

# **MEETING OF THE PARLIAMENT**

Wednesday 17 May 2006

Session 2

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## Scottish Parliament

*Wednesday 17 May 2006*

[THE PRESIDING OFFICER *opened the meeting at 14:00*]

### Time for Reflection

**The Presiding Officer (Mr George Reid):** Good afternoon. As on every Wednesday, the first item of business is time for reflection, which will be led by the Rev Alex Forsyth of Markinch parish church.

**The Rev Alex Forsyth (Markinch Parish Church):** Every day we make hundreds of decisions, which range from the small and insignificant—cappuccino or espresso, white or wholemeal, cash or credit card—to the important, life-changing decisions that affect our relationships, our careers, our communities and our country. Many of our decisions are fairly insignificant and easy enough to make. However, experience reminds us that decision making can be fraught with pitfalls and difficulties. Indeed, according to popular wisdom, to every complex problem there is a simple solution—which is wrong.

Our decisions, large or small, have consequences. The arts critic Brooks Atkinson defined the perfect administrator as

“the man who manages to make no decisions and escape all responsibility.”

That is as may be, but for the rest of us decisions and indecision have consequences. As George Jones declares in his hit song “Choices”:

“I’m living and dying  
With the choices I made.”

In his book “The Three Edwards”, which tells of the fortunes of the Plantagenets, Thomas Costain describes the life of Raynald III, the Duke of Burgundy. Raynald was grossly overweight; indeed, his nickname was Crassus, which means fat. This Duke of Burgundy had a violent argument with his younger brother, Edward, who led a revolt against him, captured him, and built a room around him in Nieuwkerk Castle. Edward then declared that his brother could regain his title and all his property as soon as he was able to leave the room.

The room had windows with no bars and a door with no lock. The problem was Raynald’s girth. To regain his freedom, he would have to lose weight. Every day, Edward provided his brother with a huge selection of food and made him face a decision. However, instead of dieting his way out

of prison, Raynald put on more weight. When he was accused of cruelty, Edward replied, “My brother is not a prisoner. He may leave whenever he decides to leave.” Raynald stayed in that room for 10 years, a prisoner of the consequences of his daily decisions, and was freed only when Edward was killed in battle.

Decisions—every day we make hundreds of them and they determine the life that we lead. Those decisions also make a statement about us and reveal to the world who we are and what we are. St Paul was right: we reap what we sow.

And so we pray:

Living God, grant us wisdom in all our decision making and enable us to do the right thing.

Amen.

## Planning etc (Scotland) Bill: Stage 1

**The Presiding Officer (Mr George Reid):** The next item of business is a debate on motion S2M-4270, in the name of Malcolm Chisholm, on the general principles of the Planning etc (Scotland) Bill.

14:04

**The Minister for Communities (Malcolm Chisholm):** I thank the Communities Committee for its thorough consideration of the Planning etc (Scotland) Bill. I welcome the committee's endorsement of the bill's principles and its extremely detailed and comprehensive report. I am sure that we will be able to respond positively to many of the committee's recommendations, although I will be able to refer to only a few this afternoon.

Our approach to drawing up the reforms has been open and transparent and has involved a wide range of interested parties. We will continue to engage, and will even intensify, stakeholders' participation throughout the process of preparing secondary legislation and guidance. In the interests of greater transparency, we shall also produce, before stage 2, a consolidated version of the parts of the Town and Country Planning (Scotland) Act 1997 that the bill substantially amends.

As I have said before, the bill heralds the most fundamental and comprehensive reform of the planning system in Scotland since its creation in the immediate post-war period. The case for change was overwhelming and calls for reform came from the widest possible range of interests. All those who are involved in planning—local communities, planning professionals, voluntary organisations, business and the wider public—saw the system as complex and inaccessible. Many complained of an overly bureaucratic system, with built-in delays, uncertainty and unpredictability hampering investment. Too often, people could not understand why and how decisions were being made, nor how they could act to influence those decisions. Our modernisation will establish a new planning system that is quicker and more efficient and which has community involvement at its heart.

