

LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

Wednesday 17 December 2008

Session 3

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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

33rd Meeting 2008, Session 3

CONVENER

*Duncan McNeil (Greenock and Inverclyde) (Lab)

DEPUTY CONVENER

*Alasdair Allan (Western Isles) (SNP)

COMMITTEE MEMBERS

*Bob Doris (Glasgow) (SNP)

*Patricia Ferguson (Glasgow Maryhill) (Lab)

*David McLetchie (Edinburgh Pentlands) (Con)

*Mary Mulligan (Linlithgow) (Lab)

*Jim Tolson (Dunfermline West) (LD)

*John Wilson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Brian Adam (Aberdeen North) (SNP)

Paul Martin (Glasgow Springburn) (Lab)

Alison McInnes (North East Scotland) (LD)

Margaret Mitchell (Central Scotland) (Con)

*attended

THE FOLLOWING ALSO ATTENDED:

Jackie Baillie (Dumbarton) (Lab)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson)

THE FOLLOWING GAVE EVIDENCE:

Jim Mackinnon (Scottish Government Directorate for the Built Environment)

Dr Graeme Purves (Scottish Government Directorate for the Built Environment)

CLERK TO THE COMMITTEE

Martin Verity

SENIOR ASSISTANT CLERK

David McLaren

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 6

Scottish Parliament

Local Government and Communities Committee

Wednesday 17 December 2008

[THE CONVENER opened the meeting at 10:00]

The Convener (Duncan McNeil): Good morning and welcome to the 33rd meeting in 2008 of the Local Government and Communities Committee. I remind everyone to switch off their mobile phones and BlackBerrys.

I take the opportunity to place it on the record that, while we can look forward to more meetings in the new year, Martin Verity, the committee clerk, is attending his last committee meeting before his retirement. We are absolutely delighted that he has made it to the finishing line. We wish him a happy retirement and express our appreciation for all that he has done. Personally, I appreciate the patience that he has extended to me, because I am not the easiest person to work with.

Decisions on Taking Business in Private

The Convener: Agenda item 1 is to decide whether to take items 4 and 5 in private.

Item 4 is a discussion of the main themes arising from today's evidence on national planning framework 2. We must decide whether to take in private today's and all future consideration of the evidence on NPF 2. Such discussions are normally taken in private. Can I have the committee's agreement to take item 4 in private?

Members indicated agreement.

The Convener: Thank you. Item 5 is a discussion on the update of the work programme. Again, it is normal practice for the committee to have such discussions in private. Does the committee agree to take item 5 in private?

Members indicated agreement.

Disabled Persons' Parking Places (Scotland) Bill: Stage 2

The Convener: Agenda item 2 is consideration of the Disabled Persons' Parking Places (Scotland) Bill at stage 2. We welcome to the meeting Jackie Baillie MSP, Robert Marr and David Cullum. We also welcome Stewart Stevenson, the Minister for Transport, Infrastructure and Climate Change, and Government officials Bill Brash, team leader in the Government's transport strategy division, and Andrew Brown, senior principal legal officer and solicitor in the transport, culture and procurement division.

Section 1—Duty to promote proper use of parking places for disabled persons' vehicles

The Convener: Amendment 1, in the name of Jackie Baillie, is grouped with amendments 7, 4 and 5.

Jackie Baillie (Dumbarton) (Lab): I have the pleasure of moving this group of amendments, which make certain that the terminology of the Road Traffic Regulation Act 1984 is reflected in the bill and that the meaning of "advisory disabled street parking place" excludes spaces made enforceable by an order under section 35 of the 1984 act.

Amendments 4 and 5 ensure that the definitions of "advisory disabled off-street parking place" and "advisory disabled street parking place" reflect the terminology used in the 1984 act.

Amendment 5 clarifies the definition of an advisory disabled street parking place, to ensure that enforceable spaces made under either section 35 or section 45 of the 1984 act are excluded from the definition. That ensures that the definition, and thus the requirements of the bill, attach only to parking spaces that are advisory and not to parking places that have been either specified or provided for use by disabled persons' vehicles under sections 35 or 45 of the 1984 act.

The bill's definition currently uses the word "specifying", which is appropriate for the reference to section 45. However, section 35 of the 1984 act uses the terms "provided" and "makes provision as to". While the bill's use of "specifying" conveys the meaning intended, the word "providing" more appropriately reflects the language of the 1984 act in consequence of the new reference to section 35.

Amendment 4 makes a similar terminology change, substituting "providing" for "specifying" in the definition of an advisory disabled off-street parking place, because of the reference to that definition in section 35 of the 1984 act.

Amendment 1 is a consequential amendment, members will be pleased to hear, which follows from the changes to the definitions.

I am grateful to you, convener, for allowing me to lodge a manuscript amendment to section 3. Amendment 7, which is entirely technical, follows as a consequence of the changes to definitions proposed in amendments 4 and 5 and keeps the bill's language consistent with that of the 1984 act. I am very grateful to Government officials for pointing out that the amendment would be desirable to keep the bill's terminology consistent throughout.

As members will have gathered, these are essentially tidying-up amendments.

I move amendment 1.

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Although we feel that a reasonable interpretation of section 1 would apply the duty to those disabled parking places provided under section 35 of the 1984 act as well as to those designated under section 45 of the 1984 act, the amendment puts that beyond any doubt. We are therefore happy for the committee to agree to this amendment, if it so chooses.

Amendment 1 agreed to.

Section 1, as amended, agreed to.

Section 2 agreed to.

Section 3—Certain orders under the 1984 Act

Amendment 7 moved—[Jackie Baillie]—and agreed to.

Section 3, as amended, agreed to.

Sections 4 to 8 agreed to.

Section 9—Designation of a temporary parking place where a request has been made under section 5

The Convener: Amendment 2, in the name of Jackie Baillie, is in a group on its own.

