

# **MEETING OF THE PARLIAMENT**

Wednesday 5 October 2005

Session 2

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# CONTENTS

Wednesday 5 October 2005

## Debates

Col.

<b>TIME FOR REFLECTION</b> .....	19683
<b>AFFIRMATION</b> .....	19685
<b>PLANNING REFORM</b> .....	19686
The Minister for Communities (Malcolm Chisholm) .....	19686
Christine Grahame (South of Scotland) (SNP) .....	19692
Mary Scanlon (Highlands and Islands) (Con) .....	19696
Euan Robson (Roxburgh and Berwickshire) (LD) .....	19698
Karen Whitefield (Airdrie and Shotts) (Lab) .....	19701
Patrick Harvie (Glasgow) (Green) .....	19703
Richard Lochhead (North East Scotland) (SNP) .....	19705
Sarah Boyack (Edinburgh Central) (Lab) .....	19707
Mr David Davidson (North East Scotland) (Con) .....	19710
Mike Rumbles (West Aberdeenshire and Kincardine) (LD) .....	19712
Ms Wendy Alexander (Paisley North) (Lab) .....	19714
Ms Rosemary Byrne (South of Scotland) (SSP) .....	19716
Margaret Jamieson (Kilmarnock and Loudoun) (Lab) .....	19718
Rob Gibson (Highlands and Islands) (SNP) .....	19719
Iain Smith (North East Fife) (LD) .....	19721
Pauline McNeill (Glasgow Kelvin) (Lab) .....	19724
Donald Gorrie (Central Scotland) (LD) .....	19726
Murdo Fraser (Mid Scotland and Fife) (Con) .....	19728
Ms Sandra White (Glasgow) (SNP) .....	19730
The Deputy Minister for Communities (Johann Lamont) .....	19733
<b>POINT OF ORDER</b> .....	19738
<b>BUSINESS MOTIONS</b> .....	19740
<i>Motions moved—[Ms Margaret Curran]—and agreed to.</i>	
<b>PARLIAMENTARY BUREAU MOTION</b> .....	19742
<i>Motion moved—[Ms Margaret Curran].</i>	
<b>DECISION TIME</b> .....	19743
<b>MET OFFICE (ABERDEEN)</b> .....	19744
<i>Motion debated—[Brian Adam].</i>	
Brian Adam (Aberdeen North) (SNP) .....	19744
Richard Baker (North East Scotland) (Lab) .....	19747
Richard Lochhead (North East Scotland) (SNP) .....	19748
Mr David Davidson (North East Scotland) (Con) .....	19750
Nora Radcliffe (Gordon) (LD) .....	19751
Shiona Baird (North East Scotland) (Green) .....	19753
Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP) .....	19753
Mrs Nanette Milne (North East Scotland) (Con) .....	19755
Mrs Margaret Ewing (Moray) (SNP) .....	19756
The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen) .....	19758

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## Scottish Parliament

*Wednesday 5 October 2005*

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

### Time for Reflection

**The Presiding Officer (Mr George Reid):** Good afternoon. The first item of business is time for reflection. Our time for reflection leader is the Rev Dr Norman Maciver, the minister of Newhills Parish Church in Bucksburn, Aberdeen.

**The Rev Dr Norman Maciver (Newhills Parish Church, Bucksburn, Aberdeen):** Feasgar math dhuibh—good afternoon to you. My native tongue is Gaelic, which was part of the environment of my early home in a Glasgow tenement. The Gaelic community of Scotland owes the Parliament a debt because, this year, you have adopted the Gaelic Language (Scotland) Act 2005 and so all Gaels have to be extremely grateful to you.

Not all Parliaments under which we have lived have been as supportive of the Gaelic language. Many would say that the language has never really recovered from the effects of the Education Act 1616, which abolished and removed Gaelic as a language. The language would not have survived at all were it not for its prominence in the life of the church of the day. You have gone a considerable way towards encouraging ordinary people to learn and communicate in their native language. Communication is of the essence of any purposeful life because at the heart of fruitful, healthy communication is the need to understand our context, as well as the freedom to say what we believe.

Communication is at the centre of meaningful relationships, so there is an onus on communicators to use the channels that are available to us to communicate clearly so that the context of our relationships is open and free. That context today in Scotland is increasingly multicultural, and with such diversity come creative opportunities for understanding others as well as ourselves. However, at the same time, there is the danger of misunderstanding and, therefore, disharmony. The fact is that in Scotland we have a head start in offering models of creative diversity of culture—it is not new to us. I have lived in three different cultures in this one nation: the centre of Glasgow, the Western Isles and, for the past 30 years, the north-east of Scotland. Each has a decidedly different culture—indeed, dare I say it, language—and yet each is a proud bearer of our

one uniting nationality, which has created channels of harmonious relationships.

In your genuine attempts to ensure the freedom of all peoples of this nation to contribute their rich heritage to our increasingly diverse society, remembering that freedom is fundamental to our ability to communicate with one another, you need to make absolutely sure that no particular section of our nation is restrained in its ability to say what it honestly believes to be the truth.

I stand here as a follower of Jesus Christ, who said:

“the truth shall set you free”.

Let us defend truth for, in so doing, we will ensure freedom and therefore continue Scotland's history of multiculturalism, whatever our language. Mòran taing agus gum beannaicheadh an Tighearna ur deasbadan—my warmest thanks and may the Lord bless your discussions.

## Affirmation

14:34

**The Presiding Officer (Mr George Reid):** The next item of business is the making of an affirmation of allegiance by the new member for the Glasgow Cathcart constituency, Charles Gordon.

*The following member made a solemn affirmation:*

Mr Charlie Gordon (Glasgow Cathcart) (Lab)

## Planning Reform

**The Presiding Officer (Mr George Reid):** The next item of business is a debate on the subject of planning reform.

14:36

**The Minister for Communities (Malcolm Chisholm):** When I launched the white paper in June this year, I said that it was our intention to reform the planning system from top to bottom and not merely to tinker with it. That is why the package of proposals in the white paper is so comprehensive and encompasses all parts of the planning system: the preparation of development plans; the processing of planning applications; appeals; inquiries; and enforcement.

The package is not only comprehensive but far-reaching. The forthcoming planning bill will lay the foundations for the reforms but they will need to be taken forward in a raft of secondary legislation, circulars, guidance and advice notes. Some of the issues that are raised this afternoon will probably be more appropriately dealt with in one of those ways. The package contained within the white paper has been developed in response to a range of demands from different interests with varying perspectives, and a great deal of consultation and discussion was required to ensure that the proposals are robust and consistent with the objectives we have set for the planning system. In our partnership agreement we promised that we would implement reform to strengthen the involvement of local communities, speed up decisions, reflect local views better and allow quicker investment decisions. In summary, we are aiming to promote a more efficient planning system that facilitates the critical decisions that are essential for Scotland's continued growth, alongside enhanced opportunities for the public to participate in the policies, proposals and decisions that shape the environment in which they live and work.

The white paper built on the programme of recent planning consultations to provide a reform package based on four key principles: first, developing a planning system fit for purpose, with a new hierarchy headed by an enhanced national planning framework; secondly, improving the efficiency of the planning system; thirdly, ensuring that all interests, including local people, are properly included in planning decisions; and fourthly, emphasising that development be socially, environmentally and economically sustainable.

There is little point in putting effort into transforming and modernising the planning system unless that leads to better outcomes. Our reforms

must be aimed at facilitating better quality investment in public services, infrastructure, jobs and the regeneration of our communities. They must also ensure that where development is needed in our cities, towns, villages and countryside, it enhances the quality of the environment. As we said in the partnership agreement, our top priority is Scotland's economic growth and that growth must be sustainable.

I wish to summarise briefly progress on the planning reform agenda since the launch of the white paper at the end of June. We knew that this complex package required further explanation and discussion with as many as possible of those who are interested in or affected by the reforms. Over the summer months, my ministerial colleagues, officials and I have engaged in an extensive programme of meetings and discussions with a variety of interests around the country. Councillors, council officers, community representatives, professional bodies and practitioners, business, environmental groups and members of the public have had the chance to hear our reasoning behind the white paper and to comment on it. Our approach has been to explain the package in an open-minded way and to listen to views about where either clarification or, indeed, a different approach might be considered. It has proved an extremely valuable exercise. The feedback from the many sessions will be considered alongside the written representations that we received in response to the white paper.

I am pleased to say that we received more than 250 representations, many of which were detailed in their consideration of the issues that we raised. We have not yet had time to digest fully all the responses, but we will ensure that our final decisions on the content of the proposed planning bill and the accompanying package of reforms are based on a full and properly considered analysis of the representations that we received.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** What percentage of respondents to the consultation were in favour of a limited third-party right of appeal?

**Malcolm Chisholm:** I do not have a figure at the moment, but when we have that information, I will write to Mike Rumbles with it.

Some evident themes are already emerging from the consultations that we had over the summer and from the written submissions that we are now analysing. Perhaps the most important message to emerge is that there is broad support for the general thrust of the white paper's proposals. There is a recognition that the criticisms of the system that we have identified are, to a greater or lesser extent, justified, and that measures of the kind that we propose are needed to improve the way in which the system operates.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** Is the minister aware that on Tuesday this week the Deputy Minister for Finance and Parliamentary Business, who has responsibility for local government, came to the Local Government and Transport Committee and lodged an amendment that introduced a third-party right of appeal for those who object to the issuing of licences by licensing boards?

Is the Executive not being contradictory in what it suggests in the proposed planning bill? Is it not considering two different approaches at the same time, given that there is a third-party right of appeal for objectors to licences?

**Malcolm Chisholm:** That is a rather simplistic analogy that does no justification whatsoever to the complexities of the argument. However, I will deal with that issue later, as will, I am sure, other members, such as Johann Lamont.

I am also heartened by people's general feeling that we have sought to address the issues and concerns in a fundamental manner rather than tinker with the system. There are, of course, areas in which it is felt that we could have gone further, and there are points of disagreement and concern as well as areas on which more detail is required. I assure colleagues that we will continue to work through these issues with our stakeholders.

In particular, there appears to be very wide support for the white paper's emphasis on enhancing the primacy and role of the development plan. Many have welcomed proposals such as the statutory requirement on planning authorities to update their development plan every five years; simplifying the process for the preparation of a development plan with a single proposed plan; and the greater focus on scrutinising departures from the development plan. There was also broad support for our proposals to ensure that public participation in plan preparation is enhanced. I will say more about that in a moment.

Moreover, there has been a general welcome for our concept of a hierarchy in planning, in which planning applications are treated in different ways according to their complexity and impact. There seems to be a recognition that it does not make sense for an application for a minor alteration to a single house to be subject to more or less the same planning procedure as an application for a major retail development or regional waste management facility. The new procedures that we propose for major developments have been welcomed, as has our intention to review permitted development rights at the minor end of the scale.

There is also broad support for our proposal to give an enhanced role to the national planning

framework. I know that there are differing views on how the national planning framework should be prepared and adopted, and I will come to those in a moment. However, the underlying principle that at national level there should be a more strategic and directional document that provides a general framework for the future development of Scotland has attracted support from interests across the spectrum.

Central to the success of the package of measures that are outlined in the paper are the proposals to ensure better opportunities for local people to be involved in planning, to get their views across and to have them taken into account. There has so far been a broad welcome from all sides—

**Brian Adam (Aberdeen North) (SNP)** *rose—*

**Malcolm Chisholm:** I will take an intervention in a moment.

There has been a broad welcome from all sides for the many measures that we are proposing. There is a consensus that better public participation in development planning is essential. That will be secured by the neighbour notification of key proposals in the plan; the requirements to make the preparation and implementation of plans more transparent; the requirement on planning authorities to produce a statement on how they have consulted; the fact that the reporter will make a public assessment of the quality of the consultation that an authority has undertaken; the mandatory examination of plans where objections are not resolved; and the modernisation of inquiries to make them more accessible to the public.

In development management, we will require far greater and more structured pre-application consultation of the local community and discussions with the planning authority. We have suggested categories in which that approach will be mandatory, but I am willing to consider extending them. I certainly think that that would be good practice in a wider range of planning applications.

There will be a greater use of hearings to allow people to have their say. There will be more transparency in the system, as authorities will be required to give reasons for approvals as well as for refusals. We should recognise that communities are already participating in planning issues.

**Mr John Home Robertson (East Lothian) (Lab):** Will the minister give way?

**Malcolm Chisholm:** I will take two interventions at the end of this section of my speech.

It is encouraging to see that, in its first year, the community involvement category of the Scottish

awards for quality in planning has attracted 13 nominations, including both community-led and council-led projects. We need to build on the good practice that already exists to ensure that all community interests have the opportunity to participate in the planning decisions that affect their lives, and to do so in ways that are appropriate to them.

A package of measures to support inclusion is proposed to accompany the planning bill. Those measures are: an awareness-raising campaign to explain the changes to the planning system and how people and communities can become involved; funding, through the planning development budget, to support planners and elected members in their engagement with communities; a pilot project on the use of mediation in planning; and the development of a common, integrated e-planning system for planning authorities.

In addition, a planning advice note on community engagement will be prepared with the support of a range of stakeholders. It will provide advice on the new requirements for inclusion that are contained in the white paper; give practical guidance on approaches to community engagement; and highlight examples of best practice. Indeed, some of the projects in the community involvement category of the planning awards could have the potential to feature as examples of good practice in the planning advice note.

I will take the two interventions now.

**Brian Adam:** Can the minister clarify what will happen in the consultation process if the proposals are carried? In particular, what will happen if both developers and residents give their views, but the views of the developers are not identified as such? Under the current arrangements, as I understand it, all views are simply expressed as such, and those of the developers are not identified as being theirs. Under the proposed legislation, is there any intention to identify those views in the interests of openness?

**Malcolm Chisholm:** I would certainly support Brian Adam's suggestion in the interests of transparency.

**Mr Home Robertson:** Following the members' business debate last Wednesday, will the minister confirm that it will be possible, when framing and implementing development plans, to make available some means of providing for a specific affordable housing land-use designation in all parts of Scotland?

**Malcolm Chisholm:** As I said in last week's debate on affordable rented housing, local authorities can certainly designate land for

affordable housing. I accept that I undertook to look into other issues regarding the detailed implementation of such designations, and it is important that local authorities can make them. I am pleased that Highland Council, for example, has designated land for affordable housing in its latest local plan.

I must now move on to the very important issue of enforcement. We acknowledge the difficulties that communities have faced. The white paper therefore proposes measures to encourage planning authorities to give enforcement a higher priority, with a requirement to produce an enforcement charter. It also proposes additions to the enforcement tools that authorities may deploy, such as higher fees for retrospective applications, the temporary stop notice and the introduction of start notices and progress notices, which are intended to aid monitoring. Further suggestions have emerged during the consultation process, and we are examining their viability.

As members might expect, the responses have thrown up a range of questions. There are significant questions about institutional capacity to take on and implement the changes that are required. Do we have the right levels of resources and skills and the appropriate recruitment and retention frameworks to ensure that the right people are in place to deliver the new system? What system of monitoring and audit is required to ensure that planning authorities are encouraged and supported in meeting their targets or in improving their performance more generally? We will work with planning authorities and others to ensure that the capacity of the system to deliver is maximised. Provisions on the assessment of planning authority performance should provide the public with confidence that performance will be monitored and that action will be taken to make improvements wherever they are needed.

We will be providing more detail about the role that we expect Parliament to play in shaping the national planning framework. Suggestions have emerged during the consultation process. We are less attracted to the idea that the national planning framework should be subject to an independent review—for example by a reporter—than to the idea that Parliament's role should involve helping to shape the framework from the outset, rather than just reacting to a near-finished product.

Whatever processes are adopted, they will be nothing like the power grab of which a few have accused us. When the planning bill is introduced, we will be able to set out in greater detail the significance of including national projects in the national planning framework and the implications for their processing. When the view of that is clearer, I expect many of the concerns that have been expressed to be allayed.

**Patrick Harvie (Glasgow) (Green):** Will the minister give way?

**The Presiding Officer:** The minister is in his last minute.

**Malcolm Chisholm:** I will give way.

**Patrick Harvie:** In a previous speech, the minister said that he might be able to give more detail in the October debate about the parliamentary process that he has in mind. Will he say more about that?

**Malcolm Chisholm:** We have certainly made progress, but Patrick Harvie will have to wait a little longer for the final resolution of that.

I thought that Patrick Harvie would ask about nuclear power stations, which I shall mention since he repeated at the weekend the idea that our proposals would affect the approval or rejection of nuclear power stations. I repeat—I do not know how many times I have said it—that none of our planning proposals will in any way affect any planning applications for nuclear power stations if such applications emerge, although it is well-known that the Executive does not support that in advance of successful resolution of the nuclear waste issue.

Am I running out of time?

