

# **MEETING OF THE PARLIAMENT**

Wednesday 22 March 2006

Session 2

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# CONTENTS

Wednesday 22 March 2006

## Debates

Col.

<b>TIME FOR REFLECTION</b> .....	24207
<b>MOTION WITHOUT NOTICE</b> .....	24209
<i>Motion moved—[Nicola Sturgeon]—and agreed to.</i>	
<b>MOTION OF CONDOLENCE</b> .....	24210
<i>Motion moved—[Nicola Sturgeon].</i>	
The Presiding Officer (Mr George Reid).....	24210
Nicola Sturgeon (Glasgow) (SNP).....	24211
The First Minister (Mr Jack McConnell).....	24213
Miss Annabel Goldie (West of Scotland) (Con).....	24214
The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen) .....	24215
Robin Harper (Lothians) (Green).....	24215
Colin Fox (Lothians) (SSP).....	24216
Dennis Canavan (Falkirk West) (Ind) .....	24216
<b>BUSINESS MOTIONS</b> .....	24218
<i>Motions moved—[Ms Margaret Curran]—and agreed to.</i>	
<b>SCOTLAND'S SPECIES</b> .....	24219
<i>Statement—[Rhona Brankin].</i>	
The Deputy Minister for Environment and Rural Development (Rhona Brankin) .....	24219
<b>POINT OF ORDER</b> .....	24229
<b>EDINBURGH TRAM (LINE TWO) BILL: FINAL STAGE</b> .....	24230
<b>EDINBURGH TRAM (LINE TWO) BILL</b> .....	24235
<i>Motion moved—[Bill Aitken].</i>	
Bill Aitken (Glasgow) (Con) .....	24235
The Minister for Transport and Telecommunications (Tavish Scott).....	24237
Mr Kenny MacAskill (Lothians) (SNP) .....	24241
Mr David Davidson (North East Scotland) (Con).....	24243
Sarah Boyack (Edinburgh Central) (Lab) .....	24244
Margaret Smith (Edinburgh West) (LD).....	24246
Mark Ballard (Lothians) (Green).....	24247
Colin Fox (Lothians) (SSP).....	24249
Mr Brian Monteith (Mid Scotland and Fife) (Ind) .....	24250
Marilyn Livingstone (Kirkcaldy) (Lab) .....	24251
David McLetchie (Edinburgh Pentlands) (Con) .....	24253
Mr MacAskill .....	24254
Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD) .....	24255
<b>BUSINESS MOTIONS</b> .....	24259
<i>Motions moved—[Ms Margaret Curran]—and agreed to.</i>	
<b>PARLIAMENTARY BUREAU MOTIONS</b> .....	24261
<i>Motions moved—[Ms Margaret Curran].</i>	
<b>DECISION TIME</b> .....	24262
<b>NHS LANARKSHIRE</b> .....	24265
<i>Motion debated—[Carolyn Leckie].</i>	
Carolyn Leckie (Central Scotland) (SSP) .....	24265
Alex Neil (Central Scotland) (SNP).....	24268
Elaine Smith (Coatbridge and Chryston) (Lab) .....	24269
Donald Gorrie (Central Scotland) (LD) .....	24272
Margaret Mitchell (Central Scotland) (Con).....	24273
Eleanor Scott (Highlands and Islands) (Green).....	24274
Michael Matheson (Central Scotland) (SNP) .....	24276
Mrs Nanette Milne (North East Scotland) (Con).....	24277
The Deputy Minister for Health and Community Care (Lewis Macdonald) .....	24278

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## Scottish Parliament

Wednesday 22 March 2006

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

### Time for Reflection

**The Presiding Officer (Mr George Reid):** Good afternoon. Our first item of business this afternoon is time for reflection. Our time for reflection leader is the Rev Martin Johnstone, who is a priority area worker for the Church of Scotland in Glasgow.

**The Rev Martin Johnstone (Church of Scotland):** The youth magazine *Young People Now* has been promoting a campaign to change society's perceptions about young people. It points out that, although 87 per cent of media items about young people are negative, the vast majority of young people who live in our communities live overwhelmingly positive lives. A similarly distorted image exists of people who live in our poorest communities; the impression is often given that they live chaotic and crime-ridden lives. We know that that is not the case. The question "Who is my neighbour?" has never been more pertinent, and our response has never been more critical.

An old man is scarcely out of his house. For much of the time he just sits and grumps at the world outside. He is especially grumpy when it comes to those young lads who kick the ball into his garden or bang on his door and then run away. The same old man, incidentally, played chap door, run when he was young but, according to him, "That was just for fun. People are different nowadays."

A young grandmother has largely assumed the role of bringing up her kids' kids. Her children are both addicts, and although they have both regularly stolen from her in the past, her door is always open to them. "They're my own flesh and blood," she says. "I cannae no care for them."

A man about my age is struggling to hold down the first real job of his life. He is not always sober and he has been on the wrong side of the law quite a few times in his life. But he is still alive, and that in itself is remarkable. The latest trauma he has faced was the murder of his 21-year-old son.

Who is my neighbour? I know these people, and you will know others like them. Some of them I really like and others, if I am honest, I find it quite hard to love. But I have huge admiration for each and every one of them.

Within the Christian tradition, there is the belief that the presence of Jesus lives on in the poor and the marginalised. It is good to be reminded that—

particularly within those for whom life is an intolerable struggle—Jesus Christ is present, and that Jesus found life, and death, and life again on the outskirts of the city, among the forgotten and despised and far from the corridors of power.

Let us pray.

Vulnerable and hope-inspiring God,  
give us eyes to see your present reality,  
ears to hear the voice of God,  
and hunger in our bellies  
to enable us to strive for justice.

Amen.

## Motion without Notice

14:34

**The Presiding Officer (Mr George Reid):** I am minded to accept a motion without notice from Nicola Sturgeon. I assume that we are all agreed.

**Members indicated agreement.**

*Motion moved,*

That motion S2M-4165 be taken at this meeting of Parliament.—[*Nicola Sturgeon.*]

*Motion agreed to.*

## Motion of Condolence

14:35

**The Presiding Officer (Mr George Reid):** The flags at Holyrood today fly at half-mast in memory and in honour of our friend and colleague, Margaret Ewing. The whole Parliament will wish to express to Fergus and to her family its sadness and shock at her death.

Margaret was well liked and widely respected across the parties both at Holyrood and at Westminster. In both chambers, she argued her case with vigour but did not make enemies. Margaret was a lassie o pairts who was raised in a ploughman's cottage in Lanarkshire. She could ride a horse, birth a lamb and shoot a fox. That cottar upbringing gave her a lifelong love of the land and the conviction that in Scotland a man is as good as his master.

After the University of Glasgow and Jordanhill College, she could have chosen a certain career, but she said that Scotland was somewhere special, so she chose the uncertainty of giving back to this country the chance that she had been given to move on.

In the 1970s, I shared an office with Margaret in the House of Commons. She was fair, she was feisty and she was fun. She campaigned on fuel poverty, decent housing, health issues and the plight of poor African farmers who tried to scratch a living from the soil. She said that being a nationalist meant that she was an internationalist as well. She was always present during the interminable, through-the-night debates on the first devolution bill. After an hour or so of zizz in an office chair, she would be back on the benches at 2, 3 or 4 o'clock in the morning. In the despair that followed the defeat of 1979, she was the first to say that Scotland would just have to start again.

Margaret had courage and tenacity. By chance, I met her early one morning when she still had a dual mandate at Holyrood and Westminster. She had just come up from London, having endured a truly dreadful night of sickness and pain on the sleeper. She could have retired at that point, on health grounds, but she had the courage to fight her fears and her cancer and to go on right to the end of the road. She served her country and her constituents to her very last day.

Margaret now has her place in a long line of formidable women who have helped to shape Scotland and to bring this Parliament into being. The place is poorer without her. We shall miss you, Maggie.

14:38

**Nicola Sturgeon (Glasgow) (SNP):** It is with immense sadness that I speak to the motion in my name. Yesterday, I and all my colleagues were devastated to learn of Margaret's passing. We will miss her terribly, but as we mourn her death, we are determined to celebrate a life that was lived to the full. It was a life that was full not only of politics, but of fun; it was a life that will leave its mark on Scotland.

Margaret was an optimist. For her, the glass was always half full. She chose to see the positive in everything and—most of the time—everyone. She had razor-sharp wit, as we all remember from the famous occasion during a parliamentary debate on which she helpfully filled in the blanks in the word that started with H and ended with Y. However, there was no rough edge to Margaret's humour—she laughed with people rather than at them.

My colleagues and I were privileged to have Margaret as the convener of our group in the early years of the Parliament. She once told me that performing that role made her feel more like an agony aunt than a politician. I will not comment on what that might suggest about my colleagues, not least because I think that it says much more about Margaret herself. She was someone whom one could talk to, confide in, trust and have a laugh with. You would always, always feel better at the end of a conversation with Maggie than you did at the start of it. She was one of the warmest, kindest, friendliest people I have ever known.

Those qualities, above all others, led the people of her beloved Moray to place their trust in her at five consecutive elections over a period of almost 20 years. Margaret was devoted to her constituents. She championed the causes that were dearest to them. The redevelopment of maternity services at Dr Gray's hospital in Elgin was possibly the biggest of her many local achievements. Margaret was not a politician who jumped on bandwagons; she was the one who got the bandwagons rolling in the first place. She was a tireless campaigner for the elderly. Long before it was a popular cause, Margaret was one of the first politicians to campaign for a winter fuel allowance for pensioners in Scotland.

Margaret was, of course, a Scottish nationalist to her core; she had a simple and unshakeable belief in Scotland and in the Scottish people. As the Presiding Officer said, she was also an internationalist. More than anything, the role that she believed Scotland could play in the world drove her deep commitment to Scottish independence. Margaret cared passionately about the world around her. The plight of Africa was a cause that was close to her heart. Last February, she was proud to lead a Scottish parliamentary delegation to Malawi. Margaret also believed that

Scotland had a lot to learn from other countries. Her desire to share experiences and to learn from others made her an enthusiastic and active member of the British-Irish Inter-Parliamentary Body and the Commonwealth Parliamentary Association.

When Margaret told me last year that she intended to step down from the Parliament at the next election, it was clear that she was not planning a quiet retirement. In particular, she wanted to do much more international work. I bitterly regret that she was not given the chance to do that. No matter where she travelled, Margaret was—and would have continued to be—a first-class ambassador for Scotland and the Scottish Parliament.

All of us who were lucky enough to know Margaret will cherish our special memories of her. My colleagues who served with her in the House of Commons, where she won respect right across the political spectrum, will remember the gutsy and feisty way in which she led that small but effective group for more than a decade.

The memory that sticks in my mind most of all is of something that Margaret told me many years ago. We were at one of the many candidate training sessions to which she devoted so much of her time, because she wanted to help to nurture the next generation. She was an inspiration to us as candidates, particularly to the women among us. On that day, Margaret reflected that she had experienced many things that others could only dream about as a result of her life in politics. She went on to say that she would never forget that, as all those things were experienced on behalf of others, every single one of them had to be put to use in better serving her constituents.

I thought again of that conversation yesterday, as I was reading some of the moving tributes that have been paid to Margaret. I sincerely thank all the other party leaders for their kind words; they mean a great deal to Fergus. I was struck most of all by the tribute from the charity, Breast Cancer Care, in which it acknowledged the immense amount of work that Margaret did on its behalf. That tribute says so much. Ever since her breast cancer diagnosis in 2002, Margaret struggled with illness. Notwithstanding her suffering, she continued to do her very best to use even that dreadful experience to benefit others. That was the essence of Margaret Ewing. It is what we—the Scottish National Party, the people of Moray and, I believe, Scotland as a whole—will miss most about her, every single day.

Of course, no one will miss Margaret more than Fergus. At this dreadfully sad time, our love and thoughts are with him, Winnie and all Margaret's family. It is with a heavy heart but a great deal of pride that I move the motion in my name.

I move,

That the Parliament expresses its deep regret and sadness at the death of Margaret Ewing MSP; offers its sympathy and condolences to her family and friends, and recognises her widely appreciated contribution to Scottish politics and public life.

14:44

**The First Minister (Mr Jack McConnell):** Presiding Officer, thank you for giving me the opportunity to support the motion of condolence.

There are those who deride the profession of politics for clichés and words spoken without sincerity, but I am certain that in the short time that we have today every word of praise, expression of condolence and fond remembrance will be from the heart.

For a Scot of my generation, who is passionate about our nation and its place in the world, the debates of the 1970s about our country's government were an inspiration that still abides. Although our opinions on that core question were different, the passion and consistency with which the young Margaret Bain MP put forward Scotland's cause made an impression on the young Jack McConnell that has lasted a long time. There is no doubt that when the history of devolution—and of her party—comes to be written, Margaret Ewing's place in that history will be assured. She loved and fought for her constituency of Moray, she was consistent in her advocacy of a separate Scotland and she brought experience and insight into the new Scottish Parliament. I am glad that she was elected to this Parliament and I think that we will all miss her very much indeed.

I think that most of us will choose to remember Margaret Ewing the person. It is true that she had no enemies. I can think of time after time when a member of my party would preface a critique of Margaret's politics with, "She's a lovely person." She was indeed lovely, but she was also feisty, committed, principled and determined—the positive way to be strong in politics.

I have a particular memory of Margaret that will stay with me for a long time. Before my visit to Malawi last year, she spoke with me more than once about Malawi, Scotland's historic links with the country and the bonds that she herself had forged. She recognised the debt of honour that we owed and the particular place that Scotland held in Malawian history and culture. I know that she was proud to have nurtured my interest in renewing a partnership between our two nations and I know that she was proud to see that partnership begin to flourish again.

Talk of agreement across parties is easy at times such as these. The essence of democratic

politics is about choices, the battle of ideas, the partisanship of alternatives and the contest about who is most fit to lead, but what matters is the manner in which politics is conducted, and Margaret Ewing MSP provided us all with a model of how to conduct ourselves. She was tenacious on behalf of the people she represented; tireless for the cause that she supported; witty when faced with bombast or pretension; and without rancour or malice. Above all, she was committed to Scotland and its people.

Despite our divergent politics and our deeply held ideological differences, I am certain that every member of the Parliament will offer condolences to Fergus and to the wider family and friends of Margaret Ewing. We all honour her memory today.

14:48

**Miss Annabel Goldie (West of Scotland) (Con):** I still remember the effervescent political force that burst on the Scottish political scene in 1974, when Margaret Bain won Dunbartonshire East. It is interesting that on the day that Margaret Bain made her debut, she was joined by another promising Scottish political talent: a dashing young blade—he is still pretty well recognisable as such—called James Douglas-Hamilton. James tells me that he remembers Margaret with particular warmth, affection and respect.

There was a vibrancy and purpose about Margaret that characterised her political career at Westminster. Despite party-political differences, it is always possible to like and admire politicians across the political boundaries. Margaret Ewing—as she became in 1983—was one such politician. There is much to commend gutsy, straight-talking women in politics and Margaret was the honorary president of that club. When, as a member of the Scottish Parliament, I came to know her personally, two things became obvious to me. First, when she spoke in the Parliament, other members listened. Secondly, her contributions were articulate, coherent, well argued and robustly presented. Her speeches were enriched by that great Scottish attribute: a wry and pawky sense of humour.

The Scottish Parliament is a small political family and there is a sense of loss here that is made real by what we will miss and by what the world of Scottish politics has lost by Margaret Ewing's passing. Margaret made an indelible mark on that world, for which she will be remembered in a very positive way. On behalf of my party, I extend my sympathy to her husband, Fergus, and to the wider family.



14:50

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen):** I first got to know Margaret Ewing when I was elected to the House of Commons back in 1991. As we have heard, she was already a senior figure by then, not just in her own party but in Scottish politics. It is hard to believe that that was 15 years ago. It is still harder to believe that we will see her no more.

To me, Margaret was always friendly and kind. We were both north-east politicians and we shared a similar respect for the Government of the day. I saw at first hand her passion for her work, her constituents and the issues that faced her Moray constituency. Despite that hard work, she always took time to speak, and she was smiling and supportive. That never changed in all the time I knew her. In this Parliament, our friendship was renewed. From my time as Deputy Minister for Education, Europe and External Affairs, I particularly remember discovering the strength, depth and experience that Margaret brought to the issues of young people, especially the problems facing those with special needs and disabilities.

She was passionate about all that she did: she was passionate about people and passionate about Scotland.

There is one word that sums up all that is best about this new Parliament, and which will bring many happy memories of an outstanding, kind, courageous person and a great Scottish parliamentarian. That word begins with an M and ends in a T—Margaret, you will be very sadly missed by us all.

14:52

**Robin Harper (Lothians) (Green):** Thank you, Presiding Officer, for this opportunity to add my voice to the voices that we have already heard. I speak on behalf of all my colleagues in the Green group of MSPs. We offer our sincere and heartfelt condolences to Fergus and to all Margaret's family, to Winnie and to Margaret's friends within and without the Parliament.

