

# **TRANSPORT AND THE ENVIRONMENT COMMITTEE**

Wednesday 27 February 2002  
*(Morning)*

Session 1

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## TRANSPORT AND THE ENVIRONMENT COMMITTEE

7<sup>th</sup> Meeting 2002, Session 1

### CONVENER

\*Bristow Muldoon (Livingston) (Lab)

### DEPUTY CONVENER

\*Nora Radcliffe (Gordon) (LD)

### COMMITTEE MEMBERS

\*Robin Harper (Lothians) (Green)  
Mr Adam Ingram (South of Scotland) (SNP)  
\*Angus MacKay (Edinburgh South) (Lab)  
\*Fiona McLeod (West of Scotland) (SNP)  
\*Maureen Macmillan (Highlands and Islands) (Lab)  
\*Des McNulty (Clydebank and Milngavie) (Lab)  
\*John Scott (Ayr) (Con)

\*attended

### WITNESSES

Ms Margaret Curran (Deputy Minister for Social Justice)  
Mike Scott (Scottish Executive Development Department)

### CLERK TO THE COMMITTEE

Callum Thomson

### SENIOR ASSISTANT CLERK

Tracey Haw e

### ASSISTANT CLERK

Alastair Macfie

### LOCATION

Committee Room 1



## Scottish Parliament

### Transport and the Environment Committee

*Wednesday 27 February 2002*

*(Morning)*

[THE CONVENER *opened the meeting at 10:06*]

**The Convener (Bristow Muldoon):** Good morning. I welcome the press and public to this meeting of the Transport and the Environment Committee. I welcome also Margaret Curran, Deputy Minister for Social Justice, and Mike Scott from the Scottish Executive, who are here to address agenda item 2 on subordinate legislation.

We have had an apology from Adam Ingram. I think that there is a clash with another committee on which he serves or has an interest. I remind members that, after the formal meeting, we will have a briefing from Executive officials on resource accounting and budgeting, which will assist the committee in its deliberations on the budget.

### Items in Private

**The Convener:** I seek agreement from members that we take items 6 and 7 in private. Item 6 is to discuss potential advisers in connection with our proposed inquiry into rail services in Scotland. As we are dealing with individuals, it would normally be the case that we would take such an item in private before we decide which individuals we wish to approach. Item 7 relates to contract arrangements with our existing adviser on aquaculture. For a similar reason, I would recommend that we also take that in private. Do members agree that we take those two items in private?

**Members** *indicated agreement.*

## Subordinate Legislation

### Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2002

**The Convener:** Item 2 is consideration of an affirmative instrument. Members will have received a covering note on the regulations. They are laid under affirmative procedure, which means that Parliament must approve them before their provisions come into force. With that in mind, the sponsoring minister, Iain Gray, has lodged a motion that asks the Transport and the Environment Committee to recommend approval of the regulations. Margaret Curran is a supporter of the motion and is here to speak to it.

The Subordinate Legislation Committee considered the regulations at its meeting on 29 January and determined that the attention of Parliament need not be drawn to them. As we are required to report on the regulations by 9 March, we will follow the usual procedure for handling affirmative instruments. First, I will give members the opportunity to ask the minister and her official any questions that they might have about the regulations. I should point out that the questions should be genuine questions of clarification and should not stray into a substantive debate about policy.

After we have done that, I will ask the minister to move the motion. Other members will then have the opportunity to contribute to a formal debate on the motion, which must last no longer than 90 minutes. As Mr Scott—the Executive official, not the MSP—will not be able to participate at that stage, I ask members to raise any questions that he could assist with during the question-and-answer session.

I believe that John Scott seeks some clarification.

**John Scott (Ayr) (Con):** That is right. Actually, I have already intimated my question to the minister. Are the size of the fee increases outlined in the regulations in line with inflation and the retail price index? Furthermore, when were the fees last reviewed? That information would give us some indication of whether the increases are in line with inflation.

**The Convener:** I am sorry, minister. I meant to give you the chance to say a few brief words about the regulations before we started. I now invite you to make some introductory remarks. Perhaps you could also take Mr Scott's question into account, if you feel that that would be appropriate.