**The Presiding Officer:** You have about one minute, max.

**Malcolm Chisholm:** Okay.

No one will be surprised that some who welcome the many proposals to improve public participation in the planning system still call for the introduction of some form of rights of appeal for third parties. The white paper contains a package of proposals that is designed to balance the many interests that are involved in the planning system. The thrust of our proposals is to enhance public participation at the front end of decision making in the development plan process and in development management. We acknowledge that arguments still exist over whether that balance is precisely right. As we said at the white paper's launch, we are committed to engaging in that debate as Parliament reaches conclusions on the provisions that are to be included in the proposed planning bill.

I have been heartened by the response to the white paper. We have the basis for a powerful programme of change and I look forward to hearing views from around the chamber. I am sure that many interesting speeches will be made.

14:52

**Christine Grahame (South of Scotland) (SNP):** I thank the minister for fulfilling his promise

to hold a debate in Parliament on the proposed reform of planning legislation, which we all agree is long overdue. No one can quarrel in particular with the requirement for local plans to be upgraded every five years at least. I also welcome the introduction of planning mediation, which is close to my heart.

As we can see, planning does not fill the press gallery or capture the hearts and minds of the public at large, because it is not really a sexy topic, if I may use that expression. However, it is hugely important to individuals who may wish to put up that must-have conservatory or resist a neighbour's two-storey extension, to a community that opposes whole-heartedly a development and to a nation that opposes nuclear power stations—but more of that later.

Planning becomes of interest—sometimes heated and violent—when an application is in someone's face. The white paper, to which the Scottish National Party has made a formal response, contains much that is to be welcomed: the tiering of planning applications is broadly welcomed, as are the national planning framework and the promise of more robust pre-application consultation of all parties. However, as is expected of the Opposition, which should offer a considered critique of Government legislation, we have some buts.

Substantial issues require explanation by the minister. The first question, which he has answered to an extent, concerns the proposed nuclear power stations. I will confine myself to planning aspects. I accept what he says, because in an answer to me in the chamber in June, he said:

"Nuclear power stations will not be in the national planning framework. I have made it clear on more than one occasion ... that the arrangements for nuclear power stations are not affected by the proposals in the white paper."—[*Official Report*, 29 June 2005; c 18446.]

Quite.

I understand that the First Minister has made a comment that, it has emerged, was a reference to a little-known section in the Electricity Act 1989. That relates to the report in *The Scotsman* that Scotland can say no to nuclear power. I will discuss the 1989 act briefly, because it relates to planning. I hope that the minister and his team will correct me—I do not doubt that they will—but the section in question appears to be section 36 of that act, which is entitled "Consent required for construction etc. of generating stations".

I say to the minister that I would like to understand the issue fully and put things on the record. Let us say that Tony Blair decides that a nuclear power plant should be built in the Borders and that I am the chief executive of nuclear plant

build ltd and want to build it. Suppose that I have the drawings and a track record, but the Borders community is 100 per cent opposed to the construction. Suppose that there is a national referendum that is not sponsored by the coalition or by a political party, that there are petitions that oppose the plant here, there and everywhere and that it becomes clear that a substantial majority of the people in Scotland are opposed to the construction. Of course, it is disingenuous to claim that the energy will be clean because it reduces CO<sub>2</sub> emissions—which it does—when the contaminating waste will lie in our soil for thousands rather than hundreds of years. Who will make the application? To whom should it be made? Under which legislation should it be made? As the minister said, the matter is outwith the scope of the planning legislation that we are discussing, so what processes will be used for considering that application? Who will have a final decision—ministers or the Parliament? Will I ever be allowed to build the plant? The Scottish public would like answers to those questions. When the crunch comes, does the Parliament have a cast-iron guarantee that it will have the last word on the construction of any nuclear power stations in Scotland?

As for the caveat that the issue of nuclear waste disposal must be resolved first, we simply need to consider recent events. On 27 September, Dounreay shut down after a leak of radioactive waste. That was not the first leak and it will not be the last. Indeed, in the 1970s, I remember people proposing to put nuclear waste in granite in which there is a seismic fault in the Galloway hills—totally the wrong place. Of course, the right place is the clay of London, but nobody would suggest that it should go there. I wonder why.

I move on to the SNP's second concern, which is not unconnected with what I have said about nuclear stations. We already know that the national planning framework and the designation of developments as developments of national significance exclude nuclear power stations, but are nuclear dumps excluded? I refer to the SNP's response to the white paper, which states that we need

"clarity on the level and import of public participation and ... this should be clearly indicated to the Communities Committee prior to Stage 1."

With regard to developments of national significance, the SNP states that

"the level of public, indeed, parliamentary involvement and scrutiny"

is again unclear. I raised that matter with the minister in the chamber in June when he made his statement.

I asked about what was meant by

"extensive consultation with stakeholders, subject to a strategic environmental assessment and decided on at the national level by the Executive, with the full involvement of the Parliament."—[*Official Report*, 29 June 2005; c 18441.]

Patrick Harvie raised that issue.

I asked about committee scrutiny, bill procedure, having simple debates and votes and what we were going to do. The minister responded:

"More detailed information will be available once further work has been done on that. It is a complex question."—[*Official Report*, 29 June 2005; c 18446.]

We seem to be in the same place today as we were in June, but we should have moved on. There should be more clarity about projects of national significance, how they will be designated and who will designate them. Will anybody be able to appeal? When projects go into the national framework, which will have statutory significance, what can be done thereafter? Such issues are important.

Finally, it is somewhat foolish for the minister to dismiss the third-party right of appeal out of hand. My colleague Sandra White—who is to be commended on her member's bill on the matter—will address the issue more fully. Some 86 per cent of responses to the Executive's consultation were in favour of such a right of appeal. I stress that I am talking about a very limited third-party right of appeal in the context of what I trust will be—the minister has said that it will be—a robust public participatory planning process.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I am grateful to the member for setting out her robust views on the third-party right of appeal. Do her views reflect those of all members of the SNP's parliamentary party? I remember hearing her colleague Mr Mather express a contrary view to the Confederation of British Industry not long ago.

**Christine Grahame:** That is an own goal for the member. I am talking about Scottish National Party policy. The member should read our policies.

We should not be scared of a third-party right of appeal that would operate in very limited circumstances. It is not as if we are talking about something that does not occur elsewhere. Sandra White will talk about how things work in Ireland, the National Trust for Scotland, heritable property and so on. The system works elsewhere. People should be made to feel fully involved, but they feel excluded. I hear what the minister says about all the hearings, but people go to hearings and feel that they are not listened to; they will still feel that they are the one party that is excluded when a development is being decided. I will talk about the very limited circumstances in a moment.

I am not sure how long I have got. Is it a minute?

**The Presiding Officer:** It is a minute.

**Christine Grahame:** In the context of robust pre-application consultation, the limited circumstances, which are also supported by the National Trust for Scotland, in which we would see the third-party right of appeal being used are: (a) where the local authority has a clear interest and is not a disinterested party; (b) where the application is contrary to the development plan; (c) where the decision goes against the planning officer's recommendations; and (d), where an environmental impact assessment is needed. Those are very firm circumstances.

There is much in the Executive's proposals that is worthy, but on some fundamental issues—nuclear power and nuclear waste; the scrutiny of the content of the national planning framework; the designation of developments of national significance, whether or not they are being fast tracked at the expense of accountability; and third-party rights of appeal—there is much to be on guard about now and throughout the bill's progress. We will keep on guard about those issues.

15:01

**Mary Scanlon (Highlands and Islands) (Con):** I apologise for not being here for the start of the minister's statement.

Conservatives welcome the forthcoming planning bill, which is due in December. Although it is difficult to debate precisely specific issues prior to the publication of the bill, I put on record the fact that the minister will certainly get the Conservative party's support when he—or whoever, along with John Home Robertson—proposes a new nuclear power station in Scotland.

The current planning system is cumbersome. It is slow and fairly negative towards development. We will welcome measures to simplify and speed up the planning process in Scotland as well as to include people and communities in a more proactive, fair and meaningful consultation on the development plans—as opposed to the reactive and somewhat adversarial system that we have at present. We will strive to restore some faith and trust in the planning system. I welcome the minister's announcement of the new planning advice note on community engagement. More advice needs to be given on that.

We welcome the five-year development plan cycle, but we note that, in its recent newsletter, the Convention of Scottish Local Authorities states that

"a 5-year development plan cycle will not be deliverable."

COSLA goes on to state:

"No sooner than a development plan is approved, then planning authorities would have to start the process afresh."

In a written answer to a parliamentary question, I have had it confirmed that it takes, on average, seven years to draw up a local plan. If it takes seven years to draw up one plan but there has to be a new plan every five years, it does not take a mathematician to work out that that is fairly undeliverable. It is hardly surprising that the Institute of Directors, among others, asks:

"What penalties—financial or otherwise—will be imposed on Local Authorities who fail to meet the outlined targets?"

So much of the success of the proposed planning bill will rest on up front consultation and up-to-date plans. We need to know that those will be deliverable, especially as 70 per cent of local plans are more than five years old and 20 per cent are more than 15 years old.

The Scottish Conservative party wants the bill positively to support and promote economic development. That is surely Scotland's number 1 priority and, hopefully, the Executive's number 1 priority, given the fact that Scotland's performance lags well behind that of more successful small European economies—as is stated in the national planning framework.

As illustrated during John Home Robertson's members' business debate last week, the lack of affordable housing is one of the major problems in Scotland. We hope that the planning proposals will embrace the need for an adequate and appropriate supply of housing where people want to live and work. At present, there is little evidence of linkage between affordable housing and planning. I hope that, at the very least, the local housing strategies will be included at all stages of a local authority's development plan. Economic development and regeneration will be hampered if labour cannot be supplied in the right places, and the location of the labour supply will be determined, in part, by the availability of affordable housing.

In its briefing paper, the Chartered Institute of Housing in Scotland stated that the local housing strategy,

"through continued development and improvement ... should be the key strategic housing planning document."

We must certainly look to more collaboration, which is essential given that the local housing strategy, and the proposed development plan, will be updated every five years. There has to be total co-ordination and integration of those plans.

We will not support more measures to centralise planning decisions by overriding the views of local communities and locally elected councillors, but we need to know more about what is considered to be a national development. My committee

colleagues will not be surprised to hear this from me, but if a national development includes pylons and the upgrading of existing pylon gridlines, as well as wind farms, we need to know that the system is open to public challenge and the same level of consultation and scrutiny as applications that are considered locally.

The wind farm policy is hardly rural friendly. For example, when urban dwellers face a local development plan, they will be aware of all the planning proposals and the land designations for a five-year development period. People who live in rural areas and are faced with dozens of wind farm applications have no such up front consultation. I do welcome the review of and consultation on national planning policy guideline 6 that will start in January, but it will be running parallel to the proposed planning bill's passage through Parliament, so whenever we raise problems and questions about pylons—

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** Will the member give way?

**Mary Scanlon:** I will finish my point. Whenever we raise issues about wind farms while the proposed bill is being considered, we will be referred to the review and consultation on NPPG 6. The system discriminates against rural dwellers who will not be part of the up front consultation opportunity that urban dwellers will have.

My colleague Bill Aitken gave me some information from Pollokshields Heritage, which has serious concerns about listed buildings and the Planning (Listed Buildings and Conservation Areas Act) 1990. I hope that the minister will consider those issues as well as flooding, but I understand that they are not well represented or responded to in the forthcoming planning bill.

15:08

**Euan Robson (Roxburgh and Berwickshire) (LD):** I am grateful for the opportunity to participate in today's debate. I welcome the white paper and the intention to introduce a planning bill in due course. It is right that we should have a fit-for-purpose planning system. A root-and-branch reform is well overdue and this is an important opportunity for the Parliament to underline again its relevance to the everyday life of the nation.

The proposed planning bill will enhance the national planning framework, the details of which will need to be identified by local authority planning departments in the preparation of their development plans. The detail of the bill is awaited, but the approach is right for major transport, waste, infrastructure and urban regeneration projects, for example. Of course, planning authorities must reflect current national priorities in their development plans so that the

Executive's intention can be seen as a development of that particular concept.

There are theoretical dangers concerning over-centralisation but those could surely be dealt with through appropriate parliamentary scrutiny in the Parliament's committees, and by ensuring that the legislation has safeguards to protect local involvement and interests. I look forward to seeing the detail of that kind of balance.

**Patrick Harvie:** I am intrigued by the phrase "appropriate parliamentary scrutiny". Would the member care to unpack that a little?

**Euan Robson:** Clearly, the matter is for discussion, but we should not underestimate the importance of the work of the Parliament's committees. Requiring the minister to give evidence on his proposals to a committee would be a valid way of ensuring public scrutiny of the national planning framework.

On developments below the national planning framework, I understand that the emphasis on streamlining the development plan process and on increasing participation has been widely welcomed, as the minister mentioned. Liberal Democrats concur that the structure plan has had its day. We are also entirely committed to ensuring more relevant, up-to-date and effective local development plans, which must be regularly updated. Clearly, the white paper is correct in suggesting that such updates should take place over a five-year cycle.

Before considering that in detail, I want to say a few words about planning across city regions. There is no reason why city region plans should not work, but they must be produced through genuine co-operation among the local authorities involved. For example, I understand that Scottish Borders Council is interested in participating in the city region plan for Edinburgh and the Lothians. That is fine, but the clear danger is that the larger partner in such a consortium might try to dominate, which would be prejudicial to the interests of the smaller authorities. I ask the minister to consider providing some safeguards in the forthcoming bill to ensure that that does not happen.

Let me turn now to the changes that will affect the bulk of planning applications. As I said, there is little doubt that the key change must be to ensure that development plans are updated every five years. As we know, there are numerous examples throughout Scotland of plans that are markedly out of date. In my area, the current local plan dates from 1985. Clearly, that is a matter of considerable concern, which has seriously compromised the integrity of the planning system and continues to do so. Updating those plans will be essential, but it will require careful monitoring by the Scottish

Executive as local authorities will need to invest in their planning departments if they are to achieve that objective.

Local authorities will need to make the necessary resources available, but there will be considerable dividends if they do so. If the system is improved markedly, applicants will feel more satisfied that they are obtaining value for money in the planning process. The details of such things are perhaps not for today, but the production of an initial key issues document, a single proposed plan and a development plan scheme will be important. Like other commentators who have welcomed the intent to improve public participation, I hope that public participation can be extended to include the monitoring of the action programmes that will accompany each development plan. Updating the action programmes at least every two years will help significantly to improve the system, but that will be no small task—we need to recognise that—especially for authorities that are already far behind in their development plans.

In the time that remains available, I want to cover several additional areas. Many of the difficulties that members encounter in their constituency mail bags relate to the inconsistency of decision making in planning. The proposed arrangements will markedly improve the consistency of planning decisions. If people whose application is refused are given good grounds for the refusal and are able to see that similar applications are refused, they will have at least some chance of accepting the decision. Too often, complaints about a refusal focus on a similar application that was approved either earlier or later.

I also welcome the Executive's intention to deal with neighbour notification in the planning bill. It is right to change emphasis by requiring planning authorities to issue such notifications. On too many occasions, the first that a neighbour knows of intended works on a site or of a change of use is either when the construction plant and equipment arrive or when the conversion work commences. A considerable strengthening of neighbour notification would, I believe, be in line with the concept of improved public participation.

However, although such a change to local authority responsibilities is welcome, I must caution that councils have sometimes failed to deliver notifications when the application for permission has been made on what might be described as an interdepartmental basis, so an important job remains to be done on that issue. Perhaps an incentive would be to allow objectors from unnotified neighbours to be heard for a longer period. That might ensure that greater

efforts are made to make all neighbours aware of planning and development proposals.

I have not time to cover as many issues as I would wish, but I will highlight the importance of enhancing enforcement. It is also important that local authorities have an automatic neighbour notification procedure for approved developments that fall outwith the development plan. Where the objection is upheld by ministers, through the inquiry reporters unit, the cost of the process should be laid at the local authority's door. That would ensure a greater concentration of the mind before approvals are given.

The issue of third-party rights of appeal has been raised. Before the bill is introduced, I would like to discuss with the minister the role of community councils. There may be significant problems that are not clear at the moment—I do not expect a commitment to be made at this stage—but it is possible to conceive of an enhanced role for community councils in this area. Should a right of appeal be vested in community councils, it will have to be closely prescribed. Important procedures will have to be laid down to ensure that it is exercised in a consistent manner. However, it is worth our addressing the issue now, even if only to dispose of it, for the simple reason that we will not come back to planning law in this session and, possibly, the next. It is therefore vital that we consider all the arguments, dispose of them where we need to and ensure that we have a planning system fit for the 21<sup>st</sup> century. I am sure that we will achieve that and look forward to being engaged in the process.

15:16

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

Planning is one of the few areas of legislation and policy that touches the lives of everyone in Scotland on a daily basis. Every area of our lives is directly affected by planning decisions—from our homes to our places of work, from shopping centres to the transport system that we use to get there and from nuclear power stations to wind farms. All those developments bring lasting benefits and require planning decisions. Many of them require decisions that are contentious.