I regard those two themes—efficiency and community involvement—as the two pillars on which our reforms are to be built. They are of equal and fundamental importance. An efficient planning system will be a major contributor to sustainable economic growth and to delivering high-quality outcomes. Equally, creating more opportunities for community participation will help local people to shape the decisions that affect their

communities and to forge new partnerships and ways of working.

A key aim of our modernisation proposals is to reinforce the central role of development plans in the planning system, guiding and shaping the future development of our localities, and to ensure that local people and other stakeholders have a wide range of opportunities to influence change in their communities. That will involve early engagement and participation by communities, making the most of their local knowledge and their views about how their area should develop. It will be backed up by new measures to assess the effectiveness of that participation before plans take effect.

Having up-to-date development plans is about far more than meeting targets. Development plans can ensure transparency and predictability in the system, which will benefit applicants and communities alike. They can also ensure that local authorities and the communities that they serve can set out their shared vision of an area's development in the round, rather than responding piecemeal to individual planning applications. Crucially, there will be a statutory duty on planning authorities to exercise their development planning functions with the objective of contributing to sustainable development. The reformed planning system will be based on a sustainable development approach; that is why we are also considering how best to apply a similar duty to the production of the national planning framework, as recommended by the committee.

The second national planning framework will be a key element in the planning modernisation package. For the first time, there will be the opportunity for a national debate about Scotland's long-term spatial development and the key projects that will be required to support it. Through our national planning framework, we will set out what those priorities are and the Scottish Parliament will rightly have the opportunity to consider and debate them; in that way, elected representatives will be doing what they do best—considering how to meet the needs of Scotland.

**Mr John Swinney (North Tayside) (SNP):** In his comments on the national spatial planning frameworks, will the minister reflect on the fact that we are still awaiting—and have been for a very long time indeed—further guidelines from the Scottish Executive on the spatial approach to the development of onshore wind farms? When can we expect to have that type of approach, to enable communities to begin to understand how they can respond to the challenges that they all face on that question?

**Malcolm Chisholm:** A draft Scottish planning policy on renewable energy will be coming out

very soon. Indeed, I had another meeting about that yesterday.

**Mr Swinney:** How soon?

**Malcolm Chisholm:** In the next few weeks.

Perhaps we have not been clear enough about the process for preparing the national planning framework and about the opportunities that there will be for participating in that process. The content of the draft framework that is submitted to Parliament for consideration will not come as a surprise, because the issues that are raised by the framework will be in the public domain well before it is laid before Parliament. Any projects that are identified as national developments will already have been the subject of consultation and debate as part of the development of other strategies or programmes, such as those for regeneration, transport or waste management.

**Christine Grahame (South of Scotland) (SNP):** Will the minister take an intervention?

**Malcolm Chisholm:** I shall give way in a moment.

Stakeholders, the public and members of Parliament will have the opportunity to participate in the debate on the framework at several stages, including initial consultation on the scope and content of the framework, the publication of a draft for public consultation, and scrutiny of a final draft in Parliament.

That is why it was our view that a period of 40 days will provide sufficient time for Parliament to consider a broad spatial strategy, which will already have been subject to widespread consultation and debate—we will report on that consultation process when we present the final draft to Parliament. However, I acknowledge the concern that for such an important and broad-ranging document there must be sufficient time for parliamentary consideration. We will reflect on the issue and return with a view prior to the committee's stage 2 consideration of the bill.

The other three levels in the planning hierarchy will also contribute to a more efficient and transparent system.

Our proposals for processing agreements for the most complex planning applications will respond both to developers, who seek certainty and predictability in major investments, and to communities, which will be consulted before the application has even been submitted. Those are sensible proposals that will ensure that the planning system is a contributor to sustainable economic growth and is responsive to the views of communities.

