that new materials cannot be introduced in appeals, although the whole issue can be reopened. However, there are exceptions. The bill states that new materials cannot be introduced at appeal unless:

"the matter could not have been raised before that time ... or ... its not being raised before that time was a consequence of exceptional circumstances."

A community might have seen an application being refused, but the developer might introduce new material at the appeal stage. This goes back to the third-party rights of communities. Communities cannot be part of that appeal stage. If new material is introduced as a "consequence of exceptional circumstances" the community will have no right to say anything about it. What is your view of that?

**Professor Prior:** There has always been an issue about the level playing field in rights of challenge. Groups of people who are much more articulate than I am will argue persuasively that there should be a third-party right of appeal, because the developer has the right of appeal. One could interpret the way in which the Executive has tried to deal with that as a means of levelling

down the playing field, rather than levelling it up, by restricting the grounds for appeal by the developer. The Executive is restricting what the developer can ask to be reviewed.

At present, if someone appealed a decision of the planning authority to central Government and it was dealt with by an inquiry reporter, there would be a complete review of the whole decision and a lot of new material could be brought in. Original objectors would be notified so that they would have a chance to make their views known either in writing or in person. The revised arrangement would fetter developers in what they can challenge; they would ask for a review of either the planning officer's decision or of the planning authority's decision further up the chain. The Executive is trying to bring into line the rights of developers or applicants and the rights of third parties, by reducing the rights of developers.

**Christine Grahame:** I hear what you are saying. If the procedure has gone wrong, there should be a right of review. Someone might go to the ministers and have an appeal at the Court of Session, but only on procedural grounds, not on substance.

I may have misunderstood, but I think that proposed new section 47A says that, in an appeal, a party is not to raise a matter unless

"the matter could not have been raised before that time"—

which could mean anything—and unless

"its not being raised before that time was a consequence of exceptional circumstances."

I cannot think of examples, but that, too, could mean pretty well anything. However, the proposed new section does not seem to contain any right for objectors. Does the section mean that objections can be reopened?

12:00

**Professor Lloyd:** My reading is that it does not.

**Christine Grahame:** One can imagine good advocates fitting a lot of stuff in there.

**Professor Prior:** The intention is to limit the right of appeal to the substantive planning issues that arose in the original decision—

**Christine Grahame:** I understand that but I can see holes.

**Professor Prior:** To provide that no other matter may be raised whatever the circumstances might be a breach of natural justice, which could lead to challenges in the courts. In some circumstances, it may be appropriate to introduce new material. However, from my reading of the bill, that would be the exception rather than the rule.

I understand that the third parties that would have a right to participate in any review of a decision would be those who had originally objected. However, to pick up on Christine Grahame's point, if new issues are raised, how would we know that some people do not object simply because those new issues have not yet arisen?

**Christine Grahame:** Exactly. These points tie in with points that I have raised before on section 7, on variation of planning applications. If it is not considered "substantial", a variation can be agreed between the applicant and the planning authority. I am concerned about communities' rights. Their objections may have been rejected and plans may have gone ahead, but they may then find that there has been variation in the plan. The third party has no right to challenge the definition of "substantial" let alone challenge the variation itself. I take on board what you have said about rigorous consultation, but there seem to be problems here.

**Professor Prior:** There is a big grey area. When a planning application is submitted, it becomes a process of negotiation between the applicant, the planning authority and any other parties, including the statutory consultees. There will always be scope for amendments to the application, in order to deal with issues that objectors or others have raised.

This question then arises: how big does a variation have to be before it actually changes the nature of an application? At the moment, a strict reading of the law would be that minor alterations—de minimis changes—do not require a fresh application but substantial changes do. When the original application was submitted, people would have been notified and given the chance to look at the plans and make known their views, but if the application changes fundamentally thereafter it is actually a different application. That is the rhetoric of the process. What do we mean by "substantial" and who decides that?

**Christine Grahame:** Can you tell me the answer?

**Professor Prior:** The answer will vary. I am not sure that one definition could be applicable in all cases. It is a difficult question. How do we deal with such issues as we seek to avoid the need for additional rights of challenge—a third-party right of appeal, for example—and as we seek to ensure community engagement that is more effective, more transparent and more involving? I do not know the answer.

**Christine Grahame:** Could there be a procedural route for a third party to challenge the meaning of "substantial" in some forum and for an independent decision to be made? At the moment,

the applicant and the planning authority can simply agree and no one else can challenge that agreement. What can people do? Can they go to judicial review?

**Professor Lloyd:** There is a step before that. Development pressures, circumstances and conditions vary considerably across Scotland. Each local authority has to be sensitive to that and the onus is on local communities to be aware of differences and interpretations.

**Christine Grahame:** You are not answering my question; I am asking about the procedures that are in place. As a member of my community, I might find out that developers are being allowed to do something different from the original plan. The planning authority might have agreed to the change and the community might have been told that it is not substantial and is being allowed. If I think that the change is substantial, will I have any way to challenge the decision? It would be useful to have a definition of "substantial" so that there are no grey areas. There is no problem with simple cases of minor and major changes, but what about those at the margins? Where do we draw the line and who will challenge the decision if it is in the interests of both the planning authority and the applicant? I am looking for a procedure. Is it judicial review or should we have another procedure through which people can raise objections?