We need to ensure that Scotland has a planning system that is fit for the 21<sup>st</sup> century—a system that supports rather than hinders economic growth, ensures that we have sufficient housing developments while protecting valuable green spaces, and recognises the serious concerns of those directly affected by planning decisions.

The proposals set out in the white paper provide us with an important opportunity to overhaul our current planning system, which has become badly tarnished in the minds of many Scots. It is vital

that we take the opportunity to restore public confidence and to revitalise our planning laws. That does not mean that we promise a system in which objectors will always get their way. We must be honest about the inherent tensions in the planning process. We all benefit from the types of development that I have mentioned, but none of us necessarily wants to live next door to those developments.

We all know the scenario in which the residents of one neighbourhood complain because there are no play areas in their new housing development, whereas the residents of the neighbouring estate complain because too many kids are congregating at the newly built play area on their estate. If we are truthful, we must concede that planning can never please all of the people all of the time. However, a modernised planning system can ensure that local concerns are properly heard and taken into account during the decision-making process.

I welcome the proposals in the planning white paper to ensure that local people are given the opportunity to engage with the planning process at an early stage, both in the development of local plans and in relation to individual planning applications. If we are to restore public confidence in the planning system, it is vital that that engagement is meaningful and not tokenistic. That means that developers must face tough actions if they breach any conditions associated with a decision to grant approval. I urge the minister to introduce measures to ensure that serial offenders—those developers who continually breach planning conditions—face tough penalties and that their actions are taken into account when future planning applications are considered.

In addition, local authorities must take seriously their duty to engage with people in the development of plans. I welcome measures in the white paper to ensure that councils keep their local plans up to date. We live in a fast-changing world; if local plans are to be the cornerstones of planning decisions, it is vital that they reflect the changing needs of their communities. That is why I also welcome the measures in the white paper to streamline the process of drafting local plans and to make them similar documents. Similarly, contrary to the concerns expressed by some of the lobbying organisations, the proposal to establish a more rational hierarchy in the planning system should help to ensure that planning decisions are taken in the most appropriate setting and, where possible, locally.

I urge the minister to ensure that there will be measures in the forthcoming bill to address the cumulative impact that a number of similar planning applications can have on communities. We have only to look at Greengairs in my

constituency to see what life is like for people who live in a village that is surrounded entirely by opencast mines and landfill sites. Although it is true that hard decisions have to be taken about the development of such sites, it is also true that no one community must feel that it is continually under siege as a result of those decisions.

I ask the minister to consider in particular who will be responsible for measuring the cumulative effect of planning developments. That is important because some opencast developments span a number of local authority areas. Each council might consider that the level of development within its boundaries is acceptable. However, when the extent of that development across two or three local authority areas is examined, it becomes clear that the scale of development around them impacts severely on some communities.

There is much to be welcomed in the Executive's white paper. The proposals strike a balance between the need to sustain growth and the need to ensure environmental justice. I look forward to the detailed discussions that will take place as the bill progresses through the committee stages. I know that there will be some robust doubt, not least about the third-party right of appeal.

My colleagues and I on the Communities Committee are determined to ensure that all sections of Scottish society—public, private and civic—have the opportunity to help shape the planning bill as it passes through this Parliament.

15:22

**Patrick Harvie (Glasgow) (Green):** I often find it a little difficult, and I am sure other members do too, to interest people in debating the future of the planning system. For many people it is pretty obscure, dry stuff. However, it is vital and I am sure that all members of all parties agree that the fundamental reforms that are being considered will set the context for pretty much all development in Scotland, perhaps for decades.

Very often, people care about a specific application only when they feel that it threatens their local park, town centre or community. It is difficult to get people to take an interest in the planning process before it reaches that point, but it is understandable that people will respond when they feel that immediate impact.

For that reason, it will be phenomenally difficult for the Executive to achieve its objective, which I share, of involving people up front and early on in the planning system. Sometimes that instinctive, immediate, "I'm affected now" response can be put down to nimbyism or selfishness, but it is often more than that. It is often genuine concern for social and environmental impacts, not just on oneself, but on one's community.

Karen Whitefield mentioned that many developments that go through the planning system bring lasting benefits. I am sure that as much as any member here, Karen Whitefield understands that developments can also bring lasting social and environmental harm.

It is because we want people to engage up front whenever possible that I say a brief word of thanks to Planning Aid for Scotland, whose representatives came to Holyrood today to brief MSPs. Its work in empowering communities and giving them the skills, information and knowledge that they need to engage successfully in the planning system is one of the important measures that can help to create the culture change that ministers talk about.

**Mike Rumbles:** Does Patrick Harvie agree that important as it is to get those consultations absolutely right, it is not an either/or situation—that decisions can be wrong and that there should be an appeals process for both agreed parties?

**Patrick Harvie:** I am about to discuss that point in relation to third-party right of appeal. However, I will first highlight a case that Glasgow members will remember—particularly Pauline McNeill, whose constituency was affected. Thornwood park still exists, but it is not as big as it once was. Although it was loved and well used by people in the community, they were dismissed by the developer as a bunch of communists. I have no idea—and do not care—whether they were communists. They simply loved their park and felt completely locked out of a decision that would impact on their lives. I have since spoken to people involved in the Thornwood park campaign who, because of their experience, will never bother with such matters again.

As a result, I support third-party right of appeal not because I want lots of people exercising the right to appeal decisions; I do not want more communities to have to go through another stage of involvement with the planning system if it only makes them feel stressed and defeated and has the same outcome. I support third-party right of appeal as a way of giving developers and local planning authorities an incentive to get involvement right, because that will give them the incentive to avoid the appeals stage altogether. At the moment, local planning authorities have an incentive only to avoid developers' appeals. Because they feel that they do not have the capacity to deal with appeals, local authorities grant consent for planning applications that they do not want to consent to.

As far as the national planning framework is concerned, although there are good reasons for having such a measure, we must not use it as a means of locking people out of a further tranche of developments.

I do not have time to develop the argument, but we must have meaningful public scrutiny. I hope that other members will concentrate on that. Also, the parliamentary process must be meaningful. A couple of weeks of committee inquiry and then a parliamentary debate would be wildly insufficient. The Communities Committee, the Enterprise and Culture Committee, the Local Government and Transport Committee, the Environment and Rural Development Committee and any other committee that is in any way connected with planning must be involved in this process. We must have a long period of thoughtful and critical analysis that involves outside experts. After all, no MSP can be expected to be an expert on every planning matter. Outside experts advise our committees on the budget process and we need the same approach in examining the planning system.

Sustainable development is not just jargon. A sustainable society would look radically different from the society that we live in today. In the devolved context, the planning system is the most significant tool for achieving the transition to such a sustainable society. I believe strongly that the planning system's very purpose must be sustainable development. If we can agree that in principle, we can then debate details and definitions.

I agree with the minister that we need a planning system that works more efficiently; however, it must not be more efficient at simply going about its business as usual.

15:28

**Richard Lochhead (North East Scotland) (SNP):** I welcome this debate on an extremely important issue. I imagine that, over the Parliament's first six years, few members, if any, have not dealt with difficult planning issues in their constituencies and regions. This review of the planning system presents a real opportunity for the Parliament to make many friends in Scotland's communities. I also welcome the white paper's opening statement, which states that we are going to have a planning regime that is fit for purpose.

I agree with the minister's comment in his opening speech that there has been broad support for the thrust of the proposals. Indeed, we support much of the white paper's content. That said, the proof of the pudding will be what happens when the proposals are put into practice and whether they make a difference on the ground.

We must examine the outcomes that we want to achieve with this process. Some have said that the outcome should be a sustainable Scotland. Indeed, that is the case. Earlier, Christine Grahame asked the minister to clarify what would happen if an application to build a nuclear power

station in Scotland were submitted. I expected both ministers to get on their feet immediately to answer the point, but that did not happen. I ask the Deputy Minister for Communities when she sums up to lay out in simple and clear terms the exact process that would be followed should such an application be submitted. The people of Scotland want to know. The issue is important and is rising up the political agenda.

There is a relationship between promoting renewables and energy efficiency and the planning system. We have the opportunity to incentivise renewables and energy-efficient projects. One incentive would be to fast-track applications relating to renewables, energy-efficient buildings or other environmental projects. That would be warmly welcomed by the renewables industry in Scotland. It would be to our benefit if such applications went to the front of the queue.

**Mr David Davidson (North East Scotland) (Con):** Is Mr Lochhead suggesting that the principle of site-specific planning applications is to be abandoned?

**Richard Lochhead:** No. I am saying that a difficulty for many renewables projects is the length of time that the planning process takes. If we are to tackle climate change and global warming, we have to ensure that such applications are treated as a priority and are fast-tracked.

Another desired outcome is sustainable communities. Housing is a subject dear to my heart, and I want to talk about the lack of affordable housing in rural communities—not only in the rented sector but in the private sector as well. In interventions, others have mentioned the lack of affordable housing throughout Scotland; I want to talk about rural Grampian in particular.

The planning policy regime is causing a lot of ill feeling in Aberdeenshire. That feeling is replicated elsewhere in the country. A Monty Python sketch writer could not have come up with the current planning policy in Aberdeenshire. Will ministers tell us how that policy will change as a result of the planning review?

In Aberdeenshire, if someone in a rural community wants to build a new home for themselves on the site of a ruin—perhaps a building that was occupied three or four decades ago—they are not allowed to unless there is a roof. Even if the applicant says that they will employ award-winning architects who will be sympathetic to the surrounding environment, it does not count; it does not count even if the applicant was brought up in the area where the ruin is and wants to move back there. There would be a lot of support throughout rural Scotland if those sorts of factors were taken into account.

On the other hand, if a developer comes along and wants to cram in some brick boxes on zoned ground with barely a hair's breadth between the buildings, they get planning permission because there is a rural housing crisis and a shortage of houses. Local authorities do not care about design, whether there is any space between the houses or the quality of life of the people who will live there. However, people will buy the houses because they are desperate.

In places such as Aberdeenshire, some rural communities are being killed off and others are being ruined. Villages that had 50 houses in the past will now have 1,000 houses. Such villages are losing their identity and people's quality of life is being harmed. Planning policies have to be rationalised. I want to learn from the minister's summing-up how the proposals will impact on such situations.

The leader in *The Herald* today was excellent. Many young people cannot afford to live and work in the areas where they were brought up because they cannot afford to buy a house. That is a ridiculous situation; in Scotland there is land as far as one can see. We must address these issues urgently and many people are hoping that the planning review will do so.

Finally, on the link between ownership issues and planning, it is one thing to review the planning system, but that will not make the slightest difference if land is not made available. Across the country, landowners can go to bed and wake up the next day as multimillionaires without having lifted a finger. That can happen for a variety of reasons. For example, water and sewerage infrastructure, or a new road, might be put on a piece of land, increasing its value. If local planners colour in a bit of the local plan to indicate that the land has been zoned for housing, the paper value of the land zooms up overnight and the landowner, without lifting a finger, becomes a multimillionaire without any obligation to develop the land and get it on to the housing market. We must ensure that such land is released. That might require innovative measures such as land-value taxation. It might also mean that councils will have to have the powers to implement local plans.

People are setting a lot of store by these proposals, but they will have to result in real change in Scotland's communities, particularly in rural Scotland. We need radical measures, and I urge that the outcome of the review be radical.

15:35

**Sarah Boyack (Edinburgh Central) (Lab):**

First, I congratulate the ministers on their decision to give us a debate on planning reform before we get into formal scrutiny of their proposals because

that gives us a chance to reflect on how well we think the proposed bill will fit the challenges of the 21<sup>st</sup> century. We have waited a long time for a planning bill and it is worth getting it right.

I welcome the ministers' engagement over the past few months. They have clarified their views on matters such as the national planning framework, on which Malcolm Chisholm has helpfully confirmed that there will be some form of parliamentary scrutiny. He had already made a commitment to ensure that the framework will be subject to a full strategic environmental assessment. I strongly welcome the fact that policy is being made through consultation.

The framework will be crucial for Scotland because many of the issues that we face are strategic rather than small and parochial. It is vital for the two big city regions of Edinburgh and Glasgow that we have a coherent national planning framework. We need to revitalise the strategic decision-making process so that we can find the right areas for the significant new housing developments that we need and for the expansion of our business communities. I welcome, in particular, Malcolm Chisholm's response to John Home Robertson's intervention, in which he said that he thinks that local authorities have a role to play in identifying land for the development of affordable housing. That would be a huge step forward that would complement the many other initiatives that the Executive is taking. I look forward to finding out the details of that commitment.

Part of the challenge is how we service and accommodate development. It is vital that we think strategically about water issues, public transport and the scale of developments. Karen Whitefield's comments about waste management were spot on. We must think about human and environmental capacity when we think about the expansion of services that we desperately need. In addition, we must factor in issues such as flooding and climate change and work out how the planning system can be part of the solution to those major challenges. The ministers' proposals give us the opportunity to do that.

The fact that there is no statutory purpose for planning is an omission and I would like the ministers to return to that. Given the complex range of objectives that we have for the planning system, in my view it would make a great deal of sense to include sustainable development as the *raison d'être* of the planning system in the 21<sup>st</sup> century. That would ensure that at the same time as getting social and environmental justice, we get economic prosperity, which is crucial. That is the trick that we must learn in all our long-term developments.

I welcome the proposed introduction of a requirement for consultation and a requirement that development plans be produced and updated every five years. That will lead to better local accountability and to more relevant local planning frameworks that reflect local needs and aspirations. Local authorities will need to have a better management process. It is key that they will be required not to produce perfect plans, but to produce plans that are fit for purpose and are still meaningful by the time they have been adopted.

I still have concerns about the fact that the Executive has not developed a consistent approach at every stage of the process. I warmly welcome the increased emphasis on early consultation and participation, but what will happen if a local authority decides to override a local plan after it has been consulted on and put in place? That is not unheard of. What will happen if the community is led to expect that a site will be protected or developed in a particular way but finds that the local authority ignores that expectation? It will be able to do nothing, unless some form of community planning rights is introduced. The minister who is responsible for planning will have no recourse to the decision makers, nor will locals or those who will be directly affected. The only people who will be able to appeal are the developers and the only people who will be able to seek a review from the minister are quangos such as Historic Scotland.

I ask the Scottish ministers to review that decision and to consider the matter in more depth. There are solutions out there that would deliver the certainty that is essential for developers—of course, they do not want uncertainty and a longer process. However, I just do not buy the simplistic suggestion that a limited right of appeal would necessarily lead to a longer decision-making process or would be destructive to our economic development. I think that there is a way to fix the problem that would make sense for everyone.

Such problems do not arise in other countries that have some form of community planning rights, such as Australia, New Zealand and Ireland. There is a way forward. I want the ministers to examine how we draft the criteria and to fit community planning rights into the process before decisions are signed off and people make legal commitments. It is possible to do that, and that would be entirely consistent with the excellent changes that the Scottish Executive has suggested for the rest of the planning process, which I strongly believe will make the system much more effective. I refer in particular to early consultation and public participation, to which ministers say they will give practical support, and to the initiatives that will make the system more accessible, including e-planning.

I congratulate the ministers on many of the changes that they propose. A huge amount of progress has been made. I welcome the changes at national level and the new development plan proposals, which will not mean that one size fits all.

Some intelligent suggestions have been made, but more work needs to be done on the subject, and that is the main reason for welcoming today's debate, as it lets all back benchers put our issues on the agenda. I hope that, by the time we come to debate the general principles of the bill and consider the bill in more detail, more light will have been shed on the issues and some solutions will have been worked out.

As Karen Whitefield said, although it is impossible to please everybody with every decision, let us at least make the process as transparent and as fair as possible.

15:41

**Mr David Davidson (North East Scotland) (Con):** I have some sympathy with comments that colleagues, including Sarah Boyack, have made. I am a former member of a planning committee and I have yet to meet anyone who is satisfied with the current system, which seems to have been tweaked and to have had bits bolted on to it. Therefore, I welcome the fact that we have, at last, got round to dealing with the nonsense that our planning system appears to be.

There is confusion everywhere. I would have loved to have seen the Parliament going back to a blank sheet of paper and taking its time to do the job properly. The idea that we can simply continue to bolt bits on is not logical.

I hope that the minister will listen to the pleas of several members to involve more committees than just the Communities Committee. He should do so for the reasons that have been given, including other committees' interest in economic development, housing and local government, which must deal with the planning process.

At my first executive meeting of the Association of Scottish Community Councils, of which I was the founding chairman, I asked what the priority for action across the 1,216 member community councils was. The answer was, "Planning, planning, planning." I regularly conduct surveys with community councils across my region. The last survey was on the third-party right of appeal and resulted in a high response. Forty eight per cent of respondents were in favour, but not all of them could give reasons for their response; 25 per cent were dead against and gave explicit reasons for their response; and the remaining 27 per cent said that they did not know enough about the planning system to be able to become involved. In

fact, several of them asked whether I would give a seminar on the subject.