I did not have the privilege of working with Margaret on a committee or on a cross-party group but, whenever I met her, there was always a ready smile and a few words. Margaret had a lovely dry sense of humour and a lively interest in everything that happened in the Parliament. I know that she was always quick to offer sympathy and a kind word to staff in the Parliament, as well as to colleagues, when the need and opportunity arose.

I welcome the opportunity that this motion of condolence affords us all to respond in kind to Margaret's family and friends, with a public tribute

to her huge contribution to Scottish life and Scottish politics during what now seems all too short a life. It is a privilege to add our voices to those of all the other parties on this sad occasion and to remember—with admiration for her work and with affection for a kindly, friendly person—Margaret Ewing.

14:54

**Colin Fox (Lothians) (SSP):** On behalf of the Scottish Socialist Party, I offer our sincere condolences to the family, friends and colleagues of Margaret Ewing. Margaret was someone whom we six MSPs got to know only briefly—we shared a corridor with her—but we recognised in her someone well known and well liked, a woman who was generous and kind of spirit. Her loss is genuinely felt throughout the Parliament by politicians, party workers and staff alike.

It has been written that Margaret was that rare thing in Scottish politics: a politician who was admired, respected and liked across the broad political spectrum, despite all political differences. She gave politics a good name. She spoke in this Parliament with authority, passion and intelligence, reflecting her decades of experience inside and outside Parliament, in this Parliament and at Westminster.

As we know, she was a hard-working and committed MSP who served her constituents in Moray selflessly and with great humility. No problem was too small for her—she was a true public servant. We all know that over the past few years she struggled with failing health, yet throughout she maintained a cheerful outlook while continuing her work. That alone was testament to her courage and her commitment to the Scottish people.

The SNP, the wider independence movement, the Scottish Parliament and the Scottish people will be the poorer for her loss, but she leaves a legacy of generosity of spirit, political insight, ready wit and humour. Today our thoughts are with Fergus and all her loved ones.

14:55

**Dennis Canavan (Falkirk West) (Ind):** I, too, express my sympathy and convey the condolences of my independent colleagues to Fergus and all Margaret's family and friends.

I first met Margaret more than a third of a century ago, when we were both teaching at St Modan's high school in Stirling. Indeed, for part of that period, I was her boss. To her credit, she survived the experience and never held it against me. As a teacher, Margaret was an absolute star. She was very meticulous in preparing her lessons and she taught with great patience and

understanding. She had a particular gift for educating children with learning difficulties, at a time when many of them were in danger of being rejected by the Scottish education system. Some of them came from deprived home backgrounds, but Margaret took them under her wing and they all benefited greatly from having her as their teacher. From my frequent contact with St Modan's former pupils of that era, I know that, after all these years, they still hold Margaret in very high regard.

Margaret and I were simultaneously relegated from teaching to a less honourable profession, when we were elected to the House of Commons for neighbouring constituencies on the same day in October 1974. As the member of Parliament for East Dunbartonshire, she soon made her name at Westminster, where she was greatly respected for her thoughtful contributions to debate. She was an articulate supporter of the cause of Scottish independence, but she was certainly not a narrow-minded nationalist or a single-issue politician. She spoke with experience, knowledge and passion on a wide range of subjects, including education, health, social justice and international affairs.

She continued that practice when she was elected to the Scottish Parliament. As well as making speeches in plenary session, she did excellent work as a member of the European and External Relations Committee and of the British-Irish Inter-Parliamentary Body. Margaret also demonstrated a great concern for underprivileged people in some of the poorest countries in the world. That was very evident last year, when she was leader of the first-ever Commonwealth Parliamentary Association delegation from Scotland to South Africa and Malawi. Margaret led our delegation with great wisdom, diplomacy and courage, given that her health was obviously failing and that that part of Africa can be a tough place to travel, even for the physically strong.

Margaret had many qualities but, in my view, one in particular shone through everything that she did—her tenacity. She fought hard and persevered courageously in everything that she did, whether it was in education, in politics, in serving her constituents or in her final battle with cancer. She was a bonnie fechter, and the Parliament is greatly diminished by her departure. May she rest in peace.

**The Presiding Officer:** That concludes tributes to Margaret Ewing.

## Business Motions

15:00

**The Presiding Officer (Mr George Reid):** This is probably as full as the committee room will get. I will allow a pause for those members who wish to leave to do so. Both side doors are available.

The next item of business is consideration of business motion S2M-4151, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a revised business programme.

*Motion moved,*

That the Parliament agrees the following revision to the programme of business for Wednesday 22 March 2006—

Wednesday 22 March 2006

after,

*followed by* Final Stage Proceedings: Edinburgh Tram (Line Two) Bill

delete,

*followed by* Legislative Consent Motion:  
Legislative and Regulatory Reform  
Bill – UK Legislation.—[*Ms Margaret Curran.*]

*Motion agreed to.*

**The Presiding Officer:** We come to consideration of business motion S2M-4162, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out the timetable for final stage consideration of the Edinburgh Tram (Line Two) Bill.

*Motion moved,*

That the Parliament agrees that, during the Final Stage of the Edinburgh Tram (Line Two) Bill, the debate on the final group of amendments will conclude no later than 30 minutes after the final stage proceedings commence.—[*Ms Margaret Curran.*]

*Motion agreed to.*

## Scotland's Species

**The Presiding Officer (Mr George Reid):** The next item of business is a statement by Rhona Brankin on Scotland's species. The minister will take questions at the end of her statement. There should be no interventions.

15:02

**The Deputy Minister for Environment and Rural Development (Rhona Brankin):** I add my condolences to those of my colleagues and say that my thoughts are with Fergus Ewing. I, too, will remember Margaret Ewing.

I am grateful that time has been found in our busy parliamentary schedule to allow me to update members on an important document that has just been launched by Scottish Natural Heritage. On Monday, SNH introduced a public consultation on "Making a difference for Scotland's Species: A framework for action", copies of which are available from the Scottish Parliament information centre.

The consultation provides to those who appreciate and value Scotland's natural heritage and biodiversity a unique opportunity to influence the future action of SNH, the Executive and others and to shape the future of Scotland's landscapes.

The consultation paper invites the public to offer its views on 23 species in relation to which SNH judges that priority action is required. The framework offers the views of SNH on those species for which management measures or other interventions are required to protect Scotland's biodiversity. The framework is a proposal to focus the attention of all who care about Scotland's natural heritage on concerted action for those species in relation to which the need is greatest and the need for action is most urgent.

This is not an alternative to the extremely effective methods that we already have in place to protect and conserve our species and our habitats through the Nature Conservation (Scotland) Act 2004 and the specific biodiversity action plans that we have in place. Those policies already contribute to the protection and sustainability of many of our most important native species. However, some species need more focused attention and the framework advances some of the thinking about the actions that are needed at this point.

I warmly welcome the approach that SNH has taken in launching the framework this week. We in Scotland take much pride in our natural environment, much of which is unique or rarely replicated in Europe and beyond. We have something special in Scotland and we need to

plan—and plan now—how we can best safeguard what we have.

Let me establish those unique characteristics. We are a small country but one that has 800 islands. We are one of the few countries in the world that support so many different habitats—coastal, upland, lowland, moorland, grassland, peatland and woodland. We are a small country but one that is extremely diverse.

Scotland has 50,000 different land species and 40,000 species live in the seas around Scotland. Scotland is host to 242 bird species and 42 mammal species. Some 42 per cent of all bird species in Europe are to be found in Scotland. That range and diversity place a responsibility on Government to take stock both of what we have and of what we are doing to prioritise the risks and threats. That must include consideration of formerly native species that are now missing from the Scottish landscape but whose reintroduction would further enhance Scotland's biodiversity. Those are the aims of the SNH species framework.

SNH has come forward with a strategic approach to prioritising action for Scotland's species. The framework will help to deliver action that will make a difference. I am not aware of any similar approach having been tried in any other country. The framework covers what is needed and what will benefit Scotland as a whole. It is not a matter of one species being more important than another. The framework complements everything that is currently in place and it underpins our legal and other international obligations under various conventions.

By definition, the natural world has been developed by evolutionary processes over many thousands and millions of years. Intervention requires caution and circumspection, but we must consider intervention when a native species is in decline or at risk, when its population growth is not sustainable, or when its range across the country is insufficient to sustain the long-term future of the species. Such intervention requires a long-term planning process, which has been taken another step forward by the SNH species framework. The consultation on the framework seeks the public's views on whether it has got the criteria and species right. That further demonstrates SNH's determination to look to the future and to seek public opinion and support for its important work.

The consultation has begun and more than 500 organisations and individuals are being directly canvassed for their views. However, everyone has a chance to influence SNH's thinking by commenting not only on the 23 species that it has identified for priority action but on the rationale that led SNH to draw up its preliminary list. It is therefore right and fitting that the Parliament has

an early opportunity to shape and influence the consultation process. I hope that members will take that opportunity both today and during the consultation period, which will end on 30 June. I expect SNH to publish a report on the findings of the consultation in the autumn.

Species issues have a high profile in the minds of members, the public and the media. Sometimes, they raise emotive and complex issues. Some issues bring tensions—what is, to some, a species that requires protection is, to others, a pest that they would like to control. The framework fully recognises some of the difficult questions and the importance of the issues to people throughout Scotland and to our visitors.

The framework seeks to engage with people. It accepts that species management is not an abstract concept and is not confined to the scientific community. People relate to the fate of animals that are pictured in the newspapers or on their television screens. People's views on such issues differ—I am sure that members will testify to that, given their postbags from their constituents and various interest groups. Members will agree that people's views are often strongly held and forcibly expressed.

We need to recognise the importance of our native species in key aspects of Scottish life. Agriculture, forestry, fisheries, renewable energy and recreational pursuits all play an important part in Scotland and its economy and we must take full account of them in any action that we take to protect our native species. It is estimated that more than 12,000 jobs are dependent on natural heritage protection. Wildlife tourism generates about £50 million for the Scottish economy each year and supports 2,000 jobs. Angling and shooting generate approximately £200 million for the economy. The framework recognises that the connections between species and people have social and economic dimensions.

SNH's list of species for priority action does not rely on what might be regarded as the usual suspects. It includes the Scottish wildcat, the great yellow bumblebee, the woolly willow and the small cow-wheat, all of which have a strong claim for help alongside the more familiar black grouse, capercaillie and red squirrel, which are also identified for action. Those species are, or may be in the near future, regarded as critically endangered.

Most of the action that is needed on Scotland's species is likely to have a price. I assure the Parliament that SNH will receive an increase in its grant-in-aid funding for the next two years to allow it to prioritise action across its range of responsibilities, including any shift in priorities that it needs to make to implement the findings of the consultation process. However, we also need to

recognise the role of other public bodies, such as the Forestry Commission Scotland, in taking forward action on species, and the contribution from the voluntary sector and private landowners. Prevention and early action now are preferable to and cheaper than remedial action in the future.

The work that SNH proposes is consistent with the Executive's Scottish biodiversity strategy, which was published two years ago and which set out a clear path for action to conserve our natural environment in the next 25 years. That strategy recognises the key importance of protecting our species and habitats.

SNH's framework is therefore important to our long-term vision of protecting and enhancing Scotland's biodiversity. Our habitats and wildlife are rich and diverse. We need to protect what we have, to assess the species that are at risk and to consider what we need for the future, which will include determining whether formerly native species that are missing from our landscape might be reintroduced. I emphasise that point because it was suggested last year that the Executive opposes any reintroduction of species that were formerly native to Scotland. My support for the approach in the framework, which includes species whose reintroduction is suggested, shows that nothing could be further from the truth.

Scotland must remain a country where biodiversity thrives and where the enhancement of our natural and cultural heritage runs the length and breadth of our country. That is integral to what makes Scotland such a distinctive country. Our population expects that, as do visitors to Scotland, many of whom come here because of our country's unique characteristics.

Our landscapes and species are not just important; they are a defining part of Scotland's cultural heritage. The cultural connections are real and it is for us to protect and preserve them. SNH's framework recognises those distinctive links.

The balance in the framework and the approach that SNH has taken are well judged and I invite the Parliament and the public to make their views known.

**The Presiding Officer:** I will allow up to 20 minutes for the minister to take questions on the issues that her statement raised, after which we will move on to the next item of business.

**Rob Gibson (Highlands and Islands) (SNP):** I thank the minister for giving us an advance copy of her statement. The commitment to protecting our biodiversity is very welcome and the Scottish National Party lends its support to that. I am interested in how the consultation will pan out.

The evidence that we already have makes me concerned about the influence of human beings in altering biodiversity. We note the introduction of non-native species of coarse fish, for example. It is easy to upset the great biodiversity that Scotland has by introducing foreign versions of native fish such as the Arctic char.

How have breaches of the current law on the status of native species been handled? How is that developing? How will the framework prioritise the risks and threats, so that we can apply sanctions against people? It is often people who alter our biodiversity. How will we deal with that in the near future?

**The Presiding Officer:** The acoustics in the room are extremely good and I have heard even a whispered conversation from the back, so members should be a little cautious.

**Rhona Brankin:** I thank Rob Gibson for referring to invasive non-native species. Scotland faces a big challenge because of species such as the American mink, the rhododendron and the signal crayfish. It is clear that issues will need to be addressed. We need to work closely with a range of people within and beyond Scotland to deal with invasive non-native species, which are invading not just Scotland but England and Wales. Therefore, we are working closely with the Department for Environment, Food and Rural Affairs and the National Assembly for Wales on, for example, some transboundary issues. We are members of the Great Britain-wide programme board for non-native species, which was set up to ensure that policy and action on non-natives is joined up across Governments and agencies.

In Scotland, a working group has been set up specifically to co-ordinate the overall response of public sector bodies to the challenges that non-native species pose. The working group will consider a range of issues, including the better integration of policy and practice across the public sector, the action that is already being taken and the support that is needed to consider wider action on non-native species. I would be happy to provide the member with further detail on the work that is being done on non-native species in Scotland.

**Mr Ted Brocklebank (Mid Scotland and Fife) (Con):** On behalf of the Conservative group, I welcome the minister's statement. All who care for Scotland's wildlife accept SNH's view that intervention or direct management of species is sometimes appropriate. I note that SNH has listed situations in which such management is deemed appropriate.

As a lifelong ornithologist, I have two questions for the minister. First, under the sustainable use of species heading, does she foresee a time when

certain species among Scotland's growing raptor populations may need to be controlled? I note that absence of predator control is among the reasons that SNH lists for the decline in the population of black grouse. Does she accept that the predators of the black grouse are largely avian? Secondly, does she believe that the growing number of pine martens in the Highlands plays a role in the diminishing number of capercaillies?

**Rhona Brankin:** Clearly, we need to ensure that we strike the right balance, but I am conscious of the raptors issue, which is one reason why the hen harrier has been identified as a species requiring conflict management. SNH and the people who manage moorlands are engaged in valuable work that seeks to get that balance right by ensuring that we obtain the most up-to-date information on the potential effects of raptors while working constructively with the various people involved. On moorland and game birds, we need to strike the right balance, as I said, between the various different interests. Work on those issues is going on in Langholm.

The hen harrier has shown some signs of recovery, but the species still suffers from a degree of persecution in Scotland, which is home to most of its population. We need to be able to work closely with people and we are doing just that, as SNH is working with Scotland's moorland forum. Of course, we need to ensure that we have the most up-to-date scientific advice.

SNH keeps species such as pine martens under review. I am conscious that the Scottish Gamekeepers Association has expressed concerns about pine martens, but SNH will continue to keep the species under review.

**Maureen Macmillan (Highlands and Islands) (Lab):** I welcome the minister's statement and the good that will be done for biodiversity, but I have a question about the reintroduction of formerly native species to Scotland. I know that the reintroduction of sea eagles has been successful on the west coast in places such as Mull, where the sea eagles Itchy and Scratchy were featured on television a few months ago. However, I notice that press reports this morning suggest that SNH might release sea eagles on the east coast around Aberdeen and Dundee. I realise that press reports are not always terribly accurate, but I have some concerns about that proposal. Can the minister give us more information about exactly what is planned?

**The Deputy Presiding Officer (Trish Godman):** Before I call the minister to reply, I remind members that this is questions, not stories. If members keep their questions sharp, I will be able to call all those who want to ask questions; otherwise, I will not.

**Rhona Brankin:** I am aware of the story that appeared in the *Press and Journal* today. The return of sea eagles to large areas of Scotland, including the east coast, is potentially very exciting. The sea eagle is one of the species that have been identified by SNH in its priority action list and I know that RSPB Scotland has been working on a reintroduction programme. That has been the subject of preliminary discussion with SNH.