**Professor Prior:** I am not a lawyer. I understand that you will take evidence from the Law Society of Scotland at a later date; it might be useful to put the question then. My understanding is that judicial review is about whether a local authority followed the process properly and made a decision based on all the relevant planning considerations. One characteristic of the statutory planning system is that there is always scope for discretion in what we mean by "significant" and "substantial". There is an assumption that the decision maker—that is, the minister or the local authority—will act in the best interests of the public as a whole. That has been the system from 1946 to the present day. One might argue that we have a more jaundiced view about such matters than we had in 1946.

Under the bill, it will be left to local decision makers to make decisions when there have been changes at the margins. That is in the nature of the British approach to planning. Strictly speaking, as I said, the planning authority should determine the planning application that is submitted to it. If, in the process of negotiation, it becomes a different application, it should be withdrawn, a new one should be submitted and the process should start again.

**Christine Grahame:** Thank you. I will leave it there and put further questions to the lawyers.

**The Convener:** I move on to the end of part 3, which includes the changes that the Executive proposes around planning permission in principle, planning obligations and good neighbour agreements. A number of my colleagues have highlighted the need for the reform of the planning process to build communities' confidence, so that people believe that the system is open and transparent and that community interests are considered in the decision-making process. Do you believe that the changes will do that?

**Professor Prior:** There has been a lot of concern about those matters in the planning profession. The bill contains some significant steps forward. At present, as the policy memorandum explains, outline planning permission can be granted subject to a set of reserved matters, and no formal application or public notice is required. That system will be replaced by a formal requirement for planning permission in principle—applications will go through the normal planning processes. At present, reserved matters can be quite substantial; for example, they might involve the number of houses, how high they are and what they look like.

Under the new system that is proposed in the bill, there will be no scope for decisions to involve only a dialogue between the planning authority and the developer. The system of outline permission and the grey areas around it will be replaced by a transparent system of planning permission in principle. If such permission is granted, a full and detailed planning application will be required later on, with all the attendant safeguards and transparency. That is a significant step forward.

Until now, planning agreements and obligations have been largely a matter between the planning authority and the developer, and others have been excluded from the process. Planning agreements are voluntary and they are made—often in response to the concerns of the local community—to address issues that cannot be addressed in planning conditions, but the developer can come along later and ask for the agreement to be varied or discharged without involvement from anyone else. The bill seeks to address concerns about that by making the process clear. That represents a significant step forward.

An issue of concern to developers is that they feel that they are at the mercy of the planning authority. When the authority is concerned about an issue that can only be resolved through a planning agreement, developers cannot get their planning approval until the agreement is made. According to developers, the authority can, for whatever reason, delay, and they have no right of appeal. The two-month timescale—or whatever it is—becomes irrelevant. The bill would make non-

determination and non-resolution of such matters grounds for appeal, so there are benefits for developers. The bill addresses some key concerns in a number of areas.

**Professor Lloyd:** I agree with that. The bill tries to realise efficiencies in the system while opening it up to create greater confidence and transparency. Those are important steps in trying to bring the two sides together.

**The Convener:** I do not think that there has never been willingness in local authorities to enforce planning conditions, but local communities have said to me that planning conditions are sometimes not worth the paper that they are written on, because nobody enforces them or checks that they have been adhered to. Sometimes, people would rather have some pretty detailed and limited conditions than a whole raft that nobody pays attention to. Will the bill get that balance right?

**Professor Lloyd:** The emphasis on enforcement and demonstrating that decisions have been taken and are being carried out in the public interest is a major step forward. Research over the years has shown that enforcement is the weak link in the planning system. The bill recognises that. It represents a step forward, and I welcome that.

**Professor Prior:** We did research on this subject in the mid-1990s, when a whole raft of new enforcement powers were introduced. We checked the extent to which they provided an effective toolkit for local authorities to tackle unauthorised development. We came to the view that the toolkit was effective, but that there were lots of reasons why local authorities were not using it, for example because of resources or because of political considerations. Some authorities refused to serve a stop notice in any circumstances. The authorities that delegated powers to their officers were more active in enforcement than those that did not.

My concern about enforcement was that the Executive would respond to the same old bleating that, "The courts don't do enough." Prosecution should be the last resort. In our research findings, the fiscals indicated clearly that authorities would have their cases thrown out of court, because the first question that a judge would ask would be, "What other remedies have been applied here?" If other remedies have not been applied, prosecution is inappropriate.

The bill offers a good range of remedies. The arrangements for the commencement notice would introduce an additional category of unauthorised development, which would require some resources to police it. The broad powers exist. The temporary stop notice might also help to

tackle immediate breaches that cause harm to communities. My view is that, fundamentally, the provisions are more about priorities and resources than powers, because the powers already exist.

**The Convener:** Does enforcement need to be done by planners, or could some of it be tackled by other people who work in planning departments in local authorities? Is there sometimes reluctance in planning authorities because planners want to do everything? I am not saying that they should not try to do everything, but is there a need in the profession for planners to say, "Although there are certain things that we have to do and want to do, and those are our priorities, we accept that other people can do this job and we can work in partnership with them to ensure that everything to which we aspire happens"? Enforcement might be one of those areas.