I welcome the role that Planning Aid for Scotland played way back when we formed the ASCC and that it plays now. As Euan Robson rightly said, we must consider the role of community councils, which are underresourced. When Labour came to power in 1997 and changed the requirement for schemes for the establishment of community councils, the councils were undermined; they became sidetracked by civic fora and goodness knows what. However, community councils have a statutory right of consultation. If they are to be used properly and meaningfully, we will have to train them and that will take investment.

**Patrick Harvie:** As a supporter of community councils, I am happy to endorse their involvement in the planning system. However, surely the member is not suggesting that a community's ability to engage is dependent on its having an effective, established community council. What about the areas of Scotland that do not have such councils?

**Mr Davidson:** I accept that, but some areas do have community associations, and I believe that we should not throw the baby out with the bath water but should consider how we can develop the system that is there. I whole-heartedly believe that we should have consultation at the earliest possible stage. Let us face it: there are not that many appeals, particularly from communities, and if the minister examined the figures—which he is obliged to break down—on where appeals come from and what the grounds for appeal are, he would find that most appeals are based on the fact that people do not know the system. That disadvantages people.

I turn to the five-year timescale, which sounds awfully Soviet to me. It is far too tight and cannot be done, as my colleague Mary Scanlon said. The minister needs to take a bit more evidence on the proposal. Seven or eight years might be practical. However, we cannot tolerate the fact that about 20 per cent of development plans are more than 15 years old, because that is nonsense. All that should be discussed in the open debate that I hope we will have.

I am a wee bit concerned that the Executive is trying to retain too many central powers. I know that it should have some powers, particularly in relation to national schemes and major schemes, but once the framework and the guidance are in place, why not leave the local system to be applied locally with local accountability? It is as if the minister does not believe in devolution beyond the Executive. I am not saying that national or major developments can be devolved, but there is a role for the local planning system.

What role does the Executive see for the Parliament in national developments? As far as major developments are concerned, do national park authorities have a role in standing up against wind farms or pylons? My local national park is a planning authority and it is against them. We have not heard anything from the minister about where the national parks sit in all of this.

There are not many occasions on which local or minor developments will cause a problem, but a number of issues must be dealt with. We must consider land designation and early consultation and analyse properly the costs and savings and who will benefit. We must also consider the rules of planning gain, which is a grey area that needs to be tidied up soon.

I agree with others that we need to consider green-belt policy, but rural housing policy is essential and committees and the Parliament as a whole have asked time and again how we can get affordable rural housing, whether for purchase or rent.

I welcome the fact that the Parliament will consider the issues. I hope that it will take its time and will do it properly.

15:47

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Planning is an issue of tremendous importance and over the past six years a huge number of my constituents have come to see me to express their dissatisfaction with the planning system. I am sure that that applies to many other members too. Reform is long overdue.

At the previous election, the Liberal Democrat manifesto made a commitment to

"Grant third party rights of appeal in planning cases where the local authority involved has an interest, where the application is contrary to the local plan, when planning officers have recommended rejection or where an Environmental Impact Assessment is needed."

I was pleased to be part of the Liberal Democrat negotiating team in the coalition talks, in which it was agreed with the Labour Party that the public would be consulted on whether to go down that route. True to their word, Executive ministers duly produced the consultation, but what was the result of it? As I understand it, an overwhelming 86 per cent of respondents were in favour of a limited third-party right of appeal. What did we expect from Executive ministers when they produced their white paper? A fair-minded person would surely have expected the Executive to include a third-party right of appeal in its proposals. What did we get? Not even a proposal to introduce a limited third-party right of appeal. Some might consider that although the Executive has kept to the letter

of the partnership agreement, it is not living up to the spirit of what was agreed between the Labour Party and the Liberal Democrats in our coalition agreement of 2003.

I have heard the arguments from some people that even a limited third-party right of appeal is somehow anti-business and a deterrent to investment in the economy. The CBI and others seem to hold up that argument as some sort of symbol of virility, as if one cannot support limited rights for third parties if one is pro-business. What complete and utter nonsense. According to the World Bank, the average gross domestic product of Ireland, Sweden, Australia and New Zealand—all countries with some form of third-party right of appeal in planning—have, for the past five years, been greater than that of the United Kingdom. The evidence simply does not back up the anti-business argument.

Bringing in a limited third-party right of appeal would not have to slow down the process; it should and would ensure a system that operates better and produces better results.

**Patrick Harvie:** It is always a delight when Mike Rumbles criticises the Executive for what it is doing or not doing. Can I tempt him to respond to the comments of the Liberal Democrat representative on the Communities Committee, who said that the issue needs to be disposed of?

**Mike Rumbles:** I agree with and support everything that our spokesperson said in the debate. My contribution is additional to Euan Robson's.

The key to implementing a limited third-party right of appeal is to streamline the appeals process to make it fairer to both sides—we should not maintain a system that is skewed in favour of one side. The minister says that the reason for the rejection of even a limited third-party right of appeal is to strengthen the participation of local people at an earlier stage in the process, but we are not talking about an either/or situation, because the Executive should do both.

When it comes, the bill should address the purpose of the planning system, which, as we have heard, should be to get the most effective and most sustainable development possible throughout the country. Why is there no commitment to include in the bill a statutory purpose for the system, based on sustainable development? A statutory purpose is laid out in other Executive legislation, such as the Water Environment and Water Services (Scotland) Act 2003 and the Local Governance (Scotland) Act 2004. Perhaps the minister will tell us the reason for that omission.

Will the minister also say why the Executive seems set against allowing any public challenge to

the national planning framework that it intends to set up? If the proposal is to have ministers set up the national planning framework and then use the Parliament's subordinate legislation process to examine it, that is simply not good enough. We all know that flawed proposals cannot be amended by parliamentary committees in the subordinate legislation process. The process is a particularly ineffective means of securing change, because the Parliament can only pass or reject such proposals; we cannot amend them. I ask members to consider the tragedy of parts of Perthshire not being included in the Cairngorms national park—that was a terrible omission, but the Rural Development Committee could do nothing about it.

We are in danger of having a central planning framework that is decided by ministers and imposed on the public. Such a system will not work. Up until last year, around 26,000 people had petitioned the Scottish Parliament on planning issues, but that will be a drop in the ocean if the present proposals are implemented. The proposals will not streamline the system, but they will clog up the Parliament's public petitions system.

In the short time available, I have outlined briefly my objections to the proposals that the minister has set out. The minister will know from the debate that many MSPs from almost all parties—I do not think that the Conservatives can be included—are not content with his proposals. I give notice to the minister that, unless he introduces measures in the proposed bill to implement a fair but limited—I accept that it should be limited—third-party right of appeal, I, for one, will not support the Executive when it comes to a vote on the bill.

15:53

**Ms Wendy Alexander (Paisley North) (Lab):** I am grateful for the chance to speak in the debate at this early stage in the policy process. Like others, I welcome the Executive's determination to modernise Scotland's planning system. We have an admirable white paper, which, at its heart, embraces the house doctor's famous injunction to declutter, declutter, declutter.

I will dwell on the true test of the effectiveness of any future legislation on the matter. We do ourselves a disservice if we see the challenge that currently faces the planning system as that of green versus brown, when the real challenge is operational effectiveness versus increasing sclerosis, a point that Karen Whitefield made eloquently in her thoughtful speech. We have the chance to refute the charge that is often levelled against the Parliament that new legislation by its nature leads to bigger bureaucracy rather than better processes. I caution the Opposition parties

against any undue glibness. Both the SNP and the Tories devoted fewer than 30 words in their May manifestos to planning reform, which is hardly a serious engagement with the issue.

The Parliament's task, which will determine whether the bill succeeds in overcoming the frustrations that the planning system causes, will be to take the current delay, dysfunction and discredit out of the system and to replace it with planning purpose, proportion and pride.

Let me deal first with the delay, the dysfunction and the discredit that currently disfigure the system. On the delay, last year only two of 32 local authorities met the target of determining 80 per cent of major applications within four months. The Executive's planning unit had to admit that the performance of two thirds of planning authorities in relation to such applications was worse than in the previous year. What about the dysfunction? Nearly a third of Scotland does not have an up-to-date local plan. Finally, there is the discredit. We set local authorities five national targets for planning, but only one of them deals with major applications; all the others deal overwhelmingly with individual householder applications. That is where we must declutter. How many of us, whatever our perspective on the issue, can say, hand on heart, that the big issue in our surgeries is whether individual householders can or cannot build a porch or a conservatory? The weighting of national targets towards individual applications contributes hugely to the delay and the clutter, but it is not, crucially, what causes the frustration, the anger or the pervasive sense of injustice. To get progress, we must replace all that delay, dysfunction and discredit with purpose, proportion and pride.

First, on purpose, the Executive is right to move towards having a hierarchy of targets, but it should not perversely encourage local authorities to meet targets for porches, for example, while spreading frustration about bigger applications. Secondly, on proportion, we need local plans that are fit for purpose, as Sarah Boyack said. We also need a willingness to review whether the local householder application process can be simplified to free up time for the genuinely big issues that concern us all and to put in place delivery strategies for local plans that cover infrastructure needs and the need for housing land.

Thirdly, if we are going to bring pride to the system, I hope that the Executive will consider acting on its own research, which was published by Tribal HCH Ltd last month and which recommended that local authorities provide a named point of contact and a target date for planning decisions and consider including the design element in planning applications to ensure that in future we have high architectural standards.

To improve the management of conflicts in the planning system, we must first put in place a system that works. We have before us a white paper that lays important foundations. The Executive's own subsequent research by Tribal demonstrates how we can move forward on associated issues, such as land supply, which also desperately need to be addressed.

In the weeks ahead, I encourage ministers to maintain the same vigour for what we are going to stop doing as for the new things that we are going to start doing. The Executive front-bench team deserves considerable credit for tackling the tough issues and replacing the delays of the past with action and new proposals. As they consider the issues further in the weeks ahead, I urge them to follow the house doctor's injunction to declutter, declutter, declutter.

15:59

**Ms Rosemary Byrne (South of Scotland) (SSP):** The planning system affects every aspect of Scottish life and is integral to how our communities develop. However, unless specific changes are made to the planning system, it will continue to fail people and communities across the country. The Executive claims that it is reforming the planning process to bring it up to date, but the national planning framework will be exempt from public inquiries under the proposed reforms and the third-party right of appeal is absent from them.

The national planning framework is central to the planning process, because it will identify developments of national importance such as landfill sites and wind farms. Therefore, the framework must be accountable and transparent, and the process must engage with communities. It must be subject to a public inquiry that can consider evidence and make recommendations. In my region, several landfill sites have been developed against the wishes of the local communities. One of the greatest criticisms to be levelled at the system has been the lack of democratic accountability; the public must have the right to challenge the framework.

In the rest of the United Kingdom, spatial strategies have been accompanied by public examination. The Northern Ireland regional strategy, the London spatial strategy and every regional strategy in England are less far-reaching than Scotland's national planning framework, yet they are more democratic and subject to more scrutiny. We must ask: will this be a national planning framework or merely a developer's charter?

The proposed reforms fail to address the problems of the third-party right of appeal. The reforms give communities additional opportunities

to raise issues of concern, but developers and decision makers have no obligation to take those views into account in making a decision. That makes a mockery of community involvement. The third-party right of appeal must be integral to the planning process and must therefore be integral to the planning reforms that would ensure openness and accountability. It would enhance justice and fairness and ensure meaningful community involvement in the decision-making process that affects the lives of communities.

The third-party right of appeal would not, as some have suggested, add delays to the planning system. If the planning system acted in the interests of the community, third-party right of appeal would rarely be used; for the same reason, it would not add to the costs of the planning system. Even when costs are incurred, surely it is better to spend more at the beginning of a development to get it right for future generations than to have a planning decision that does not benefit the community and is not value for money.

We all know of decisions taken on the cheap that end up costing more because of the problems that they cause later. Take the Shewalton landfill extension in Irvine, for example. Nobody wants it, yet the council is developing it instead of installing proper recycling facilities. That development will cost the community years of environmental damage, whereas what should happen is the proper development of recycling facilities in conjunction with real community involvement. I could say the same about Laighdykes playing fields in the neighbouring constituency, which is also in north Ayrshire, where a public-private partnership school will be built against the wishes of a community that wants to keep its playing fields.

Planning affects us all, therefore it must be open, transparent and accountable. Subjecting the framework to public inquiry and allowing a third-party right of appeal will ensure such transparency and accountability. Without those measures, the reforms will not address the needs and concerns of our communities—the very communities that are affected by planning decisions.

I will finish with a quotation:

“We will grant third party rights in planning cases where the local authority involved has an interest, where the application is contrary to the local plan, when planning officers have recommended rejection or where an environmental impact assessment is needed.”

I am glad to hear that Mike Rumbles supports a third-party right of appeal, albeit a limited one. The Liberal Democrats believe in third-party rights of appeal, for that was a quotation from their 2003 manifesto. I hope that they will keep those promises when we consider the planning bill.

16:04

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** This debate is one of the most important that we have had in the chamber in this session of Parliament. It will provide a platform for Scotland to have stronger, safer communities and from which a more confident Scotland will be delivered. Modernisation of the planning system is vital in that.

When I was elected in 1999, I made it very clear that I would not make any comment on individual planning applications that were lodged with East Ayrshire Council. I worked, and continue to work, with individual constituents and community groups to explain the process and to encourage them to comment on the local plan and the structure plan. Most of them had never heard of the local plan and did not know what it would mean for them as individuals or for their communities.

For me, the issue is that only when a detailed application is lodged do individuals and their communities sit up, take notice and start to comment on the implications for them. The opportunity to comment on a development is restricted to the detail. Unfortunately, many people do not understand the process. Any modernisation needs to reflect the feeling of disengagement with the current process and to overcome the narrower sort of view that can, in some cases, be construed as nimbyism.

I do not believe that a third-party right of appeal would offer a solution; in my view, it would miss the point with respect to the difficulties that communities experience. A proper explanation of the processes and an engagement of individuals and communities with them would overcome the problems that are being experienced. That would allow the vision for the areas concerned to be considered more clearly. It would also take account of the community planning process.

I would not be in favour of removing the current structure plans, which play an important role in promoting the economy of the wider areas that they cover and fit the direction of travel that the Minister for Finance and Public Service Reform wishes to take.

Efficient government means joined-up services, which involve neighbouring authorities and other government agencies delivering for the communities that they represent. The city region concept is helpful for issues of wider importance, but it would not deliver for local communities and it would complicate existing structures further. It might be seen by some as a vehicle to further remove public participation.

Strategic decisions need to be taken in certain circumstances, for example with regard to wind farms. We do not have a strategic view on where

wind farms should or should not be sited and, as a result, a number of speculative applications are being made by developers throughout Scotland, which gives rise to a considerable workload for already-stretched planning departments. The Scottish Executive has a role to play in that regard. It has set the targets for renewables, but it has shied away from determining permitted development areas. Under a strategic approach that joined up Government departments, things would no longer be done in such a piecemeal way and local pressures would be alleviated.

I wish to highlight the issue of enforcement in an area in which individuals feel powerless in the current system. We have all come across cases in which developers have walked away and left our constituents high and dry. The current enforcement process is lengthy, cumbersome and costly for planning departments and the powers can be abused by unscrupulous developers. We need to give teeth to any enforcement powers under the modernisation of the planning system.

The minister might consider the introduction of a developer bond, which would protect individuals, reduce the need for compliance inspections and raise standards. It would reassure communities that the conditions that are attached to consent would be adhered to. The issue of temporary habitation certificates would be protected, and individuals would not be exposed to further financial risk when the developer disappeared. The bond would also underpin the enforcement rights of planning authorities. The non-return of the developer bond would be allowed to form part of planning authorities' consideration of further applications.

We need to get the system right for our communities. I hope that the minister will consider all the issues that have been raised in the debate, along with those from the consultation that has just concluded. I look forward to the publication of the bill.

16:10

**Rob Gibson (Highlands and Islands) (SNP):**

Wendy Alexander talked about "operational effectiveness"—those were obviously the words of a minister in waiting. We in communities want to know from the ministers for those communities whether the system will be accountable and sustainable. The bill must prove that a big step change from what people have experienced will take place. For a start, since the partnership agreement says that Scotland should deliver sustainable development and spells that out, that must be at the core of the bill. It is essential to say that the current proposals will not improve people's rights or restore their faith in the planning system.

Community participation will be the crunch aspect of the bill. Authorities are often a great distance from the places that their decisions will affect. We need a robust and consistent planning framework to back whichever level is chosen for planning decisions.

We would like to hear from the ministers whether strategic environmental assessment and wide public consultation will take place when a system such as the national planning framework is established, because many policies—not least that on nuclear power station development, which my colleagues have mentioned—need to be very clear.

Local planning authorities cannot deal with many pressing issues because they do not have the back-up of a strategy. We have heard about the lack of a strategy for wind farms, which Margaret Jamieson mentioned just before I spoke. Local decisions must be consistent. The behaviour of people such as landowners and crofters in my area can greatly affect the potential for affordable housing to be built, but how does the planning system apply to that? Can it free up land for housing? That question is asked time and again.