Jackie Baillie: The phrase

“advisory disabled street parking place”,

which is used throughout the bill, is defined in section 14 as one that

“is marked or sign-posted as being for use only by a disabled persons' vehicle and ... which is not subject to an order made under section 45 of the 1984 Act specifying that it may be used only by a disabled persons' vehicle.”

Such a space is not enforceable. However, one of the bill's main objectives is to ensure that all disabled persons' parking spaces can be enforced.

Section 9 creates an exception to the enforceability rule by allowing local authorities to create a temporary advisory parking place while they process a request for a street parking place by a qualifying person. The section ensures that a parking place, albeit an advisory one, can be provided quickly while the necessary order-making processes are undertaken. As soon as those processes are completed, the temporary parking place will be replaced by a permanent enforceable one, unless of course it is determined that the provision of any parking place is inappropriate for whatever reason. In that case, it will be removed.

Section 9(1) provides for the creation of the temporary parking place and amendment 2, which is purely technical, replaces the current description of the temporary parking place with the phrase

“advisory disabled street parking place”,

which is used throughout the bill.

I move amendment 2.

Stewart Stevenson: Given that amendment 2 is a technical amendment designed to ensure that phrasing throughout the bill is consistent, we are entirely content for the committee to agree to it.

Amendment 2 agreed to.

Section 9, as amended, agreed to.

Sections 10 to 12 agreed to.

After section 12

The Convener: Amendment 3, in the name of Patricia Ferguson, is grouped with amendment 6.

Patricia Ferguson (Glasgow Maryhill) (Lab): I have very little to say on amendment 3, except to make it clear that it seeks to ensure that, before Jackie Baillie's bill comes into effect, the widest possible public information campaign takes place. After all, people will have to understand exactly what this legislation does and the changes that it makes if they are to avoid being penalised. Similarly, disabled people who wish to use these parking places will have to have the widest possible knowledge about their availability. The necessity of such an approach was forcibly brought home to me by my constituents, and is the reason why I have lodged the amendment.

I move amendment 3.

Alasdair Allan (Western Isles) (SNP): I have a question about the plans that appear to be inferred. It seems to be implied that the Government should spend money on an information campaign. I support the bill's aims, but I am not clear how such costs would impinge, if at all, on the overall costs of the proposals as shown in the financial memorandum.

Patricia Ferguson: That is a matter for the Government and those who produced the financial memorandum. The intention of my amendment is to ensure that a public information campaign takes place.

Alasdair Allan: I am conscious that, in dealing with other legislation, many members have made robust arguments about the wisdom of public information campaigns. I am all in favour of providing information to the public, but I wonder whether the amendment would create difficulties for the bill that do not need to be created.

Patricia Ferguson: I do not think that it would. More difficulties could be caused by not providing proper information about the bill's impact to disabled users of car parking spaces and those who currently unfairly use designated spaces that they do not have the right to use. It would be wise to undertake a public information campaign.

Bob Doris (Glasgow) (SNP): I am glad that Patricia Ferguson lodged amendment 3, because there must be a public information campaign and local authorities in local areas and, of course, the national Government should be responsible for progressing it. I am not sure that the matter should be included in primary legislation, but it is important that Patricia Ferguson has drawn the committee's attention to the need for a public information campaign.

I am not overly sure how the proposal would impinge on the financial memorandum. If it has a cost element, would a fixed price be put on future public information campaigns? I would prefer to keep the matter open ended and leave it to the Government's best judgment. There are other issues to do with the financial memorandum and local authorities' costings, and we should not add further uncertainty. If the minister gives an assurance that there will be a public information campaign, I would not feel the need to agree to the amendment; that would be unnecessary in view of the ends that it is trying to achieve. However, I thank Patricia Ferguson for lodging it.

David McLetchie (Edinburgh Pentlands) (Con): I share Bob Doris's scepticism about the requirement to include the proposal in the bill. The information that is put into the public domain should be at the discretion of the Government and local authorities. If there is to be a public information campaign, it seems to me that it should be orientated towards getting people to respect parking facilities for disabled people generally, as opposed to dealing with the specifics of the new legislation in order to try to modify behaviours and tackle the abuses that have been highlighted in evidence that has been taken on the bill.

Obviously, I am also sceptical because of the costs that would be involved. We know that the infamous home reports public information campaign has cost £700,000. I think that the proposer of the Disabled Persons' Parking Places (Scotland) Bill, Jackie Baillie, estimated that total expenditure on it would be less than £2 million. We should consider the extravagant scale of home reports. The Disabled Persons' Parking Places (Scotland) Bill is, of course, much more important than the useless home reports, but total public expenditure on it could soar.

The bill will extend the enforceability of bays or convert advisory bays into enforceable bays. Enforceable parking bays and their associated signage are already well understood. The number of enforceable parking bays will significantly increase once the bill's provisions come into effect, but publicity material relating to a bay should be exhibited on the spot to demonstrate that it is enforceable. The information that members of the public need—which, as I say, needs to be on the spot—is that they cannot park in the bay unless they have a disabled badge. Therefore, there will be quite a lot of public information at the specific locations of the bays, which is how things should be. An enforceable bay is not a new concept. Members of the public are familiar with enforceable bays, so we do not need to tell them that disabled parking bays are enforceable; rather, we need to ensure that disabled parking bays are properly identified as such at all the new locations.

10:15

Stewart Stevenson: We support the sentiment of Patricia Ferguson's amendment 3. It is our intention to ensure that appropriate publicity is given to the provisions.

Some members' contributions have drawn out the fact that there are two facets to the issue. Mr McLetchie, full of festive cheer as ever, suggested that when one approaches a disabled bay it is marked and is clearly reserved for the use of disabled people, so perhaps in that context publicity is not required. Nonetheless, there will be a general requirement to make people aware of the change in the status of disabled parking bays and to reach disabled people so that they understand what is happening. To that end, it is my intention that in developing our communication strategy we involve the Mobility and Access Committee for Scotland. It is important to say that any publicity campaign that we undertake—I give the assurance that we will undertake such a campaign—would, of course, be focused on the social unacceptability of people abusing bays that are set aside for people who have a range of disabilities.