**The Deputy Minister for Social Justice (Ms Margaret Curran):** Thank you very much. I am very pleased to be here this morning. This is my first appearance before the Transport and the Environment Committee, and I am sure that I will be back for more. Depending on how I get on today, I might or might not be looking forward to that prospect.

The regulations introduce new levels of planning fees which, if approved by the committee, will come into effect on 1 April 2002. I should make it clear that fees are not intended to address the full costs of development control as such costs include pre-application discussions, appeals and other non-qualifying activities. They are designed to cover only the costs of processing planning applications.

The Scottish ministers consider that the increase strikes the right balance between full recovery and the likely impact on the potential developer. Fees remain a very small part—considerably less than 1 per cent—of developers' costs and there is no evidence that they act as a deterrent to development. At the domestic property end of the scale, very few householders pay any fee at all as most minor development in this area does not require a planning application.

I want to highlight some indicative figures. The minimum fee for a factory or office development would rise from the current level of £210 to £220 on 1 April while the maximum for the same categories would increase by £500 to £11,000 for a building of 3,750 sq m or more. An application to build a new house will attract a fee of £220, whereas substantial alterations to a domestic property would be charged at £110.

The Scottish ministers believe that users and potential beneficiaries of the development control system should meet the costs incurred in determining planning applications which otherwise would fall to be met by payers of council tax and business rates generally. Even after taking into account the increase in fees proposed in the regulations, I feel that planning application fee levels continue to be modest and represent a very small proportion of developers' overall costs.

On John Scott's specific questions, planning fees were previously increased in June 2000. Local authorities have provided financial data which, when adjusted to remove inadmissible costs, demonstrate that recovery stands at 95 per cent against the policy target of full recovery. Although I acknowledge John Scott's point that that figure is slightly above the level of inflation, we must remember that fee levels were previously reviewed more than 18 months ago. Furthermore, the information on which the calculations are founded is based on data that relate to local authorities' past performances updated to reflect

current trends. As a result, it has been clearly demonstrated that we need to bridge a gap between actual and target objectives. The increase in fees not only addresses the recognised shortfall, but takes into account an element for inflation.

**The Convener:** Thank you. Do any other members have questions?

**Des McNulty (Clydebank and Milngavie) (Lab):** I want to ask the minister about the maximums that local authorities are allowed to charge in relation to planning applications. For example, in the Milngavie area, a large and very controversial application has been submitted for a water treatment plant, which will cover a substantial amount of land. The cost to the local authority of processing that application will vastly exceed the maximum that the authority can charge the applicant.

When major public investments raise a series of planning issues on which the local authority is more or less forced to seek and pay for expert advice, is it reasonable that there should be a flat maximum charge of the kind that exists at present? Should the legislation be amended to allow for special circumstances—such as the nature of the application or the degree of controversy over it—that involve local authorities in costs that are in excess of those in other circumstances?

10:15

**Ms Curran:** Many serious points about the way in which the planning system works were embedded in Des McNulty's question. We will give serious consideration to the matter in terms of his constituency interests and other related interests. I will let Mike Scott come in on some of the specific issues. The Scottish Executive development department has given considerable consideration to the operation of planning instruments and to the levers that we might use to address some of the serious issues that Des McNulty mentioned.

Broadly speaking, it is appropriate to keep the fee system as straightforward as possible and not to overcomplicate matters, which might happen if we had to vary the system according to local circumstances or to individual planning applications. I am sure that some people and local authorities would suggest that special circumstances pertained to all applications, which would lead to a complex and over-bureaucratic system of fees for applications. The development department has considered the matter. Mike Scott might want to colour in the details.

**Mike Scott (Scottish Executive Development Department):** It must be remembered that the planning fee system is a balancing act. The policy

objective of 100 per cent recovery of costs applies Scotland-wide, not to each of the 32 councils. Under the regulations, the type of application that Mr McNulty mentioned will cost £11,000, which will probably be balanced out over the piece by other applications that do not take up the full fee.