**Professor Lloyd:** My view is linked to my earlier response: it is for local authorities to reallocate their resources in light of all the new responsibilities, attitudes and mindsets. Again, depending on circumstances, each local authority should be able to make its own arrangements. Planning is about looking forward and regulation. Enforcement could be disentangled as an administrative task. However, there would always need to be close co-ordination between the planning agencies and the enforcers.

12:15

**Professor Prior:** That is right. Enforcement officers need some skill sets that are not coincidental with being retired police officers, which is what they have tended to be in some cases. However, many of the difficulties with enforcement arise from authorities approaching the task inadequately, compared with how police officers investigate cases. We are talking about whether something is development and whether it is unauthorised. It seems to me that there is not a lot of grey area around those matters, and that they do not require professional planning judgments. Determining those matters requires people to collect evidence so that action can be taken.

Enforcement does not need to be monopolised by professional planning skills; it requires mediation and other tasks that a range of people other than planning professionals could perform. That might release planning officers who spend time on enforcement to do other things. It might address the fact that planning officers are not tackling enforcement because they are trying to do all the other things at the same time.

**The Convener:** My final questions relate to good neighbour agreements, which are new. Do you have any research experience of how they

work? I think that the one country in the world that has used them is the United States. Is there a body of evidence to suggest that they have worked well there? If so, what can we do to ensure that ours work equally effectively, so that communities feel that good neighbour agreements contribute positively to ensuring that developments are partnerships between developers and communities for community benefit?

**Professor Lloyd:** Good neighbour agreements are prevalent in the United States and in Canada, where, it might be said, there is a different attitude on the part of developers and industry. They are keen to be seen to act with the community, as it is an expression of corporate social responsibility.

Informal good neighbour agreements are in place in many localities through different liaison arrangements, such as liaison committees. They are a good idea, but my only concern is whether communities have the wherewithal—the time, energy and understanding—to engage with a developer, a factory or a user of land, to sustain that engagement and to monitor the development. I worry that the informal mechanisms might be slightly misleading and do not deliver. However, if a good neighbour agreement brings about a better understanding between the local community and somebody who is carrying out an industrial activity, for example, that is all to the good.

Rather than agreements, I would prefer much greater dialogue from day one. I would prefer that both sides understand what is happening. I tend to be sceptical of good neighbour agreements. They are sometimes regarded as a panacea, but they do not necessarily deliver.

**Professor Prior:** The only thing that I would add is that they are agreements, and therefore they require parties to agree on the circumstances in which the agreement might have to be enforced. Operators will enter into agreements with local communities about many activities on land, and developers will enter into agreements about the construction phase of major developments. Those are not the problem; the problems arise with operators and developers who are not interested. The issue is how to bring them into agreements. One way of achieving that is to make an agreement a condition of receiving planning permission, as we do with planning agreements or obligations.

For a large mineral development, it might be a requirement that the developer must enter into a good neighbour agreement. However, if the operator, for whatever reason, is not interested in entering into a good neighbour agreement, it might be much more difficult to make a retrospective agreement to deal with activities that, although not unauthorised, cause a great deal of difficulty. Good neighbour agreements could be enforced

through the planning process by saying, “You shall have an agreement”—which is a bit of a contradiction in terms—but there would be difficulties with instances in which the community could not bring the operator to the table to draw up an agreement about on-going activities, such as landfill, that are causing grief and problems.

**The Convener:** That is true. In fact, I know all about that, because Greengairs is in my constituency. I was not going to mention it today—

**Mr Home Robertson:** You always do.

**Christine Grahame:** Have you mentioned wind farms yet, Mary?

**Mary Scanlon:** No.

**The Convener:** I know from experience in Greengairs about the difficulties that can be caused by developers who sometimes do not want to engage with communities. However, I also know that communities can become experts in such matters. Indeed, to deal with the hard reality of living next to the type of development that most people would prefer not to live next to, some people in Greengairs have turned themselves into experts and have become very articulate and effective at working with developers and landfill operators to ensure that their community gets a better deal.

**Euan Robson:** Gentlemen, I presume that you welcome the bill’s provisions on assessment of planning authorities’ performance. Are the proposals adequate to meet that objective or might the Executive need to establish a stand-alone inspectorate that is similar to, for example, Her Majesty’s Inspectorate of Education to examine authorities’ performance?

**Professor Lloyd:** This issue is highly sensitive. For a start, it all comes down to the question of resources. If we intend to modernise the planning system, we need to examine how it will be resourced, what kind of infrastructure will be provided and how all the activities will be co-ordinated.

At the moment, a planning audit unit monitors and documents local authority performance. That work is quite important. However, such assessments tend to be decontextualised. For example, we do not learn about the circumstances of individual local authorities, emerging development pressures, staffing issues that must be dealt with and so on. Because such assessments tend to reduce matters to pretty bald statistical returns, the interpretation of such information can appear slightly uninformed.