Comments have been made about the financial memorandum, which is the member's responsibility rather than the Government's. The Government is, of course, responsible for the financial resolution, which gives force to the provision of finance. Ms Baillie and I are continuing to work on some aspects of the information in the financial memorandum. I am reasonably content that we will bottom out some of the issues.

I invite Ms Ferguson to seek to withdraw amendment 3, which I do not think is necessary. I hope that she will take in good spirit and good faith my commitment to undertake appropriate public information campaigns and step back from the need to write into the bill a duty on Government to run a public information campaign, which would be a somewhat unusual step.

Jackie Baillie: I welcome the intention behind Patricia Ferguson's amendments 3 and 6. I have mentioned in the past the desirability of a public awareness campaign, because enforcement needs to be coupled with general education, and that is certainly the intention behind those amendments. That said, I am delighted with the minister's commitment to run a general information campaign and to involve others in shaping it, because Governments have a duty to facilitate public awareness. They currently do so on issues ranging from domestic abuse to drink driving to telling people—if they are of a certain age, convener—that it is time for them to come and get their flu jab. However, a duty on Government to run a public information campaign is not ordinarily in a bill, so I hope that, in light of the minister's commitment, Patricia Ferguson is minded to withdraw amendment 3 and not move amendment 6.

Patricia Ferguson: To answer Mr McLetchie and Mr Doris's questions, I had deliberately not indicated a financial package—I wanted to leave it to the Government to decide what would be appropriate.

The minister's comments are reassuring. I was aware when I drafted the amendment that the financial memorandum refers to an awareness campaign, but it is helpful that the minister has spelled out exactly what, in his mind, that would be. On that basis, I am happy to withdraw amendment 3.

Amendment 3, by agreement, withdrawn.

Schedule agreed to.

Section 13 agreed to.

Section 14—Interpretation

Amendments 4 and 5 moved—[Jackie Baillie]—and agreed to.

Section 14, as amended, agreed to.

Section 15—Short title and commencement

Amendment 6 not moved.

Section 15 agreed to.

Long title agreed to.

The Convener: That ends stage 2 consideration of the Disabled Persons' Parking Places (Scotland) Bill. I thank everyone for their patience.

10:20

Meeting suspended.

10:22

On resuming—

National Planning Framework

The Convener: Agenda item 3 is an evidence session on the national planning framework 2, which was published by the Scottish Government on Friday 12 December. I welcome to the meeting Jim Mackinnon, chief planner, and Dr Graeme Purves, assistant chief planner, who are from the Scottish Government directorate for the built environment.

I invite the witnesses to make an opening statement before we move to questions.

Jim Mackinnon (Scottish Government Directorate for the Built Environment): We are very grateful for the invitation to give evidence to the committee on the proposed national planning framework, which on 12 December was laid before Parliament for 60 days' scrutiny. Although we are more than happy to take the committee through the substance of the framework, I thought that at this stage it might be helpful to explain the background to it, our approach to preparing it and its general content.

Scotland's first national planning framework, which was published in 2004, did not have a legal basis. However, the initiative was welcomed, and the framework received a very positive reaction at home and internationally. Arguably the most consistent concern, however, was that the document lacked a hard edge. Our response to that was twofold: we sought, first, to give the framework a legal basis, which we did through the Planning etc (Scotland) Act 2006 and, secondly, to use the framework to identify what were essentially infrastructure developments of national significance, which would be termed national developments.

The significance of national development status is that, through parliamentary scrutiny and inclusion in the national planning framework, the principle behind or need for such developments is established. Projects designated as national developments can be progressed through a consent process that focuses on issues of detail such as environmental risks, design and mitigation measures that might raise significant concerns and could result in either a project being significantly altered or consent being withheld.

In September last year, the Cabinet Secretary for Finance and Sustainable Growth announced the six criteria that are to be taken into account in designating national developments. I make it clear that designation as a national development does not imply a Scottish Government spending commitment. Some of the projects already have

expenditure committed, but others look further to the future. The objective is to provide a more certain planning context within which expenditure decisions can be made. A number of the national developments, such as investments in ports and transmission lines, will be implemented by the private sector.

The Planning etc (Scotland) Act 2006 places a duty on the Government to prepare a participation statement to set out how it will engage stakeholders. The first participation statement was published in February 2007 and has been updated regularly since then. You will see from the latest version of the participation statement and the interim conformity report the steps that we have taken to engage and interact with stakeholders throughout Scotland. The efforts that the NPF team has put into stakeholder engagement have been exceptional. Of course, the process of parliamentary scrutiny presents further opportunities for discussion and debate.

One particular aspect of the process to which I would like to draw the committee's attention is the approach that we have taken to strategic environmental assessment. The SEA process ensures that issues of environmental sustainability are identified, consulted on and addressed. That has been done at key stages in drawing up the framework and a report on how the SEA has been applied is now on our website. In addition, we have sought to demystify the national planning framework SEA by publishing and updating an easy-read guide to the process.

The framework is in a number of parts. The first part sets out key challenges and considerations that will shape Scotland's long-term spatial development. The document then sets out a strategy for Scotland's development to 2030, which has a strong focus on strategic infrastructure. Remember that the national planning framework does not make policy on transport, energy and waste; it reflects and responds to the spatial development and planning issues that are raised by strategies and policies in those areas. The NPF document outlines spatial perspectives for different parts of the country in which it recognises issues and identifies opportunities, while respecting the role and responsibilities of local authorities in exercising their planning responsibilities. Under the heading, "Making it Happen", there is a commitment to prepare and keep under review an action programme to steer implementation of the framework. Finally, the document sets out a suite of national developments.

We revised the national planning framework in the light of the comments on the discussion draft, which was published in January. Representations on the draft were analysed by an independent

consultant, whose report is among the material that we have provided to the committee.