**Des McNulty:** As it happens, East Dunbartonshire Council is faced with two similar major applications: the prospective £80 million to £100 million water treatment plant in Milngavie and the substantial application for the extension of the quarry at Douglas Muir, which is in my constituency. Those applications will cost East Dunbartonshire Council considerably more than £11,000. There are time implications for the planning staff and the cost of meetings, getting advice and support and producing maps. I have no idea what the total cost will be, but I am certain that it will be well in excess of £11,000 for each of the applications.

In that context, it seems unreasonable that a local authority should suddenly have to find substantial additional resources for its planning budget because of applications. With substantial planning matters, there should be an exceptionality provision under which the applicant would have to make a contribution that is more than the £11,000 fee. That cut-off point is not reasonable when in some cases the costs of processing applications are substantially higher. I understand that it is difficult to define exceptionality, but I want to highlight the issue.

**The Convener:** We are straying towards a debate on that issue. I think that the minister understands the point.

**Ms Curran:** I will try not to debate the issue. I take on board what Des McNulty says—it has a clear logic. Our minds are never closed to examining and trying to improve the system so that it works more effectively and in the interests of local people and local authorities. We have not received representation from local authorities on those points. If the occurrence of serious incidents throughout Scotland was making the system too onerous on local authorities, we would certainly look at the situation, but we have not yet received evidence to that effect. Our minds are not closed to the points that Des McNulty raised, but I reassure him that we will continue to consider the issue.

**Robin Harper (Lothians) (Green):** I have a genuine question.

**Ms Curran:** I suspect that this will be hard to answer.

**Robin Harper:** My question concerns the difference between paragraphs 3 and 4 of the schedule. The charges for glasshouses seem to be quite punitive in comparison to those for other

buildings. What is the explanation for that?

**Ms Curran:** I will refer that to the official.

**Mike Scott:** The higher charges stem from legislation that was introduced in 1995, when there was a tremendous influx in the number of agricultural tenants switching to using glasshouses for production. That is the reason for the punitive charge, as you called it. However, such glasshouses can cover a tremendous area of ground. The charges reflect the basic tenet behind the planning fees, which is that the charges are based on the area of ground that will be taken up by the development.

**Robin Harper:** The fees are not based on the expense of processing the planning application?

**Mike Scott:** The two things are tied together. One needs a measurable and identifiable basis on which to base a planning application fee. For a housing development, it is easy to say that the maximum should be based on the number of houses but, for every other development, the fee must be based on the land that will be occupied by the development. Depending on the application type, the unit of measurement is either 0.1 hectare or 75 sq m.

**The Convener:** As members have no other questions, the minister may move the motion.

*Motion moved,*

That the Transport and the Environment Committee recommends that the draft Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2002 be approved.—  
[Ms Margaret Curran.]

**The Convener:** As no members wish to speak to the motion, does the minister wish to waive her right to respond?

**Ms Curran:** I am happy to do so.

*Motion agreed to.*

**The Convener:** I thank the minister and her officials for their attendance.

### **Local Authorities' Traffic Orders (Procedure) (Scotland) Amendment Regulations 2002 (SSI 2002/31)**

**The Convener:** Item 3 deals with two further pieces of subordinate legislation, both of which are negative instruments and so do not require parliamentary approval. To date, no motion to annul the regulations has been lodged.

SSI 2002/31 was laid on 29 January 2002 and comes into force on 1 March 2002. The time limit for parliamentary action expires on 14 March. The committee is required to report on the instrument by 11 March. At its meeting on 5 February, the

Subordinate Legislation Committee considered the instrument and raised some points about it with the Executive. The relevant extract from the Subordinate Legislation Committee report is attached to the covering note. Is the committee content with the instrument?

**John Scott:** Taking into account the points that were made by the Subordinate Legislation Committee, I cannot say that I am entirely content with the instrument. There is obviously some doubt as to whether the amendment to the regulations introduces an element of retrospection. The issue boils down to whether one believes the Executive's interpretation or the Subordinate Legislation Committee's interpretation.

I am not happy that a piece of legislation that has been drawn up specifically to amend other legislation and to clear up a particular point should, in fact, introduce an element of increased doubt. We have to take the Subordinate Legislation Committee's views seriously. I know, convener, that you are a member of that committee. Perhaps you can clarify the situation for us. I am far from convinced that things have been done well.