As I have said, the assessment of local authority performance is a sensitive issue. For example, as the bill’s provisions come into force, there will be a transitional phase during which local authorities



might struggle. Of course, that brings us back to resourcing and staffing issues.

**Euan Robson:** That leads neatly to my next question, which concerns the level of fees. Is the proposed fees structure appropriate and will it achieve the increase in resources that you have suggested will be necessary?

**Professor Lloyd:** It is generally accepted that the current fee arrangements are not efficient, partly because of the proportionality aspect. For example, the fee for processing and regulating a development proposal worth millions of pounds might be only a couple of thousand pounds. We need to redress that situation because, under the new hierarchy, the authority might need to dedicate an extensive amount of effort to processing and regulating major applications. If we are to reflect the full economic cost of the procedure, the fees will need to be radically revisited. However, I do not think that developers will necessarily object to such a move if it improves the planning service and leads to more consistent and quicker decisions. At the moment, there is simply no proportionality between the level of fees and the energy and work that are dedicated to the process.

**Euan Robson:** I do not wish to put words in your mouth, but are you suggesting that the fees for processing more minor applications could be lowered while there could be more marked increases in fees for major applications?

**Professor Lloyd:** Such an approach would certainly accord with the principles of progressive taxation. I am not saying that the fee would be a tax, but it would represent a progressive charge that reflected the resources used to reach a decision.

**Euan Robson:** My last question concerns the support for organisations that help people to lodge objections or to become involved in the planning process. Current funding goes predominantly to Planning Aid for Scotland, but is it adequate? Should that aspect be developed in some way and, if so, how should the provision of assistance to people so that they can engage in the process be developed? Should the fee structure take into account the necessity for funding advice organisations? Would you consider taking some sort of levy off the top of the fees to assist in the provision of independent advice and support?

**Professor Prior:** The bill provides for various kinds of grants to be made by ministers and Planning Aid for Scotland is one of those organisations that have benefited from such support. I am aware of at least two functions that it performs. It is a network of volunteers who provide their services for nothing to help people, not to get planning permission but to understand how to go

about dealing with the planning issue about which they are concerned. The other important aspect is training. It seems to me that the role for bodies such as Planning Aid for Scotland might be more in awareness raising, training, and skill development than in advocacy or helping people to deal with particular difficulties. Other bodies, such as universities might also provide such support. Money could be used for that purpose.

If the Planning etc (Scotland) Bill goes through, and particularly if one of the changes that it makes is to take a lot of minor development out of the system, the fees associated with that minor development will also go out of the system, so there will be some initial loss of income. I agree with Greg Lloyd that the fee structure needs to be radically reformed.

Developers will happily pay a higher fee if they believe it is value for money. They will say, "We will pay X or even 10 times X if you guarantee that we will get Y by the date you have promised." The fee structure, particularly for major planning applications, is related to the processing agreement into which the planning authorities enter.

I understand that the fees would also be set by ministers, so there would be little or no scope for local authorities to exercise any discretion. There is also a limit to which the additional resources to deliver the modernisation can be fully funded from planning fees. As I understand the way in which local government finance operates, the fee income is not ring fenced, so there is no guarantee that all the additional fee income would go to the planning service. In England, the Government has tried to deal with some of those issues through the planning delivery grant, which is a substantial amount of money, but there is no guarantee that that money will be used exclusively for planning purposes. If the fees are to be hiked, an issue that arises is how to ensure that they are fed back in to be invested in the planning service. We might fall foul of local government finance rules with that, so it is problematic. However, there is no doubt that fees need to be restructured and set at a more substantial level. Major developers will be happy to pay a fee in return for getting what they are entitled to through the process agreement.

**Euan Robson:** If we are saying that it is important that community groups and communities in general are more involved at the early stage of development plans, is there a mechanism by which some consistency can be given to them? Developers will have access to a lot of technical and legal advice, but community groups that want to advance their case will not have access to that advice; is there a need for public provision to assist community groups in such circumstances? Would you say that providing such assistance

would be consonant with the general principles of the bill?

**Professor Lloyd:** I would welcome a world where developers carried out their corporate social responsibility to local communities. I would like developers to explain why their proposals are significant and important, to allow the community to articulate its concerns and to have a productive dialogue about them. I would challenge secrecy as much as possible.

It is also important for community groups to be responsible in how they listen to and reflect on any particular development proposals, because once a decision or a line of reasoning is explored, people may change their minds and be much more accepting of it. I would welcome anything that breaks down the bipolarity that we seem to have boxed ourselves into, in which it is either this or that. We have got to explore the middle ground here. The changing rights and responsibilities in the planning system are important. That is something that we should consider carefully.

To link this to the planning fee issue, what we are trying to do here is to incentivise—that is a hackneyed phrase, but it is important that we provide positive incentives for planners, developers and communities to come together and to work on the issues. I would welcome the hypothecation of planning fees within the planning authorities, so that those fees are dedicated to the planning service, in order to change behaviours and mindsets within the service. Equally, though, developers have to assume responsibilities.