Our proposals for delegating as many applications as possible to the local level will

rebalance the planning system and ensure that many more planning decisions and, in certain circumstances, appeals are made locally. That is entirely in keeping with our view of planning as primarily a local service, which is best run and maintained by people who are accountable at the local level.

I acknowledge the concerns of the Communities Committee and the Convention of Scottish Local Authorities about certain provisions in the bill that might seem to undermine the autonomy of local authorities. We recognise and strongly support the crucial and democratic role of local authorities in delivering an effective system and are reflecting on stage 2 amendments that will help to reinforce that role.

We are considering the scope for removing certain types of development from the planning system altogether, through a review of the general permitted development order. That will help the planning system to raise its sights and ensure that it does not spend a disproportionate amount of its time embroiled in neighbour disputes or minor matters that have limited wider significance. The initial results from our research into permitted development were made available to the committee this week.

To deliver a modern and efficient planning system, we need not only to reform comprehensively our planning procedures and priorities, but to address the human resource issues in relation to the education, training, supply, recruitment and retention of planners.

In the financial memorandum, we have provided our assessment of the financial implications of the reform proposals that are contained in the Planning etc (Scotland) Bill. We have supplemented our earlier estimates with additional information in response to concerns that were expressed by the Finance Committee. We shall review and revise those cost estimates with COSLA, local authorities and other interested parties as the bill progresses through Parliament in order to agree the scale of the problem and to identify possible solutions.

I wanted to make a brief comment about affordable housing, but I will cut that back since I want to take Christine Grahame's intervention.

**Christine Grahame:** I will not make it now.

**Malcolm Chisholm:** Okay. In that case, I will read out that part of my speech.

The committee's report rightly drew attention to the lack of affordable housing that is creating severe social problems in some parts of Scotland. The measures in the bill to revitalise development plans have the potential to address the situation in the long term, given that plans are the only

mechanism by which local authorities can release sufficient land for all types of housing.

In the short term, we can examine other mechanisms related to the planning system. I have announced the creation of an affordable housing working party, which I will chair. That will bring together local government and key stakeholders to discuss how to make better use of existing mechanisms to help deliver affordable housing where it is most needed. We have also announced research that will examine, first, whether a specific use class for affordable housing might be of assistance and, secondly, what other mechanisms not currently in use might assist in the delivery of more affordable housing.

**Dr Sylvia Jackson (Stirling) (Lab):** Will the minister give way?

**Malcolm Chisholm:** I had better make progress, given that I read out that extra section of my speech because Christine Grahame did not make her intervention.

**The Presiding Officer:** You have seven minutes, minister.

**Malcolm Chisholm:** In that case, I will give way.

**Dr Jackson:** What is the timescale for the working party on affordable housing?

**Malcolm Chisholm:** It will hold its first meeting in June.

The second pillar of our reforms is to ensure greater rights for communities to participate in the planning system. Much has been said and written about the breakdown in trust between planning and local people and about the system's lack of credibility. Radical solutions are required. I believe that it is imperative that we seek to rebuild that trust on the basis of early participation, transparency and dialogue. As I have noted, putting in place a system with requirements for up-to-date and responsive development plans will go a long way to restoring a framework for meaningful public participation in planning.

The bill contains a range of requirements for enhanced publicity and notification to neighbours of key development proposals. We will also require the submission of a consultation statement in which the local authority will set out all the steps that it has taken to reach out to local people and seek their views. Where that consultation has been inadequate, ministers will be empowered to ask the local authority to go back and make greater efforts before the plan can be finalised.

On individual planning applications, the bill sets out new requirements for information, participation and, in certain circumstances, hearings and pre-legislative consultation. The bill should ensure that all those who are potentially affected by a planning

application will hear about it and will have the chance to make their views known, either by written submission, or, more frequently, through hearings and wider participation. Once decisions have been made, we will require local authorities to give reasons for their decisions, both positive and negative.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Will the minister give way?