A lot of work will be required to manage further reintroductions of these magnificent birds to ensure that they are successful. Also, we will have to think carefully about where the reintroductions might take place. I am asking SNH to give me detailed advice on this specific proposal and when it may proceed, and I will keep members informed of progress.

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** I thank the minister for providing members with a copy of her statement in advance. Perhaps one of the biggest threats that our species in Scotland face in the medium to long term is climate change. How does the framework link in with the imminent Scottish climate change programme? In particular, which species under which scenarios are going to be affected?

The minister said on the radio yesterday that she would look favourably on a new application for the reintroduction of the beaver. Has there been a change in Executive thinking regarding that species? If so, what has changed?

**Rhona Brankin:** The new Scottish climate change programme is due to be launched soon. A range of different criteria was considered when SNH was drawing up its list, and many of the species that are potentially at risk could be affected severely by climate change. We must consider which species are most at risk in the context of the climate that Scotland will experience in the future. I am sure that SNH would welcome any thoughts that the member has had on specific species. Climate change must be one of the factors that we consider in any plan of action for those species.

I have said that I am open to proposals being brought forward on the reintroduction of the beaver. We had a legal problem with the specific proposal to reintroduce beavers that was made last year, in view of a recent European Court of Justice judgment, and we did not believe that it was appropriate to reintroduce beavers into an area of Scotland that constituted a special area of conservation for the Atlantic oakwood. I make it clear that we are not opposed to the reintroduction of native species, which we think could make a valuable contribution to Scottish biodiversity. I look forward to receiving information not just on sea eagles but on beavers.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** I welcome the minister's statement today. I also share the sentiments that were outlined in the press release that she issued on Monday. She said:

"People care deeply about Scotland's wildlife and want to be involved in protecting it. The future make-up of Scotland's natural landscape is in our hands".

Does the minister agree that the framework provides a unique opportunity to protect our natural environment? I do not want to be negative about this, but I want to understand what the relationship will be between the biodiversity list that was issued last year, as part of the Scottish biodiversity strategy, and the framework list that has been announced this week. Which of those documents will be given the premier position? How will public bodies and others know how to work with those two different documents? Will the minister consider issuing guidance to public bodies to ensure that there is no room for confusion and to ensure that they know what is expected of them in complying with their duties?

**Rhona Brankin:** I am conscious that there might appear to be several different lists and that we must bring clarity to the situation. The list that SNH has produced is an attempt to bring clarity and priorities to the situation; it is a system of prioritisation. The public, the various conservation bodies and other interest groups have given many different views on just where action and resources should be targeted. The framework aims to identify those species that are of greatest value to our long-term conservation goals. I acknowledge that the biodiversity list already exists and that the lists of species and habitats of principal importance are hugely important, but the new list goes much further; it is broader than any we have had before and it is an eclectic list, which is important. It reflects the range of species that we have in Scotland and the diversity of action that is needed.

After the consultation has taken place and any revisions are made, the list will influence species management and the resources for that. It will identify the work that is needed now to deliver on Scotland's biodiversity. It is a system of setting out the key priorities for action. We will be judged on that in future.

**Nora Radcliffe (Gordon) (LD):** I welcome this excellent initiative and the opportunity that the consultation gives to address the complexities of how, when and for what there should be human intervention in the natural world. I want to ask the minister about Scottish Executive funding to support the actions that will emerge from the process. Is it envisaged that funding will be channelled through SNH or will additional support be provided through other avenues, for example by augmenting the rural stewardship scheme,

using land management contracts or supporting bodies such as the farming and wildlife advisory group?

**Rhona Brankin:** As I said in my statement, there will be an uplift of funding to SNH. Conserving biodiversity is a core function of SNH and Scottish ministers provide SNH with funding for that function. SNH expects to spend £18.7 million on biodiversity conservation in 2006-07. It also has a grant programme of more than £15 million in 2006-07, more than £2 million of which is allocated for biodiversity action.

Nora Radcliffe is of course right: several other organisations have a specific responsibility to promote biodiversity and fund biodiversity activity. Those bodies include the Forestry Commission Scotland, which expects to spend £7.6 million on biodiversity conservation during 2006-07: £3.6 million on woodland management and £4 million on planting woodlands that have a high biodiversity benefit. That money will mostly come through the Scottish forestry grant scheme. The Forestry Commission Scotland also spends a further £5.7 million on deer management.

The Scottish Environment Protection Agency also has a specific responsibility to contribute to biodiversity conservation through its core function. SEPA has appointed additional staff to support that function and it also funds research on biodiversity and conservation issues. Other bodies such as the Heritage Lottery Fund and the Big Lottery Fund also provide funding for biodiversity action. That is in addition to the wide range of public bodies throughout Scotland that are engaged in furthering biodiversity conservation as required by the biodiversity duty under the Nature Conservation (Scotland) Act 2004.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** In her statement, the minister said that 42 per cent of European bird species are found in Scotland. That includes the unique and rich population of ground-nesting birds in the Western Isles, particularly in the Uists. A few years ago, £1.6 million was made available to SNH for a mink eradication project to protect ground-nesting birds from non-native predators such as the mink. That funding was for stage 1 of the project. Can the minister explain why the funding for stage 2 of the project is apparently no longer forthcoming? Why is SNH now unable to attract that funding from Europe?

**Rhona Brankin:** I do not have any specific information on mink eradication programme funding with me. However, I am more than happy to send that information to Mr McGrigor.

**Dr Sylvia Jackson (Stirling) (Lab):** I declare an interest as a member of the RSPB committee for Scotland.

Is one aim of the framework, which I welcome, to meet international obligations? Is there any plan to review it every five years?

**Rhona Brankin:** The framework is set in the context of a variety of different imperatives. After all, we have to meet not only international obligations but other obligations that have been introduced in Scotland. The framework itself sits alongside both the United Kingdom biodiversity action plan and local biodiversity action plans in Scotland.

We are consulting on the list of 23 species and on the criteria that have been used to draw it up. Specific action plans are also under consideration, and I am more than happy to come back to Sylvia Jackson on the question of when the plans should be reviewed. I must point out that we are at the earliest stage of this process—we are consulting on the list and action plans just now—but I very much welcome hearing Sylvia Jackson's views on when it would be appropriate to review the suite of action plans that will arise from our approach. Clearly, the measure is intended to make a difference to Scotland's natural heritage and we must ensure that we have the necessary tools to allow us to judge whether that is happening.

**Lord James Douglas-Hamilton (Lothians) (Con):** Is the minister aware of the many reports of capercaillies flying into deer fences, often with fatal consequences? Will she reassure us that that species has a reasonable prospect of survival?

**Rhona Brankin:** The capercaillie, which is a very important species, is under huge threat, and the member will be aware that some estates and the Forestry Commission Scotland are carrying out valuable work on removing some deer fences in order to reduce the risk of mortality among those birds.

## Point of Order

15:32

**Mr John Swinney (North Tayside) (SNP):** On a point of order, Presiding Officer. On 9 March, during the agriculture debate, I asked the Minister for Environment and Rural Development when the guidelines for the implementation of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 would be made available to members of the public, given that a charging regime was to come into force on 31 March. The minister replied:

"The announcement will be made in days, rather than weeks."—[*Official Report*, 9 March 2006; c 23901.]

On Monday, with only 11 days remaining before the regulations were to be implemented, I telephoned the minister's private office to find out what had happened to the announcement. I was told that the minister had decided—in consultation, I think, with the Scottish Environment Protection Agency—to delay the implementation of the regulations and to extend the deadline for the new charging period from 31 March to 30 September. I was somewhat surprised to hear that the news had been conveyed in a private letter to the president of NFU Scotland and that no attempt had been made to draw that information—which amounts to a U-turn in Government policy—to MSPs' attention. After all, on 9 March, I had asked the minister a very specific question as a result of the significant number of representations that I had received from constituents.

Presiding Officer, have you received any notification from the minister that he wishes to make a statement to Parliament to clarify this issue? We have just had a statement from his department and I am sure that we could squeeze another in before the day is out. Even the NFUS, which has benefited from this information before the rest of us, has issued a statement headed "Deadline is Extended but Lack of Information Causing Confusion and Anger". Has the minister made any request for a statement?

**The Deputy Presiding Officer (Trish Godman):** Mr Swinney, your point of order is now on the record. Any request for a statement will be made through the Parliamentary Bureau, although I should point out that it is a matter for Executive ministers, who I am sure have listened to your comments.

## Edinburgh Tram (Line Two) Bill: Final Stage

15:35

**The Deputy Presiding Officer (Trish Godman):** The next item of business is the final stage proceedings on the Edinburgh Tram (Line Two) Bill. First, I will make the usual announcement about the procedures that will be followed. We shall deal first with amendments to the bill, then we shall move on to the debate on the motion to pass the bill. For the first part, members should have the bill as amended at consideration stage; the marshalled list, which contains all amendments selected for debate; and the groupings, which I have agreed. The period of voting for the first division will be two minutes. Thereafter, I shall allow a voting period of one minute for the first division after a debate. The period for all other divisions will be 30 seconds.

I remind members that I can hear everything they say in this room. It is really interesting, but right now I want to concentrate on the amendments, so if members have to speak to one another I would prefer them to go outside or to speak very quietly indeed.

### Section 16—Discharge of water

**The Deputy Presiding Officer:** Group 1 is on rights over public sewers or drains and discharges to watercourses. Amendment 1, in the name of Bill Aitken, is grouped with amendments 2 to 7.

**Bill Aitken (Glasgow) (Con):** All the amendments that I shall move over the next few minutes are to improve the drafting of the bill and to update various matters.

Section 16 provides for the authorised undertaker to be able to use watercourses and drains to drain the tram works during construction and operation. The amendments arise from discussions that were held with the promoter on the committee's behalf. We originally wished the amendments to be made at consideration stage, but there were concerns about the drafting, so they had to be delayed until now.

I lodged the amendments on behalf of the promoter. In common with the vast majority of the amendments that I shall move this afternoon, they seek to improve the drafting of the bill. In addition, they better reflect the policy intent of the promoter. I am pleased to say that the rewritten amendments improve the drafting of section 16, in particular section 16(1). They fully reflect changes that were made to the Edinburgh Tram (Line One) Bill at consideration stage.



The amendments change references to the “authority” that owns sewers or drains to refer instead to the “person” who owns them, to recognise the existence of non-statutory owners with rights over water flowing past their land. The deletion of section 16(5) and the amendments to sections 16(2) and 16(4) reflect the imminent repeal of section 30F of the Control of Pollution Act 1974 and the obligation on the authorised undertaker to comply with the general law as regards any discharges to a watercourse. I confirm that the Scottish Environment Protection Agency and Scottish Water have been involved in discussions leading to the amendments, which improve the controls under the bill as well as bring section 16 up to date.

I move amendment 1.

*Amendment 1 agreed to.*

*Amendments 2 to 7 moved—[Bill Aitken]—and agreed to.*

### **Section 31—Set-off against betterment**

**The Deputy Presiding Officer:** Group 2 is on set-off against betterment and the clarification of text. Amendment 8, in the name of Bill Aitken, is grouped with amendment 9.

**Bill Aitken:** Section 31 provides that if, in addition to land acquired under the bill, a landowner has other contiguous or adjacent land that increases in value because of the bill—through being more accessible, for example—compensation for the lost land will be reduced by any increase in the value of the other land. That principle is known as betterment. In the same way that the effect of betterment will be taken into account in respect of compensation that is payable for land that will be acquired under the act, section 31 provides that the effect of betterment will be taken into account in respect of compensation that is payable due to a reduction in property values as a result of construction works. Amendment 8 clarifies the drafting of section 31 to make its purpose clearer, and does not change its meaning or effect.

I move amendment 8.

*Amendment 8 agreed to.*

*Amendment 9 moved—[Bill Aitken]—and agreed to.*

### **Section 36—Correction of errors in Parliamentary plans and book of reference**

**The Deputy Presiding Officer:** Group 3 is on correction of errors in parliamentary plans and book of reference. Amendment 10, in the name of Bill Aitken, is grouped with amendments 11 to 13.

**Bill Aitken:** The Edinburgh Tram (Line Two) Bill Committee expressed serious concerns about the extent of the powers conferred by section 36, so it was amended at consideration stage. However, after further discussions with the clerks to the committee and our legal adviser, I am convinced of the need for further amendments to section 36 to improve the rights of affected parties even further. The promoter has agreed to such amendments being lodged.

Section 36 allows the authorised undertaker to apply to the sheriff to correct any inaccuracy in the parliamentary plans or the book of reference relative to its description of any land or its description of the ownership or occupation of any land. The authorised undertaker can do that only if it gives at least 10 days’ notice to the owner or occupier of the land that is the subject of the error.

If the sheriff agrees that the inaccuracy arose from a mistake, the sheriff must certify the fact accordingly—the sheriff would have no discretion. It would then be lawful for the authorised undertaker to take the land or, as the case may be, a right over the land in question and execute the works in accordance with the sheriff’s certificate.

The proposed new subsections make it clear that when a person has been given notice under section 36(1), they can give to the sheriff and the authorised undertaker a written counter-notice disputing that there is an inaccuracy that may be amended under section 36. That must be done within 10 days of the giving of the original notice. When a counter-notice is given, the sheriff must ensure that a hearing is held before making any decision on the application.

Although we all expect that it is unlikely that there will be such errors in the documents, particularly in serious situations where the promoter requires to acquire land compulsorily, it is important that section 36 strikes a fair balance in enabling the sheriff to act in the light of all relevant facts. The amendments build in better safeguards for those who may be affected by section 36 and better ensure that their human rights will not be breached.

A further minor amendment to section 36 defines “Partner Libraries”, which is used in the section.

I move amendment 10.

*Amendment 10 agreed to.*

*Amendments 11 to 13 moved—[Bill Aitken]—and agreed to.*

### Schedule 1

#### SCHEDULED WORKS

**The Deputy Presiding Officer:** Group 4 is on correction of road names. Amendment 14, in the name of Bill Aitken, is grouped with amendments 15 to 27.

**Bill Aitken:** The amendments are necessary because the bill contains inaccuracies and misunderstands the geography of Edinburgh. The promoter has identified a large number of roads and streets that will be affected by works to install the tramline, the names of which have been incorrectly recorded in the bill. The amendments simply seek to correct the errors by substituting the correct names; they have no effect on third parties.

I move amendment 14.

*Amendment 14 agreed to.*

*Amendments 15 to 20 moved—[Bill Aitken]—and agreed to.*

### Schedule 2

#### ROADS SUBJECT TO ALTERATION OF LAYOUT

*Amendments 21 to 24 moved—[Bill Aitken]—and agreed to.*

### Schedule 5

#### LEVEL CROSSINGS

*Amendments 25 to 27 moved—[Bill Aitken]—and agreed to.*

### Schedule 9

#### PROVISIONS RELATING TO STATUTORY UNDERTAKERS, ETC

**The Deputy Presiding Officer:** Group 5 is on a correction to drafting: definition of “telecommunications operator”. Amendment 28, in the name of Bill Aitken, is grouped with amendment 29.

**Bill Aitken:** Schedule 9 contains standard provisions to deal with the required movement of apparatus belonging to statutory undertakers, which are generally the gas, water, electricity and telecommunications utilities. A lot of their apparatus consists of wires, pipes and the like, which will come as no surprise to members, and it may be situated under the land on which the tramline is to be constructed.

Schedule 9 defines “telecommunications operator” and refers to the Telecommunications Act 1984. However, the Communications Act 2003 repealed sections 9 and 10 of the 1984 act, thus it is no longer appropriate to cross-refer to those sections to provide definitions for some of the terms used in schedule 9. The amendments

ensure that the appropriate definitions and references in schedule 9 relate to the Communications Act 2003 instead.

I move amendment 28.

*Amendment 28 agreed to.*

*Amendment 29 moved—[Bill Aitken]—and agreed to.*

**The Deputy Presiding Officer:** That ends consideration of amendments.

## Edinburgh Tram (Line Two) Bill

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S2M-3838, in the name of Bill Aitken, on behalf of the Edinburgh Tram (Line Two) Bill Committee, that the Parliament agrees that the Edinburgh Tram (Line Two) Bill be passed. Members who wish to speak in the debate should press their request-to-speak buttons now.

15:46

**Bill Aitken (Glasgow) (Con):** It is with some relief that I move the motion at the end of a long and tortuous 27-month parliamentary process.

Members will be aware of the principal objection to the bill. They will also be aware that if Parliament agrees to the bill today, the final decision on whether matters proceed will be for the City of Edinburgh Council. Nevertheless, the committee had to take important decisions.

An important aspect was the fact that the bill deals with issues that could profoundly affect the lives of many people. When compulsory purchase or similar measures are involved, it is clearly of the greatest importance that committees deal with them professionally, sympathetically and thoroughly. I submit in the strongest possible terms that the Edinburgh Tram (Line Two) Bill Committee did that so far as the bill is concerned.