I am not sure that I agree that the engagement of community groups should necessarily be funded out of the public purse. There is a step before that, which is to do with raising awareness, and the general discussion and debate around planning issues. We live in a world in which we place tremendous priority on economic development, job creation and inward investment and so on. We emphasise economic growth through public policy and planning is part of that. Equally, communities have a say in it. I would rather that that background were fully appreciated by everyone.

12:30

**The Convener:** Professor Prior, I am conscious that you wanted to leave the meeting by 12.30 pm. I anticipate that the committee will have five to 10 minutes more of questioning. If you need to leave to get to your other meeting, I am sure that committee members will understand. I hope that Professor Lloyd will be able to answer any additional questions that we might have.

**Professor Prior:** If we are talking about finishing at about 12.45, I am happy to stay, as I would not want to leave Greg Lloyd on his own.

**The Convener:** Thank you for hanging on that little bit longer. I hope that members will remember that their questions should be short. Christine Grahame, you can ask one very short question.

**Christine Grahame:** Certainly, convener—dare I not.

Professor Lloyd, you mentioned the planning audit unit—a bit disparagingly I thought. Is there a place for review and reform of that unit with regard to the development of new planning legislation?

**Professor Lloyd:** I did not mean to sound disparaging—

**Christine Grahame:** I did not mean disparaging of the personnel.

**Professor Lloyd:** As a concept it is important to track and monitor the performance of planning authorities, because after all they are providing a public service and public moneys are involved. I was not saying it in any negative way.

**Christine Grahame:** We will forget that I said that.

**Professor Lloyd:** However, it is important that the criteria by which local authorities are assessed reflect the modernised planning system. It is about qualitative as well as quantitative evidence. I would love to hear communities saying, “Things are much better now.” I look forward to the day when developers say, “Things are really beginning to happen.” Those are the important messages that we should be looking for.

**Christine Grahame:** So would you propose a review and reform of the planning audit unit, so that it does not just take in bare facts but has some other role? That is what I was getting at.

**Professor Lloyd:** To say “review and reform” is probably too strong, but the unit should certainly reflect the new regime.

**Mary Scanlon:** I am delighted that you are both still here for the final group of questions because it is close to home for you—it is about planning education. The financial memorandum acknowledges that the planning system is currently underresourced and underperforming—that has been a theme throughout today's questions. I shall lump my questions together and allow more time for your answers. First, on the shortage of qualified planners, I have information from a parliamentary question, which is based on 2003 statistics, that there are 84.5 full-time equivalent vacancies—perhaps you have a more up-to-date figure. Furthermore, I am told that a high percentage of the planners in our local authorities are over 50. If you have anything on that issue, that would be most helpful.

Secondly, what are the planning schools doing to rectify any shortages? I refer not only to the

existing shortage but to the potentially even greater future shortage that the huge demands of the bill may create. A point that was made in evidence a few weeks ago—I think by the Scottish Society of Directors of Planning—is that many planning graduates are not going into the planning profession, either because local authority salaries are not lucrative enough or because they go into other professions, principally property development.

I am sorry to throw all that at you, but I cannot find, in either the financial memorandum or the policy memorandum, an estimate of the number of additional planners who will be required to implement the bill. Perhaps you have some knowledge of that.

**Professor Lloyd:** A complex range of issues is involved. It is generally acknowledged that there is a shortage of planners. Many of the graduates who come through the undergraduate route have the generic, core and specialist skills that make them attractive in the eyes of other professions. The careers that planning graduates take up are not confined to the surveying or development world. At the moment, my graduates are also going into the consultancy field. Notwithstanding the opportunities that exist in public service, they are looking more widely at the available opportunities and making rational career decisions.

I agree that the age profile is also an issue. Strangely enough, the planning schools also struggle with that issue. The planning schools are engaged in a constant process of assessment to find out what we can do. The pattern of interest among young people wanting to come into the planning profession is cyclical. In recent times, it dipped, perhaps because planning had a relatively poor reputation recently, which might have represented the political circumstances, or whatever. There now seems to be an upturn and greater interest is being shown in planning. Young people are recognising that the environment and the type of society around us matter and they want to get to grips with environmental management and planning. I hope that the promotion of the reform and modernisation of planning will make planning an even more attractive profession for the young people who are coming into higher education.

However, there is a long way to go. The universities are not integral to the modernisation process. Universities are part of the higher education sector and we are making our own decisions, strategies and so on. There is a need for greater dialogue between the planning schools and the Executive on the future of planning education and the support that the planning schools can give to the modernisation of planning.

**Mary Scanlon:** I have a follow-up question on the Ove Arup “Resources for Planning” report. The answer to a parliamentary question that I asked stated:

“The Executive will be discussing the report’s conclusions and recommendations with planning authorities, higher education institutions and other interested bodies.”—[*Official Report, Written Answers*, 22 November 2005; S2W-20629.]

Are you saying that you have not been consulted as yet?

**Professor Lloyd:** No. There is a body called the Scottish planning education forum, which in effect comes under the auspices of the Scottish Society of Directors of Planning. The Executive is represented on the forum, as are planning consultants. It meets regularly and enables some of the issues to be articulated. The issues that you raise have been around for a long time and are well recognised. It is important to say that the planning schools talk to each other about the way in which we can promote planning education in Scotland. We are aware of what we need to do.