The proposed NPF that was laid before Parliament on 12 December sets out the spatial strategy more succinctly and reflects the findings of the strategic transport projects review. There are a number of changes from the discussion draft that was published at the beginning of the year, including: additional national developments; a stronger all-Scotland focus; a stronger steer on the location of replacement base-load generating capacity; the identification of the Pentland Firth as an area for co-ordinated action; and clearer guidance on the development of waste management infrastructure.

It is inevitable that there will be considerable interest in the 12 national developments that are identified. In the field of transport, they include the Forth crossing, strategic rail enhancements and strategic airport enhancements. I make it clear that we are talking about strategic airport enhancements, not airport extension. The NPF designation has a strong focus on improving surface access to airports by public transport. Also identified are port improvements at Rosyth, Grangemouth, Scapa Flow, Loch Ryan in the south-west and Hunterston. In the field of energy, we have included a new power station at Hunterston, non-nuclear base-load capacity at existing sites and electricity grid reinforcements. Finally, on regeneration, the Glasgow strategic drainage scheme and the Commonwealth games facilities are identified as national developments.

The strategy that is set out in the proposed NPF takes forward the spatial aspects of the Scottish Government's strategic policy commitments to support its central purpose of increasing sustainable economic growth.

Thank you for giving me the opportunity to make that opening statement, convener.

The Convener: Thank you.

David McLetchie: Good morning, Mr Mackinnon. I appreciate your point that designation as a national development does not imply a Scottish Government spending commitment. Notwithstanding that caveat, has somebody done a calculation of the estimated total cost to the public purse of all the developments that are now in NPF 2 and, if so, what is that figure?

Jim Mackinnon: I do not have that figure, Mr McLetchie. The costs of the Forth replacement crossing are in the public domain. We have not done the calculation to which you refer. A lot of the detail—for example on Glasgow rail connectivity—has to be worked out. Much will depend on the details of the scheme that is brought forward. As I indicated, a lot of the national development

projects are for the longer term. Some of them, including the port enhancements and the transmission lines, will not be developed by the Government. In the case of those developments, the call on the public purse will be non-existent.

10:30

David McLetchie: I accept that, but I think that the idea is to set out a programme or a plan for development up to 2030, which is a span of 22 years. Are all the elements in NPF 2 deliverable within that timeframe? I appreciate that such situations have an aspirational component, but is there any point in having elements in a planning framework if there is no prospect of their being funded?

Jim Mackinnon: They are capable of being delivered in the longer term. Another point that I would make very strongly is that there are some longer-term aspirations in the document that have not been costed and which do not feature as national developments. Those include the high-speed rail link to London and the concept of subsea cables—a kind of North Sea supergrid. They have not been put into the national planning framework because we do not yet feel ready to make that form of commitment. On the national developments, however, I have every confidence that the framework will feed into future spending decisions and is well capable of implementation.

Mary Mulligan (Linlithgow) (Lab): I accept that we do not want to look at specific areas; the framework is about a Scotland-wide approach. However, regeneration issues are central to Scotland's economy. Will you say a bit more about how we can provide a framework within which local initiatives can be taken forward? There are some fairly big initiatives that involve the development of brownfield sites. There will be issues around the use of such sites—whether they are for housing, business or industry—and the transport infrastructure that will be needed to support them. How would you fit them into the plan so that there is some kind of structure to what develops over the next 20 years?

Jim Mackinnon: We identified two major projects that will be important for regeneration in the west: the Commonwealth games facilities and the Glasgow strategic drainage scheme, which will open up tremendous opportunities in the east end of Glasgow. Along with committed investment, for example in the M74, those projects will completely change the accessibility of that area.

Some issues around regeneration are not necessarily about brownfield development. As Mary Mulligan probably knows from her constituency the heartlands development in greenfield developments support regeneration of

communities. Further, we have identified the importance of the six urban regeneration corporations. However, we think that many of the other decisions will be very much for the local authorities, working in partnership with others.

At the end of October, we produced a document called "Delivering Planning Reform", which sets out a real sense of commitment throughout the public and the private sector—including local authorities—to adopt a more proportionate approach to policy. Included in that were our colleagues in Transport Scotland, Scottish Natural Heritage and the Scottish Environment Protection Agency. We are looking for more of a can-do approach. We want to ensure that requirements for information and analysis are focused on getting better outcomes. There is quite a lot in the document that would support regeneration, which in turn would support the aspirations for sustainable economic growth. It is not just about development. In Mr Tolson's constituency, we have Babcock, and the port at Rosyth—that is actually a regeneration. In places such as Scapa Flow, there is an issue about helping the economy of the Orkney islands to grow.

Mary Mulligan: In terms of time and consultation, how does "Delivering Planning Reform" fit in with the national planning framework?

Jim Mackinnon: The document that was produced on 28 October was signed by the Scottish Government, the Convention of Scottish Local Authorities, two national park authorities, and six key agencies—Transport Scotland, SEPA, SNH, Architecture and Design Scotland, Scottish Water and Historic Scotland—along with the Scottish Property Federation, and Homes for Scotland. It was endorsed by the Royal Town Planning Institute in Scotland, the Royal Institution of Chartered Surveyors and the Quarry Products Association in Scotland. The document sets out a series of actions and commitments that will increase the pace of reform in the planning system to deal with issues around efficiency and better outcomes.

The document contains a series of commitments that will be monitored by the cabinet secretary, the president of COSLA and the chairs and chief executives of the agencies. It focuses on a much more proportionate approach to policy. We have made a commitment to reduce our 500 pages of Scottish planning policies to 50 pages, which must be a great relief to anyone who has to read them. We will take a new approach to advice that recognises the expertise that is out there. We will revisit the notification direction and the types of planning application that come to the Scottish Government. We are trying to build capacity in the planning system to help to deliver the reforms.

We are happy to provide copies of that publication to the committee. It will be updated regularly, so we can send updates to the committee to show the progress that is being made.

Mary Mulligan: The national planning framework 2 has had a long life. How does the present version reflect the changing economic circumstances in which we find ourselves?