**Malcolm Chisholm:** I want to make some more progress before I give way.

There are key non-legislative aspects to participation, including lessons to be learned and disseminated about the quality of stakeholder engagement. I am ambitious for us to put in place the most creative and innovative procedures. We will therefore produce a planning advice note on community engagement to provide advice on the new requirements for inclusion; give practical guidance on approaches to community participation; and highlight examples of best practice. The PAN will emphasise the importance of early engagement, of having an open and transparent process and of providing explanations of how decisions were reached so that people can see that their views have been considered. The PAN will encourage participation using a variety of approaches that are appropriate to the needs of the different communities of interest. For example, as highlighted by the committee, the guidance will include advice on how to involve equalities groups to ensure that they have opportunities to participate in the planning process.

The PAN will be placed on the web so that it can be regularly updated with, for example, information about support for those who are involved on all sides of engagement. Importantly, the web-based version of the PAN will contain examples of effective participation in development planning and management, as they emerge from developers and communities.

Over the next few months, we will engage in locations throughout Scotland with a range of stakeholders and communities, including minority ethnic groups, young people, Gypsies and Travellers, to obtain views. We would encourage community groups, planning authorities and developers to get involved in that process. We shall, of course, also ask for the committee's views. We want the final PAN to be as helpful and innovative as possible to enable everyone to participate in the planning process.

**Mike Rumbles:** The system and the process sound good, but does the minister agree that, no matter how good the process, mistakes will be made, human nature being what it is? There is an appeals process for developers, but people who are immediately affected by, for instance,

neighbour notification will have no means of redress. Will the minister take on board that point?

**Malcolm Chisholm:** Obviously there has been a full debate in the committee, which I am sure will feature during this debate. The committee took a great deal of evidence and—correctly, in my view—it has come down against the approach of bolting on a third-party right of appeal. Everything that I am saying is to do with participation from the earliest possible stage.

I wanted to say a lot about good neighbour agreements, but I will have to skip some of it. However, I acknowledge the Communities Committee's contribution on that and many other issues. We will certainly consider carefully the committee's recommendations and I undertake to develop comprehensive guidance on the issue, on which we will consult. I think that that is the substance of what the committee asked for.

Good neighbour agreements will give communities a greater say, but overall responsibility for monitoring how a development operates and, where necessary, for enforcement will rightly remain with the planning authorities. Everyone should have confidence that when a development takes place it does so in compliance with the terms of its planning permission. The bill's provisions will strengthen the planning authorities' ability to take effective enforcement action more swiftly through temporary stop notices and to raise awareness of enforcement procedures through our proposals on enforcement charters. I am pleased to note the committee's support for those measures. I also note the committee's call for fixed-penalty notices to provide an additional means of enforcing planning decisions. The Executive intends to produce proposals on that at stage 2.

I recognise that some people have particular concerns about cases in which the local authority proposes, or is an interested party in, a new development. It is our intention to lodge an amendment at stage 2 to ensure greater transparency by withdrawing the notice of intention to develop procedure in favour of straightforward planning applications. We will also introduce measures to ensure that such cases will be subject to additional scrutiny where a local authority development departs from the development plan or encounters a significant body of objection.

For change to be successful and lasting, it must encompass all participants in the planning system: policy makers; those who are responsible for development plans and development management; local authority decision makers; developers; consultees; the planning schools; and other stakeholders, including communities. To start laying the foundations of the programme of

culture change, there will be an important research project into the culture and future of planning. The outcomes of that research will form the bedrock of proposals to assist culture change.

The planning system needs a radical overhaul, in the interests of greater efficiency and greater public participation. There is a strikingly broad consensus behind the principles that the bill promotes. The bill promotes a development planned system and an approach that will bring greater certainty and rigour to planning processes; it sets out a framework that promotes the early engagement and participation of local people in decisions that affect them; it promotes more rigorous enforcement and more active performance management; and it acknowledges the need for the approach to be underpinned by a fundamental change in the culture of planning, which will involve all those concerned.