Resourcing is an important issue, which differs between England and Scotland. We need to take account of the difference.

**Professor Prior:** The shortage of planners is also a big issue in England. The Office of the Deputy Prime Minister recognised that and one of its responses was to create a series of postgraduate planning scholarships. The ODPM set aside £3.5 million for 144 fully funded scholarships each year for three years. That is a substantial amount of money to put into education. The ODPM has said that there is a shortage and that the way to address that is by funding people to study planning, provided that they come out at the end of those courses and go into public sector planning—and, from the ODPM’s point of view, in England. We have benefited from that to some extent. The Scottish Executive does not have anything like the budget of the ODPM, but it has put its limited planning and development budget into mid-career training. I have always asked Jim Mackinnon—although he has always said no—whether we could do something on an equivalent scale to encourage people to come into planning courses in Scotland and to ensure that they stay in Scotland, because there is a risk that they will leave. We are now attracting many more high-quality graduates, but there is a risk that they will leak south, because of the conditions of their scholarships.

**Mary Scanlon:** Have you had any feedback from the Executive to confirm that it is looking at the outward migration of many of our planning graduates? What can be done to make local government an attractive option for a planning graduate, because it does not appear to be attractive at the moment?

**Professor Prior:** To answer the second question first, one of the things that must be done—and the modernisation white paper is contributing towards it—is to say that planning is about spatial planning, vision and forward thinking, and that it is not principally about deciding whether a conservatory should get planning permission. Changing the minor end and taking that out of the system, changing who handles enforcement and concentrating scarce planning resources on big spatial development management issues is one way of getting back to why planning was introduced in the first place—to sort out and manage our land development pressures over long periods of time. That will help, but I think that students, including my students, will go into planning and take their planning skills into the private sector if they see that as more exciting, dynamic and rewarding. Rightly or wrongly, they tend to associate local government with bureaucracy, negativity, low morale and few career prospects, so we also need to address some of those issues.

**Mary Scanlon:** The bill's approach is to promote a much less adversarial system. Some of our planning directors acknowledged your point that planners face battles every day and that that can be quite stressful. Given the thrust of the bill, do you think that that is enough to attract some of your graduates into local government, or do you think that it is really a financial thing and that local government planners are simply not paid enough?

**Professor Lloyd:** The Planning etc (Scotland) Bill and last summer's white paper have certainly engendered a sense of excitement about planning, but we must not become complacent and assume that everyone will recognise that excitement. We have to go out and promote it, celebrate it and champion it. After all, young people want to make a difference and many of them do not realise that the land use planning system is the way to change landscapes, cityscapes, the urban condition and so on. When they realise that and learn about it, they become very much engaged. I would like the modernisation agenda to be debated, popularised and promoted as widely as possible, because we need people with vision to come in. That seems to be the bias of the bill; it is about looking forward, thinking ahead and trying to anticipate change. For me, it is exceedingly exciting.

**Mary Scanlon:** Will you both be considering expanding the number of places in your planning schools in order to meet the requirements of the bill?

**Professor Prior:** At postgraduate level, that is not a problem. We will take as many MSc students as are prepared to pay the fees to come and study with us. The difficulty, of course, is for those who do not have the financial wherewithal to study, so

some kind of scholarship scheme to address that would be welcome. There is no restriction on the number of good-quality people we can take on at postgraduate level.

There is a general difficulty at undergraduate level, because the Scottish Funding Council caps the total number of undergraduate places that it will fund. Greg Lloyd and I have a similar problem. If we want to recruit more undergraduate planners than we currently have, we have to recruit fewer civil engineers, project managers or geographers, and that becomes a debate within the university. Expansion of places is more difficult because we have a lot less scope to boost undergraduate numbers. However, we have the maximum scope, subject to financial and other incentives, to take postgraduates.

**The Convener:** That takes us nicely to almost 12.45. The committee questioned you about its areas of interest, but I am conscious that we may not have touched on matters that you would have liked to raise. Feel free to do that but, given the timescale, it may be easier for you to write to us with any issues that were not covered today.

**Professor Lloyd:** Thank you; we will do that.

**The Convener:** I thank you both for attending and for your good evidence. I am sure that the committee will reflect on it.

The committee will suspend briefly to allow the witnesses to leave.

12:45

*Meeting suspended.*

12:47

*On resuming—*

## Petitions

### Planning Procedures (Playing Field Land) (PE813)

### Recreation Open Space (Provision and Planning Regulations) (PE771)

### Planning System (Recreational Spaces) (PE821)

**The Convener:** The fourth agenda item relates to new petitions. The Public Petitions Committee has referred three petitions to the Communities Committee for its consideration. The first is petition PE813, by Ronnie MacNicol, on behalf of Laighdykes residents group, calling for the Scottish Parliament to urge the Scottish Executive to review existing planning procedures and guidance to ensure that they are sufficient to prevent local authorities from using playing field land for development.

The second is petition PE771, by Olena Stewart, calling for the Scottish Parliament to urge the Scottish Executive to consider whether there is sufficient guidance for local authorities to safeguard the provision of playing fields and open space for recreation and to establish whether additional legislation is required to cover conflicts of interest in local authorities on planning matters in relation to playing fields.