When I asked ministers about that and about using compulsory purchase as a short-term means to access such land, I was told that the Executive had no intention of conducting a study of how compulsory purchase works or how it could be improved or speeded up. Furthermore, I was told that any compulsory purchase that has taken place for affordable housing could not be specified, because the facts were not available to the civil service. Such items are the tools for making a national planning framework work and providing back-up at the local level. If the tools are not available, the job cannot be done.

We face an argument about where decisions are taken. Through the Environment and Rural Development Committee, I have been involved in discussions about climate change and the development of accessible rural areas. In those discussions, the question continually arises of involving people from families to communities and on to national level to take action. What planning law attempts to bring decisions closer to people, rather than to provide for participation or planning in the community?

Community councils are basic organisations for democracy that are badly underused. As other members have said, they are badly resourced. Is it not time to consider giving community councils greater powers in the planning bill to deal with basic down-to-earth matters? They often represent between 1,000 and 5,000 people, depending on where they are. In other countries, such as Norway, municipalities have such powers. I see the Minister for Communities smile again.

Planning decisions can be taken far more locally in countries that are of a comparable size to our country. An answer is required from the minister about whether that is possible here.

Engaging people in the process is fundamental. I am talking not only about people in communities, but about agencies such as Historic Scotland and Scottish Natural Heritage, which are always held up as bogeymen. If such agencies were involved in the process of drawing up local plans—I would welcome those plans being drawn up on a five-yearly basis—people would have much more engagement with them and would see them as part of the support for more sustainable communities. It is necessary for the bill to make more of the potential roles of SNH and Historic Scotland in particular. Other members have discussed questions that relate to buildings, for example, which require attention in the process.

The bill is a great opportunity to extend democracy and the engagement of the population of this country not only with the 32 councils and the Executive, but at a much more local level. Ministers can begin to extend democracy through the planning system.

16:16

**Iain Smith (North East Fife) (LD):** I broadly welcome the proposals in the white paper and think that everyone accepts that modernisation of the planning system is needed. The current legislation, which dates back to 1948, largely fails everyone. It fails communities, which often feel excluded from the process, and developers because of the lengthy timescales that are involved. Those timescales apply not only to people with commercial interests. For example, it took the best part of nine months for the hospital at St Andrews, which is dear to my heart, to go through the outline planning process. As a result, there was a delay in the development of the hospital project. The legislation also fails individuals, who often cannot understand why their objections are not valid and who do not understand the process. Margaret Jamieson mentioned that.

Councillors who are meant to represent their communities often cannot do so because of the gag of silence that applies to members of planning committees. It has been said that development plans are often out of date. Such plans are generally meaningless to the public and often do not reflect the planning issues that communities are concerned about. When a huge development is proposed in an area, consultation can either set hares running or attract no interest whatever.

In Fife, plans seem to be continually reviewed, although that is not because they are not up to

date. Areas change every time that the plans are put out to renewal and there seems to be little connection between the public consultation and the final draft plans that are produced. For example, there is the huge demand for housing and its effect on proposals for housing in communities in North East Fife.

Members of the public have not bought in to the current planning system and they do not have confidence in it. The new framework must build on best practices to try to ensure that community buy-in and public confidence in the system are improved.

As I said, there is much to be welcomed in the proposals. For example, pre-application consultation will be encouraged with respect to individual major applications and there will be opportunities for public hearings and possible reviews of decisions by a full council or ministers. Those are good practices that should be encouraged.

What happens if a developer does not engage in proper pre-consultation or there is no approval after a hearing in which members of the public have had an opportunity to have their say? In such circumstances, we should consider a limited third-party right of review so that good practice is encouraged and developers who fail to conduct pre-consultations and planning authorities that fail to offer proper opportunities for the public to become involved are almost punished. We should look at such an approach as a way of encouraging best practice rather than as something that will slow up the process.

The planning framework is crucial, and I support the proposals for a national planning framework. I do not agree with suggestions that the rights of members of the public to get involved in the planning framework will be taken away—in fact, I think that the transparency of ministerial involvement in the planning process will be made much greater than it is. Currently, much of the guidance and planning that ministers agree receives very little scrutiny, although it affects how plans are progressed locally. The framework is important for economic development, transport, ensuring sustainable development and for cities to be the drivers of our economy.

**Patrick Harvie:** The member makes an excellent point about transparency around the ministerial role in planning. An aspect of the white paper that I very much welcome is the idea that local authorities should not necessarily be able to overturn the results of a public local inquiry into an issue. Does the member agree that ministers—hypothetically speaking, a transport minister—should also be unable to do so?

**Iain Smith:** Ultimately, ministers are accountable to the Parliament for the decisions that they make. I believe in the democratic process in planning, which is missing from planning at present; therefore, I do not necessarily agree with what Mr Harvie says. For example, I do not see why a single reporter should have more say than the Parliament in a planning decision.

I accept the need for the local development plans to be fit for purpose, to be regularly updated and to involve meaningful consultation. I differ from what is being proposed in that I have serious doubts about the need for city region planning authorities and the proposed city region plans. Given the role of the national planning framework, is that layer really needed? There is a danger that they will result in self-fulfilling prophesies. If we say that the cities are the drivers of the economy and set up a planning process that deals with that, that is what will happen. Perhaps we are missing an opportunity to create proper sustainability across regions and affecting the sustainability of many communities.

My main concern is whether city regions meet one of the primary objectives of the planning proposals, which is to improve the inclusivity of the plans. For many of the decisions that they will make, the city planning regions will be unaccountable to the communities that are affected. If, for example, the Dundee city region decided that it needed 20,000 new housing units and decided to plump them in North East Fife, that decision could be taken by a majority of councillors from the rest of the city planning region. Even if the proposal was completely opposed by everybody in Fife, it would happen anyway. The councillors who made that decision would not be accountable to the communities that would be affected by it, and that is a serious flaw in the proposed city planning region strategic authorities. The people who make the decisions might not be accountable to the people who are affected by them. They would be accountable in the national planning framework, and they would be accountable to the Parliament and in local plans, but they would not be accountable through the city region plans.

There are specific issues relating to Fife, which I have raised before. Fife derives great benefits from the coterminosity of its boundaries—how it can make community development plans and how it works with its police, fire service, health service, enterprise company and tourism. For all those things, coterminous boundaries are great benefits. There is a fear in Fife that, if we go down this route, some of that coterminosity will be lost and that will, perhaps, be a driver for the break-up of some of those services. I have no objection to local authorities working together in partnership if they wish to do so, but I am against the statutory

nature of the proposed city regions. I hope that the minister will think again about that and consider a voluntary rather than a statutory approach.

16:22

**Pauline McNeill (Glasgow Kelvin) (Lab):** I have taken a strong interest in the planning system, especially in how it has been applied to housing policy development. I represent a constituency that includes the west end of Glasgow, where there is constant overdevelopment. The high values of property and land have often driven planning decisions. The planning system strikes me as odd in some areas, in which we cannot plan anything as we would want to because it is driven by other things.

Planning reform is, to me, a bit understated because planning is about how we want to build our environment and drive our economy. A system of rules that determines what we can develop, how we can develop it and where we can do that is of interest to the whole of Scotland. As other members have said, the proposed bill is one of the key bills of the parliamentary session. I have had a load of correspondence on the subject.

Overall, I commend the Executive for its handling of this key issue. No one can deny that there have been many opportunities to influence the Executive's thinking. I recognise that. I often think that it is also a test of stamina. There have been many consultations—it is a marathon exercise—and I have made submissions to most of them in an attempt to keep up with the Executive's thinking. I believe that the Executive is serious about this. Improving the position and influence of local people does not go quite far enough, however, and I want further discussion on that.

I understand what is at stake if we fail to implement the efficient and speedy system that Wendy Alexander talked about, but I am angry about misrepresentation of those who support a third-party right of appeal. My formulation of a third-party right of appeal is not necessarily the same as that of others—I will come to that—but I think that it is a legitimate subject for debate.

I believe in political control and decision making by elected Governments and local authorities, but I want rules of engagement that are fair and transparent and which mean that we can listen to the views of local people and give them a meaningful say about their environment. I also want there to be the means to enforce those rules that have been previously agreed. In recognising that planning cannot satisfy all those who have an interest, I believe that more can be done to strike the balance when involving local communities.

I recognise that the development-led plan system is the right way forward and I support the Executive's thinking in that regard. However, the system is not as straightforward as it might seem. Development plans must involve the general public by allowing them to have their say before the planning authorities arrive at the final plan. I agree with Margaret Jamieson that we should hang on to the structure plan system. The Executive must ensure that there is clarity in those plans; they must not be vague. The plans should be updated on a five-yearly basis, as long as there is meaningful consultation with the general public about how that is done.

When a planning authority contravenes its own plan—authorities sometimes admit to the Executive that they have done that—there is no redress for people who believe that the authority has departed from its plan. The Executive's proposals are weak in that area and I urge ministers to discuss further how there could be redress for those who believe that there has been a departure from the plan and that they cannot do anything about it. I have always believed in a qualified right of review; such a right is justified in planning terms but, as I said, my idea of a right of appeal might be slightly different from that of others.

If there are clear grounds—as in the example that I gave of a departure from the local plan—and planning rules have been contravened, there must be redress. If a developer who does not even own the land and is making a planning application has a right of appeal, and if they can even override a local authority's decision, there is no balance. I can cite many examples. There were 800 objectors to a recent application in Hyndland. I know that it is not about the number of objectors, but I believe that those objectors had solid grounds on which, at least, to argue that the rules had not been applied, but they had no redress. I want ministers to consider how objectors can make representations. In some cases, time is far too short because by the time the planning officer has spoken to the planning committee and the developer has spoken to the committee, the objectors do not have time to have their say.

I plead with ministers to do something in the planning legislation about houses in multiple occupation. Local people are entitled to certainty. There must be a link between what are, in effect, quasi-businesses and planning rules. One interest of mine is in the dividing up of tenement property, which is abundant in my constituency, and how we must consider the people who live below and above the property. I want some rules about that.

Affordable housing is the key challenge for the planning system. I have argued that there should be a duty on authorities to ensure that they have a

mix of tenure when they are building. They should build not just affordable housing, but housing for rent. The Executive is on target for that, but the proposed planning bill should place a duty on planning authorities to ensure that there is a mix of tenure when they develop housing.

16:28

**Donald Gorrie (Central Scotland) (LD):** The white paper is a useful step towards a major reform of the planning system. We can use a lot of it and build on more of it. It is perhaps a landing halfway up the stair, but not the landing at the top of the stair. However, we can work towards that.

I have a problem in that I have almost finished a pamphlet on the subject. The minister has seen an early draft but I am afraid that other members will not have, although they will get a free copy in a couple of weeks or so. I can set out ideas in a pamphlet at greater length than I can in a six-minute speech.

I will try to emphasise what I think are some of the main points. My colleagues Euan Robson, Mike Rumbles and Iain Smith have covered various aspects of great interest from the Liberal Democrat point of view.

First, planning must become a positive activity. Hitherto, planning has consisted of telling some people why they cannot do some things that they would like to do. Planning should be about creating better communities. If we emphasise the positive side, we will be able to get people to engage in the process. At the moment, apart from when there are objectors to a specific proposal, it is hard to get ordinary people to come along and talk about development plans. If planning was seen as a positive way in which to improve the community, we would be able to involve more people.

We need procedures such as local planning forums to allow the councils and local community representatives, in partnership with developers and other stakeholders, to work together to produce the development plan that will be the basis of all future development activities. In some areas, we may be able to build on community councils or other organisations to provide a basis for such forums, but we need individuals and people from other bodies who are interested in contributing to the planning process. We could use organisations such as Planning Aid for Scotland to help to train up such people. We need a partnership between the councils and the community.

There must be a system of inducements and penalties to ensure both that development plans are in place and that developers consult communities properly, given that those are the two

most important aspects of the planning system. Councils should be given inducements and penalties to ensure that they update their local development plans correctly, in time and in a good way. There should be a similar system for developers. If developers genuinely involve the community right from the start, they should have far more chance of getting the application approved than if they fail to consult people. However, if developers fail to involve the community properly, their proposal should not even reach the planning committee table. We need to build on current practice to ensure that such updating and consultation actually take place, but the white paper is slightly vague on those aspects.

We must make the national planning systems democratic to some extent. The best way of doing that is to ensure that the national planning framework and the Scottish planning policies—the NPF and the SPPs in the jargon—are democratically accountable through a committee, which can get an outside expert to help it to scrutinise the proposals. Such things need to be scrutinised properly, not just in a debate that nobody attends or in a whipped vote for which everybody is in a state of total ignorance. We need a genuinely democratic planning system, not a centralised system. All power corrupts, but centralised power corrupts even more. We need some checks and balances, so that there is an important role not only for central Government, but for councils and communities. Nobody should have too much power, so that, when someone is out of line, they can be sorted out.

I also think that we should have a system of national planning inspectors, who could go around ensuring that all consultation and planning was being well done. They could be like school inspectors, who do not run schools but write criticisms of schools, which, if the people in the school have any brains, are then acted on.

The clutter of minor applications, which Wendy Alexander mentioned, and the question of enforcement are other issues.

**The Deputy Presiding Officer (Trish Godman):** You have one minute.

**Donald Gorrie:** We need a totally new system for dealing with both those issues, but I cannot explain it in one minute.

Finally, the third-party right of appeal is an important issue. Like other members, I think that there should be a right of appeal in the small number of cases in which, as Pauline McNeill explained, councils have not done the right thing and in cases in which the application is clearly against an up-to-date development plan. I do not see that there would be more than 10 or 20 such

appeals each year in Scotland, but it is essential that we have that last bucket at the bottom to catch the wrong ingredients if all the sieves fail. Developers can accept that. If they are closely involved in the system, they can go ahead with their developments with confidence that, if they go about things in the right way, they and communities will get the right outcome. However, we must build on community involvement. Communities, not the Parliament, should run planning.

16:35

**Murdo Fraser (Mid Scotland and Fife) (Con):**

The debate has been constructive and well informed, with good speeches by members from all parties. Before responding in detail to some of the points that have been made, I want to lift my eyes for a second from the minutiae of the white paper and to consider the wider picture of planning.

At the start of his speech, Donald Gorrie talked about the purpose of the planning system. Historically, development in Scotland was unregulated. As society developed, towns and cities developed systems of town planning. In Edinburgh, the city corporation of the day set out street plans, but the style and design of houses were left very much to private contract between individuals. The feu charter, which was developed in the 19<sup>th</sup> century, set out the detail of how buildings should look and be constructed and the obligations on property owners. That system worked well until the middle of the last century. It is interesting that the great majority of the quality buildings in Scotland today predate our current planning system. The grand townscapes of urban Scotland—the new town of Edinburgh, the sandstone terraces of Glasgow and the granite buildings of Aberdeen—all date from a time prior to our current planning system.

As we have heard from other members, in 1948 it was decided that, essentially, planning should be nationalised. A new regime was introduced, which established a balance between the right of the landowner or property owner to develop his or her property and the public interest. That included both the interest of neighbours of the property owner and wider considerations, such as environmental and transport issues.

What is wrong with the current planning system? A number of members have spoken in great detail about the problems. I want to approach matters from a slightly broader perspective. It is clear that the current planning system conflicts with our demand for economic growth. The Executive accepts that there is a problem. Business takes the view that the system is too cumbersome, too

bureaucratic, too expensive and too time consuming.

There must always be a balance between the need for economic development and the need to have public control of planning and development, but the consensus view is that the current regime is too restrictive. That is why we generally welcome the white paper that the Executive has published, especially measures such as fast-tracking of developments of national significance—which is warmly welcomed by the business community and will be important especially for driving forward some of the transport initiatives that the Executive has proposed—and the introduction of a hierarchy of planning, to which the minister referred.

I want to talk about some more specific issues. The first is the important and contentious subject of third-party right of appeal, to which a number of members referred. Mike Rumbles, in particular, spoke about it in a speech designed to be constructive for future relations between Labour and the Liberal Democrats. He and other members said that there had to be a third-party right of appeal in some limited form, but we all know that the business community is very much against that.

I—and, I am sure, other members—receive letters from people who say that we should support a third-party right of appeal because the planning system is unbalanced. If developers have a right of appeal, why should objectors not have one? People who take that approach fundamentally misunderstand the basis of our current planning system. When the Town and Country Planning Act 1948 was passed and the current regime was introduced, it was always understood that the basic principle and starting point would be that the property owner had a right to develop his or her property, subject to public control. For that reason, the property owner had a right of appeal, but the objector did not. Those who pursue the case of a third-party right of appeal, even on a limited basis, misunderstand the basic principle that underpins the planning system.

**Mike Rumbles:** Contrary to what Murdo Fraser has just said, there is no misunderstanding. I make this simple point to him. In any organisation, mistakes are made when people make decisions—that is human nature. Does he accept that people who are deeply affected by such decisions should, in limited circumstances, have a right to appeal to ensure that a fair-minded person judges whether the decision has been made correctly?