Of course, there are issues to discuss and debate as we go forward, because planning is a broad-ranging and complex subject. However, we have the opportunity to effect a real, lasting and beneficial modernisation of Scotland's planning system.

I move,

That the Parliament agrees to the general principles of the Planning etc. (Scotland) Bill.

14:21

**Patrick Harvie (Glasgow) (Green):** It is not unusual for a Green to be outside even "a strikingly broad consensus".

I am sure that I will not be the only member of the Communities Committee to express gratitude to the clerks and to fellow members of the committee for their work during recent months. From the pre-legislative stage of the proposals, the process has been thorough and many individuals and organisations who contributed to the process and spoke to the committee about the bill acknowledged the efforts of the team.

It is right that we make a significant effort on the bill, which represents a major opportunity to help to set the context for pretty much all physical development in Scotland, perhaps for decades. That being so, despite my many concerns about the direction that the Executive is taking, I will mention positive elements in the bill.

In a devolved context, the planning system is one of the most significant tools that we have to help to facilitate a transition towards a fundamentally more sustainable society. Therefore I welcome enthusiastically the proposed new duty on Scotland's councils to perform their planning functions with the objective of contributing to sustainable development. I am pleased that the

Executive accepted the argument that in taking more substantial planning functions by putting the national planning framework on a statutory basis, it should itself be under a duty to consider sustainable development. I commend the Executive for agreeing to lodge an amendment to that effect.

The subtle shift in the Executive's language about priorities has been interesting to witness. The partnership agreement put economic growth on a pedestal, but the white paper, "Modernising the planning system" referred to "sustainable economic growth", which apparently reflected a recognition that not all activity that generates growth is to be welcomed. During the progress of the bill, the phrase, "sustainable economic development" has been used more frequently. I hope that the trend will continue and that future Executive policy will give clear priority to sustainable development and not just economic development.

The Executive's aspirations in introducing the bill are for a fairer, more balanced planning system, as well as for a more efficient system. I have little doubt that the bill will help to achieve the progress towards efficiency that developers and planning authorities want—I am not opposed to that. I have little doubt that the bill will provide people in Scotland with opportunities to put across their views through consultation at all levels in the planning system—I am not opposed to that.

The issues on which I disagree are described in the amendment, which sets out four major objectives that we should set ourselves in reforming the planning system. First, we must restore public trust, which is at a low ebb. Secondly, we must rebalance the rights that people can exercise, which are currently stacked in favour of developers and against even the most proactive, articulate and constructive community. Thirdly, we must give clarity, so that not just developers but all interested parties, such as the people who have to live with the impact of planning decisions, know what to expect from the planning system. Fourthly, we must ensure that the planning functions that are exercised nationally by ministers are subject to meaningful scrutiny in public and in the Parliament.

I am sure that few people would deny—and the Executive acknowledges—that public trust in the planning system is low. There can hardly be a constituency, or even a council ward, in Scotland in which planning issues have not caused at least some controversy or anger. Undoubtedly, some people's engagement with the planning system can be described as nimbyism or just plain selfishness, but I am convinced that they are a minority. Most people who engage with the planning system do so out of genuine concern

about their community's future and the environmental and social impacts of development—they are not anti development. Many people find that engaging with the system is like banging their head off a brick wall.

How can we regain people's trust? Planning will always be contentious and it will never be possible to please everybody or give everybody the outcome that they want on every issue. However, although the Executive has responded well to the business community's demands for the reforms that it wants, it has ignored the reasonable and restrained calls for more fairness in the system for communities, which is not the right approach. We should make it clear that people are not mere extras in the system and we can do that by giving them some power. Trust is not a one-way street. If we want people to trust the planning system, we must trust them to exercise real rights responsibly.