Jim Mackinnon: As Mr McLetchie said, the document looks to 2030. In the housing industry, the number of housing starts has reduced significantly, but people still need houses—we are conscious of that. The framework is designed to iron out peaks and troughs, so the focus must be on the action programme. However perfect the process and the policy are, if they do not result in outcomes on the ground, we will ask whether they were worth it. We intend to take a more proactive approach in the action programmes in different parts of Scotland to see what we can do to help to deliver the policies and proposals in the proposed NPF, which was laid last Friday.

Mary Mulligan: What levers will you use to ensure that that happens?

Jim Mackinnon: A lot will depend on the areas that are involved. For example, Inverness and the inner Moray Firth raise issues for Transport Scotland, Scottish Water, the local authority and the enterprise company. We will work with them to identify what needs to be done and by when. That will not necessarily involve the Scottish Government, except in the form of Transport Scotland. We will consider commitments that are made in the STPR, for example, and see what can be done to move the process to a better conclusion.

Patricia Ferguson: Many of us were slightly surprised and possibly disappointed that the strategic transport projects review did not prioritise projects or give a feel for when they might be progressed. Does the inclusion of some transport projects in, and the exclusion of others from, the NPF give us an idea of the priorities for the STPR? If not, how did you decide which transport initiatives to include in the framework?

Jim Mackinnon: That is a good question. We work closely with colleagues who deal with transport. When deciding whether projects were national developments, we considered the extent to which they met the criteria that Mr Swinney set out last September. That was the basis for our decisions on whether to include something in the national planning framework.

Quite a lot of investments in the STPR, such as those in improvements to the A9 and the A96, will produce a cumulative effect from small-scale projects. The importance of those measures is

reflected in the NPF, but they are much more for the STPR. The planning issues that such projects involve are local. We acknowledge the importance of those strategic transport corridors and reflect that in the framework, but we did not feel that the individual improvements, which might mean a dual carriageway here or a three-lane road there, were sufficient to merit national development status.

Patricia Ferguson: So Glasgow crossrail would not be seen as a national project.

Jim Mackinnon: The national planning framework contains stuff on cross-Glasgow connectivity as a national development.

Jim Tolson (Dunfermline West) (LD): Nine important strategic projects have been mentioned. Mr Mackinnon was right to say that one of the key projects—Rosyth international container terminal—is in my constituency. I expect much of the funding for that terminal and the certainty about it to come from the private sector—particularly from Babcock, which is located in the area.

However, I have some concerns about the certainty of the funding for another key project on the edge of my constituency: the replacement Forth crossing. In his statement last week, the Minister for Transport, Infrastructure and Climate Change indicated that he had had discussions with the Westminster Government and that it would seek to bring forward some of the Scottish funding over the next number of years, but I do not consider that as giving any certainty to the funding for the crossing. Have you had any indication of certainty of the funding for the project, or is it likely to fall back on something else, such as the Scottish Futures Trust, which has not given members of the Parliament any certainty either?

Jim Mackinnon: That is a question that you ought to raise with Mr Stevenson or Mr Swinney; it is not really a question for me. I am talking about the national planning framework, which we have indicated is not a spending document. Issues of expenditure, funding sources and priorities are for ministers rather than mere civil servants.

Jim Tolson: Not quite mere civil servants, but a very good civil servant who swerved that question well.

Another project that is mentioned in the strategic transport projects review is a dual-line rail link between Inverkeithing and Halbeath. Will you give me an indication of the purpose of that link?

Jim Mackinnon: That came up in the discussions about the Forth replacement crossing. The point that we wanted to make is that the junctions from the motorway to the bridge could be designed in such a way as to preclude the option of an Inverkeithing to Halbeath rail link or as to

allow the route to be constructed at a future date, which would help to reduce journey times to the north. That was why we wanted that project in the review. It is about thinking about Scotland as a whole, rather than having a narrow local, subregional or regional focus on a piece of railway track. It is a small bit of infrastructure that would help all-Scotland connectivity, just as the Glasgow crossrail concerns not only Glasgow, as Ms Ferguson pointed out, but would allow connectivity from the north and north-east to the south-west.

Jim Tolson: I appreciate that the link would allow connectivity, but diverting the line up by Halbeath would cut out some other strategic locations that are currently on the main line route—Kirkcaldy and other parts of the Fife coast—and miss a potential pick-up point for many customers.

Jim Mackinnon: Such strategic decisions are what the national planning framework is about. A decision may have a beneficial impact on one area and a deleterious impact on another, but it must be made with a full understanding of the implications. The national planning framework is about providing you—the committee and the Parliament—with the opportunity to consider projects in the round and give us your views on what you would want to be altered.

Alasdair Allan: Will you elaborate on the reasoning behind the grouping of different developments into the category of single national developments, particularly the reasons for grouping the projects around Glasgow and Edinburgh airports as one single project?

Jim Mackinnon: The draft framework talked about only Glasgow and Edinburgh airports as national developments, but there was understandable pressure from the north-east and Ayrshire to reflect the potential in Aberdeen and Prestwick airports. I am sure that Graeme Purves will correct me if I am wrong, but we have identified what the national development designation means for the different airport enhancements. They are about improving surface access by public transport, so we thought that we would bundle them together as a coherent package as opposed to separating them out, but the annex makes it clear what the national development status means for each of the airport enhancements.

Dr Graeme Purves (Scottish Government Directorate for the Built Environment): That is right. When we examined the enhancements, it was apparent that the common theme and a big part of them all was improving surface access, particularly by public transport. Therefore, we thought that it was appropriate to package them together.

David McLetchie: Do any of the enhancements for the four airports that are referred to relate to increasing capacity to meet increasing demand for air travel?

Jim Mackinnon: If a planning application were to be lodged for any of those airports, a decision would be made in accordance with the development plan, unless material considerations indicated otherwise. With all due respect, that is lawyerspeak—that is what the law says.