Our consideration stage was in two phases. In the first of them, the committee required to meet in a quasi-judicial capacity to weigh up and sum up the competing arguments of the objectors and the promoters before determining the objections. We did that by means of meetings that were particularly thorough and apposite. First, we grouped objections of a similar nature and selected from such groups someone to act as a spokesperson for the rest of the objectors. Secondly, we resorted to correspondence to clarify what the principal objections were, then we sought to resolve them. In many instances, for entirely appropriate and honest reasons, it was not possible to resolve the differences, and at that stage the committee had to hold hearings, take evidence, then make a determination.

It is no exaggeration to say that appearing before a committee, no matter how sympathetic and gentle, can be a daunting experience for members of the public. However, the way in which things panned out in the committee was highly satisfactory. I pay great tribute to those who appeared before the committee for their professionalism, the obvious thoroughness with which they prepared their submissions, and the way in which they conducted themselves throughout the process. In particular, I thank Miss

Honor Reynolds, Ms Judith Sansom, Mr Adrian Hamilton, Ms Hazel Young and Ms Jacky McKinney. They made superb representations to the committee, and we listened to their efforts with great appreciation. It was necessary for the committee to make a number of site visits, and I record my appreciation of the objectors who did so much to facilitate them.

Obviously, at the end of the day we cannot satisfy everybody, but I think that those who gave evidence from the promoter's side and from the objectors' side acknowledge that they received a fair, courteous and reasonably effective hearing. Of course, there were difficult issues with the promoter, but it is appropriate to thank the promoter for the professional way in which it gave evidence, and to thank the counsel for the promoter for the moderate way in which cross-examination was carried out—it was a classic illustration of how the democratic process can work.

In the second phase, having dealt with the hearings and having made our determinations, we were required to set off on a legislative course. It will interest members to know that the committee dealt with 102 amendments at consideration stage, and that it took just over an hour, which shows that committee members had come well-prepared, had read all the amendments thoroughly, and were fully au fait with the force of the objections.

Latterly, the committee took further evidence from the promoter, on the business plan. We were well aware that present sums indicate a shortfall in funding, and we felt entitled to ask the promoter what steps would be taken to deal with it. Clearly, the matter has exercised the promoter. Action is being taken to solve the problem. However, the situation as it stands will impact on the construction of the line—in particular, on the section from Newbridge to Ingliston. In short, although the evidence that the committee took showed that a shortfall remains, we are satisfied that the promoter is taking appropriate steps to overcome the difficulty. In future years the City of Edinburgh Council might negotiate with the appropriate Executive minister to try to resolve matters to the satisfaction of all, without impacting on Edinburgh council tax payers.

**Margo MacDonald (Lothians) (Ind):** I am extremely interested in Bill Aitken's last few remarks. May I take it that, at some future point—although we are not certain when—tramline 2 will be built, or should we consider that the bill is never likely to be used?

**Bill Aitken:** I remind Ms MacDonald of my opening remarks. The legislation will enable the project to proceed. It is not for the Edinburgh Tram (Line Two) Bill Committee or the Parliament to

determine whether the proposed works proceed; that will be for the promoter, TIE Ltd—which is, in effect, the City of Edinburgh Council. No doubt the appropriate political considerations will be given by TIE in due course.

I would like to thank a number of other people, because a lot of hard work went into dealing with the bill. The Parliament's legal advisers—Alicia McKay, in particular—were of great assistance. Terry Shevlin, our indefatigable clerk, did a power of work—in sometimes difficult and stressful circumstances—so that our timetable could be more or less adhered to. In particular, I offer my profound thanks to the other members of the committee—Jeremy Purvis, Alasdair Morgan, Kate Maclean and Marilyn Livingstone. The level of commitment required of members of the Scottish Parliament is sometimes not appreciated. When an exercise such as this one is landed on MSPs—an exercise that entails the reading of thousands of pages of correspondence, and the holding of hearings and discussions—it can prove almost insurmountable. That committee members did the work so professionally and so willingly—and, in my view, so effectively—reflects very well on our parliamentary processes.

I move,

That the Parliament agrees that the Edinburgh Tram (Line Two) Bill be passed.

15:54

**The Minister for Transport and Telecommunications (Tavish Scott):** Today we will decide whether to develop the first instalment of a modern light rail system and meet the challenges that are posed by the growth in transport demands of Edinburgh and Scotland. The tram scheme will be the rival of our continental neighbours and the first such tram scheme in Scotland for well over a generation. The word “historic” is overused in politics, but perhaps it deserves a slight airing today.

Parliament is indebted to Bill Aitken as committee convener, and to the other committee members whom Mr Aitken has just named, for the amount of work that they have done in connection with the Edinburgh Tram (Line Two) Bill. Consideration of the bill has been a complex undertaking that has required rigorous evaluation. In particular, the devastating ability to deal with 102 amendments in an hour, which the committee demonstrated at consideration stage, is worthy of high praise from our young Parliament.

I thank the promoter, the advisers, the clerking team and everyone who has been associated with the project; they have all allowed us to reach the stage that we are at this afternoon.

Why is a tram necessary? Edinburgh has a thriving economy. Its city region accounts for some 20 per cent of Scottish gross domestic product and through the commercial developments of Edinburgh Park, the Gyle and Edinburgh airport, west Edinburgh is playing a significant role in growing new economic opportunities.

**Mr Brian Monteith (Mid Scotland and Fife) (Ind):** It seemed to me that Bill Aitken told us in his speech that the purpose of the debate was to evaluate whether the legislative procedure had been correct and proper and that the decision about whether the tram should proceed should be left to the people of Edinburgh and the City of Edinburgh Council. However, the minister seems to be presenting the Executive's case for putting money into and supporting the tram project. What is the purpose of this afternoon's debate? Surely it cannot be to do both.

**Tavish Scott:** I hate to disappoint Mr Monteith, but the debate can fulfil both those functions and I am sure that it will. Mr Aitken did exactly what the Parliament would expect him to do, which was to explain the legislative process that he and his colleagues have been through. I am sure that members who represent Edinburgh and members who represent areas outwith the city will wish to make points about the project, and I hope that Mr Monteith will not mind if I proceed to do that.

The new Royal Bank of Scotland headquarters is home to 3,250 jobs. Edinburgh Park employs 6,000 people and that number could rise by a further 12,000 over the next few years. Such continuing success puts increasing demand on travel. As Mr Aitken said, the committee heard evidence that committed developments in west Edinburgh are likely to add another 12,000 vehicles to the road network during peak hours by 2015. If that happens, most key roads in the area will be operating over their capacity. The fact is that the pace of development is outstripping what the existing transport infrastructure can support. Ultimately, that could subdue economic growth because potential investors might opt for other, more accessible locations and existing businesses might consider locating outside Scotland.

In its evidence to the committee, the promoter highlighted the benefits that trams will bring to help ease the transport difficulties that Edinburgh currently faces and those that it is predicted it will face. Those benefits include not only the provision of local infrastructure improvements, but the safeguarding of continued economic growth in the region and, indeed, in the Scottish economy as a whole.

**Mr Monteith:** Will the member take another intervention?

**Tavish Scott:** No, I want to make a bit of progress.

To maximise those benefits, we must encourage a shift away from the use of cars and ensure that trams and buses are integrated in an effective public transport system. The trams will provide a high-quality, high-capacity, frequent, reliable and fast public transport system. Tram travel will become an attractive alternative to the car.

That has been the case in Nottingham, where 8.5 million journeys were made in the first year of operation of that city's tram system. That level of patronage was well above predictions. Furthermore, 25 to 30 per cent of tram passengers had previously travelled by car. In Nottingham, as in Edinburgh, the local bus company is owned by the local authority and the bus and tram operators were combined to ensure that the two systems would be complementary. That will also be the case in Edinburgh, where Transport Edinburgh Ltd will manage the operation of both the tram network and Lothian Buses.

From discussions that I have had—including a memorable one on a flight between Sumburgh and Edinburgh airport—and from my mailbox, I know that there is considerable support for the proposals to link the city centre and its growing financial and commercial districts with the airport, which is undergoing considerable development to match the growth of the city and the south-east of Scotland.

I am aware that some concerns about the proposals remain. It is right for members to be concerned that the scheme should be delivered on time and on budget—I am sure that the points that are made during the debate will reflect that—and to be preoccupied with aspects of the project's financial viability and the tram's ability to generate and sustain sufficient passenger numbers. It is right, too, that we should identify concerns, especially those that remain to be addressed, if the tram network in Edinburgh is to become a reality and to be successful.

Last week's introduction of the Edinburgh Airport Rail Link Bill means that we have two complementary projects that will help to develop Scotland's capacity to compete and grow. The projects serve different markets: whereas the EARL project will provide a direct airport link on Scotland's heavy rail network, tramline 2 will provide more frequent and convenient stops and the ability to connect into the wider public transport network in Edinburgh, in a fast and convenient way.

**Margo MacDonald:** I query the logic in the minister's argument for the two separate markets, which are to be served by the proposed tramway and rail link. However, people who are coming into

the airport are not likely to want to stop off along the route into Edinburgh and many of the people who work in the financial centre out west travel in from the west. It is therefore unlikely that they will use a tram that comes from the city centre.

**Tavish Scott:** My point is that the heavy rail link to and from the airport will be a link not only for Edinburgh, but for destinations and locations around Scotland. Given the wider range of destinations that Edinburgh airport now serves, the rail link will encourage people who wish to travel to the airport and improve access for them. The work that the respective promoters of the two projects are doing is entirely complementary. I am sure that Margo MacDonald is as familiar as I am—if not more familiar—with the work that is being taken forward.

**David McLetchie (Edinburgh Pentlands) (Con):** As I understand it, the report recognises that the construction of the heavy rail link would have an adverse impact on tramline 2 revenues. I also understand that the overall benefit came about only as a result of projected growth in passenger numbers at the airport. Does the minister acknowledge that? Of course, if some parties were to have their way, growth in air travel will be significantly constrained, thereby rendering tramline 2 even less viable.

**Tavish Scott:** I could be drawn into commenting on what Mr Cameron said about aviation in his contribution to the debate on the budget statement, but that would be wholly inappropriate. Indeed, it would be an abuse of the situation, therefore I will duck the opportunity. What I will say—I am sure that Mr McLetchie would expect me to do so—is that the business case, in relation to both the tram and the heavy rail investment to Edinburgh airport, must be robust. I will say a little more about that in a moment. The business cases for the two projects must ensure that the financial and patronage figures on which they are built are adequate—indeed, more than adequate—to meet the value-for-money criteria under which public sector and, in these two instances, Scottish Executive financial assistance is made.

In my statement to the Parliament last week, I confirmed that our commitment to the Edinburgh trams is £375 million, plus inflation. I expect our contribution to be some £450 million to £500 million towards the capital cost of the tramline from Ocean Terminal to Edinburgh airport. The challenge for the promoter and the construction manager is to deliver efficiencies against that budget. The work that the promoter has undertaken gives me confidence that the economic benefits of the tram network will continue to present value for money. The current evidence indicates a healthy benefit to cost ratio.

Before the summer recess, the promoter will have completed a full update of the outline business case for the tram project and presented the results to Transport Scotland. Continuous testing of the business case is critical. As Mr McLetchie would expect us to do, we will continue to review the business case rigorously at each remaining stage of project development.

I believe that the principles behind tramline 2 are not only acceptable to the Parliament; they are widely supported by local businesses, local people and local communities. Edinburgh's economy requires support and investment if it is to maintain its current growth levels and help Scotland to fulfil its wider economic ambitions. The Scottish people look to their Parliament for real achievements, real delivery and real progress. There is no stronger or more solid example of that than the delivery of improvements to the local and national economy, which the passing of the Edinburgh Tram (Line Two) Bill will help to bring about.

The advantages that the bill will bring about are considerable, and I believe that the case has been made to approve it. We look forward to starting work on the scheme in the autumn. I extend an invitation to all members of the Parliament to join me in riding on an Edinburgh tram in early 2011. I hope that support for the scheme in the Parliament this afternoon will be overwhelming. I strongly urge members to support the motion and support the bill.

16:04

**Mr Kenny MacAskill (Lothians) (SNP):** I, too, pay tribute to the work of the Edinburgh Tram (Line Two) Bill Committee. I have said that the current system for dealing with private bills is wrong and I acknowledge that the system will be changed. The bill is fundamentally flawed and to some extent the hard work and endeavour that the committee was required to put into consideration of the bill has been brought to nought by changes that have occurred. The Parliament is asked to consider tramline 2 today and we will be asked to consider tramline 1 next week, although we are aware that what is proposed is neither tramline 2 nor tramline 1 but a hybrid scheme. The hard work of many individuals was therefore to no avail.

We are asked to support a scheme for which there is no business plan. The minister said that work would start in the autumn, but we do not know whether work will start before there is a business plan that indicates whether the project stacks up financially. We should not legislate in such a way and the tramline 2 scheme is not one that we can support.

We do not, of course, object to trams in principle and we can aspire to have a tramline. However,

tramline 2 is certainly not the most pressing requirement for Edinburgh and nor is it a priority for Scotland. Tramline 2 is the wrong scheme at the wrong time. If we are to spend £450 million of public money, we should expect to get a scheme that runs from where people live to where they want to go. However, tramline 2 would not even take people to the door of the global headquarters of the Royal Bank of Scotland; the line would be some 750m from the building, across a busy dual carriageway, which is unacceptable.

**Margo MacDonald:** Will the member give way?

**Mr MacAskill:** No, I do not have enough time.

The tramline would run in parallel with a railway line and undermine an excellent, flagship bus service for Lothian Buses.

We agree that politics is about priorities, as a previous minister said. If we are to invest substantial amounts of public money, we must ensure that we get the best value and the best return for that money. When we consider that the proposed investment—not counting index-linked increases to take account of inflation—would be sufficient to enable us to replace every bus in Lothian with a state-of-the-art bus and to run free bus services for seven years, we must wonder whether the tramline represents the best use of public money.

More important, when the minister made his statement on public transport projects last week, he refused to confirm that phase 2 of the Waverley station project will go ahead. The minister rightly described the project as a flagship project not just for the capital city but for Scotland. It is vital that we deliver not just phase 1 but phase 2. The project is about not just rejigging the station and providing shopping concourses, but providing the facilities to allow expansion. If we do not deliver phase 2 many other schemes will not come to fruition, because projects such as the Bathgate to Airdrie rail link, the Borders railway and the high-speed rail links between Edinburgh and Glasgow that we are all starting to champion require there to be capacity at Waverley.

Our priority should be to provide the funding that is needed to deliver the capital project at Waverley station. We should not put money into a tram scheme until we are certain that we have delivered the main priority for Scotland and for Edinburgh, which is not a tram scheme on the periphery or to the west of the city, which would run in parallel with a railway line in several places and which would compete with a flagship bus service and the proposed heavy rail link. The priority for Scotland and for Edinburgh is the delivery of phases 1 and 2 of the Waverley station project. Tramline 2 would be the wrong use of public money and we oppose it.

16:08

**Mr David Davidson (North East Scotland) (Con):** I congratulate members of the Edinburgh Tram (Line Two) Bill Committee on their diligence.

The bill is an enabling bill, so I am confused by the minister's stance. He gave the impression that the contracts would be signed tomorrow morning. The proposed tramline would follow part of the route of tramline 1, which we will debate next week, so we seem to be putting the cart before the horse. As Kenny MacAskill rightly said, there is confusion about what we are debating and what we will be asked to pay for in the long term. Serious questions remain to be answered before the promoter can proceed. We need to know not only how the City of Edinburgh Council will fund its share of the project, but the business cases for every section of the proposed line. The promoter has provided no clear business case in relation to tramline 2. We need to know all the costs, including the costs that might arise from disruption during the construction phase, for example if businesses have to close temporarily or if individuals and home owners are affected. I am very sceptical about some of the costings. We have not had clarity in that regard.

This morning, I was on the number 100 airport bus. That is an excellent route, which is well used. How will we deal with the competition between the new rail link to the airport, the trams and the buses? What options did the minister consider? Did he consider the new ftr, which does not need rails but is a modern, tram-like vehicle? I wonder about that.

We do not grudge Edinburgh the right to have money to spend on a modern, efficient, effective transport infrastructure, but I wonder what the choices were—and not so much for the promoter, which can do nothing without the support of the Minister for Transport and Telecommunications; if he or his successor in the next session does not sign the cheque, the project will not happen. We need some clarity, which I would like to hear in the winding up of the debate.

The proposal to extend the route to Newbridge is nebulous. Nobody has a business case for that, and we do not know what the development plans of the city council and the adjacent council are for that area. Reference to such issues is not really relevant. There is undoubtedly a black hole as far as the money is concerned. Delay costs money, as we know from our experience of the Aberdeen western peripheral route.