The debate on the bill is often dominated by the issue of a third-party right of appeal. My second theme is the balance between rights and consultation. Even the term "third-party right of appeal" seems to demean people who engage in the system. Calling them third parties implies that they are lesser parties or bystanders when, in fact, the people who live with the good and bad consequences of development should be at the heart of the system. I endorse a TPRA, not because I want there to be lots of appeals, but because I want a fairer system. The Executive acknowledges the unfairness of the current system, in which a community that has worked hard, perhaps for years, to oppose an unwelcome development may win its case, only to find that the developer has another roll of the dice. However, if the developer wins the first round, it is game over. The Executive acknowledges that unfairness but chooses not to end it.

I want to broaden out the issue beyond one set of rights and talk about the balance between rights and consultation. We all know that consultation can sometimes be a good thing, but it can also sometimes be a bit of a tick-box exercise. I am sure that the Executive fully intends to support innovative and meaningful approaches to participation and consultation, all of which have value. However, the value will be lost if the consultation is seen as an alternative to real rights. People will have fewer rights under the new system than they have at present. Ministers must acknowledge the deep cynicism about consultation, which has been compounded by the fact that the overwhelmingly positive response to the consultation on wider rights of appeal fell on deaf ears. For people to engage, we must give them certainty that their views have weight.

My amendment calls for greater clarity on the hierarchy of developments. Pretty well everybody

agrees that a hierarchy is a good idea in principle. The hierarchy will help to deal with the absurd situation that it is difficult for planning departments to devote the appropriate level of resources to the applications that truly merit those resources. However, too much has been left out of the bill. The bill does not tell people what they can expect of the hierarchy; which kinds of development will fall into which category; whether the same formulaic approach will be used in all parts of the country or whether a more flexible approach will be taken; or in what circumstances the Executive will use its powers to recategorise particular developments. If we want to give clarity, not only to developers about the timescales for planning decisions but to communities about what they can expect from the system, we need a little more in the bill.

The fourth theme in my amendment is the national planning framework and scrutiny. In the Communities Committee, I argued consistently against the 40-day time limit for scrutiny of the framework and I was disappointed that more committee members were not willing to challenge that. I am not opposed to the statutory nature of the NPF or to the possibility of including specific developments of national importance in it. However, I object to the reduced opportunity that people will have to challenge proposals once they have been included in the framework and the cursory nature of the proposed scrutiny process.

**Karen Whitefield (Airdrie and Shotts) (Lab):** The member suggests that the committee did not support him but, to clarify, the recommendation in the committee report is that the Executive extend the consideration period to 60 days. The member might want to go further, but the entire committee agreed that the period should be extended to a minimum of 60 days.

**Patrick Harvie:** My point is that to impose any limit completely removes the flexibility.

There will be situations in which there may be little change in a national planning framework from the previous edition. There may be little contentious new material, in which case a fixed period might be fine. However, there will be other situations in which highly contentious specific developments are included, in which a radical shift in policy is expressed through the national planning framework. It is appropriate then for Parliament to have as much flexibility as it chooses and for all committees that have an interest—the Enterprise and Culture Committee, the Local Government and Transport Committee, the Environment and Rural Development Committee or the Communities Committee—to take evidence on the issues on which they feel they need to, to report to Parliament and for

Parliament to make a decision. That is the flexibility that I am calling for.

There is good stuff in the bill, but it is overbalanced by the negative aspects that I have outlined. Members may disagree, but we should acknowledge that many of the people from outside Parliament who have considered the bill retain deep cynicism about the proposals.