The final petition is PE821, by Sheena Stark, calling for the Scottish Parliament to urge the Scottish Executive to ensure that all planning applications for planning consent to change the use of recreational spaces are routinely sent to the appropriate minister for consideration.

The paper on the petitions that the clerks have prepared and that was provided to members prior to the meeting outlines some of the points that are raised in the petitions or have been raised in correspondence with the Public Petitions Committee. It is proposed that any planning-related issues should be included in our consideration of the Planning etc (Scotland) Bill. Do members have any comments?

**Patrick Harvie:** It would be useful to have a paper on the various issues in the bill that the petitions raise. I have forgotten some of them, but there are a few. However, the first two petitions—PE813 and PE771—relate at least as much to guidance as they do to legislation. I wonder whether we can make an explicit commitment. We have already said that we will consider as many of

the upcoming SPPs as we can. Can we make a commitment to do that for SPP 11 and to let the petitioners know the date of the evidence session on it in advance?

**Christine Grahame:** I support that. The new Scottish planning policy will be published this year, and it deserves attention on its own merits. The bill does not prevent us from dealing with the use of playing field land for development purposes, which is one of those issues that, I am sure, many of us come across in our constituencies. There have been encroachments on playing fields.

School gyms are a completely different issue, because the public at large have access to open spaces and playing fields but do not necessarily have access to schools' internal recreational facilities. The public may have even less access under certain projects or may have to pay for access. I have concerns about such issues, and I would like the committee to be able to deal with them and to give them a fair airing in considering the Planning etc (Scotland) Bill.

**Mary Scanlon:** My first experience of the question of access to playing fields was during the summer holidays at a primary school in Nairn. A local councillor made a planning application to build on the school playing field. There was an absolute outcry from parents. I am not sure that there is an exact provision in the bill that would allow us to examine the issue, but I agree with my colleagues that it merits further examination. I will be scrutinising the bill to see whether there is an appropriate place where it could be addressed.

**Cathie Craigie:** I do not disagree with the suggestion in the briefing paper that we should deal with this issue as we have agreed to deal with other planning topics in the past. However, a balance must be struck. Sportscotland and the Scottish Executive have formed a policy under which local authorities can operate. If there are planning proposals that include playing fields, my local authority in North Lanarkshire adheres very tightly to the policy, and alternatives to the playing fields have to be identified.

I had a negative experience on the other side when the important regeneration of houses in poor condition was held up for a considerable time so that the need to provide another playing field could be accommodated. It is right that we examine the issue further, but the balance is not all on one side.

**The Convener:** It is important that we recognise that there are two aspects to the issue. It was no one's intention to say that we would not consider the planning policy when it comes. We do not have it at the moment, and until the Executive has drawn up the guidance and put it out for public consultation, we cannot do anything about it.

However, the guidance will come to the committee for consideration and it will be for us to decide whether we want to deliberate on it. We will bear in mind the comments of Christine Grahame and Patrick Harvie, since they believe that these issues are important ones that we should consider.

How the petitioners' concerns might be dealt with in the bill may not be obvious. We may have an opportunity to consider their concerns as part of our deliberations on the bill, and we should make a commitment to do that.

**Euan Robson:** I appreciate what you say and agree with your sentiments, except in relation to PE821. It specifically says that any planning application on a playing field should be sent routinely to Scottish ministers. I am sorry, but I do not agree with that one iota, as it would go completely over the head of local democracy. Would it not be sensible to take PE821 off the agenda? I reject the sentiments in that petition. We should inform the Public Petitions Committee that we are not minded to progress that particular petition. Frankly, it would be impossible to do what the petition calls for.

**Christine Grahame:** That may well be the case and I may agree with you, but we do not need to take a view on it now. I would prefer to discuss the issues in all the petitions and, if necessary, to take evidence on the minister's views. We should not just make a unilateral decision on PE821. I ask the convener to try to get a timetable from the new SPP. We can simply tell the petitioners that we will consider the petitions when the new guidance is published. That may deal with Euan Robson's point.

**Patrick Harvie:** The motivation for petition PE821 is not a desire to undermine local democracy but concern that the current system does not work. Most of us would agree that the current system does not work in many circumstances, which is why we are considering a planning reform bill: the Planning etc (Scotland) Bill. We should not automatically support PE821, but we should say to the petitioners that we are considering a reformed planning system and we want to ensure that the issues that motivated PE821 are addressed in our consideration of the bill. I am against simply knocking back PE821. We should take on board the reasons why people have such concerns.

**Mr Home Robertson:** I agree with Euan Robson. I think that PE821 is over the top, although there probably should be a way of ensuring that local authorities take due account of the need to safeguard existing playing fields and, more important, create new playing fields. That aspect should be included in the new planning bill.

When housing areas are being developed, they should incorporate space for children and, indeed, adults to play.

**The Convener:** I was just asking Steve Farrell, the clerk, for clarification on timetables. I understand that the Executive has made public its intention to consult on the policy in the spring of this year.