**Murdo Fraser:** I believe that there are other ways of approaching the issue. The proposal from the Executive, which is effectively front loading the

consultation, is a better way of addressing the concern. I accept that there is a concern, but I believe that there is a better way of addressing it than the introduction of a further right of appeal, which Mr Rumbles suggests.

I have to say to the Scottish nationalists—to Christine Grahame and Sandra White in particular—that their party is all at sea on the issue. Last year, I was at a CBI Scotland breakfast with Jim Mather, the Scottish National Party enterprise spokesman. When he was asked about the issue, he assured the business audience that the SNP's so-called shadow Cabinet had discussed the matter and was opposed to a third-party right of appeal. The SNP should be consistent in its message.

**Ms Sandra White (Glasgow) (SNP) rose—**

**Murdo Fraser:** Sandra White can respond to my point in her winding-up speech.

That is what Jim Mather told me. The SNP must ensure that they are not saying different things to different audiences.

In the short time that remains, I will mention wind farms, an issue that has been raised by Mary Scanlon, David Davidson, Margaret Jamieson and Rob Gibson. Wind farm planning is a huge issue for people in rural Scotland, as the current approach is piecemeal. Even those who are in favour of renewable energy understand that the current planning system, which promotes a free-for-all, is not in the best interests of either the developer or the objectors. There should be more certainty in the process, which means that there must be national strategic guidance. Given all the planning applications that are currently going through the system, we cannot afford to wait until the outcome of a planning consultation two thirds of the way through next year.

We welcome the white paper. A lot more detail is required and there must be more discussion of the contentious issues in particular, but the white paper is at least a step forward.

16:41

**Ms Sandra White (Glasgow) (SNP):** I respond to Murdo Fraser by making it perfectly clear that a third-party right of appeal is Scottish National Party policy. I am proud that I was one of the people who put that forward at conference. The policy was adopted and it is in our manifesto.

**Murdo Fraser:** Sandra White should tell Mr Mather that.

**Ms White:** No. Murdo Fraser should tell him that—I have already told Jim on many occasions. Perhaps I will tell him again, but I am sure that Murdo Fraser will remind him if he is on the

television or the radio with him. A third-party right of appeal is SNP policy. I can get Murdo Fraser a copy of the manifesto so that he can read it.

Like other members, I think that the debate has been very good and that some good points have been made. There has perhaps been some point scoring on certain issues, but not from everyone.

I put forward my party's policies and point out that the idea of a third-party right of appeal comes from speaking to communities. The approach is about speaking to communities, listening to them and ensuring that we act on their wishes. I take Karen Whitefield's point that we cannot please everyone, but I say to her and to other members that we can ensure that there is some form of fairness. A third-party right of appeal is all about fairness and equality and we should consider those issues today.

We must be fair to businesses, but we must also be fair to communities, which, as has been mentioned, sometimes suffer from bad developments of various kinds. Wind farms can be one such development, but I am sure that Murdo Fraser will come back on that issue—a little birdie told me about that one.

I will address other aspects of the proposed planning bill. The white paper contains some good provisions. I have made that clear to the minister and at various meetings with community groups and others throughout Scotland during the recess. The updating of local plans is essential. We have always needed that to happen, as the situation has been ridiculous. Business representatives have stated that sometimes, when they are developing something, the local development plans do not catch up with them. The welcome proposal on the updating of the plans has emerged from meaningful dialogue with businesses, communities, members and local councillors.

Mary Scanlon picked up on COSLA's worries, which should be of concern to members and to the minister. What dialogue has taken place between the minister and COSLA? After all, local authorities will implement the plans. Local authorities need the resources, the manpower and the time to develop local development plans. If we do not ensure that they have those things, the plans will never be introduced.

I am pleased with the positive attempt to get developers to meet communities and to involve them in developments early on. Indeed, many communities have cried out for such an essential measure. However, as Rosemary Byrne pointed out, despite such involvement, we have no legislation to stop any development that goes ahead, even though there might be objections to it. Although there might be a strategy for involving

communities, it has no teeth. Communities can be lulled into a false sense of security by their involvement with developers and councils because, whatever happens, developers and councils will always get their way. If there is to be no third-party right of appeal, we should tell communities that, ultimately, their involvement in the process will have no teeth.

On consultation, Pauline McNeill mentioned that there were 800 objections to an application for a development in the west end of Glasgow. Although we all believed that those objectors had a good case, the development still went ahead. I say to her that it is all well and good to back communities in certain circumstances, but there is no easy road out of this problem. No one can sit on the fence and say that they back communities in certain circumstances. The only way in which those 800 objectors in Glasgow would have got anywhere was if they had had a third-party right of appeal.

Pauline McNeill and other members have said that they would like the bill to include some form of third-party right of appeal. However, we must examine the matter properly. Regardless of what anyone in the Parliament says, without such an appeal mechanism—which I believe Sarah Boyack eloquently described as a communities appeal—communities will be left in their current situation.

I have been to many public and community meetings at which the CBI and others have claimed that Scotland will disappear into a big black hole if it gets a third-party right of appeal. As Mike Rumbles and other members have pointed out, they should tell that to Norway, Sweden, Denmark and Australia. Those countries are not in a big black hole; indeed, their GDP is better than the UK's. Others claim that such a mechanism would be a meddlers charter and that it would give rise to serial objectors to developments. However, evidence from other countries that have third-party right of appeal suggests that that would not be the case. Indeed, evidence from Ireland shows that people tend to sit round a table and find a compromise before the matter reaches the appeals stage. Having recourse to third-party right of appeal gives communities the confidence to take such action.

A third-party right of appeal should form an important part of the proposed planning bill; in fact, I believe that even some Tory members might be considering an appeal mechanism for communities. I urge the Liberal Democrats and Labour to think about introducing some form of third-party right of appeal. As a footnote, I notice that, at Westminster, a Liberal Democrat MP—I cannot remember her name—is introducing a private member's bill on third-party right of appeal. We should bear that in mind, because if we do not

incorporate the measure in the planning bill, we might have to debate a Sewel motion on the matter a year or two from now.

**The Minister for Parliamentary Business (Ms Margaret Curran):** That is an idea!

**Ms White:** It must be a good idea if a minister says so.

16:49

**The Deputy Minister for Communities (Johann Lamont):** Of course, the irony is that, if a third-party right of appeal were the subject of a Sewel motion, the SNP would oppose it on a point of principle.

I welcome this opportunity to wind up a useful debate, in which members have been able to raise a range of concerns and issues. It has been interesting to see the division of views across the Parliament. I should point out that views among partnership colleagues are also divided, at least on the emphasis that should be given to various issues. We certainly know that the SNP is divided on planning. In fact, its leadership has simply quit the field in this debate, which is perhaps nothing new. That said, the Cabinet spoke with one voice and showed unity on the matter when it unanimously signed off the white paper.

Planning—as any MSP, local councillor or MP will agree—is crucial to local communities. Karen Whitefield made that point. It is crucial in delivering facilities that we all want, such as schools and hospitals, and it is crucial in creating employment, business opportunities and economic growth—economic growth not for its own sake but because it transforms the life chances of people in our most deprived communities.

Planning will also provide important facilities that we all require even if we do not want them near us—facilities such as waste recycling units or secure units. The challenge in planning is to balance the need for certain things against the resistance that we all feel about having such things on our doorsteps.

In the planning process, it is interesting to note the imaginative explanations that people will find for opposing a particular development on their doorstep. If we think that they are imaginative now, imagine how imaginative they will be if people have only to prove that the application goes against the local development plans.

We have to be honest. We know that planning has a bad image. People think of developers riding roughshod over local communities; we think of a slow, self-serving, bureaucratic and irrational system; and we think of a world full of nimbys and cowboy developers.

This debate has been measured, but in the general response to the white paper it was depressing that some groups sought out the old politics. They talked about power grabs and a developers charter. There was even triumphalism from some elements of the business community that want to continue in the old world of trench warfare and foghorn diplomacy, if I may mix my metaphors. We need to be measured and calm—which is hard for me, I accept.

**Mike Rumbles:** Will the minister take an intervention?

**Johann Lamont:** We have to resist the temptation to distil the complexities of what we want to do in planning into one acid test on third-party right of appeal.

We all know that the Scottish Executive and the Parliament work hard to engage with communities and lobbying groups—the so-called stakeholder groups—and we know about the task forces and the consultations. It is therefore depressing that some who say that they speak for local communities will, at the same time, drive down the expectations of those local communities of what the Scottish Executive and the Parliament will deliver for them. It is disgraceful that they will belie the reality that we want to work with local communities and that we are wrestling with how best to involve local communities. That is not the froth; it is at the centre of our commitment to change the planning system.

**Ms White:** Will the minister take an intervention?

**Mike Rumbles:** Will the minister take any interventions at all?

**Johann Lamont:** I would not judge my general view of interventions on my decision on whether or not to take an intervention from Mr Rumbles.

We need to speed the system up, but we cannot allow developers to do as they please. We need proper engagement with local communities, but we have to acknowledge that some people will be happy only if we agree with them absolutely, as Karen Whitefield said.

I know from the debate on Scottish planning policy 16 on opencast coal mining that there can be divisions within communities. It is possible for one community to take two different views on a planning proposal. In my view, third-party right of appeal might extend rights for some, but would override the rights of others. We have to reassert the importance of local decision making by local authorities, who have their own democratic accountability.

We need honesty in the debate: there are bad developers and there are nimbys. However, not everyone is like that. In this debate, we have to

consider more than simply whether it will make us feel better to develop something or whether the development will work. I acknowledge the serious views that have been expressed on third-party right of appeal. However, will third-party right of appeal merely lengthen the process, or will it give people real powers? Will it give an opportunity to those with an ideological position on a development to object, or will it make a real difference to communities?

**Ms White:** The minister hints at the possibility that people will put in loads of objections to developments because of the third-party right of appeal. However, she has not read the figures from Ireland, where very few developments have been held up in such a way. The system there has in fact worked more quickly. As I said in my speech, when people spoke to one another, the process was quicker.

**Johann Lamont:** We could have a further argument about what the evidence from Ireland means, but an interesting aspect of the situation, as I understand it, is that locally elected politicians in Ireland are not involved in the process. That is not something that I would want to happen here.

For me, a judgment must be made about where to put resources. We must have a strong enforcement process. If I have to make a judgment about whether to lengthen the system or to strengthen it, I would argue that it needs to be strengthened. The message from opencast coal developments is that the enforcement road is the way to go. We must deal with individual rogue developers to build people's confidence in the system and to deter those who believe in a what-you-can-get-away-with culture in development.

It is important to view third-party right of appeal as a short-term solution to the problems of the present system rather than as something that needs to be bolted on to a modernised and developed planning system. People should remember that we propose to impose a limitation on first-party right of appeal and they should welcome that.

Another point that I want to make about enforcement and third-party right of appeal relates to environmental justice. We must not have a system that gives succour to the strongest voices at the expense of the weakest, because it is in poor communities that the cumulative impact of inappropriate developments emerges and develops.

I turn to some of the points that members have made during the debate. The national planning framework was mentioned and, in that regard, we have said that we want to ensure that the Parliament will have a role to play. In addition to the suggestions on how the Parliament's role can

be developed that were made during the consultation, further ideas on that have emerged during the debate. We will produce our detailed proposals in time for the bill's introduction in December.

I point out that some of the issues that Christine Grahame highlighted, such as nuclear power, are so big that they will be the meat and drink of cross-party political debate in the coming period and are just as likely to be solved in an election as in the planning process. There is no change in the Executive's position on nuclear power stations, which is that it will not support further development of nuclear power stations while waste management issues remain unresolved. The decision on whether to grant permission for the construction of a new nuclear generating station would be for Scottish ministers to make under the Electricity Act 1989. As part of their consideration, they would take account of consultations, which would be likely to include a public inquiry into the proposal.

**Christine Grahame:** Although I conceded that that decision would be made under the Electricity Act 1989, I asked whether the Parliament, rather than ministers, would have the final veto if, in reflecting the views of the Scottish people, it took the view that it was opposed to such a proposal.

**Johann Lamont:** That is what elections and being politically accountable are all about. Scottish ministers will make the decision and the people of the country will be able to pass a verdict on that action, just as they can on any other ministerial actions.

**Christine Grahame:** So ministers will have the final veto.

**Johann Lamont:** Yes.

I will now address the cumulative impact of opencast coal mining and of other waste and minerals development. People who, like me, have met people from Greengairs and similarly affected places recognise the importance of the issue and understand why we want to underline the significance of environmental justice. The role of COSLA has been mentioned. We engage with COSLA on such matters and I know that a key aspect of COSLA's view is that, rather than centralising control in Edinburgh, we should work with local authorities and support planning authorities to do the job that we intended them to do.

I turn to the issue of having a statutory purpose for planning. In light of the consultation, we are considering whether planning should have the statutory purpose of promoting sustainable development, on which, as members will be aware, work is being done across the Executive. In spite of the apparent simplicity of the proposal,

a number of complicated issues are involved and we want to proceed by ensuring greater clarity, not more legal complexity. That should be a watchword for our view on the planning process.

I finish by emphasising that we are talking about creating sustainable communities and ensuring that there is equality and environmental justice for all our communities. That is not about rewarding the loudest at the expense of the weakest. We want to establish a modernised planning system that promotes sustainable growth and guarantees local people the right to make their voices heard while proposals are still on the drawing board. That will involve a cultural change, because people will have to be involved in the process at an early stage. We want the new system to devolve decisions to local authorities whenever that is possible and to rely on up-to-date, relevant and accessible development plans that have been drawn up with the full participation of local people following a clear assessment of the environmental impact. We want to encourage debate, engagement and dialogue rather than confrontation and frustration.

Contrary to the impression that I may have created in winding up, I assure members that Malcolm Chisholm and I—and the rest of the Executive—will be open to discussion and debate as the bill proceeds through the Parliament. That said, we are determined to have a planning system that is fit for the 21<sup>st</sup> century. We want a system that does not hamper but strengthens development in our local communities.

## Point of Order

17:00

**Trish Godman (West Renfrewshire) (Lab):** On a point of order, Presiding Officer. I submitted a written question on 19 September to the Minister for Enterprise and Lifelong Learning regarding alleged European subsidies in relation to Fergusons in my constituency. As members know, the matter is a serious one for me. I received a holding response on 3 October.

This morning, *The Herald* published an article that was based on Nicol Stephen's written answer. I want to point out that I did not receive the written answer until 10.30 am this morning, after my staff contacted Nicol Stephen's office, having read the article in *The Herald*. That behaviour from a minister is totally unacceptable.

**The Presiding Officer (Mr George Reid):** The point of order is primarily one for the minister and his civil servants. They will certainly take good note of it. In terms of guidance on ministerial statements, it is clear that best practice and common courtesy should ensure that the constituency member receives an answer to a question before it goes public. I am sure that Mr Stephen and his civil servants will take note of that.

We move on to the next item of business—*[Interruption.]*

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen) rose—**

**Members:** Let him in.

**The Presiding Officer:** Order. I call Mr Stephen.

**Nicol Stephen:** I am sorry, Presiding Officer. I pressed my request-to-speak button to indicate my wish to reply to the point of order.

I give the member an unreserved apology. What happened should not have happened. Yesterday morning, I cleared the parliamentary question for answer. I understand that the information was passed on to the First Minister's spokesperson for a press briefing. I also understand that he, in good faith and believing the question to have been answered—*[Interruption.]*

**The Presiding Officer:** Order.

**Nicol Stephen:** He issued information about the question and made available the answer. I do not know the full details. I will make further inquiries and give a detailed explanation to the member and to other members who are interested in the matter. The question was not answered until this morning.

That was a mistake; it should not have happened, and I apologise.

**The Presiding Officer:** I am grateful to you for that statement, Mr Stephen. It is an apology and I suggest that we let the matter rest there.

## Business Motions

17:02

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of two business motions. I ask Margaret Curran to move motion S2M-3392, on behalf of the Parliamentary Bureau, advising of a change to this week's business programme. Business motion S2M-3392 replaces motion S2M-3379, which was withdrawn.

*Motion moved,*

That the Parliament agrees a revision to the programme of business for Thursday 6 October 2005, as agreed on 28 September 2005—

after,

*followed by* Stage 1 Debate: St Andrew's Day Bank Holiday (Scotland) Bill

insert,

*followed by* Motion on Natural Environment and Rural Communities Bill—UK Legislation

*followed by* Motion on Civil Aviation Bill—UK Legislation

*followed by* SPCB Motion on Membership of the Scottish Commission for Public Audit.—[Ms Margaret Curran.]