**The Convener:** The Subordinate Legislation Committee regularly raises questions with the Executive on pieces of legislation and the Executive responds to those questions. Individual members must decide for themselves whether they are satisfied with those responses. In many cases, debates or disputes will arise, because many of the issues raised are on points of law. As I am sure you are aware, many different opinions will be expressed on points of law.

The Subordinate Legislation Committee has raised its questions, and we have received the Executive's answers. It is for you to decide whether you accept those answers. If any member is dissatisfied, they have the right to move a motion to annul the order. However, no motion to annul the order has been lodged.

**John Scott:** When does such a motion have to be lodged?

**The Convener:** It would have to have been lodged in advance of today's meeting.

**John Scott:** I see. I was unaware of that. I will let the matter rest, but I feel that it should be noted that a piece of amending legislation should not introduce a further unnecessary element of doubt into the legislation that it seeks to amend.

**The Convener:** Any legislation can be subject to challenge. However, we could not proceed on the basis that, if anyone raised a doubt over a piece of legislation, nothing could happen until there was unanimity. If we took that approach, the Parliament would not pass any legislation, whether

primary or subordinate. I therefore do not accept your point.

The clerk advises me that, if the committee wishes to defer consideration of the instrument, it can do so within the permitted time scale. The committee may defer for a further week. I am not in favour of that approach. I would prefer that we considered the instrument today, because I feel that members have had adequate time to read the papers and to lodge a motion of annulment if they so wish.

**Nora Radcliffe (Gordon) (LD):** I share some of John Scott's reservations, but although we may be disappointed by some of the shortcomings of the instrument, none of those shortcomings are major enough to warrant sending it back for further consideration. I understand that we have to pass the instrument in full or else it gets jumped and we have to start again from scratch. Such a course of action seems to me to be disproportionate to the shortcomings that have been listed in our papers. On balance, it seems pragmatic to accept the instrument and let it go through.

**The Convener:** This is a negative instrument, so it will come into force unless it is annulled by the Parliament. Annulment would require a motion to annul to be agreed to in this committee. The matter would then be referred to the full Parliament. If members wish, they may lodge a motion to annul. I do not feel that we should take that approach in this case. However, as I say, it is for members to decide.

10:30

**Des McNulty:** The role of the policy committee is different from that of the Subordinate Legislation Committee, which considers the dots and commas of legislation. Our committee's job is to consider policy implications. The case for the defects that the Subordinate Legislation Committee claims exist is not strong and does not have policy implications for us. I am a bit dubious about going too far into those issues.

It would help members to have a cover note for such negative instruments that tells members who want to launch an objection or discuss an instrument to tell the clerks before the meeting. That would be a good housekeeping rule. Such instruments are often provided in a bunch. If a front sheet said, "You must get in touch with the clerk if you want to discuss an instrument," that would have two advantages. It would prompt people to follow the correct procedure for raising an issue and allow instruments that people did not want to discuss to be taken on the nod. If the procedure had not been followed, we would not have to spend time debating an instrument. A cover note would help.



**The Convener:** I agree that that would be useful. I recollect that the previous convener asked members to adopt that approach some time ago. It would do no harm to reiterate that on the cover note that accompanies statutory instruments that are subject to the negative procedure and to advise members of the action that they require to take to object to an instrument.

As we have no motion to annul, do we agree that we need take no action on the regulations?

**John Scott:** I disagree. I would like to press for the matter to be deferred to next week, but if the committee overrules my suggestion, so be it.

**The Convener:** John Scott proposes that we defer consideration to next week.

**Robin Harper:** In addition to a cover note, it would occasionally be useful to question someone on instruments.

**The Convener:** To be fair, if people had said that they wished to object to the regulations, the Executive would have made witnesses available, but no one objected before the meeting. That is why I stress that people should read the papers sufficiently in advance of the meeting that they can raise such issues.

Do members agree to John Scott's proposal that we defer consideration of the instrument to next week's meeting?