**Margo MacDonald:** Will the member give way?

**Mr Davidson:** I do not have the time. I am sorry.

Our colleagues on the City of Edinburgh Council supported the bill at the preliminary stage, as we

did here in the Parliament. We have consistently voiced concerns and will continue to do so until we get clarity on all the questions about competition and route demand. Our councillors tried to make an amendment establishing their support for the route from Leith to Haymarket and the airport but no further. We will have to debate that further next week. It is quite clear that major issues remain to be addressed.

Although we are dealing with only one part of the network now, it is interesting to note that Alistair Darling MP seems to have been running around cancelling tram schemes in other parts of the country. Why is the Minister for Transport and Telecommunications convinced that the proposal that we are considering addresses all the matters that his Westminster colleague takes issue with? We do not know what the difference is. The decision on the Edinburgh Tram (Line Two) Bill is a Scottish decision—nobody is arguing about that—but it is interesting that some of the evidence that the minister down south has used with regard to the English tram systems does not appear to support the case for the route that we are discussing today.

Although we will support the bill today, we are not convinced that the business case for the scheme has yet been made. We expect it to be made soon and made clearly.

16:12

**Sarah Boyack (Edinburgh Central) (Lab):** I am delighted to speak in support of the Edinburgh Tram (Line Two) Bill. I am very glad that we have reached final stage, and I add my congratulations and thanks to the members of the Edinburgh Tram (Line Two) Bill Committee, its clerks and advisers for the immense amount of work that they put into scrutinising the bill.

I have spoken to constituents and, through the *Official Report* and minutes, I have followed the committee's diligent scrutiny of the bill as its members sat through the many meetings and pored over the evidence. My congratulations go to them for doing their job as our representatives on the private bill committee. I also thank the objectors, who had to deal with a tricky process. I know that they were guided through that process by Bill Aitken and his clerks, to whom many thanks should go for making that possible for my constituents. I thank those who have helped to improve the bill—both the objectors and TIE—for the robust discussions that took place before the committee.

Today is an important marker point, and I hope that the Parliament will support the bill. We all supported it at preliminary stage. It is a significant

part of the public transport investment that we require for Scotland, and it is crucial for Edinburgh.

I was appalled at the speech that we just heard from Kenny MacAskill. I well remember being castigated in the early days of the Parliament, when I was Minister for Transport and the Environment, for having the audacity to bring forward proposals on buses but not on trams. Kenny MacAskill can go back to the *Official Report*: he will see the demands for trams there. It is rank political opportunism to turn round at the very end of the process to say, "Oh, I don't like this scheme. It's not the right scheme and not the right time." We have heard that again and again.

Let us be more ambitious. We want the trams and we want the Waverley station project. It cannot be viewed as a choice between the two. How parochial can we be in the Parliament? Let me remind members that we need to make the most of this opportunity in Edinburgh.

Money from the Executive is providing us with an opportunity to build the kind of high-quality infrastructure that we need in this city. The proposed route starts at Leith, one of the great development areas in Edinburgh. It runs up past Waverley station, along Princes Street—Edinburgh's retail core—to Haymarket, where it provides access to the business district. It runs past Murrayfield stadium, out to South Gyle and Edinburgh Park and on to the Royal Bank of Scotland headquarters. When I last heard, that company was rather pleased to be getting a 21<sup>st</sup> century tram system on its doorstep.

The scheme is hugely important. From the Royal Bank of Scotland headquarters, the line will run out to the airport. There will be a shuttle service from the Ingliston park-and-ride out to Newbridge. We cannot afford to allow this opportunity to pass us by—the citizens of the future will not forgive us if we do. We need the trams to deliver economic and environmental benefits to our city. Edinburgh is a hugely successful city, but it suffers from traffic congestion and poor and unreliable journey times. We cannot sit back and say complacently, "Let's wait for perfection." This is a good scheme that the committee has examined robustly.

I welcome the high-quality transport network that is proposed. I want more investment in public transport in Edinburgh—at Haymarket station, at Waverley station and in the tram project. I want our financial services and banking sector to survive. I want us to compete against the other European cities and capitals that are putting big bucks into their transport systems. There is a huge amount still to do. We need to see the business case for the project and further details. There will be key challenges for city residents when we get down to diverting utilities, but let us not turn our faces against a project that will have the biggest

impact on the city in our generation. It is part of a package of public transport investments. We have had stage 1 of the Waverley station redevelopment. We now need the tramlines and stage 2 of the Waverley redevelopment. A huge amount of investment is required in this city. It would be a huge mistake for the Parliament to turn its back on the tram project. Let us be consistent and vote for the bill today. That is what is needed for investment in transport throughout our country.

16:17

**Margaret Smith (Edinburgh West) (LD):** I am pleased that, after literally decades of debate about the future of public transport in Edinburgh, the Parliament has the opportunity to give the go-ahead for a tram system with the potential to benefit both residents and businesses, not only in my constituency of Edinburgh West, but in Edinburgh as a whole. It is important that we see the scheme as part of a transport package that should command the support of all members. I thoroughly agree with Sarah Boyack's comments about the importance of Waverley station.

I begin by thanking Bill Aitken and his colleagues. As a member of the Waverley Railway (Scotland) Bill Committee, I know exactly how much work was involved. The bill committee is to be commended on what it has done in the past two years. I will not dwell on the current system of private bills, as that will not do anyone any good. However, I put on the record yet again that I do not think that it is a good system for anyone. It is certainly not an easy system for objectors. I thank the many objectors to the bill for their input, as I know that many of them have found the process difficult.

An integrated transport system in Edinburgh, with trams at its core, has the potential to benefit Edinburgh's residents and economy and to help it to compete on the European stage. Tramline 2 should provide faster, more reliable transport links between Edinburgh city centre and crucial centres of economic activity and employment in the west of the city: the Gyle; Edinburgh Park; the new Royal Bank of Scotland headquarters, complete with purpose-built bridge; Edinburgh airport, the Royal Highland showground, wherever it ends up; and the Ingliston park-and-ride facility. I welcome the promoter's commitment to integration, under the new body Transport Edinburgh Ltd, and through the use of integrated ticketing. It is important that we see the tramline as part of a package.

In the west of the city, there is a real and growing problem of congestion. There will be 12,000 more vehicles on the roads by 2015. One of the best ways of getting people out of cars and on to public transport is to give them the kind of



public transport that they want. Consistently, people have said that they prefer trams to other forms of public transport.

I welcome many of the bill's provisions. The committee is to be commended on the work that it has done on issues such as the noise and vibration policy, the code of construction practice and compensation arrangements. There are some real concerns, and I welcome the fact that the Subordinate Legislation Committee's recommendation that a time limit of 15 years on the blighting of property by the project was added to the bill.

However, in saying that I support the tramline, I should also say that I continue to have some concerns. It is a source of great disappointment to the people of Newbridge, whom I represent, that the council has decided to postpone a spur in that area. I know that there is a significant funding shortfall for the original route and I understand why the council made that decision. However, not to link the project to Newbridge in due course will be to lose an opportunity.

I thank the Executive for its commitment to the city of Edinburgh tram project, not only in terms of the initial money, but also in terms of the inflation proofing that we have heard about recently.

The committee and I have been concerned about arguments that have been made about patronage figures. However, I am reassured by the patronage forecasts and the more positive outlook in the committee's report. I am convinced that there is a place for both EARL and the tramline. They have different user groups and can both play a part in the economic regeneration and the continuing success story of Scotland. I welcome the reassurances from the minister about the final business case and the fact that there will be on-going analysis of the figures.

16:21

**Mark Ballard (Lothians) (Green):** It is worth remembering why we are debating this issue. Edinburgh currently has one of the best bus networks in the United Kingdom and, helped by the high population density, car use is relatively low in the city. Some 41 per cent of households do not have access to a car, which is above average for Scotland. The fact that we have a public transport network in Edinburgh means that those without a car can travel around the city.

However, there are growing problems of congestion, particularly on arterial routes such as the bridges, the road west of the city from Haymarket and Leith Walk.

**Mr Monteith:** Wearing his other hat, as rector of the University of Edinburgh, is the member able to

tell me how many of the 41 per cent of people in Edinburgh who do not have access to a car are students?

**Mark Ballard:** No, I am not.

The areas of the city that face congestion—including those around the university—are also those that have problems with air quality and are the places where many of the bus routes start and finish. That is why I welcome the fact that we are debating a Scottish Parliament bill that will authorise the construction and operation of a tramline in Edinburgh. That is a welcome step forward.

Trams will give people in Edinburgh a new, rapid, clean modern public transport option. As was said earlier, the tramline must integrate with the excellent bus network, through cross-ticketing and the use of a radial model, in a way that reduces the situations in which buses line up nose to tail on Edinburgh streets. Despite what Kenny MacAskill and others say, we cannot do with buses what can be done with a tram. On many streets in Edinburgh, there are already as many buses as those streets can take. Buses empty and fill much more slowly than trams. We need trams if we are to give people a modern public transport option; buses simply cannot offer that.

That public transport option will lead to a modal shift in the transport choices that people in Edinburgh make. The introduction of trams will see Edinburgh citizens making a decisive shift towards public transport. The speed, reliability and user satisfaction that are offered by trams will make them the default option for those who have access to the scheme.

We need trams because Edinburgh urgently needs to address its congestion problem. We cannot wait until congestion becomes insufferable. The plans for trams are, at last, reaching the stage at which permission is being granted. We simply cannot wait for David Davidson's silver bullet schemes of the future to come to pass. We need action to tackle congestion now.

I still have major concerns about some aspects of the tram proposals. We will discuss the relationship between trams and EARL later. Most important, I am concerned about the fact that we are getting not a tram network but a tramline. We need a tram network. With new developments in south-east Edinburgh, such as the Edinburgh royal infirmary and the planned biomedical park, the case for tramline 3 grows ever stronger. Brian Monteith might be interested to know that one of the issues that came up during my campaign to be rector of the University of Edinburgh was the need for a tramline that will connect the university's various campuses, particularly when the medical school moves out to Little France.

The Scottish Executive has taken the first step by supporting tramline 2, but I hope that it will go beyond that and support a proper, integrated tram network for Edinburgh. I welcome the first step towards the tram scheme, but if Edinburgh is to thrive and avoid congestion in the future we need a tram network that complements the buses and provides world-class public transport options.

16:25

**Colin Fox (Lothians) (SSP):** The debate is about both the principle of trams and the feasibility and value of trams in Edinburgh. The Scottish Socialist Party welcomes in principle the proposal to build tramlines in Edinburgh. We agree that they will be a valuable addition to public transport provision and we look forward to seeing trams in the city in 2010.

The briefings that TRANSform Scotland and TIE circulated to members note the success of trams in continental Europe, Sheffield, Manchester, the west midlands, Croydon, Nottingham, Dublin and elsewhere. The briefings make a strong case for the role that trams can play as an intermediate stage between buses and permanent rail lines. Trams are attractive because they address the perennial problem of chronic road traffic congestion—a problem that we have in Edinburgh—by offering people a more attractive alternative to their cars. That is the answer, as far as I am concerned. The case has been made for trams, which nowadays offer rapid, comfortable transit.

However, I want to mention a couple of points of principle. First, Lothian Buses is one of the few publicly owned public transport operators remaining in Britain. Notwithstanding my concerns about recent fare increases and the company's industrial relations record, I welcome the fact that it is still publicly owned and I hope that, in due course, the City of Edinburgh Council will assure us that the tramlines that are provided will also be part of the public service. I note that the service in Sheffield was publicly owned to begin with but, because of a lack of funds, it was soon sold off to Stagecoach. I hope that that will not be repeated in Edinburgh.

Secondly, I emphasise that we must ensure that the fares on the tram system are within everyone's grasp. Otherwise, passenger volumes will reduce and we will have a big pink elephant on our hands.

We have discussed the principle of trams, but we should also consider the realities of today. Passing the bill means that we will pass the matter on to the City of Edinburgh Council, which will decide whether and how to take the project forward. The minister said that the Executive will make half a billion pounds available for the project.

I am struck by the fact that the minister regularly comes to the Parliament and says, "Here is half a billion pounds to develop Edinburgh's economy," because Edinburgh funds part of Scotland's economy. However, Edinburgh's economy is already overheated and it draws in heat from Fife, the Borders, Midlothian and West Lothian. I would like the minister to be as concerned about the economy in those areas as he is about the economy in Edinburgh.

Many people in the city will ask why the Executive is keen to provide half a billion pounds for tramlines in Edinburgh but will not make that sum available for a much more needed project—rebuilding the city's crumbling housing stock following the stock transfer vote. We are told that money is not available for that, but the minister says, "Here is half a billion pounds to take people from the city centre to Gogarburn." Kenny MacAskill would have them walk the last 750yd. Some people would have us carry Fred Goodwin there, I suppose. The reality is that the people of Edinburgh will ask why £500 million is readily available for trams but not for much-needed council housing.

16:30

**Mr Brian Monteith (Mid Scotland and Fife) (Ind):** I speak as an Edinburgh resident. I have not studied every section of the bill and every detail of the committee's work, but I have no doubt that the committee did a good job. I tend to read the *Edinburgh Evening News* for my information and I am certain that it is far more reliable than most of the lobbying material that is sent to me by e-mail or in glossy leaflets for which council tax payers have paid.

Usually, my instinct is to support something such as a tram set. As a young kid, I had a Märklin train set—such train sets are the finest that one can buy in the world. As a slightly older child, I became a train-spotter. I stood at the side of railways and took down the numbers of trains—how boring was that? However, it allowed me at the same time to play football and meet girls. I might therefore be thought of as someone who is instinctively in favour of fixed-rail systems, but in this case my instinct is to be against the proposed tram set.

We have heard that trams can do things that buses cannot, but buses can go places that trams cannot. The crucial point is flexibility: buses do not need rails. Those who are old enough—I am not, as I was not born at the time—should remember that Edinburgh used to have trams, which were phased out in 1956 and replaced by trolleybuses, which were replaced by buses. The replacements were more flexible options. If people object to pollution and diesel fumes, we can erect electric lines, return to trolleybuses and still have a more

flexible and cheaper system than the fixed-rail tram system.

We have heard about the business case, in which I will be interested when it appears. As for having a new option, we see from the routes that much of what is proposed is displacement of one public transport system by another. We will find that people do not get out of their cars, but out of their buses and on to trams. We need to consider that seriously.

**Margo MacDonald** rose—

**Mr Monteith:** Cue intervention.

**Margo MacDonald:** Does my colleague agree that the minister should tell us in his summing-up whether the money is on the table? If it is not, the business case will be not just weak, but non-existent. Does he also agree that we need a proper evaluation of the extent to which the waterfront expansion depends on a tram link?

**Mr Monteith:** I have visited many cities that have tramlines. The one thing that I have noticed about most, if not all, of them is how wide the seats are—[*Laughter.*] I mean, how wide the roads are. I have not been on the trams, so I have not tested the seats, but I am sure that they are ample for my girth. The roads in those cities have space not just for trams, but for boulevards with trees. There is no doubt that Edinburgh does not have such roads.

I will close by asking about the funding shortfall. The minister makes a case for why trams are crucial to Edinburgh's economic future. Given that, will he make up the difference by providing the money that cannot be found? If not, will he support the privatisation of Lothian Buses, which could pay for the tram set? I doubt whether he fancies the first option, but I bet that he would fancy the second. I look forward to hearing more of the tram proposal, but at the moment I cannot support it.

16:34

**Marilyn Livingstone (Kirkcaldy) (Lab):** As a member of the Edinburgh Tram (Line Two) Bill Committee, I concur with much of what my committee colleagues have said. I agree with Bill Aitken that, after more than two years, we arrive at the bill's final stage with relief.

We should not forget the bill's broad policy objectives, which are to create the transport infrastructure that is necessary to support a growing and successful economy, as Sarah Boyack said, and to create a healthy, safe and sustainable environment.

The bill is the first tram proposal to come before the Parliament. If it is agreed and implemented, it will make a significant contribution to Edinburgh's

wider transport framework. The benefits will include not only reduced congestion and pollution but, as the committee heard during its evidence taking, increased social inclusion and regeneration. Those are important issues in some parts of Edinburgh.

As our convener has already provided a clear outline of the preliminary stage process, I will take the time available to raise other key issues. First, the promoter's proposal at consideration stage to change the tram route in the Haymarket Yards and Gyle areas outwith the limits of deviation created a real challenge that is worth highlighting. The committee had to agree to examine the promoter's new proposal. Consequently, a new objection period was rightly required to allow the promoter to notify the communities and businesses that would be affected. As the committee took evidence from the promoter and objectors on the proposed change, it became clear that the proposal had wide support. After listening carefully to the evidence, the committee agreed to the amendment.

As Bill Aitken has explained, the committee took a great deal of written evidence. We took oral evidence when it became clear that the issues outstanding between the promoter and the objectors could not be resolved through written evidence, but many objections were withdrawn before that stage. The focus of the oral evidence was on examining how, if possible, outstanding issues could be practically addressed.