**Christine Grahame:** That is what we have in our paper.

**The Convener:** I am not sure that we will get any further detail from the Executive at this point, and I do not think that it is for the committee to write off or support the merits of any of the petitions at this stage. We should say to the petitioners that, for us, the issues in all the petitions are closed, but the committee will consider the general issues that have been raised, not the specifics of the cases, when we consider the Executive's planning policy, as we have highlighted. Are members happy with that?

**Patrick Harvie:** Assuming that we have an evidence-taking session, I take it that we will let the petitioners know the date of it.

**The Convener:** Yes. We can make a note to ensure that the petitioners know when the committee will consider the matter. Are the committee agreed on my suggestion?

**Members** *indicated agreement.*

**The Convener:** That ends our consideration of all three petitions.

## Green Belts (Draft Scottish Planning Policy 21)

12:59

**The Convener:** Item 5 concerns draft Scottish planning policy 21 on green belts. The committee has heard a considerable amount of evidence. I invite members to comment on any of the evidence that we heard at our meeting in December or on the minister's evidence today and to indicate whether they are inclined to take further action on draft SPP 21.

**Mr Home Robertson:** There were one or two points that either the Executive officials or the minister agreed to reflect on, such as the point about the inner and outer boundaries of green belts. I wonder whether we need to formalise that or just leave it as it stands.

**The Convener:** I was going to suggest that we write to the minister about a number of points in the light of the evidence taken. The clerks helpfully kept a note of the points that members raised. It might be useful if we go through that list and ensure that everything is there. If members have points that they do not think have been covered, they can raise them. The point that John Home Robertson has just raised was one of the points that the clerks noted.

My first point was about whether a planning advice note should be issued on reviewing boundaries or whether we need more detail in the SPP. The conflicting evidence that we received from some planners who attended our meeting on 21 December was mentioned.

The policy needs clarity on the inner boundary issue, to build on the minister's explanation today.

A cross-reference to other guidance might be required. We can welcome the minister's commitment to consider that and to ensure that rural development and diversification are included in the guidance.

Members said that the outer boundary should not be drawn too tightly and asked the minister for clarity on that. She explained the situation quite well, but what she said is not what we thought when we received the policy, so perhaps the Executive needs to reflect on whether that can be better clarified in writing.

Christine Grahame requested more information and statistics on brownfield land.

**Christine Grahame:** And separate figures on contaminated land.

**The Convener:** I am not sure what that would achieve in relation to the planning policy or

whether those figures need to be included. I would have thought that it would be better to ask the minister to reflect on the need for a policy commitment that brownfield land should be used as a priority, before the use of greenfield land is considered.

**Christine Grahame:** I agree with that, but that is a matter of policy; the other point is a matter of fact. The matter of fact was not known. Throughout Scotland, we do not know for each local authority how much brownfield land is available but is not being used and how much is contaminated. I do not remember her actual words, but the minister gave an undertaking to provide the information as soon as reasonably possible. That followed a question that I was allocated about the policy commitment to consider more use of brownfield sites before encroaching on the green belt. As a result, we require to know how much land is sitting there. Perhaps more powers are required—I do not know—to ensure that developers use brownfield sites before other land. That might not be a question for the guidance.

**The Convener:** I understand that every local authority knows how much contaminated and brownfield land is in its area and has identified the sites.

**Christine Grahame:** Patrick Harvie is mumbling that authorities do not necessarily know about contaminated land.

**The Convener:** I am not sure that local authorities do not know where contaminated land is within their boundaries. However, the minister has made a commitment to give us the information.

**Christine Grahame:** May I return to the question?

**The Convener:** I am not sure whether we need the information to be able to make recommendations. The two issues are not connected.

**Christine Grahame:** The question was whether clearer guidance was needed on the balance involved in the redevelopment of existing developments or brownfield land in a green belt. We should consider how we can know whether such redevelopment is happening. How can people in the local area know that if they do not know how much brownfield land is not being developed? How can we ensure that balance? How will ministers consider encroachment on a green belt if they do not know what brownfield land the party that proposes to encroach is not using? That is a long-winded way of putting the issue.

**The Convener:** The information that is being pursued in no way relates to the recommendations

that we will make to the minister on SPP 21. We can legitimately request the information, and at some point we can question the minister about whether local authorities are being effective in achieving such redevelopment, but our considerations of SPP 21 are not contingent on having that information. The two matters are related, but they do not depend on each other. In the letter that we write to the minister, we might mention the committee's desire that local authorities should consider and prefer the use of brownfield land over other land.

**Christine Grahame:** Separately, we will be given the audit of land.

**The Convener:** Yes. The proposal does not mean that we will not receive the information, which will be pursued.

**Christine Grahame:** That is fine.

**The Convener:** I hope that the committee welcomes the fact that the Executive has said that it will provide us with more information on how and whom it has consulted, with particular reference to equality groups. I hope that it also welcomes the commitment to consider the lists of appropriate uses of green belts.

Do members have points that have not been covered?

**Christine Grahame:** No, because it is 5 past 1.

**The Convener:** With the committee's agreement, all those points will be covered in a letter, which will be distributed by e-mail to all committee members for their approval.

That concludes our session in public.

13:06

*Meeting continued in private until 13:07.*



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