**Members:** No.

**The Convener:** There will be a division.

#### FOR

Scott, John (Ayr) (Con)

#### AGAINST

MacKay, Angus (Edinburgh South) (Lab)  
Macmillan, Maureen (Highlands and Islands) (Lab)  
McNulty, Des (Clydebank and Milngavie) (Lab)  
Muldoon, Bristow (Livingston) (Lab)  
Radcliffe, Nora (Gordon) (LD)

#### ABSTENTIONS

Harper, Robin (Lothians) (Green)

**The Convener:** The result of the division is: For 1, Against 5, Abstentions 1. The proposal is disagreed to. Do we agree that we have nothing to report on the regulations?

**Members indicated agreement.**

### **Water Services Charges (Billing and Collection) (Scotland) Order 2002 (SSI 2002/33)**

**The Convener:** The order was laid before Parliament on 1 February 2002 and comes into force on 1 April. The time limit for parliamentary consideration is 17 March and we require to report by 11 March. The Subordinate Legislation

Committee considered the order at its meeting on 12 February and determined that Parliament's attention did not need to be drawn to the order.

The order allows local authorities to continue to collect water charges on behalf of Scottish Water. Given that no motion to annul has been lodged, does the committee agree that it has nothing to report on the order?

**Members indicated agreement.**

## Finance Committee Inquiry (PFI/PPP)

**The Convener:** Item 4 concerns a letter that we have received from the clerk to the Finance Committee on that committee's inquiry into the public finance initiative and public-private partnerships. The Finance Committee will undertake a series of case studies of projects to test the oral and written evidence that it has taken for the inquiry. A reporter group will examine an infrastructure project and will take a waste water project as its case study. I understand that the project concerned will be the Seafeld waste water treatment works.

The letter invites the Transport and the Environment Committee to nominate a member to join the reporter group. It is envisaged that a visit will take place on Tuesday 19 March—that is also my birthday, so remember the cards—and that those present will include representatives of East of Scotland Water, which developed the plant, three members of the Finance Committee and one member of the Transport and the Environment Committee. The visit will consist of a short tour, followed by a board-style meeting.

Before I ask any other members to comment, I give Des McNulty, who is convener of the Finance Committee, the opportunity to say something on the proposal.

**Des McNulty:** The Finance Committee has conducted a fairly in-depth inquiry into PFI/PPP. Before completing that project, we will consider some examples of PFI and PPP projects. We have taken three categories: health projects, education projects and what might be roughly called infrastructure projects. Within the infrastructure projects category, we have selected water and sewerage projects. That is partly because we want to build on some of the work that this committee did in its inquiry into water and the water industry, in which the committee spent a lot of time investigating PFI/PPP in the water and sewerage industry.

The Finance Committee's interest in such projects is as snapshots of the mechanisms of PFI/PPP. We acknowledge that the subject committees have a continuing interest in the areas that we have chosen. It would be helpful to have somebody from the relevant subject committee on the Finance Committee reporters groups so that they could contribute their expertise and their knowledge of the work that has been done and give the Finance Committee's work continuing relevance to that of the subject committee.

**The Convener:** I take it that we are agreed that it would be appropriate for the committee to

nominate a member to take part in the work, particularly given that we have investigated PFI/PPP in previous work on the water industry. If we are agreed that it is appropriate for us to assist the Finance Committee in its work, are there any indications of interest from members who wish to participate?

**Angus MacKay (Edinburgh South) (Lab):** I am interested.

**The Convener:** Does anyone else wish to participate?

**Maureen Macmillan (Highlands and Islands) (Lab):** Absolutely not.

**Nora Radcliffe:** I make an observation about the size of the committee. I think that almost every member of the committee is acting as a reporter in some capacity or another. Adjusting the number of members on the committees was a retrograde step. Our numbers are not sufficient to undertake the work that I hoped that committees would do.

**The Convener:** I note your comments, but the decision on the size of committees is ultimately one for the whole Parliament.

**Nora Radcliffe:** I agree, but I make that observation at this point because it is relevant.

**Des McNulty:** Can I say something about that?

**The Convener:** I would prefer that we not get into a debate about that matter right now. The committee cannot change its size. That is a matter for the whole Parliament. If members feel that it is a problem, I suggest that they take it up within their parties and ask their business managers to consider the issue.

Is it agreed that Angus MacKay be our reporter on the Finance Committee's work?