*Motion agreed to.*

**The Presiding Officer:** I ask Margaret Curran to move business motion S2M-3380, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 26 October 2005

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* SPCB Debate: Report on Prioritisation of the Non-Executive Bills Unit's Workload

*followed by* Motion on Equalities Bill—UK Legislation

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 27 October 2005

9.15 am Parliamentary Bureau Motions

*followed by* Executive Debate: Delivering for Health

11.40 am General Question Time

12 noon First Minister's Question Time  
 2.15 pm Themed Question Time—  
 Health and Community Care;  
 Environment and Rural Development  
 2.55 pm Executive Debate: Homelessness  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business

Wednesday 2 November 2005

2.30 pm Time for Reflection  
*followed by* Parliamentary Bureau Motions  
*followed by* Executive Business  
*followed by* Business Motion  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business

Thursday 3 November 2005

9.15 pm Parliamentary Bureau Motions  
*followed by* Executive Business  
 11.40 am General Question Time  
 12 noon First Minister's Question Time  
 2.15 pm Themed Question Time—  
 Enterprise, Transport and Lifelong  
 Learning;  
 Justice and Law Officers  
 2.55 pm Stage 3 Proceedings: Management  
 of Offenders etc. (Scotland) Bill  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business.—[*Ms Margaret Curran.*]

*Motion agreed to.*

## Parliamentary Bureau Motion

17:03

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of one Parliamentary Bureau motion. I ask Margaret Curran to move motion S2M-3372, on the designation of a lead committee.

*Motion moved,*

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the Police, Public Order and Criminal Justice (Scotland) Bill at Stage 1.—[*Ms Margaret Curran.*]

**The Presiding Officer:** The question on the motion will be put at decision time.

## Decision Time

### **The Presiding Officer (Mr George Reid):**

There is only one question to be put as a result of today's business.

The question is, that motion S2M-3372, in the name of Margaret Curran, on designation of a lead committee, be agreed to.

#### *Motion agreed to.*

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the Police, Public Order and Criminal Justice (Scotland) Bill at Stage 1.

## Met Office (Aberdeen)

### **The Deputy Presiding Officer (Murray Tosh):**

The final item of business is a members' business debate on motion S2M-3073, in the name of Brian Adam, on the Met Office in Aberdeen. The debate will be concluded without any question being put.

#### *Motion debated,*

That the Parliament expresses grave concern at proposals by the Met Office to close its office in Aberdeen and transfer the work to Exeter; notes that the Aberdeen office is commercially profitable and that its integrated approach to forecasting and commercial activities is key to that success; further notes its important role in adding value to raw data by providing significant interpretation through local knowledge and by successfully engaging face to face with many of its customers, and considers that the Scottish Executive should engage in the consultation recently announced by the Met Office with the intention of retaining all its activities in Aberdeen and seeking consideration of the devolution of the civil and commercial activities.

17:06

**Brian Adam (Aberdeen North) (SNP):** I am grateful for the opportunity to have this debate and for the level of support from across the parties and throughout the country that my motion has received. This debate is not about potential job losses, important as those jobs are, but about the quality of weather forecasting services.

The nature and complexity of Scottish landscapes make it difficult to predict the weather, even using the latest computer models. The accuracy of forecasts for Scotland is therefore heavily reliant on the experience and knowledge of local effects provided by the dedicated forecasting teams based in Aberdeen.

As well as Scottish forecasts and a range of services for the oil and gas industry, the Aberdeen centre provides information for a number of specialist services, such as information on road conditions and for aviation charts, Marinecall, Mountaincall, winter fishing forecasts, Network Rail and the Scottish Environment Protection Agency flood warning system. The availability and accuracy of those products and services is important to those who live, work or spend leisure time in Scotland.

The Met Office does not always get its forecasting right. I am sure that members will recall the rather famous mistake made by Ian McCaskill—he had to accept the responsibility, although it was the Met Office that produced the wholly inaccurate report of the weather as it affected the south-east of England. Not so widely known are the other misjudgments that are still being made. It is inevitable that, in weather forecasting, not everything is always right. Concern was expressed in the media at the turn of

the year when we had our own major storm, which affected the Western Isles in particular with significant loss of life. Even in the past few days, severe weather warnings have been issued from Exeter suggesting that we were going to have significant storms in many parts of Scotland, but they did not come to fruition. Embarrassingly for the Met Office, it issued one for land over 700m in the northern isles, although, as the Minister for Transport and Telecommunications, who is sitting in the chamber, will be more than aware, there is no land over 700m in the northern isles. I think that the warning referred to Orkney, which is even worse. I suggest that a little local knowledge might have helped in such circumstances.

Local input is important, as is accuracy. Automation is helpful, but for the people of the Western Isles and the northern isles and for those elsewhere in Scotland and beyond, local knowledge is key to providing accurate forecasts. The evidence shows that the Met Office has had recent failings and that further centralisation of the service is likely to make the situation worse rather than better.

Weather forecasting services are important to people in some of Scotland's key industries, such as those who work offshore, whether in oil and gas or fishing, and those who work onshore, whether in clearing the roads or providing safe outdoor activities. Centralisation of the services in Exeter will put at risk the Met Office's good reputation and could put at risk the lives of our citizens.

The Met Office is consulting on its proposals. I assure members that the consultation will definitely finish on 20 October, in spite of the misinformation that was put out earlier suggesting that it would finish on 20 September. I urge members, organisations and individuals to lodge their concerns with the Met Office before 20 October.

Our island communities and their representatives have taken a strong stance on the proposals—I commend them for their robust responses. Other public and voluntary bodies have given strongly negative views of the Met Office's plans, including organisations such as the Scottish mountain safety forum and a number of councils. Further, well in excess of 1,000—perhaps close to 2,000—people have signed an e-petition.

A wide range of concerns have been raised during the consultation on, for example, the apparent lack of the user perspective in the quality and efficiency measures and on the quality of forecasts and information services that we can expect from a remote and centralised service that has fewer experienced staff and increased automation. It has been suggested that there has been a lack of user and customer consultation and

questions have been raised about how the Met Office, which admits to being put on the back foot by the reaction in Scotland, can truly have anticipated our future and current needs. That is just a small sample of the many comments that appear in the e-petition.

To be frank, the consultation period has been a shambles and it is in danger of becoming a total sham, because the Met Office does not have an open mind about the outcome. I hope that Westminster ministers have an open mind. On 25 May, a Met Office committee decided that it would produce a business case founded on the presumption that peripheral offices would close and that the service would largely rely on automation. I sought in writing a copy of the business case, but the Met Office refused to publish it, ostensibly for commercial reasons. I suspect that the cynical among us—who may be the majority—will conclude that the business case is weak and open to challenge and that the Met Office is afraid to publish it for fear of such a challenge.

What does the Ministry of Defence and, hence, the Met Office say about the Aberdeen service? Some of us will have seen a letter that was sent by the relevant minister to Jim Sheridan MP in February this year, which states:

"Aberdeen hosts the main forecasting office for Scotland, including support for Public Met Services, and the Met Office's Marine Forecasting Centre of Excellence. As well as providing forecasts that are vital to the safety of life at sea, this centre also supports the marine industry both at home and around the globe."

Page 16 of the Met Office's annual report for 2004-05 states:

"In Summer 2004, we created a marine centre of excellence at our regional office in Aberdeen from where we provide all of our maritime services, which include the Shipping Forecast and Gale Warning services."

At that point and until recently, the Met Office said that the service was excellent. Why is it now briefing against its own staff and organisation? Why is it going against the fundamental rights of people in a consultation period by telling customers that the centre will close?

The Met Office is a wholly owned subsidiary of the Ministry of Defence, so final decisions are in the gift of the ministers. The matter may appear to be reserved, but meteorology is clearly covered in the concordat that exists between the Scottish Executive and the MOD. Therefore, the issue is also for the Parliament and for the Scottish ministers. I hope that the Minister for Enterprise and Lifelong Learning will give a commitment to use all his power and influence to prevent the closure of the Aberdeen office. His relevance to the issue relates not only to the concordat, but to the £1.3 million that he spends on our behalf on

severe-weather warning services from the Met Office. I hope that he will publish details of his correspondence with the Met Office and the MOD on the issue.

Because we have had a series of closures, many of the staff who work in the Aberdeen office do not actually live there, but instead commute to Aberdeen for their shifts. Some members will undoubtedly be aware that there are proposals to close the weather station at Eskdalemuir—it is also under threat. The Aberdeen office is the only part of the Met Office that is commercially viable. The Met Office could not get the budget right for its new offices down in Exeter, although I suppose that it is terrible for us to point that out. The offices came in £8 million over budget. The Met Office cannot balance its books, so it is cutting peripheral offices, even if they are profitable.

The BBC may have got the weather map wrong, but it has got this situation right. The BBC says that it wishes to continue to give weather forecasts for Scotland from Scotland. I hope that the minister will give a similar commitment today.

**The Deputy Presiding Officer:** Eight members have asked to speak, so I must insist on speeches of no more than four minutes.

17:15

**Richard Baker (North East Scotland) (Lab):** I congratulate Brian Adam on securing the debate. I support his motion, which expresses grave concern about the Met Office proposal to close its Aberdeen office. I met staff at that office soon after the proposals were announced. I visited the office along with Aberdeen's two Labour MPs, Frank Doran and Anne Begg. The staff made a compelling case to us. Members have heard some of those arguments from Brian Adam.

The Aberdeen office is already a centre of excellence in the Met Office. The fact that the shipping forecast service has improved since it moved to Aberdeen shows how well it is working and the expertise that has been built up among the staff in Aberdeen. The commercial case for retaining the centre is also compelling, because it provides invaluable services for the offshore industry. There is no doubt that many contracts are with the Met Office because it has an office in Aberdeen. The business case for retaining that office is clear.

This is not only about the commercial case, though. The Aberdeen office plays a crucial part in the Met Office's role of providing public service forecasting. Aberdeen produces forecast services to provide security for the public, business, infrastructure and emergency services in Scotland. It also provides weather warnings and services to local authorities and others. It is vital that that

information benefits from the local expertise in Aberdeen. That expertise will be lost—if not immediately, then certainly in the long run—if operations are centralised in Exeter. Local geographical knowledge, for example, can be crucial in determining a forecast's accuracy. If the only office that provides civil forecasting services in Scotland closed, that would have a worrying impact on the crucial services that it currently provides to the whole of Scotland.

It is also crucial that we do not just seek to criticise and attack proposals during this process. We must not only publicise our opposition to the proposal to close the Aberdeen office but engage in the consultation process constructively. The trade union Prospect is doing that and making a strong case to the Met Office management. I am sure that it will make progress through that.

We can also be confident that Don Touhig, the Westminster minister responsible for the Met Office, understands the strong case for the Aberdeen office. His decision to reopen the consultation process shows that he wants to take a fresh look at the whole process. It is vital that we work with our Westminster colleagues on the issue, because that is where the final decisions will be taken. Frank Doran has had a number of meetings with Don Touhig, the most recent of which was only last week. I believe that we should be optimistic that the minister will make the right decision.

I am pleased that the Deputy First Minister responded to my previous questions on the issue by stating his determination that a clear message would go from the Executive to Westminster that we want the Aberdeen office to remain open. I hope that we will hear that message again during the debate. The message is coming out loud and clear from the Parliament.

The staff at the Aberdeen office do a fantastic job. The only right decision is one that ensures that they carry on providing such a vital service for Scotland.

17:18

**Richard Lochhead (North East Scotland) (SNP):** I congratulate Brian Adam on bringing this debate to Parliament and I commend the way in which he has effectively led the cross-party campaign in north-east Scotland. As well as the support of the Aberdeen office's staff, the campaign has enormous public support in Grampian. I also thank the Deputy First Minister, who will close the debate, for his letter to me of a few days ago, in which he vigorously defended the Aberdeen office and promised to fight for its future.

This morning, some of us attended a Scottish Enterprise annual breakfast meeting at which we

were told of the importance of maintaining high-value jobs in Scotland and attracting new ones. This debate is about protecting 35 high-value, skilled jobs that already exist in the Aberdeen office. As the minister said, rightly, in his letter to me, we are talking about a centre of excellence for weather forecasts for the fishing and offshore energy industries. I will dwell on that issue for the next couple of minutes.

Members should be aware that this small country of 5 million people accounts for one quarter of the European Union's waters and 12 per cent of the EU's coastline. We should remember that in the context of the other 25 member states of the EU. We face the prospect of our only weather forecasting centre that specialises in offshore forecasts for the fishing industry, for the offshore oil industry and, increasingly, for the renewables industry closing. That is ludicrous and it highlights how important it is that we save the office.

We must also consider the effect on the renewables industry. One of the important facts that several members, particularly Brian Adam, mentioned is that those who work in the Aberdeen office are on first-name terms with people in the offshore industries and they have regular face-to-face meetings. When I visited the office with Brian Adam we spoke to one individual who now specialises in offshore renewables. People from throughout the UK call him to ask for his advice. As we all know, renewables are the future; so we must retain that local expertise and knowledge.

Another fact that shows the importance of local knowledge is illustrated in a letter from Phil Taylor of Blanehead in Stirlingshire to *The Herald* on 24 June 2005, shortly after the announcement of a potential closure. Mr Taylor says:

"I have direct professional experience of the work of the Met Office, and was privy to a difference of opinion between the Scottish forecasters and their counterparts in Exeter about the track of the 120mph gale in January, the storm that claimed five lives in the Western Isles. Before the event, the Met Office in Exeter believed the storm would track through the central belt; its colleagues in Aberdeen did their best to warn that it would cross Scotland further north. Aberdeen made the more accurate forecast. The difference in opinion was to do with 'local' knowledge. Lose that—and we are all losers."

That sums up the importance of maintaining local knowledge in Aberdeen.

Safety at sea is an issue that should be at the forefront of our minds. This evening, some of us are attending the annual dinner of the Scottish Fishermen's Federation in Edinburgh. If any of us asked the representatives of fishing communities throughout Scotland about safety at sea, they would all agree that it will be jeopardised if the local expertise that the Met Office has built up over so many years is lost.

My closing remarks to the Deputy First Minister are that when he was Minister for Transport and Telecommunications he managed to win some power from Westminster over the railways. We all welcome that. Perhaps now that he has responsibility for the issues that we are discussing this evening he will use his influence to save the Aberdeen office. Perhaps he can bring responsibility for weather forecasts to the Scottish Parliament, so that we can save the jobs at the Met Office. Closure would be an act of vandalism that would put lives at risk at sea.

17:22

**Mr David Davidson (North East Scotland)**

**(Con):** As has been said before, Don Touhig, the Parliamentary Under-Secretary of State for Defence, is the owner of this policy area. During Malcolm Bruce's debate in Westminster in July, the minister gave a hint that he was open to suggestions and to more consultation. However, I turn back to 31 July 2001 when Alan Motion, the strategic sales manager of the Met Office, said in a press release about the office's new facility in Aberdeen:

"The extreme conditions experienced out there means our clients need accurate and reliable information, so they demand very high standards from their suppliers. Clients like these stretch our expertise to the limit and we will continue to rise to the challenge."

How can they do that if they close the office?

I find it insulting that the announcement was made before the end of a consultation. Westminster is sending out a mixed message. For once, some of our ministers down there need to look very carefully at what Westminster is trying to do.

It is true that scientists will say that the service can be run from anywhere, but that is not the issue for the Met Office. What is so special, as has been said before—and I congratulate Brian Adam on initiating this debate—is the local knowledge the Aberdeen office has.

The oil and gas industry, the renewables industry, fishing—my family depended heavily on Met Office reports when at sea—and shipping all depend on the Met Office's reports. Scotland's agriculture and food industry also depend on localised details of weather patterns, as planting and rotations must be planned well ahead.

I do not doubt that Fergus Ewing will mention mountain rescue. The list of activities that depend on reliable forecasts—tourism; sailing clubs such as Stonehaven near me; climbing and walking—goes on and on. We need dependable Met Office reports in case of flooding, for example.

What matters, though, is the direct interface with the client base. The minister says that the military

situation is different. The Met Office has facilities in each and every military base and pilots such as those who fly out of RAF Lossiemouth get a face-to-face briefing particular to a flight and its time. The requirement is no different in the commercial market. Face-to-face briefings and the ability to check the level of understanding and the data are important there, too. People will not be able to get that from what would effectively be a call-centre delivery exercise from Exeter.

Many of the staff are very highly skilled. Some of them have already moved from other places. As has been said, some of them commute to do their duties. They will leave the organisation. No doubt they will go to private sector competitors, should they wish to stay in the area. It is, after all, a competitive business.

I do not understand why, if the proposed closure goes ahead and the minister thinks the facility must be moved and the service must be condensed, there was no opportunity for the staff, who are working as part of an excellent resource, to initiate a management buyout. That might not have been the purpose, but it would at least have retained the speciality unit and kept it together. People will probably drift off to join other organisations, and much of the confidence that the office has established will be lost. There is little doubt that the consultation has been badly handled.

It may well be too late, but I hope that the minister will confirm tonight that he will use his good offices to fight on behalf of the Parliament to get across the message that the Aberdeen office is a vital facility for many lives as well as for the economy of the north-east of Scotland, the north of Scotland and indeed most of Scotland. I do not feel that we can allow the proposed closure to proceed. I congratulate Brian Adam on his role in a campaign that has been joined by many members. I believe that almost 50 MSPs have signed Brian's motion.