First, one would look to see what the development plan says. In the case of Glasgow and the Clyde valley, provision is made for additional airport capacity, but in the case of Edinburgh, as I understand it, no such provision is made, although there is the west Edinburgh planning framework, which would be an important material consideration. It would be for the decision maker to weigh up all the issues when they received a planning application. The NPF designation makes it clear that certain developments would be allowed, but plans for big airport expansions would have to take into account all factors, including, for example, climate change issues.

10:45

David McLetchie: I was going to come on to that, but is there not a proposal for an additional runway at Edinburgh airport?

Jim Mackinnon: In the west Edinburgh planning framework, land is safeguarded for a runway. That would be taken into account.

David McLetchie: Are there similar proposals to expand the capacity of Prestwick and Aberdeen airports?

Jim Mackinnon: I am not aware whether there are proposals for extensions at those airports.

Dr Purves: No requirement has been identified for additional runway capacity at Prestwick, although alternative runway configurations are being considered. Runway provision at Prestwick is extremely good.

David McLetchie: I find it slightly puzzling that Prestwick and Aberdeen have been included in the national planning framework under the national development designation. It seems that by increasing the number of airports that are focused on from two to four, the Government has indicated that it is even more committed than the previous Executive was to meeting the anticipated increase in demand for air transport, when all we keep hearing about is how disastrous for the planet it would be if air travel were to increase. That would suggest—if one subscribes to that view—that the national planning framework should be used to impose a planning limitation on that projected

increase in demand. In other words, if one agrees with the policy of limiting demand for air travel, both international and domestic, one should not allow for airport expansion in national planning frameworks.

Jim Mackinnon: We are talking about airport enhancement that has a strong focus on surface access to the airports in question. We make no assumptions about future passenger numbers at those airports—we do not have the expertise to do that. I am sure that you would agree that Edinburgh and Glasgow airports are not the easiest in the world to get to and from if one compares them with airports such as Schiphol, Munich and Copenhagen, which are very well served by public transport. That is the focus of the NPF designation.

In relation to Aberdeen and Prestwick, the NPF designation is about allowing them to fulfil their potential and ensuring that they are easily accessible by public transport. In the case of Prestwick, there is a rail halt pretty much cheek by jowl with the airport, but there is still scope for improvement, certainly in the terminal facilities. I have not been to Aberdeen airport for quite some time, so I am not sure about the situation there.

Dr Purves: Jim Mackinnon mentioned the high-speed rail link. We have not identified that as a national development for a number of reasons, one of which is that the Scottish Government does not have the power to deliver that on its own, as most of the infrastructure would have to be provided south of the border.

We recognise the potential of a high-speed rail link to divert to rail the significant quantities of traffic that are reliant on air travel. We think that the proposal has a lot of potential in a United Kingdom context, but rather less potential in a wider European context. We are keen to pursue the idea with the UK Government.

David McLetchie: As a policy position, the Government does not believe that improving access to the airports and their connectivity to other parts of the transport system will have an effect on the demand for air travel.

Jim Mackinnon: It is difficult to say whether it will or whether it will not. It may well be that, even if the number of flights stays at existing levels, people will be able to get to Edinburgh and Glasgow airports more easily and will put less pressure on the roads in and around those airports. People will be able to choose whether to go to those airports by public transport or private car.

We are not making any assumptions. We just want to make people's journeys to and from Scotland's airports easier, whether they are travelling for leisure or for business. We are not

just thinking about Scots; it is also about people coming to Scotland, who will not have private cars. It is a matter of making their journeys to and from Edinburgh, Glasgow, Prestwick and Aberdeen airports easy and seamless.

David McLetchie: That is entirely laudable, but some of the Government's partners have suggested that one way to limit air travel would be by way of congestion on our roads. That is rather difficult to square, in my view.

Jim Mackinnon: I made the point at the outset that it is not for the national planning framework to make policy on transport, energy and waste, but to deal with the consequences. If you wish to have a more detailed discussion about policy on aviation and airports, that is probably a matter for Mr Stevenson and transport officials.

John Wilson (Central Scotland) (SNP): I will follow up on David McLetchie's questions. If rail or road links to airports were improved, we would expect an increased flow of passengers into airports. You mentioned the expectation that it would be easier for passengers travelling into Scotland to commute once they arrive at airports. It could be argued that you are building in an assumption of increased passenger transport at airports. The question is how that ties in with the Climate Change (Scotland) Bill, with various global changes and with the economic situation.

How does the framework take into account potential changes over the coming years? Since the draft framework was published at the beginning of 2008, a number of changes have taken place on the world economic scene. We should ensure that the framework is deliverable within the timescale that has been indicated. However, how will it be deliverable if other parts of the equation fall out of place? I am thinking about the economic situation and the nature of Government expenditure and programmes. How will such factors alter the framework? What flexibility will the framework have, once it is developed, to change and adapt to different priorities?

Jim Mackinnon: On passenger numbers, you rightly pointed out the challenges around climate change and the current economic situation. Travelling to continental Europe—certainly the euro zone—is not the most attractive proposition for many people in Scotland now, because they will not get terribly good value for money. However, there could be an increase in the number of people coming to Scotland by air from the euro zone.

A number of projects are pretty well advanced. The Edinburgh tram scheme is very important for access to Edinburgh airport. There are also changes to the heavy rail network. The Glasgow

airport rail link project is proceeding, too. Decisions will have to be made not just by the Government but by others in the course of the next few years. Commercial judgments will be required on what is and is not possible in the prevailing circumstances. With investment in infrastructure, we cannot just turn policy on and off; we must take decisions and go for it. We cannot stop building things halfway through, particularly infrastructure. The NPF sets out a long-term framework. The public and private sectors will take decisions at certain times as to what is and is not feasible.

John Wilson: Mr Mackinnon has hit the nail on the head. When we start a project, we expect to finish it. Whether or not we have the resources to finish the Edinburgh tram project, which is subject to a capped amount, is debatable, but we need, at any rate, to consider what is deliverable under the framework, what can be costed out, what public funding has to be put into projects to make them deliverable and whether or not the resources will be available in the next 21 years to achieve that. The next question is how to do that in partnership with local planning authorities, bearing in mind the deliverability of some projects, which will rely on a co-ordinated approach being taken.