**Members indicated agreement.**

## Petition

### Trunk Roads (Commercial Developments) (PE403)

**The Convener:** Item 5 is a petition from Mr Allan McDougall on congestion on trunk roads in the Aberdeen area. A covering note has been circulated to members. The petition refers to a proposed development on the A90 trunk road in Aberdeen. The petitioner clarifies that, although planning permission has not been granted for the development, it has been granted for the access roads to the development.

The committee's options for dealing with the petition are set out in the covering note and I seek members' views on the action that the committee should take. I remind members that our previous approach has been not to comment on individual planning applications, because it would be unhelpful for the committee to become part of the appeal mechanism for planning applications. I ask members to bear that point in mind.

**Robin Harper:** I have a great deal of sympathy with the petitioner. I will not comment on the specific development to which the petition refers, but I will comment on the effect of large out-of-town and near-town developments on our city centres and inner-city villages. My clear view is that such developments have gone far enough—in some cases, they have gone too far. We need to revise planning guidelines further to put the brakes on such developments. They have all sorts of unfair commercial advantages over city centres and inner-city villages, not least of which is free parking and the extra traffic that is generated as a result. We failed to address that issue in the Transport (Scotland) Act 2001 and it should come back to the Transport and the Environment Committee in the near future, because our consideration of the overall effects of such developments on our cities could become an urgent matter.

**Des McNulty:** The petition is somewhat misdirected when it says:

"The Scottish Executive Trunk Road Directorate has now accepted the possibility of a further Superstore development"—

on the A90. Ultimately, it is for Aberdeen City Council or Aberdeenshire Council to make decisions about superstore developments.

I agree with Robin Harper on two counts. First, we may need to look at congestion, perhaps as part of our post-legislative scrutiny of the impact of the Transport (Scotland) Act 2001, which I suggested at a previous meeting that we should undertake. We should look at what has been happening in the two years since the Transport

(Scotland) Bill was introduced.

Secondly, the committee needs to devote some of its time to planning. The committee has been responsible for the consideration of planning issues for the past three years, but we have not done much work on those issues since our consideration of mobile phone masts. We may need to focus on that work.

However, as far as PE403 is concerned, we should point out to the petitioner that we are already looking at transport issues in Aberdeen as part of our work on petition PE357. We should also point out that specific responsibility for the issues that are raised in the petition lies with the planning authority. We should leave matters at that. We should consider planning issues, but we should not do so in relation to petition PE403.

**The Convener:** I understand that an appeal on the matter is with the Scottish Executive. We should advise the petitioner to direct his comments to the relevant minister. I suspect that he will have done so already, but when we write back to him, we should reinforce the fact that it would be appropriate for him to put his comments directly to the minister responsible for considering the planning proposal.

I agree with Des McNulty that, given that we are already considering transportation issues in the Aberdeen area in general in relation to PE357, we should focus on the related aspects of PE403. We should indicate to the petitioner that that is our intention. We should also point out to the petitioner that the Scottish Executive is carrying out a consultation on participation in the planning process and that some of the points that the petitioner makes would best be addressed to that consultation process.

10:45

**Maureen Macmillan:** Yes, it is obvious that PE403 has a strong link to PE357 from Aberdeen City Council. I think that the strategic plan is to be published in March and that we planned to take evidence from the council then.

**The Convener:** No, we decided to take evidence from the minister at that stage.

**Maureen Macmillan:** That is right. We took evidence from Aberdeen City Council when we held our meeting in Aberdeen. We are well aware of the issues behind the petition and I hope that we can resolve them at a later date. We should draw attention to the fact that we will take evidence from the minister once the strategic plan is published. That might help the petitioner in his anxiety to see congestion relieved. I am sure that the issue is one of congestion, rather than supermarkets.

**Nora Radcliffe:** From what members have said, it appears that they have not received the e-mail that the petitioner sent, clarifying some of the reasons behind the petition. The petitioner is aware that the committee cannot consider an individual planning application, but they are setting that to one side—it is cited as an example of what is wrong with the planning system. The petitioner is concerned that a decision seems to have been made that is contrary to national planning policy guideline 17, which specifically states that large commercial developments should not be accessed directly by a trunk road, but should be accessed via secondary roads. There is a concern that two public bodies are taking contradictory approaches to planning guidelines.