17:26

**Nora Radcliffe (Gordon) (LD):** I add my thanks to Brian Adam for securing the debate. Many of the arguments that have emerged tonight are the same as those that were expressed at Westminster during Malcolm Bruce's debate on the same topic in July.

I pass on Jim Wallace's apologies. He would have liked to be here but he had an earlier commitment to deal with the not unrelated topic of air ambulance cover, which is one service that might be jeopardised by the loss of the Aberdeen office.

The main points are covered in Brian Adam's motion. The Aberdeen office is commercially

successful. The integration of forecasting and commercial activities provides a valuable synergy. There is considerable added value in the interpretation of raw data when local knowledge is added. That is incontrovertibly demonstrated by the fact that, when the shipping forecast operation moved to Aberdeen, there was a 35 per cent increase in accuracy. That is a huge increase and it demonstrates the value of local knowledge added to technical data.

The local interface has a bearing on commercial success, as is indicated by the fact that, since the threat of closure of the Aberdeen office emerged, the Met Office lost a £1 million contract with Shell. I do not think that those things are unrelated.

Brian Adam mentioned that the new headquarters in Exeter had a budget overrun of £7.9 million. There is an interesting sequence of events there. There are new headquarters, a big budget overrun and, suddenly, everything is going to get rationalised and transferred to Exeter to make cost savings. Extrapolating from the minimal impact of earlier rationalisation, which was very different from the Met Office putting all its eggs in one basket in Exeter, has been a big mistake.

Issues around risk, resilience and a lack of backup are raised. We need to ask to what extent the supercomputer technology in Exeter, on which we will be depending now, has been tested. Are we confident about it before we close all the regional centres that would provide backup if needed? We are assured that it is ready, but it is perhaps telling that the Ministry of Defence intends to retain Met Office operations on all its bases in Scotland. That is because

"Military pilots require direct, immediate and face-to-face briefings on the likely impact that the weather will have"—*[Official Report, House of Commons, 12 July 2005; Vol 436, c 815.]*

on military operations. That justifies the maintenance of military aviation weather centres in Scotland. Why, if the potential impact of the weather on military operations merits the on-the-ground presence of Met Office staff, does the impact of severe weather on public safety or the interests of highly valued Met Office customers not merit it?

Only last year, the Met Office's outgoing chief executive, Dr David Rogers, said:

"I want the Met Office to work with Government to help to mitigate the impacts of severe weather. This goal can only be achieved if we maintain a significant regional presence".

I will summarise what my colleague Malcolm Bruce said in the House of Commons: these are short-term plans with long-term risks and they must be reconsidered.

17:30

**Shiona Baird (North East Scotland) (Green):** I thank Brian Adam for introducing the debate, whose subject is causing much concern not only in Aberdeen, but throughout Scotland. I agree with Nora Radcliffe that the motion says it all most effectively.

Serious concern is felt that the reasons behind the decision to close the facility, which is valuable and commercially profitable, are based on no understandable logic. The economic case does not stand up to serious scrutiny. On purely financial terms, on paper, a case might be made in the short term, but if the many ramifications and knock-on effects of closure were taken into account—as they should be—there would be no case to answer. The closure appears to be a blatant exercise in cost cutting that will have particularly negative repercussions in north-east Scotland.

The Met Office's proposal to close the Aberdeen office appears to be purely finance driven and pays no regard to the added value of local knowledge in providing weather services to the Scottish public, Scottish businesses and the emergency services. I have no doubt that, as well as delivering a jobs blow to the north-east, closure of the Aberdeen centre would unacceptably threaten the safety of those who work offshore and in the fishing industry, not to mention hillwalkers and other outdoor enthusiasts. Such people need to have confidence in the weather forecasts. That confidence would be severely dented if local expertise were lost and the vital services were switched to Exeter.

The oil industry in Aberdeen is experiencing something of a resurgence, but we all know that oil is a finite resource that contributes to our climate-damaging carbon emissions. Aberdeen aims to capitalise on the emerging marine renewables and has considerable offshore expertise and manufacturing skills to make that a reality in the near future. To lose a vital part of supporting expertise at such a critical time is beyond belief.

As climate change becomes a reality and more severe weather events are predicted, it is short-sighted in the extreme to relocate the centre of excellence in Aberdeen to the most south-westerly tip of the UK—another peripheral region. Scotland must retain the facility to ensure that we have the capacity accurately to predict, monitor and inform as events unfold. The Scottish Executive needs to exert its influence and take a firm stand in defending Scotland's interests.

17:33

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I congratulate Brian Adam on

leading the campaign with others and commend him for his pugnaciously persuasive address this evening, which put the case comprehensively.

The Aberdeen office is not the first to face closure. A pattern has been established of closing Scottish Met Office branches—not all had as many as 37 employees, but they were nonetheless important to many rural parts of Scotland. The Aviemore office was closed back in 2002. That closure was opposed and, at the time, we argued that the consultation was not a real one, because the outcome was pre-determined. Job losses have also occurred in many other parts of Scotland, of which Tiree, Kirkwall and Stornoway are but three.

I understand that, in 2000, the Met Office had about 2,200 employees, a small proportion of whom were in Scotland. The Scottish National Party does not argue that every body that currently operates on a United Kingdom basis should provide a pro rata share of jobs in Scotland and we would not necessarily negotiate for such an outcome after independence—I am simply proving how reasonable SNP members are. However, there is a trend towards there being not much of a commitment by the Met Office to Scotland. The relocation from Bracknell to Exeter was in train back in 2000-01, when I was heavily involved in trying to prevent the closure at Aviemore. The Met Office must try to demonstrate its commitment to Scotland.

I was delighted with the letter that Nicol Stephen sent Mr Touhig on 12 July 2005 pointing out the importance of retaining the office in Aberdeen. I commend the Executive for sending that letter and for the arguments that Nicol Stephen put in it. I wish that the Executive was always up front about its representations to Westminster and I do not see why those representations should be made in secret. However, the acid test will come when we see the extent to which the Met Office has listened to the Scottish Executive and the extent of the Executive's influence in the UK.

From my perusal of its annual report, I think that the Met Office might want to have a good look at its accounts. I wonder whether there might be audits on some of the joint venture arrangements that it has made, some of which, it has been suggested, appear to have gone awry. I also wonder whether the £25 million loss that it made in 2003-04 and the £4 million loss that it made on exceptional items with its move represent prudence in action or botched jobs. Moreover, I would be worried if I were a member of the Met Office's pension scheme, given what the accounts say. The annual report states:

"The Met Office is unable to identify its share of the underlying assets and liabilities."

That is not exactly a statement of confidence.

I will leave my wife the task of being an advocate for the mountain rescue service, which is one of the many services for which local knowledge is necessary. The avalanche information service that is operated from Glenmore Lodge is another such service. Unmanned stations cannot do the job as well as it can be done.

17:37

**Mrs Nanette Milne (North East Scotland) (Con):** I confess that before I visited the Met Office premises in Aberdeen, I had little idea how it operated or how the radio and television weather forecasts that we take for granted are produced and brought to us. It came as no surprise that a great deal of scientific and communications expertise is involved, but I did not realise until my visit that there was such an important commercial aspect to the Met Office's work. I was also not aware of the close personal liaison between the staff and the companies—such as companies in the oil industry and marine sectors—for which they provide forecasts.

Now that I have been to the office, I fully understand the dismay in it that followed the Met Office board's recommendation early this summer to close the Aberdeen weather centre and to centralise the forecast production programme in Exeter. Met Office management contends that the forecasting process is becoming less dependent on human input and that it can therefore be centralised appropriately, with forecasters becoming more involved in service provision and helping users and customers to make the best use of the information that is provided. However, there is legitimate concern among staff that the closure of the Aberdeen weather centre will result in the removal from Scotland of the necessary skills and competence that are required to provide high-quality weather intelligence in this country for customers and stakeholders such as public utilities, local authorities, SEPA and BBC Scotland, not to mention the loss of the benefit to the public of severe weather warnings and accurate local weather predictions, which are important for the marine interests in the seas around Aberdeen.

The shipping forecasts, gale warnings and services for the fishing fleet that are currently performed in Aberdeen benefit from the significant marine expertise that has been built up by the forecast team in Aberdeen. It is hard to understand why there has been a proposal to close the Aberdeen centre only a year after those services were transferred from the Met Office's headquarters and were successfully absorbed by the Aberdeen team without staff increases. As we

have heard, that also resulted in increased accuracy in the gale warning service.

Of course, the Met Office has to keep its production costs under control, but many of those costs appear to be the result of central overheads, and the staff do not believe that closing the Aberdeen centre will reduce them. Indeed, they feel that a vibrant office such as that in Aberdeen can help to secure the future of the Met Office and its corporate aspirations. It is already profiting from commercial contracts with both offshore and Scottish businesses, which is helping to offset the cost to the taxpayer of weather services. The staff are convinced that direct investment in the Met Office's forecasting capability in Scotland would ensure the highest level of service and give the organisation the best financial returns.

The staff were also unhappy with the timing of the centralisation proposals; therefore, it is good that proper consultation was finally agreed and is on-going. However, although the Met Office is revising its business case, its centralisation of services agenda seems unchanged.

I spoke to a Met Office representative at the Conservative party conference in Blackpool, from which I have just returned. I was heartened to be told by him that Don Touhig has, at this moment, a completely open mind and wants to hear the views of as many people as possible. My contact stressed the importance of receiving submissions from all interested parties by 20 October. I reiterate what Brian Adam said and urge anyone who has relevant input and has not yet responded to the consultation to do so as soon as possible.

I am glad that this debate is taking place, and I thank Brian Adam for securing it. I hope that we get the response that we want from the minister when he concludes the debate. I also hope that, in due course, the consultation will result in a positive and profitable future for the Met Office in Aberdeen.

17:41

**Mrs Margaret Ewing (Moray) (SNP):** I join other members in congratulating Brian Adam on bringing the debate to the chamber and commend him for his excellent exposition of the case in his opening speech. A time limit is always placed on speeches, but many of us were riveted by what Brian Adam was saying and I know that he could have spoken for longer. I also thank other members who have participated in the debate. The minister will be left in no doubt about the unanimity that exists across all the parties. The representations that should be made in the remaining 15 days of the consultation should include the submission of a copy of the *Official*

*Report* of the debate as part of a Scottish demand for the issue to be addressed.

I am deeply concerned about what is happening to the meteorological service in general. Fifteen years ago, we had 14 weather centres in Scotland; we are now down to six, and it looks as though that number is going to decrease. We may end up with zero over the next few years—who knows? Instead of embracing and retaining the skills of the people who work in those centres, we are losing those intelligent and highly skilled people. At the same time, the Executive is talking about the fresh talent initiative. Surely, in conjunction with that initiative, we should work hard to retain the skills that are already established in our own country.

Reference has been made to the weather map on BBC TV, on which Scotland seemed to have been reduced to a third of its geographic size. I congratulate Angus Brendan MacNeil MP, the Scottish National Party member for the Western Isles, on the work that he did to correct that. Still, we need the back-up of the specific information that comes from Aberdeen. We need an active meteorological office in Scotland because Atlantic and North sea forecasts are vital. For the fishing and offshore industries, safety in adverse weather must be paramount, and I would like the direct contacts between those industries and the people who work at the centre in Aberdeen to be maintained.

Weather reports are also important for our air and sea rescue services. As the Ministry of Defence is also involved in the matter, I mention the co-ordination centre at RAF Kinloss, which uses much of the information from Aberdeen and co-ordinates all air and sea rescue operations throughout the United Kingdom. The centre is in danger of being closed as part of the running down of RAF Kinloss. A decision has not yet been reached, but that is a possibility.

As for the mountain rescue services, I will spare the blushes of my husband by refraining from telling stories about what it is like to kick him out of bed at 4 o'clock in the morning and ensure that he has his compass with him. The mountain rescue services are vital to all those who want to participate in outdoor sports and it is vital that those services have the correct information.

We have spoken about rail and road users. In a constituency such as mine, where we know that it is winter when the Cockbridge to Tomintoul road is closed, forecasts are very important.

Underpinning the debate is the fact that public confidence will be undermined if we lose the Met Office service in Aberdeen; business and our skills base will also lose. From a constituency point of view, I know how important the Met Office's work has been when there has been flooding and

coastal erosion. I cannot go into detail of that, but I say to the minister that before the closing date for the consultation on 20 October, which is only 15 days away, we should send the *Official Report* of the debate as part of the very strong case that has been advocated this evening.

17:45

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen):** I, too, thank Brian Adam for lodging the motion for debate. He and I have been in contact on this matter from the very earliest stage, when the closure proposals became known. I, too, have attended meetings and visited the staff at the Met Office in Aberdeen. I share the concerns about the potential closure of the Aberdeen office and strongly support keeping it open.

It is because of my concerns that I have taken up the matter with Don Touhig MP, the Parliamentary Under-Secretary of State for Defence and the minister responsible for the Met Office. The Met Office in Aberdeen is justifiably recognised as a centre of excellence for weather forecasts to the offshore energy and marine industries and I know that oil and gas workers, as well as fishermen, rely heavily on a high-quality local weather service.

Businesses in the north-east of Scotland believe that a service based on local knowledge is vital, given the conditions in the North sea. I know that those businesses would strongly oppose any potential move to centralise forecast production in the south-west of England.

I emphasise that the proposal for the total centralisation of forecast production is not a done deal. I am reassured by the personal intervention of Don Touhig to put on hold the closure scheme and to extend the consultation, and by his promise that he will not act on any recommendation from the Met Office board until everyone involved has had their say.

I believe that I speak for everyone in the Scottish Parliament when I say that we wish to see the future of the Met Office in Aberdeen secured. The one thing that cannot be compromised is the safety of workers in the fishing and oil and gas industries.

In fairness, I should briefly state the Met Office position. It has said that if forecasting is centralised and the Exeter operations centre becomes the hub of all future forecasting, that will not mean the end of a Scottish presence. The MOD and the Met Office board have said that they will maintain experienced staff in the area to act as consultants offering meteorological advice to Government, local government, the media and customers. They also say that the proposed

changes would not reduce the quality of Met Office products and that there would be no issues related to safety of individuals or property. However it is clear that the level of staffing and the presence in Scotland would be significantly reduced.

**Brian Adam:** Will the minister join me in deploring the behaviour of Met Office staff in discussing with customers the consequences of the consultation and assuring them that the plans will go ahead? That is happening, and I understand that the Met Office even offered one of its customers—a public sector organisation—a discount if it would sign up now to the arrangements that would move the work from Aberdeen to another office.

**Nicol Stephen:** The Met Office is not in a position to make any such statements, if they have been made, because the final decision does not rest with it. The final decision rests with UK ministers and Don Touhig in particular.

It is only fair that those with knowledge and expertise have the opportunity through the consultation to test and to challenge these assertions and to comment on the issues that Brian Adam has just raised.

It is frustrating that the fact that the Aberdeen office is successful and profitable does not immediately preclude it from potential closure; but its success and profitability provide a solid foundation for the campaign to keep the office open. Of course we recognise that the Met Office, as a trading fund, has a responsibility to provide an efficient, value-for-money service to the UK and that the final decision rests with the UK Government, but that does not prevent the Scottish Executive from making representations to UK ministers. We have done so forcefully. In taking up the issue with Don Touhig, I have emphasised the expertise, success and profitability of the Aberdeen office and I have asked that account be taken of the issues that have been mentioned in tonight's debate. I have also requested that I be kept informed of any significant developments before any final decision is taken.

The closure of the Aberdeen office is not a foregone conclusion and Don Touhig's intervention reinforces that.

**Brian Adam:** Will the minister give way once more?

**Nicol Stephen:** Surely.

**Brian Adam:** I know that the Aberdeen office staff are, like me, grateful to the minister for all that he has done. Has the minister had any correspondence with the UK minister other than the letter of 12 July, which he previously shared

with me? If so, will he share that correspondence with other interested parties by publishing it?

**Nicol Stephen:** In responding to tonight's debate, I rule out nothing in considering opportunities for a solid way forward for the Met Office. There have been discussions at official level, but I have had no other formal discussions or exchange of correspondence with Don Touhig. I am very willing to have such discussions at the appropriate time if it will make the difference.

I know that MPs and MSPs across the parties share the view that is shared by me and Brian Adam. Clearly, the representations that are being made at Westminster are also vital, given that the decision is reserved. We have an assurance that the Parliamentary Under-Secretary of State for Defence will carefully consider all responses to the consultation, which ends on 20 October, before making his final decision on the proposed changes.

Finally, it is important that we do not forget those who will be directly affected if the Met Office proposals are taken forward. The main reason that the Met Office in Aberdeen enjoys such a high reputation is the quality and dedication of its 37 members of staff. For their sake, it is vital that everyone respond to the consultation before 20 October. The more individuals and organisations that resist the proposals, the more powerful the case will be.

The view of Scottish ministers is clear: we wish to see the Met Office in Aberdeen remain open.

*Meeting closed at 17:54.*



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