You mentioned a number of organisations that are tied into delivering the framework, some of which are Government agencies. You said that the Scottish Government will not be responsible for funding some projects, but Government agencies will be. If Scottish Enterprise, Highlands and Islands Enterprise, Scottish Water, Transport Scotland and other agencies are pushed in a particular direction, they will expect the Government to come up with the resources that will allow projects to be delivered. We must address those issues realistically, to ensure that the framework that we put in place is deliverable by the Government when it needs to be delivered. We must take a joined-up approach to delivering projects in the timeframe in which we expect them to be delivered, which was not the case with the old bridge to nowhere over the motorway in Glasgow. We do not want to have a wish list of projects but no resources to deliver them.

Jim Mackinnon: You are absolutely right—that is why we are committed to developing an action programme approach to the implementation of the national planning framework. You are also right to say that local authorities, along with enterprise agencies and other Government agencies, are key partners in that process, which will involve hard decisions.

Recently, I was asked to chair the inner Moray Firth ports and harbours working group, which discussed the long-term future of the area. There was pressure to improve the A96, the A9 and the

A82. If people are backed into a corner, what is the local priority? Is it the A96, the A9 or the A82?

Recently, I spoke at a conference in Northern Ireland, where a participant from Newry-Dundalk said that one of the hardest things that people in the area had to do before going to Government was to work out what they thought was the most important priority for the area, instead of just going with a shopping list or wish list of projects. There will be hard choices to make on implementation, but I hope that once the framework is in place we will have the right context within which to move forward and to take some of the necessary hard decisions.

Mary Mulligan: There will clearly be a need for resources to fund work on filling out the plan that is before us. For example, road networks around Grangemouth freight hub will need to be improved. I accept that you are not transport officials, but what discussions are you having with transport and enterprise partners about how the list of priorities will be developed?

Jim Mackinnon: We have had a number of discussions with Transport Scotland and with colleagues in Falkirk Council and the port authorities in the area. If the Parliament agrees that Grangemouth freight hub should be a national development, we will want to intensify discussions with those groups and individuals. Network Rail will also be important in that context. However, we do not want to do anything that will prejudice the outcome of Parliament's consideration.

John Wilson: I would like to localise the issue slightly, to enable me to understand better the role of the planning framework. There are proposals for a new rail freight terminal—not expansion of an existing terminal—in part of the region that I represent. NPF 2 refers to Rosyth and Grangemouth and to intermodal links between those facilities. If someone outwith the Government and agencies proposed to create a new rail freight terminal in the centre of Scotland, with a capacity of 1 billion square feet for containers, how would that fit into the overall planning framework, given that the project would involve changes to rail networks and other transport links, including road networks, if it went ahead? Would it fit into the planning framework?

Jim Mackinnon: Can you clarify which area you are talking about, Mr Wilson?

John Wilson: I am talking about the area next to Gartcosh. I was referring to the planned Kilgarth rail freight terminal.

11:00

Jim Mackinnon: A planning application would be lodged with North Lanarkshire Council, which

would take into account what was in its development plan, including the Glasgow and Clyde valley structure plan. It would have regard to a range of other considerations, including the national planning framework, the views of Network Rail, communities and others, and it would come to a view. A planning application would be made in the normal way.

I am not sure that we were aware of the proposal to which you refer when we carried out our work. Whether the planned project would have qualified as a national development is a moot point. We do not want the national planning framework to be absolutely constraining. We are not saying that if something is not in the national planning framework it will not happen. We want to encourage applications and proposals to come forward. The case that you are talking about sounds like the sort of application that could contribute a lot to the ends of the national planning framework as well as to wider issues of freight and climate change, which Graeme Purves mentioned.

John Wilson: The point that I was trying to make was about competing demands. Any of the 32 local authorities could come up with a local project that might impact on the national planning framework. In such cases, would the Government decide that someone else—either a local authority or private sector body—had come up with a better proposal and that the Government should therefore reconsider the proposal in its framework?

Jim Mackinnon: We are not transport experts, but advice would be taken from Transport Scotland, Network Rail and others about any such proposal. It might be notified to the Scottish ministers, in which case we could exercise the ability to call in the proposal. However, I do not think that the Government is trying to stifle local innovation, particularly in relation to projects that contribute a lot to the local, regional and national economy. There is no sense that NPF 2 is a fixed blueprint. If other proposals came forward that offered potential benefits, the Government would be keen to see them progressed, subject to a suitable understanding of their impact on other projects and the wider rail system, for example, and of what they would contribute to the central purpose of increasing sustainable economic growth.

The Convener: I am sure that every member knows of a major project that they presume has wider implications than just for the local area. We discussed Edinburgh and Glasgow airports earlier. Aberdeen and Prestwick airports felt that they were being excluded earlier in the process. The framework has been described as almost a living thing. We have seen changes in that coal and gas power stations were previously not designated as

national projects, but now two of the national developments relate to power stations. How did that come about?

John Wilson has a point that other issues will emerge in the long term. The world seems to be changing very quickly. What flexibility do we have? What process do we need to follow to escalate things quickly? The whole purpose of the framework is to be able to respond quickly, in a difficult world, to provide innovative solutions to problems that arise in infrastructure, for example.

Jim Mackinnon: That is a fair point. You are right to say that Prestwick and Aberdeen airports were not included as national developments in the discussion draft. We listened to the responses on that as well as to the responses on the new port at Loch Ryan. To give the document a much stronger all-Scotland focus, we have adjusted the proposed framework, which was presented to Parliament last week. It is not about restricting different solutions that might be proposed.

However, if additional national developments were identified that were not part of the wider assessment of national developments, they would have to go through a further process of strategic environmental assessment to comply with European legislation. I think that we will make available the matrix of national developments that we considered so that the committee can see the range of things that we took into account and came to a view on. We listened to the stakeholders who responded on the discussion draft and we changed the framework. Obviously, we will listen to the Parliament's view, too.