As we have heard, private bill committees work in a unique way. To the uninitiated, the procedures can appear complex, to say the least. On behalf of the committee, I take this opportunity to thank the objectors, who I believe conducted themselves very well. In particular, I commend those who were not represented professionally. It was evident that the objectors had put in a considerable amount of preparatory work. The fact that they made their case clearly helped our deliberations.

The representatives of west Edinburgh residents trams action group—WERTAG—deserve a particular mention. The householders raised various concerns, including issues about the extent of the promoter's consultation. Given the likely impacts of the tram on some of the residents represented by WERTAG, the committee stated that the promoter should ensure robust on-going consultation. In practical terms, that means that householders should be consulted on matters such as working hours, access arrangements and mitigation measures during the construction process.

As has been mentioned, a key issue in ensuring the tram's success will be the effective integration between the tram and the city's bus operations. I

am pleased that the promoter is dealing with that issue at an early stage.

The finance issue has already been covered but I should add that, at consideration stage, the committee took further evidence from the promoter on funding issues. We asked whether the funding gap had been filled and, if that was not the case, what implications that had for the construction. In short, the evidence that we received showed that an overall funding shortfall remains, but the promoter is taking steps to address it.

After weighing up all the evidence, the committee concluded that it supports the construction of Edinburgh tramline 2.

16:38

**David McLetchie (Edinburgh Pentlands) (Con):** Following the rejection of the City of Edinburgh Council's proposals for congestion charging in last year's referendum—a wholly welcome development and outcome for which only the Conservatives campaigned from day one of the Parliament—it was always the case that financial reality would finally dawn on the two tramline schemes' promoter, whose aspirations far exceeded the depth of its pockets. Despite assertions that congestion charging was intended to fund only line 3, there was little doubt in my mind that the anticipated £38 million annual revenues from tolls would have been partly diverted to plug funding gaps both for construction costs and for operational deficits on lines 1 and 2.

The demise of tolls undoubtedly led to the composite or hybrid scheme for lines 1 and 2 that Kenny MacAskill outlined—what is now optimistically described as phase 1A will run only from Ocean Terminal to the airport—rather than the full two-line scheme that was presented to Parliament.

We are told that the tendering process may enable further parts of the proposed network to be developed in phase 1B once the exact costs are known. That would enable construction from Haymarket to Granton, down what some would call an urban wildlife corridor and others would call a disused railway line. However, whatever value can be squeezed out of the tendering process to maximise network development—let us not forget that more than 90 per cent of the cost is being sought by way of a grant from the Scottish Executive—the fact remains that there is not a penny piece of funding in place to cover the airport to Newbridge section of line 2 or the waterfront section of line 1.

**Sarah Boyack:** I am aware—as, I am sure, is Mr McLetchie—that there is unanimity on the council that it will make the best of the money that is available from the Executive and from itself. Will

he not support that pragmatic approach to ensuring that we get the trams going in Edinburgh? The Conservative members of the council support it.

**David McLetchie:** The Conservative members of the council voted for the composite line 1 and line 2 scheme. They did not vote for the airport to Newbridge extension, nor for the waterfront to Granton extension. I advise the member to look at the record: that is the position. I believe that there is little or no prospect of those sections being constructed within the permitted 15-year timescale for the simple reason that, viewed in isolation as additions to phase 1, there is no economic case for doing so.

The line from Ocean Terminal to Haymarket is, in my view, a perfectly viable proposition, as it will service densely populated residential areas of the city and generate high volumes of usage, seven days a week and throughout the day. The airport to Haymarket section partly meets the criteria in respect of servicing residential areas, but one must question the negative impact of the Edinburgh airport rail link on revenues. Although servicing business parks in the west of Edinburgh will generate high commuter volumes at peak periods, Monday to Friday, there will be few customers outwith those periods and at weekends.

I strongly urge the Executive, when it looks at the business case to be presented by the promoter, seriously to consider whether expenditure on that section of the network is justified, in the light of the Edinburgh airport rail link and the existing high-quality bus service. Should budgetary constraints prove tighter in years to come, the rail link to Edinburgh airport should be a far higher transport priority than tramline 2. One scheme is of national significance and of value to the whole of Scotland, whereas the other will give a modest and localised benefit, at best.

16:42

**Mr MacAskill:** The fact of the matter is that not only is there an outrageous funding shortfall, but there is outrageous expenditure at the moment. As we are well aware, £1.2 million has been spent so far, without even a track laid, simply to subsidise Weber Shandwick, the publicists for the campaign to promote trams. We view that as thoroughly unacceptable and a waste of valuable public money.

The priority has to be Waverley station and the Edinburgh airport rail link—we concur with Mr McLetchie about that—because of the advantage that that project offers the whole of Scotland. We have to look at prioritisation. This Executive has been characterised by the making of countless

promises on which it has failed to deliver. We have seen numerous projects being put back and further delayed—into the yonder. We need to deliver.

Waverley stage 1 does not adequately address the requirements not just of the city of Edinburgh, but of public transport expansion for the whole of Scotland. If we are to aspire to high-speed rail links, we need to deliver on that. We do not trust the judgment of the City of Edinburgh Council. I have some sympathy with the point that was made by Mr Fox. First, on congestion charging and, secondly, on the housing stock transfer scheme, the City of Edinburgh Council's judgment of the support of the electorate and the citizens of Edinburgh has been shown to be wrong.

The tramline that is being put forward is Donald Anderson and Andrew Burns's folly. They wish to impose it, irrespective of whether they are still in the council's administration next May, which looks exceedingly unlikely. However, they are seeking to railroad the tramline through—if I may mix my transport metaphors—to ensure that it is delivered. That is entirely unacceptable. We think that the council has got it wrong and that the public's money would be best used for the flagship station on which the minister commented last week. There is no money or commitment from the City of Edinburgh Council, so our decision on priorities is that we should invest in the Waverley option.

**The Deputy Presiding Officer (Murray Tosh):** Expectation was expressed during the debate that the minister would speak at the end of it. However, I confirm that he took all his time for his opening speech. The debate will now be closed for the committee by Jeremy Purvis.

16:45

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** I distinctly heard a number members say "Aw", but I will not take it personally.

This afternoon's debate started with a degree of foreboding, given that amendment 1 dealt with connections to sewers and drains. However, the debate has grown a little bit livelier since then. I was relieved that amendments 14 to 26 corrected street names but I was slightly alarmed when I saw amendment 27, which was to

"leave out <Edinburgh> and insert <Glasgow>".

There is perhaps a mistaken belief that the two tramlines were presented to Parliament as two distinct schemes. The promoter was also mistaken in believing that such an approach would lead to a quicker parliamentary process. The promoter was incorrect and, as the convener of the Edinburgh Tram (Line 2) Bill Committee indicated, we are at the end of a long process. There is always a

balance to be struck between considering objections speedily and giving a depth of scrutiny to some of the issues that we heard about during the debate.

Although we have a duty to scrutinise a scheme that cost £225.9 million—at 2003 prices—on its own, we must also be mindful that many individuals will be affected by the scheme. It is worth noting that it is one week short of being exactly two years since the end of the objection period for those who will be affected by the scheme. If the tramline is to be railroaded through the Parliament, I hope that it will be built at a faster pace than any railroad.

Sarah Boyack, Margaret Smith and other constituency members have represented their constituents during a difficult process. They recognise that the process is a considerable burden for objectors as well as for promoters that bring forward large capital schemes such as a tramline.

**Fiona Hyslop (Lothians) (SNP):** We should thank those who participate in the private bills process, which is onerous. Does that not make it even more reprehensible that the way in which the City of Edinburgh Council, as the promoter, presented the two tramline bills meant that there were major changes to the lines, including the changes that arose during the past few weeks? Is that not unfair on and disrespectful to the Parliament?

**Jeremy Purvis:** I do not disregard Mrs Hyslop's comment, but the committee had to consider the balance between speed and scrutiny. Yes, there have been changes throughout the process, but if we had gone through the process more quickly following the bill's introduction, would that have been the correct way to take on board some of the changes to the scheme, or the objections that have been made to those changes? One of the by-products of the process that we have gone through are the suggestions that have been made to the Parliament to accelerate the parliamentary procedures for consideration of future schemes. The Glasgow and Edinburgh airport rail link bills will go through those revised procedures and I hope that members of those bill committees will benefit from our experience. More important, I hope that promoters of future schemes and those who will be affected by those schemes—individuals who might lose their homes or suffer blight—will also benefit from the lessons learned during the passage of the Edinburgh Tram (Line Two) Bill.

We are at the end of our consideration of the bill and the committee has done its duty. We even visited Nottingham to see its trams and learn about the success of that scheme in relation to passenger numbers and economic impact.

During our consideration of objections, it is fair to say that we paid particular attention to the noise and vibration policy and the contents of the code of construction practice. I will talk about finance and the strategic placing of the scheme in a moment.

**Margo MacDonald:** Does Jeremy Purvis agree with Bill Aitken's description of the bill as an enabling measure? Moreover, given Mr Purvis's legal background, does he consider this to be a good way of legislating for what has been described as a strategic development for Scotland?

**Jeremy Purvis:** First, let me say—quite proudly—that I do not have a legal background.

**Members:** Hear, hear.

**Jeremy Purvis:** That might well be the most popular comment I make this afternoon.

If the member will forgive me, I will come in a moment to her question about the bill's enabling aspects and the committee's scrutiny of the facts and the promoter's assumptions.

It is right to say that the committee examined certain operational aspects that will affect residents in the area and the effect that the tram's construction will have on people who live near the site. Indeed, we learned much from Nottingham in that regard. One might argue that such considerations are short term; however, we also scrutinised certain assumptions underlying the business case that was presented to Parliament. Indeed, the committee took the decision to revisit those assumptions—which, as members will not be surprised to learn, was unpopular with the promoter—to provide a second layer of scrutiny on passenger forecasts; to ensure that there was a competitive bus system along the route if tramline 1 was not built; and to ensure that EARL was constructed and was priced competitively. We received updated information on all those matters and, with help from the National Audit Office on comparisons with other schemes and on the basis of any potential variation of public transport options that the promoter and the council could present, we satisfied ourselves that the scheme would still have a positive net present value. That should provide some clarity with regard to comments that have been made this afternoon on the committee's role.

Of course, the information that we received from various parties was not always consistent. Indeed, as Mr McLetchie pointed out, one witness believed that the promoter had underestimated its assumptions on passenger forecasts to Edinburgh airport. However, the committee considered both variations, and concluded that the tram scheme would still have a positive net present value.

Some have said that this is the wrong bill at the wrong time. However, a number of fundamental errors have been made this afternoon. The first was that no consideration had been given to a through service connecting tramlines 1 and 2, and it is true that we could scrutinise only what was in the bill. However, we asked for and received information from the promoter on a single scheme. Members will recall that in our preliminary stage report—which was debated in the Parliament—we asked the promoter to present what was effectively a second business case. I can tell members who have said that they look forward to seeing the business case that it can be found on the TIE and Scottish Parliament websites. We compared the scheme with bus provision and scrutinised proposals on the particular type of tram. However, I must confess that, in one respect, Mr Monteith has an advantage over us: we did not analyse the width of the seats on the trams that will be introduced.

Having regard to all the evidence that was presented to us and after seeking further clarification from the promoter on many occasions, the committee is satisfied that the scheme's benefits outweigh its disbenefits and that an appropriate balance has been struck between having regard to the rights of those whom the scheme will affect adversely and the benefits that it will bring to the wider community. As a result, we recommend to Parliament that the bill be passed.

**The Deputy Presiding Officer:** That concludes the final stage debate on the Edinburgh Tram (Line Two) Bill.

At this stage, I advise members that earlier this week the Parliamentary Bureau agreed that, given that this is the first time we have voted under these arrangements, there should be, if possible, a suspension before decision time. I intend to press on and clear the upcoming procedural items out of the way. However, if any of the motions is opposed and a vote has to be held, I will suspend the meeting until 5 pm.

## Business Motions

16:54

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

The next item of business is consideration of business motion S2M-4161, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Wednesday 29 March 2006

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Final Stage Proceedings: Edinburgh Tram (Line One) Bill

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 30 March 2006

9.15 am Parliamentary Bureau Motions

*followed by* Scottish National Party 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 Executive Debate: Curriculum Review and Qualifications

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 19 April 2006

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 20 April 2006

9.15 am 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—  
Education and Young People,  
Tourism, Culture and Sport;  
Finance and Public Services and  
Communities

2.55 pm

Executive Business

*followed by*

Parliamentary Bureau Motions

5.00 pm

Decision Time

*followed by*

Members' Business

(b) that the period for lodging First Minister's Questions for First Minister's Question Time on 20 April 2006 should end at 4.00 pm on Thursday 13 April;

(c) that the period for lodging First Minister's Questions for First Minister's Question Time on 4 May 2006 should end at 4.00 pm on Friday 28 April;

(d) that the period for lodging First Minister's Questions for First Minister's Question Time on 1 June 2006 should end at 5.00 pm on Thursday 25 May; and

(e) that the period for members to submit their names for selection for Question Times on 20 April 2006 should end at 12.00 noon on Wednesday 29 March 2006.—[*Ms Margaret Curran.*]

*Motion agreed to.*

**The Deputy Presiding Officer:** The next item of business is consideration of business motion S2M-4152, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for legislation.

*Motion moved,*

That the Parliament agrees that consideration of the Criminal Proceedings etc. (Reform) (Scotland) Bill at Stage 1 be completed by 15 September 2006.—[*Ms Margaret Curran.*]

*Motion agreed to.*

## Parliamentary Bureau Motions

16:56

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

The next item of business is consideration of six Parliamentary Bureau motions. I invite Margaret Curran to invite motions S2M-4153 to S2M-4158, on the approval of Scottish statutory instruments.

#### *Motions moved,*

That the Parliament agrees that the draft Risk Assessment and Minimisation (Accreditation Scheme) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2006 be approved.

That the Parliament agrees that the draft Advice and Assistance (Financial Conditions) (Scotland) Regulations 2006 be approved.

That the Parliament agrees that the draft Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Non-Domestic Rating (Electronic Communications) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Valuation and Rating (Exempted Classes) (Scotland) Order 2006 be approved.—[*Ms Margaret Curran.*]

**The Deputy Presiding Officer:** The question on those motions will be put at decision time. As previously indicated, I now suspend proceedings until 5 pm.

16:56

*Meeting suspended.*

17:00

*On resuming—*

## Decision Time

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

There are three questions to be put as a result of today's business. The first question is, that motion S2M-4165, in the name of Nicola Sturgeon, on a motion of condolence, be agreed to.

#### *Motion agreed to.*

That the Parliament expresses its deep regret and sadness at the death of Margaret Ewing MSP; offers its sympathy and condolences to her family and friends, and recognises her widely appreciated contribution to Scottish politics and public life.

**The Presiding Officer:** The second question is, that motion S2M-3838, in the name of Bill Aitken, that the Parliament agrees that the Edinburgh Tram (Line Two) Bill be passed, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### **For**

Aitken, Bill (Glasgow) (Con)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baird, Shiona (North East Scotland) (Green)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)



Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tosh, Murray (West of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)

Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**The Presiding Officer:** The result of the decision is: For 88, Against 20, Abstentions 0.

#### *Motion agreed to.*

That the Parliament agrees that the Edinburgh Tram (Line Two) Bill be passed.

**The Presiding Officer:** I propose to put a single question on motions S2M-4153 to S2M-4158 inclusive, on the approval of Scottish statutory instruments. The final question is, that motions S2M-4153 to S2M-4158 inclusive, in the name of Margaret Curran, on the approval of SSIs, be agreed to.

#### *Motions agreed to.*

That the Parliament agrees that the draft Risk Assessment and Minimisation (Accreditation Scheme) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2006 be approved.

That the Parliament agrees that the draft Advice and Assistance (Financial Conditions) (Scotland) Regulations 2006 be approved.

That the Parliament agrees that the draft Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Non-Domestic Rating (Electronic Communications) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Valuation and Rating (Exempted Classes) (Scotland) Order 2006 be approved.

## NHS Lanarkshire

**The Deputy Presiding Officer (Trish Godman):** The final item of business is a members' business debate on motion S2M-3944, in the name of Carolyn Leckie, on the Lanarkshire united health for all campaign. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes NHS Lanarkshire's consultation, *A Picture of Health*; is concerned that the board has written off the status quo as "unsustainable" without giving the public the opportunity to make that judgement about their health service; believes that to consult on options which exclude the possibility of a community retaining emergency and planned services at their local hospital is no choice at all; questions the rationale and evidence that the consultation is predicated on, such as whether planned capacity will be sufficient; is concerned that health inequalities will not be addressed and may indeed be perpetuated; recognises the growing anger of communities throughout Lanarkshire, and believes that the board and politicians alike have a duty to explore all options and strategies required to meet the needs of Lanarkshire's citizens and unite with them to secure full and equal health services for all.