The petition asks for the opportunity to hold a public inquiry or meeting in respect of such large developments. The petitioner is aware of the on-going consultation and they are contributing to that. As Des McNulty said, the committee has not done much on planning and perhaps we should be considering how we can participate in or take cognisance of current consultation on the planning system.

**The Convener:** I would sound a note of caution against putting additional work into our work programme because our time is heavily committed for much of the remainder of the year.

**Nora Radcliffe:** Yes, that is a difficulty.

**The Convener:** We should be cautious about committing ourselves to another substantial piece of work, given that we have recently agreed the work programme. There may be some flexibility, but I do not want us to commit to anything substantial just now.

I received a copy of the e-mail from the petitioner and I presume that other members received a copy, too.

**Nora Radcliffe:** Good. The e-mail clarified the thrust of the petition.

**John Scott:** I support your suggestion, convener, that we go for both option A and B. I agree with Maureen Macmillan that the issue is congestion and for that reason I have a deal of sympathy with the petitioner. However, rather than suggest that the petitioner gets in touch with the minister, we should forward the petition to the minister as part of the committee's work, so that the minister can take it fully into account in the appeal process that is under way.

**The Convener:** I think that we should approach the matter with a combination of options A and B. That means that we will inform the petitioner that, although we cannot take a view on the individual planning decision cited in the petition, we will examine the congestion issues that it raises as

part of our on-going consideration of petition PE357. Moreover, we will recommend that the petitioner participate in the public consultation on the review of the planning process and that he ensure that views about the applications are drawn to the attention of the ministers who are considering them. I suppose—

**John Scott:** I believe that we should draw the petition to the attention of the minister who is considering the appeal.

**The Convener:** If we did so, we would come close to getting involved in individual planning issues.

**John Scott:** Not if we simply refer the petition to the minister for his own information.

**The Convener:** I suspect that the committee would then be deluged with similar petitions from across Scotland asking us to draw individual issues to the minister's attention. It would be simple enough for people concerned about planning applications that are in the hands of ministers to correspond with those ministers directly. We should not become a postbox for such correspondence.

**Nora Radcliffe:** I agree. We should not get involved with this individual planning application. However, it would be proper to draw the general planning issues that the petitioner raises to the attention of the minister with responsibility for planning.

**The Convener:** I have some sympathy with the proposal that we draw the petitioner's concerns about the application of NPPG 17 to the minister's attention.

**Nora Radcliffe:** That is a perfectly proper way of dealing with such general issues.

**The Convener:** It would be more appropriate than expressing any opinions about the individual planning application.

**John Scott:** I should clarify that I was not suggesting that we should express an opinion, merely that we should pass the papers on to the minister.

**The Convener:** I still think that Nora Radcliffe's proposal is more appropriate. We will raise with the minister only the petitioner's concerns about the application of NPPG 17.

**John Scott:** Will we not then be offering a recommendation to the minister?

**The Convener:** No.

**John Scott:** I think that that could be construed as such.

**The Convener:** Any correspondence with the minister would raise concerns that have been

expressed to the committee about the issue and would ask the minister to take them into account.

**John Scott:** I rest my case.

**The Convener:** No, John. There is a difference between your proposal and Nora Radcliffe's proposal. Your proposal would set a precedent for the committee to send to the minister any petition that we received on a planning issue. On the other hand, Nora has proposed that we draw the minister's attention to a specific issue about the application of the NPPG. There is a distinct difference.

**John Scott:** Oh, there is.

**The Convener:** I propose that we take the approach that I have outlined. We will make it clear to the petitioner that we do not take a view on individual planning decisions. However, we will examine some of the congestion issues that he raises in our consideration of petition PE357. We will also reiterate that the Executive is undertaking a review of planning and, as Nora Radcliffe suggested, draw the concerns expressed about the application of NPPG 17 to the minister's attention. Are members agreed?

**Members indicated agreement.**

**The Convener:** Is the committee content to conclude our consideration of the petition on that basis?

**Members indicated agreement.**

**The Convener:** I thank members of the press and public for their interest in today's meeting. We will now move into private for consideration of two agenda items.

10:54

*Meeting continued in private until 11:12.*



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