We could have a signed, sealed and delivered document by spring of next year, but something else might happen that we are not aware of. We will have to ensure that the reforms that we are putting in place to the planning system enable us to respond promptly and efficiently to such things and move the agenda forward. We must always be alert to new opportunities and circumstances. The proposed framework is a snapshot of Scotland at this stage, but it is not saying that anything outwith it cannot be done. Councils will take many decisions in response to proposals that come to their notice.

Dr Purves: The convener also asked about the power generation developments.

The Convener: Yes. I am interested in knowing whether the criteria against which the decision was taken to include those developments were the same as those that were used for other developments, such as Aberdeen and Prestwick airports. Did common principles apply? There is no reason to think that they would not.

Dr Purves: What happened with power generation developments was similar to what

happened with the airports. We gave a locational steer in the discussion draft that it would be sensible to locate any significant new base-load capacity at the sites of existing power plants. However, we did not make that a national development. In responding to the discussion draft, the power companies made representations to us that they thought that it would be helpful if it were included as a national development. We considered that with our energy policy colleagues and concluded that it was a good idea. That is how we got to where we are on the matter.

The Convener: I am still concerned, though, because the framework sets out new planning arrangements for significant projects in Scotland on which you were lobbied on two occasions. Were changes made because of lobbying pressure from power companies or the airports? Are we getting off to a bad start in that regard? Hard decisions must be made, which means that you have to say to power companies and BAA that you are deciding on your priorities. Are you adding things to the framework because of political pressure?

Jim Mackinnon: Absolutely not. We published the discussion draft at the beginning of January, took account of representations that we received and adjusted the framework in the light of those. The projects that we have included as national developments make sense to us as contributions to the Government's central purpose. Specifically, they met the criteria that Mr Swinney set out last September.

The Convener: Okay. You said earlier that the parliamentary process gives the opportunity to alter the framework. Through the consultation, power companies and others have been able to change the nature of some of the projects in the framework because of their lobbying pressure. The Planning etc (Scotland) Act 2006 requires Scottish ministers to have regard to any resolution or report from a Scottish Parliament committee made during the period for parliamentary consideration. If the committees come up with similar arguments about projects, will they be given the same sort of weight as the industry lobbying was? We know that many committees, including the Transport, Infrastructure and Climate Change Committee though not necessarily this one, will consider specific projects. If they decide that they are not happy with something and want something done about it, what weighting will the minister give to their views?

Jim Mackinnon: The minister will give considerable weighting to committees' views. I point out that there were other projects that people responding to the discussion draft wanted to be included as national developments but which we decided did not meet the criteria. It was therefore

not the case that things could go in as national developments because that was what individual stakeholders wanted—we did not take that view at all. We are in this parliamentary process for the first time. The 2006 act requires a 60-day period of parliamentary scrutiny, and ministers will have strong regard to what the Parliament says on the national planning framework. That will be hugely influential on their decision on what should be in the final framework.

Mary Mulligan: You said that you did not accept all representations. What projects came forward that did not end up being included?

Jim Mackinnon: Graeme Purves can probably elaborate on that in more detail. However, I recall that, for example, when we held a session in north-east Scotland, there was pressure to have Peterhead harbour identified as a national development. We did not think that Peterhead harbour, important though it is for the fishing industry, merited that approach. Graeme will be aware of other projects.

Dr Purves: Indeed. A document that has been provided to the committee lists 52 candidate national developments, which were projects that were proposed to the Government for our consideration. We considered them all, including their potential environmental impacts. Ultimately, we did not include them, largely because they did not meet the criteria that ministers had announced to Parliament in 2007. We did a formal assessment of the projects against the criteria, which we can make available to the committee.

Jim Mackinnon: We also commissioned an independent consultant's assessment of the reaction to the national planning framework—the committee already has a copy of that. The processes that we have followed are transparent. We have given you all the material that we think is relevant, but if you want more, we are more than happy to provide it. A substantial volume of material can be put at your disposal—the small document in front of you is the tip of a very large iceberg.

Mary Mulligan: One difficulty for the committee is the timescale for getting through the detail. Some of the questions perhaps could have been answered if we had had time to do that, but I appreciate your guidance on where to go for that information.

Patricia Ferguson: I am perhaps going over ground that has been covered by others, but I want to be clear. The Government identified projects of national importance in the consultation document, but other projects in specific localities then emerged that it was thought could be included because they were national and helped the framework to have an all-Scotland focus. How

did you achieve a balance? If the Government set out with a list of national projects, it must have known what all the national projects actually were. Did the criteria have to be adapted in some way? How did you achieve a balance?

Jim Mackinnon: As Graeme Purves said, we evaluated 52 projects. People came back to us with their own ideas on the discussion draft—it was a discussion draft rather than a blueprint that we did not want to change—and we listened to what people said. Some other developments were suggested, and we applied the strategic environmental process to them, which is required as a matter of law. We came up with a revised list, including rail enhancement around Glasgow, the power stations that Graeme Purves mentioned, and the Loch Ryan development. We basically listened to what our stakeholders said and evaluated any ideas against the original criteria to produce a revised list.

It would have been wholly inappropriate if we had just said that we would not change and that the idea was fixed. Of course, we will listen carefully to what Parliament says about what should constitute a national development.

Dr Purves: A couple of projects were not included in the discussion draft because, when we issued the draft, the project promoters had not made a final decision on how they wanted to proceed. For example, Stena Line, which is one player in the Loch Ryan port development, had not made a final decision on whether to relocate. Similarly, at Hunterston, there was not a clear project on the table when we issued the discussion draft. The projects were subsequently firmed up, and representations were made to us. They were assessed against the criteria and scored well.

The Convener: There are no other questions from the committee. I thank the witnesses for their time this morning; we appreciate their evidence.

11:14

Meeting continued in private until 12:23.

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