17:04

**Carolyn Leckie (Central Scotland) (SSP):** I thank the members who have stayed to attend the debate and those who signed the motion. There is cross-party support for the motion and I think that that indicates the strength of feeling and the concern about Lanarkshire NHS Board's current reorganisation consultation. A number of members who are present represent the Lanarkshire united health for all campaign, which has resisted the health board's strategy that was set up to pit one community against another in the consultation.

The consultation is clearly already flawed and I serve notice on the minister that at the end of the consultation, which is at the end of April, we will argue that that is the case—unless fundamental things change. The roadshows that are conducting the consultation are loaded. The DVD presentation gives only the health board's arguments. The health board hand-picks the consultation panels and no alternative arguments to the health board's strategy are put forward.

The communities have not been allowed to participate in identifying what problems are present in Lanarkshire or given the opportunity to explore alternative solutions. Whether the problems are the working time directive, which we all know has been with us since 1993, or filling vacancies, the communities have not been allowed to explore the problems and find solutions: they have been presented with narrow options by the health board. I will pick out some of those, because the consultation has an extensive impact,

as it represents probably at least 30 separate consultations. Unfortunately, the consultation itself is not getting into and underneath the issues.

If someone is in East Kilbride or its environs, the consultation tells them that they can have either an accident and emergency unit and an intensive care unit there, or they can have planned care. It is the same for someone in the Monklands area: they can have either accident and emergency and intensive care, or planned care. Someone in the Wishaw or Motherwell area, however, can have an accident and emergency unit and an intensive care unit, but they have no choice of keeping planned care.

The evidence base for the geographical separation of planned and unplanned services is, in fact, a big, fat zero and there is mounting evidence against it, but the people of Lanarkshire are not being offered the opportunity to keep emergency and planned services on one site. That is no choice at all.

The glossy brochure that NHS Lanarkshire has unevenly distributed throughout Lanarkshire lists conditions that are appropriate for treatment in a minor injuries unit, which the board's preferred option suggests should be at Monklands hospital. The brochure lists the conditions appropriate for a minor injuries unit and those appropriate for an accident and emergency unit.

Under the minor injuries list come simple fractures; under the accident and emergency list come complex fractures. Who is supposed to determine which is which? Patients. For the first time that I am aware of, patients are being asked to self-diagnose so that they can refer themselves to the right unit. They are supposed to understand, when they are injured, whether they have a simple fracture or a complex fracture. That is absolute nonsense.

The common themes of the consultation are the paucity of evidence and information that is put forward by the health board in support of its narrow options, and its lack of answers to questions. It seems that it could instruct even the First Minister in the art of how to avoid answering questions.

Whether the questions are about demographics, ambulance services, workforce planning, bed modelling, cross-boundary flows or the detail of financial issues, particularly the impact of the private finance initiative, the board says things such as "we believe" and "we are doing work on that"—or it does not answer questions at all.

I gave the board a written list of questions two weeks before the consultation even started. We are now more than halfway through and I have not received one answer—nor have answers been

given to the many hundreds of questions that have been asked at the public meetings.

The area with the greatest deprivation and the highest number of heart attacks—Monklands—is the board's preferred option for the removal of an accident and emergency department. No explanation of the logic for that has ever been presented. Out of the sky, Lanarkshire NHS Board has said that it will keep bed numbers the same—despite an acknowledgement that the ill and dependent constituency that requires the services is increasing, and despite the unpredictability of cross-boundary flows. Work on cross-boundary flows has barely started.

The board is silent on the proven impact of the private finance initiative on staffing levels, bed numbers and services. The fact that the consortia with their 30 and 40-year contracts at Wishaw and Hairmyres are guaranteed their money, whether or not one patient is treated in either hospital, must be the determining factor when the board decides on its options for services in Lanarkshire. Anyone who says otherwise is living in fantasyland.

The minister undoubtedly has a role to play in the general financial position. Lanarkshire NHS Board's deficit is £20 million, but the board is owed £40 million under the Arbuthnott formula, and that money has not been paid since 1999. The money would make a huge difference, especially for the people of East Kilbride, who have already contributed £1.5 million for a hospice that they are being denied. Throughout Lanarkshire NHS Board's consultation document are insidious references to increased privatisation.

I hope that other members will pick up on other issues. I congratulate the communities in Lanarkshire for campaigning to keep all their services—and everybody else's—and to improve them.

I would like to send a strong message to Labour members in the region. They should not accept Lanarkshire NHS Board's propaganda; they should look behind the issues, look at the detail and ask questions; and they should refuse to play the game of pitting one community against another.

In East Kilbride, we had the spectacle of Adam Ingram, the Minister of State for the Armed Forces, asking us to trust the health board because it has made a very strong case—oh no it hasn't—and asking us to keep an accident and emergency department at Hairmyres. No doubt John Reid, the Secretary of State for Defence, will be in Airdrie tonight to say, "Keep the Monklands service." I wonder whether they will be so keen to drop bombs in this phoney war as they have been before.

I appeal to Labour members to stop conning the public and to stop artificially setting communities against one another. Labour members should read the consultation document. For people to argue only for the accident and emergency department in their own back yard is to argue to shut their own planned services and to shut other people's accident and emergency departments. I ask members to support the motion.

17:12

**Alex Neil (Central Scotland) (SNP):** I congratulate Carolyn Leckie on securing this debate. I am going from here to a public meeting in Airdrie on the future of Monklands and the other hospitals and accident and emergency departments in Lanarkshire. I have already given notice to the Presiding Officer that I may have to leave early—it depends on when the debate finishes—in order to get to Airdrie.

A great deal can be said about Lanarkshire NHS Board's consultation document, but in the time available I want to focus on the proposals for accident and emergency departments. For the record, I point out that three Labour MSPs who are supposed to represent Lanarkshire constituencies—Cathie Craigie from Cumbernauld and Kilsyth, Michael McMahon from Hamilton North and Bellshill, and Karen Whitefield from Airdrie and Shotts—are not even here to discuss this very important issue.

Lanarkshire NHS Board is proposing that the three accident and emergency departments that currently offer services in the area should be reduced to two. The health board has gone further and said that the accident and emergency department at Wishaw will remain open. Wishaw happens to be in the First Minister's constituency. I am sure that there is no coincidence there.

The board has therefore given us a choice over which accident and emergency department should close—Monklands, which deals with 36,000 cases every year, or Hairmyres. It is Hobson's choice. One of the options in the consultation document should have been to keep the three accident and emergency departments open. At no time has Lanarkshire NHS Board published any analysis or evidence to show why we need to take the option of having only two accident and emergency departments. I have requested that information under the freedom of information regime, but we are still waiting for an answer.

One thing that Lanarkshire NHS Board says at the public meetings is that it is short of consultants. There is no doubt at all that we are short of consultants throughout the health service, but opting for Lanarkshire NHS Board's proposal would mean that the hospital that would lose its

accident and emergency department would still have an intensive care unit, which would need to be staffed by the very consultants the board says it is short of. There is absolutely no logic to its position.

Elaine Smith is the only Labour member who represents the area who is present—

**Karen Gillon (Clydesdale) (Lab):** Will the member take an intervention?

**Alex Neil:** I apologise; Karen Gillon is here, as always.

I ask the Labour members who are going to East Kilbride to say, “Keep Hairmyres accident and emergency department open and close the one at Monklands,” and are then going on to Monklands to say, “Close the Hairmyres accident and emergency department,” to think again. That is an example of divide and rule; it is no way to plan for the future of the health service in Lanarkshire or anywhere else.

I could make 50 points about the stupidity of the board’s proposals, but I will finish with one that is about the comments that the chief executive made in last week’s *Airdrie & Coatbridge Advertiser*, which should be compulsory reading for everyone. He boasted that no costings had been done on the implications of closing the accident and emergency department at Monklands—or the one at Hairmyres—and that no research had been conducted on the impact that that would have on hospitals in places such as Larbert and Glasgow.

Lanarkshire NHS Board’s handling of the situation has been pathetic. I hope that the minister will send it packing and tell it to go back, do its homework and start again.

17:17

**Elaine Smith (Coatbridge and Chryston) (Lab):** I welcome the opportunity to discuss “A Picture of Health: A Framework for Health Service Improvement in Lanarkshire”, which deals with an issue that is of great importance to my constituents, given that Monklands general hospital has been earmarked as the so-called clear preferred option for downgrading. I welcome the chance to outline the views of the local constituency members who, like me, are battling to retain acute hospital services at Monklands on behalf of the communities they represent.

As most members will be aware, and as has been mentioned, Lanarkshire NHS Board is holding its Airdrie public meeting tonight, as part of the consultation process. Given that Monklands hospital is in the constituency of my colleague, Karen Whitefield, and that she has urged thousands of her constituents to attend that forum, she has rightly decided to make that meeting her

priority by ensuring that she is present for the full discussion. She is therefore en route to that meeting and has asked me to convey her apologies, to put on record her unequivocal opposition to the downgrading of the accident and emergency department at Monklands and to record her thanks to our local newspaper, the *Airdrie & Coatbridge Advertiser*, for supporting both of us in our campaign to save an essential service.

**Alex Neil:** Will the member take an intervention?

**Elaine Smith:** I might do in a moment.

In addition, I want to put on record Cathie Craigie’s apologies for not being able to attend the debate; she has suffered a family bereavement. Like Karen Whitefield, she wants the *Official Report* to show her opposition to the downgrading of Monklands accident and emergency department. Karen Whitefield, Cathie Craigie and I launched a petition against the closure of that facility in December and, so far, tens of thousands of signatures have been collected. Given those members’ reasons for not attending the debate, I think Alex Neil’s criticism was a bit of a cheap shot, so I will not take an intervention from him.

**Alex Neil:** That is childish.

**Elaine Smith:** I turn to “A Picture of Health”. There is a lot to commend in the vision that Lanarkshire NHS Board has laid out, but the consultation raises the serious and contentious issue of acute hospital services and the proposal to downgrade one of Lanarkshire’s accident and emergency departments. The proposal is based on the health board’s contention that it cannot recruit a sufficient number of clinicians to operate accident and emergency services over three sites; that moving to two sites for emergency in-patient care would concentrate expertise and make services more sustainable; and that reorganisation is necessary if the board is to react to legislative workforce issues.

According to the board’s option appraisal exercise, the accident and emergency department at Monklands hospital has been earmarked as the preferred option for closure. If that department was closed, the hospital’s emergency admissions facility and its ear, nose and throat, intensive care, renal and infectious diseases units would all be lost, which in my opinion would be a precursor to the hospital’s closure. I therefore urge caution on the option appraisal findings. Many of the contributions were not impartial: the views of patient contributors were weighted more towards Wishaw and Hairmyres and not Monklands. That is despite Monklands being the busiest accident and emergency department, and despite its having the largest population base and serving the most

deprived communities in Lanarkshire. The findings should perhaps have been weighted more equally.

Essentially, option appraisal is a private sector tool that is being employed by the public sector to evaluate the decisions it takes to contract out services, but the practice of using option appraisal as the basis for decision making of this magnitude is highly questionable; it is not robust enough for the public sector to use it in this way. If difficult decisions have to be taken, surely they should reflect the fundamental principles of the NHS and be weighted in terms of the impact that they will have on reducing social and health inequalities. Undoubtedly, if the option appraisal had been based on that principle, Monklands hospital would have been discounted as a candidate for downgrading.

As a constituency MSP and local person, I am utterly appalled by the suggestion that Monklands A and E should be closed. It is not only the busiest in Lanarkshire, but the most efficient: it lost only 24 hours due to closure last year. Furthermore, the appalling health record that the people in the Monklands area have historically suffered from means that there is a disproportionate need for emergency care in my community. North Lanarkshire Council, which is vigorously opposed to the proposal, has said:

"If NHS Lanarkshire elects to support the so-called 'clear, preferred option' it would be downgrading the busiest hospital in its Board area, in its area of poorest health. There may be reasons for making such a decision, but they are not related to need, deprivation or ill-health."

Indeed, many of us are under no illusion about the reason that lies behind the proposal: quite simply, it comes down to the 30-year private finance initiative contracts that Lanarkshire NHS Board is bound by at both Hairmyres and Wishaw hospitals. At the first public meeting, which was held in Muirhead in my constituency, Ian Ross, Lanarkshire NHS Board's divisional chief executive for acute services, was unashamed in his admission that

"PFI hospitals are 30 year contracts. We have 25 years left so we have to use them as much as possible".

That shows that the decision is based more on the contractual obligations to and profits of PFI investors than on the actual needs of the people of Lanarkshire.

To add insult to injury, crucial factors seem to have been completely ignored in the process. For instance, the way in which the proposals would affect the ambulance service has been ignored and yet Coatbridge has the busiest ambulance station in Lanarkshire. I am informed that discussions are continuing in that regard. Surely all such discussions should have been exhausted and all eventualities costed before the consultation was even launched. The health board also does

not seem to have taken account of the cross-boundary flow issues that stem from the downgrading of services in Glasgow.

The issue is clearly difficult and complex. No one in the chamber actively wants to see the closure of any of Lanarkshire's A and E departments. I am not saying that we should close Hairmyres A and E—I take exception to the suggestion that I am—but we have to consider the vulnerability of Monklands hospital along with the horrendous health record of my constituents and the legitimate arguments that surround the implementation of the working time directive. I make no apology for putting forward as robust a case as I can for the retention of services at Monklands hospital.

17:23

**Donald Gorrie (Central Scotland) (LD):** Members who have already spoken have made very good points on this issue. I am very pleased that Carolyn Leckie secured the debate.

First, I will focus on the general issue that our organisations, whether they are health boards, councils or governments, are still extremely bad at consultation. The public see organisations of whatever sort as biased, ill informed and, as Elaine Smith said, motivated not by the needs of people but by money. None of that may be the case, but a huge number of people think that it is. We all have to get our act together when we are undertaking consultation.

In this case, the status quo may not be an option. The world moves on. Lanarkshire NHS Board may find it very hard to obtain doctors, for example, for its hospitals. We have to do something about that. From personal experience, I know that minor injury services can be extremely effective. Although they are not a substitute for A and E, they can be helpful as an additional resource that does not cost as much to run as A and E departments.

It should be possible for the board to move forward with some sort of agreement, and not as it is progressing the issue in this instance. It is also going in for divide and rule, which is a favourite tactic of governments of all sorts. Any consultation in Lanarkshire—I hope that the minister accepts that he has a role in trying to achieve sensible consultation—has to take account of the situation in Glasgow and Forth Valley.

Forth Valley NHS Board is building a big hospital at Larbert. Completion is five years away, but the hospital might be able to play a part in due course. Certainly, if hospitals in Lanarkshire close, people who live in Cumbernauld, for example, might well travel to Falkirk or Larbert. Other people might find

it more convenient to go to Glasgow. We must consider the whole area.

As I understand it, no proper impact assessment in relation to transport is carried out. During the 10 years or so in which I have been involved in Lanarkshire issues, I have repeatedly been struck by the bad transport arrangements. Transport is fine if someone wants to go to Glasgow, but it is not at all fine if someone wants to go anywhere else. There is simply no cross-country transport to more distant hospitals. If changes are to be made to the system, they must include proper, sustainable transport arrangements. The minister could insist that such arrangements be made.

We must acknowledge at local and at ministerial level that large parts of Lanarkshire have a poor health record, which is regrettable. It would be a mistake to reduce the number of hospitals in an area that needs more support. Moreover, the number of older people is increasing throughout the country. Older people are more prone to illness, so we should improve, not decrease, services. I hope that the people involved can get together and that Lanarkshire NHS Board learns from its incompetent consultation, so that it can work with interested parties to improve the situation.

17:26

**Margaret Mitchell (Central Scotland) (Con):**

The title of the motion refers to a campaign by Lanarkshire health united. I am a list MSP for Central Scotland and although I have never been notified of or invited to one of the campaign meetings, I am supportive of the campaign's objective to include in the consultation the option of retaining three A and E departments. I congratulate Carolyn Leckie on securing the debate, the subject of which is immensely important to everyone who lives in Lanarkshire and neighbouring areas and who currently uses the A and E departments at Monklands hospital and Hairmyres hospital.

As soon as the consultation document, "A Picture of Health" was mooted, there was a distinct and unambiguous message from residents of the catchment area for Lanarkshire's three general hospitals: Wishaw general hospital, Monklands hospital and Hairmyres hospital. No one wanted to deprive anyone in the area of full A and E coverage. Therefore, it was expected that the option to retain the A and E departments at all three hospitals would be included in the consultation. Indeed, at a pre-launch briefing on the consultation for list MSPs, which Carolyn Leckie and I attended, that option was still firmly on the table, albeit that the chief executive and other members of Lanarkshire NHS Board said that they did not support the option and favoured

the retention of A and E departments at two hospitals and a focus on elective care at the third hospital. Their view was predicated on three assertions: first, that it would not be financially viable to retain three A and E departments; secondly, that it would not be possible to staff three A and E departments with the appropriate clinicians; and thirdly, that if only two A and E departments were retained, the board would be able to deliver a better standard of care throughout Lanarkshire.

I disagreed with those assertions at the time and my view has not changed since then, for the following reasons. First, on finance, Wishaw general hospital has apparently passed the test because maternity services are located at the hospital. Therefore, the hospital is not under threat, which is good. It has been accepted that Hairmyres hospital could attract patients from greater Glasgow, especially now that the M77 extension has opened, which would make that hospital financially viable. Monklands hospital could also attract patients from greater Glasgow if it was refurbished and brought up to standard, so I do not accept that the board members' argument about financial viability has been won in relation to Monklands hospital. Therefore, the argument that it would not be financially viable to retain all three departments does not stack up.

Secondly, there is plenty of time to plan for the increased number of clinicians that would be needed and to train more medical students. When they finished their training, those people would be attracted to work in improved services.

The third assertion was that the approach that the board favoured would deliver a better standard of care. I do not accept that. As long as it remains uncertain—as it does—how long it will take for a blue-light service to negotiate traffic congestion at peak travel times, either at the Shawhead flyover or on the East Kilbride expressway, if either of the Hairmyres or Monklands A and E units closes and becomes an elective unit, that most decidedly cannot be sold as an option that would deliver a better standard of care.

Even at this late stage, I call on the minister to add his voice to those of the people of Lanarkshire who want the option of retaining three A and E departments to be included in the consultation and to be fully discussed. That is particularly important to ensure that there is openness and accountability in the consultation process.

17:31

**Eleanor Scott (Highlands and Islands) (Green):** I start by apologising to members for having to leave before the end of the debate,

although I look forward to reading the rest of the speeches with interest.

I very much welcome the debate on health services in Lanarkshire, partly because it very much concerns the process of decision making and the configuration of health services in an area. The Kerr report puts much emphasis on bringing health care closer to the community; treating people as locally as possible; investing more in community health and primary health care; and preventing ill health, particularly in the most deprived areas. I support all of that, while recognising the importance of Government policies other than those that pertain to the health service, as economic inequalities lead to health inequalities. I also recognise that the health service should strive to minimise existing health inequalities between social groups.

Lanarkshire continues to suffer from massive health inequalities. It may well be that doing nothing is not an option and that there needs to be some redesign or reconfiguration of the health service there, but communities in Lanarkshire, like other communities throughout Scotland that face a similar situation, are expressing fears that should have been listened to and dealt with at an earlier stage in the process. People have the right and the duty to participate, individually and collectively, in the planning and implementation of their health care. The overall structure for health services needs to enable much more input at community level.

The communities in question have expressed key concerns about the loss of the major accident and emergency and intensive care facilities at the planned care hospital. Many of the issues have been mentioned by other members. Will the accident and emergency units, which are already overstretched, be able to cope with the cut in their number from three to two units—albeit larger ones? Will they be able to meet the accident and emergency waiting time targets? Will the proposed new facilities help to bring those waiting times down? I have been reliably told that, since the Edinburgh royal infirmary moved to its new premises, waiting times in casualty have risen by 30 minutes.

In emergency situations, will people be able to judge which hospital to go to? Carolyn Leckie mentioned that issue. Will ambulances be able to get through rush-hour congestion? Will there be enough ambulances? With a larger catchment area, will they be able to maintain their target response times? People in rural areas, for example around Strathaven, will have to travel further for emergency treatment. If a simple planned operation goes wrong, will patients need to be transferred to a different campus for intensive care? Donald Gorrie mentioned another

issue about transport: how will it be ensured that the facilities are actually accessible by everybody in the area?

Have the proposals taken into account population factors: the aging population in the area, with its greater needs; the higher levels of deprivation that have been mentioned; and the planned major expansion in the number of homes in the Clyde gateway, which will result in big population increases in towns such as Strathaven? Will the planned capacity be sufficient? Will the new developments incorporate local health care facilities?

It is good to have more services in the community, but are communities being engaged on the nature of those services? For example, there is currently a campaign for a hospice in East Kilbride. Lanarkshire NHS Board has proposals for a community palliative care resource, but is the board engaging with the hospice campaign group to ensure that the mix of hospital services, hospice care, care homes and support at home is right for the area? Only the community can say whether it is right for its area.

I cannot say whether NHS Lanarkshire's proposals are the best way forward. However, what is clear is that the affected communities—the people who matter—remain to be convinced.

17:35

**Michael Matheson (Central Scotland) (SNP):** I congratulate Carolyn Leckie on securing time for this important debate. Any reform of our NHS must be built on the important premise of improving services for people and thereby improving the health care that they receive. To date, Lanarkshire NHS Board has failed to demonstrate that any real health benefits will come from closing one of its accident and emergency departments. The reason why it has failed to come up with any detailed benefits for the people of Cumbernauld and Kilsyth from closing Monklands A and E is that the proposal would offer no health benefits to the people who live in that community. The reason why it has failed to demonstrate to the people of East Kilbride any benefit from closing Hairmyres A and E is that the proposal would offer no benefit to the people who live in that community.

The health board is conducting a consultation exercise and proposing to close one A and E department, but it has failed to demonstrate that the community should support that proposal because it will improve the community's health. The board tells us that part of the problem is that it does not have the staff; in particular, it does not have the workforce to maintain three A and E departments. Whose fault is that? The fault lies with Government, which has a responsibility to

ensure that there is proper workforce planning for organisations such as our NHS. We have had a Labour Government for almost 10 years, but it has failed to ensure that we are planning properly. As the minister should be aware, it takes only five years to train a doctor. If we need more doctors, we should ensure that we plan for that.

The health board has also failed to demonstrate the real implications that closing one of the accident and emergency departments will have for the neighbouring health boards of Greater Glasgow NHS Board and Forth Valley NHS Board. It says that it is conducting that analysis at present and has been working on the issue for six months. However, if we ask the board for details, no details appear. We are told that Glasgow will be able to absorb some of the overflow of people from Cumbernauld and Kilsyth and that people will also be able to go to the new Larbert hospital that is planned in Forth Valley. That hospital will be on stream in three years, rather than five years, as Donald Gorrie suggested. I was involved in both of the consultation exercises for the new hospital at Larbert, and at no point was the need to ensure that we planned for additional overflow from the Lanarkshire area mentioned—that did not feature in the plans. This week, I spoke to a member of Forth Valley NHS Board, who advised me that at no point was there discussion of the implications of Lanarkshire NHS Board closing one of its A and E departments and patients being moved to Forth Valley.

Lanarkshire NHS Board has conducted its consultation without providing people with the information that they need to have a greater understanding of the implications of closing some of the acute facilities in the Lanarkshire area. Tonight I will not be drawn into the Dutch auction into which the health board would like us all to be drawn, playing one community off against the other: should Hairmyres A and E or Monklands A and E be closed? In my view, all three A and E departments in Lanarkshire have an important role to play in the local community. The health board has failed to put the case for closing any of them. Tonight the Parliament should say that it is united with Lanarkshire united in ensuring that we retain the three services.

17:39

**Mrs Nanette Milne (North East Scotland) (Con):** I am happy to speak, albeit briefly, in support of Carolyn Leckie's motion. I still have pleasant memories of two summers, many years ago, that I spent as a medical student at Law hospital in Carlisle, which at the time gave good service to many people in Lanarkshire and has now been replaced by Wishaw general. I am

delighted that the A and E department at that hospital will remain.

I do not have detailed knowledge of the health services that are currently provided by NHS Lanarkshire, although I am aware of the issues surrounding the proposed cessation of A and E services at either Monklands hospital or Hairmyres hospital. I am also aware that there are local concerns about the consultation that is being carried out. My reason for taking part in this debate is that I think that Carolyn Leckie's motion contains a general point of principle that could be applied across Scotland, which relates to the need for local people to have timely and meaningful input into the development of NHS provision.

Health boards across the country are realigning and redefining their services. That is essential if they are to meet the demands of modern health care, particularly the recommendation of the Kerr report that care should be delivered as locally as possible. Any proposed service change will, inevitably, result in concern and apprehension among patients who have used their local hospitals over many years. It is extremely important, as I hope that the minister will agree, that open and thorough consultation is carried out before any change is made and that that consultation should consider all options, including the status quo.

It is the fact that the latter has not been included in NHS Lanarkshire's consultation that has prompted me to take part in the debate. By way of comparison, NHS Grampian is also looking at significant restructuring of services in the wake of the Kerr recommendations. Following a series of public meetings last summer, the board is continuing to consult local people where there are still serious concerns—for example, about the proposed loss of localised maternity services. The outcome at the end of the day might or might not be what those people want, but at least the board is listening to their point of view and debating the issues in a transparent manner. That is what appears to be lacking in Lanarkshire, where the board has unilaterally dismissed the status quo as an option without consulting the public. That is wrong and will inevitably result in people feeling aggrieved. That is why I am happy to join my colleague, Margaret Mitchell, in supporting the motion.

17:41

**The Deputy Minister for Health and Community Care (Lewis Macdonald):** I acknowledge Carolyn Leckie's views and the concerns that have been raised by other members. As the minister who will make the final decision on whether to accept the board's recommendations, I will, of course, want to take



into account the points that have been made this evening.

What I will not do this evening—indeed, what I might not do at all—as the minister with that decision-making responsibility, is comment in detail on the proposals or on some of the other specific points that have been made, because it would not be appropriate for me to do so before I have had the opportunity to consider the board's final proposals. It is important that the local consultation and decision-making process should take its course before I come to any final view.

I will address a general point that a number of members have made. In such a consultation, should boards consult on maintaining the status quo in the configuration of services? I can assure members that, in considering the final proposals, I will also consider the option appraisal exercise that NHS Lanarkshire undertook last year in order to arrive at the options for consultation. That was the stage at which it determined not to consult on the status quo.

**Carolyn Leckie:** I understand that the minister will not make specific comments about NHS Lanarkshire's proposal. However, can the minister give me any examples of a health board excluding the option for any community to keep emergency and planned services on one site? Is the minister aware of any other unit using the model of care that NHS Lanarkshire proposes to use in either Monklands or Hairmyres? There seems to be no evidence base for that at all.

**Lewis Macdonald:** It is not unique to say, as NHS Lanarkshire is, that separating out emergency care and planned care can improve the flow of patients through hospital services. That is the fundamental point that, I suspect, the health board would make with regard to the cases that have been touched on. I also suspect that that is a point that the board will put to me in its proposal.

It is important to say that we would not expect boards to consult on options that they cannot deliver, no matter how desirable people might believe them to be. It would be disingenuous for a board to consult on an option that it did not believe could deliver safe, sustainable and high-quality services for patients.

Members will, no doubt, already have made their views known as part of the on-going, three month consultation process. At the end of the consultation period, the board will consider the responses, agree recommendations on the future configuration of services in Lanarkshire and submit them to me for a final decision.

**Margaret Mitchell:** The minister said that he will consider the option appraisal exercise. Is he aware of any other consultation in which a board has briefed MSPs that it will consider the status

quo as an option, but then changed its mind for some peculiar reason just before the consultation is due to be sent out?

**Lewis Macdonald:** I have not dealt with a consultation of this precise nature that has reached this stage, so the answer is that, from my experience, I am not aware of such a case. However, it is not unique for a board to consider in the first stage of an option appraisal an option that it subsequently does not take forward. Essentially, NHS Lanarkshire will argue that that is what it has done.

I turn to some of the speeches that were made in the debate. Elaine Smith argued passionately in support of Monklands hospital. I am, of course, well aware of the campaign that she and her colleagues Karen Whitefield and Cathie Craigie have mounted. It is important to say that, although the option appraisal identified Monklands hospital as the preferred option to become the planned care site, no decisions have been made—or can be made—until the consultation is complete. When the final proposals come to me for approval, I will want to ask the board to what extent factors such as social deprivation and disadvantage have been taken into account—and also the views of the public, of course.

**Elaine Smith:** At the end of the consultation, will the minister ensure that it was honest? Given the previous issues around paediatrics, my community has somewhat lost trust in the health board.

**Lewis Macdonald:** Certainly, yes. I will want to consider the range of evidence on the final proposals. In a moment I will say something about the consultation process, but first, in response to Elaine Smith's earlier comments, I assure her that I am aware of no plans to close Monklands hospital. She expressed concerns about that, but it is certainly not on the cards.

**Elaine Smith:** Obviously, the fear is that Monklands hospital would die by a thousand cuts if it lost all the essential services.

**Lewis Macdonald:** I understand the point. In considering the final proposals, I will look not just at the short-term plans, but at the longer-term plans that the board might bring forward as well.

In response to comments made by Donald Gorrie and others, I confirm that I expect to see evidence of effective engagement between the board and neighbouring boards where there might be an impact on the demand on services in neighbouring areas. The west of Scotland cardiothoracic unit is a good example of the co-operation that already exists in that part of Scotland and we expect to see that level of co-operation in any proposals.

One or two members mentioned “Delivering for Health” and the Kerr report. It is important to say that those documents set out the framework within which NHS boards must work when they plan service change. We asked Professor David Kerr and his group to consider the long-term health needs of the population and produce a national framework for service change and that is what they did. In “Delivering for Health”, we responded to that and set out what we believe is necessary. I think that most members who are here this evening were in the chamber when we debated “Delivering for Health” last October. In that debate, Andy Kerr and I made it clear that we accept the analysis in the Kerr report and that we expect boards to use both the report and our response to it as a framework for developing proposals for service change.

I will resist the temptation to respond to the party-political points that were made, particularly by Scottish National Party members, but I will respond to the point that there will be no health benefits and there is no need for change. I think that there is a need for change. “Delivering for Health” and, before that, the Kerr report set out clearly the reasons why we need to change how we deliver services. We therefore expect boards to examine how they deliver services and to improve that where they can. We also expect boards to engage in genuine dialogue with patients and communities about how to do that in their areas.

**Michael Matheson:** I am sure that the minister recognises that nobody is arguing that we should not try to improve the health care service that is provided in Lanarkshire. However, is it not incumbent on the health board to show that its planned reforms will have a clear health benefit for the whole community?

**Lewis Macdonald:** I am glad that Michael Matheson assures us of his position, because that was not entirely clear from his speech. I am happy to say that we look to health boards to deliver health benefits and to make the changes that will improve the delivery of services. Boards must demonstrate that any proposals that they make will do that and I look forward to receiving such proposals from NHS Lanarkshire as a result of the consultation process.

As several members have said, NHS boards need to be transparent about decisions on what can best be delivered locally and what can best be delivered in existing or new ways. I expect NHS Lanarkshire to make patients’ interests paramount in developing its proposals for the redesign of services and to show that every reasonable effort has been made to explain the impact of service changes on patients and local populations. NHS Lanarkshire is required to involve patients and the public fully in the consideration of the options for

change. The public’s views must be sought from the earliest stages and the issues must be defined clearly. All possible options must be explored and examined openly and on the basis of evidence.

Donald Gorrie and Nanette Milne, among others, asked a fair question about the credibility of consultation processes. I fully recognise the importance of that. NHS Lanarkshire will have to be able to show that the consultation process was meaningful and credible when it produces the proposals that arise from the consultation.

Ministers have given the Scottish health council the task of ensuring that the consultation process is effective and meaningful. The council is monitoring the roll-out of the process under “A Picture of Health” in Lanarkshire. It is available to advise the board to ensure that it achieves the objective and to listen to the views of patients and the public as the engagement process unfolds. The council will be keen to examine the process by which any option has been set aside and to ensure that the public have the information and explanations that they require.

As I have said, when the consultation concludes I expect the board to decide what proposals to submit to me for a final decision. I will need to be assured that they are in line with “Delivering for Health” and that the guidance that we have issued on public involvement, engagement and consultation has been followed. I will ask the Scottish health council to assess the consultation process against the guidance that was issued to boards.

I will consider the speeches that were made this evening and all the representations that have been made to me during the process. I assure members that I will not endorse any proposal that does not fit with national policy and guidance or which fails to secure a safe, high-quality and sustainable health service for the people of Lanarkshire.

**The Deputy Presiding Officer:** I close the meeting.

**Elaine Smith:** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** You were on your feet before I finished my last sentence, so I will take your point of order.

**Elaine Smith:** My point is about disparaging comments that Mr Neil made. I understand that my colleague Karen Whitefield felt that, as the issue was so important, it would be discourteous to Parliament to deliver a speech and then disappear. She also felt that to risk being late for an important public meeting in her constituency on the issue would be discourteous to her constituents. Does any standing order address

such issues, or are they simply a matter of courtesy?

*Meeting closed at 17:54.*

**The Deputy Presiding Officer:** It is simply a matter of courtesy. I am not ruling that discourtesy was involved in this case, but I will look at the matter and get back to you.



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