I move amendment S2M-4270.1, to leave out from “agrees” to end and insert:

“recognises the need to restore public trust in the planning system; considers that a greater emphasis on consultation and public involvement is to be welcomed but does not negate the need to rebalance the rights which can be exercised in the system, such as the right to take part in public inquiries, the right to select the form in which a hearing takes place or more equal rights at the appeal stage; considers that a hierarchy for planning must be designed to give clarity over the categories of development to ensure that all interested parties know what to expect from the system; considers that a statutory national planning framework is a positive move but that the procedures for its approval and for public and parliamentary scrutiny must be greatly enhanced; is not satisfied that the Planning etc. (Scotland) Bill meets these requirements of restoring trust, rebalancing rights, giving clarity and enhancing scrutiny, and therefore does not agree to the general principles of the Bill.”

14:31

**Christine Grahame (South of Scotland) (SNP):** I begin by adopting Patrick Harvie’s opening remarks on the work of the Communities Committee, the clerks and the witnesses who gave evidence. I have less time than the minister had, so I will not be able to touch on as many issues; I hope that my colleagues will pick up on them.

I agree with the minister that reform of the planning system—from a householder’s application to install a Velux window or conservatory, to the urgent requirement for affordable housing, which I have no doubt my colleague Tricia Marwick will explore, to a new Forth road bridge—is long overdue. The method of reforming the system by means of what is essentially a substantial amendment to the Town and Country Planning (Scotland) Act 1997 is clumsy. I think that the minister has accepted that, and I understand that a consolidated version will be introduced without delay. I wish that that had been done in the first place.

Like the curate’s egg, the bill is good in parts. I shall start with a good part. The Scottish National Party welcomes endeavours to make planning more accessible and participatory—that was picked up by some of our witnesses. Planning is the core of properly functioning communities and a vibrant economy. It also determines where motorways will be built, how supermarkets will impact on the local economy and, indeed, where

Blair nuclear power stations will be located—but perhaps more on that later. Planning turns out not to be the dull creature that it appeared to be; it is powerful and it shapes not just our landscape but our lives for generations.

I hear what the minister said about community involvement and his planning advice note. Like Patrick Harvie, I have issues about early consultation and engaging people and communities in planning. That is a noble aspiration, but it is only that—an aspiration. The public's experience of local hospital closures following the Kerr report has left them with a bad taste in their mouth—otherwise known as consultation.

Evidence from community groups made it plain that whatever the minister claims, they wish to have a limited community third-party right of appeal, not as a backstop to the planning process but integral to it. Indeed, where TPRA has been introduced it has not opened the floodgates; it has reinforced the requirements on developers and planners to go with the grain of the community. I stress the words limited and community. As the Communities Committee's report shows, I argued that when there is a variation of a planning consent and it is agreed between the planner and the developer that it is not substantial, the development can go ahead without involving the community. However, there is a case for having a community right of appeal there. There are also European convention on human rights issues, which I think was conceded by the bill team. There are issues for communities about access to advice via Planning Aid for Scotland, which is a funding issue. I shall just touch on that, though if I can I shall address resources later. There is much more to the bill.

Another good part of this curate's egg is the hierarchy of developments, from national, major developments to local, minor developments. That is pragmatic although, as usual—and as is the case with so much of this bill—the flesh is in the subordinate legislation. The subordinate legislation will be subject to the affirmative procedure, and the Communities Committee will have no opportunity to amend it—that issue must be dealt with by the Procedures Committee. I share Patrick Harvie's concerns about having a level playing field throughout Scotland.

The requirement for local development plans to be updated on a five-yearly cycle is excellent. Many plans are in disrepute because they are so outdated, but the requirement will put stress on planning departments in local authorities, which are already overstretched. A recent parliamentary answer disclosed that the total number of people qualifying in planning subjects had fallen from 265 in 1999-2000 to 205 in 2003-04, which is the last

year for which we have figures. Planners neither grow on trees nor come into being overnight, so there are huge issues about developing the human resources that we need to deliver the bill. That issue—together with funding issues—was highlighted by local authorities, among other witnesses, and by the Finance Committee. My colleague Stewart Stevenson will develop that point.

I make passing reference to the consultation between the Treasury and the Government here on the planning gain supplement that it is proposed to levy on development land value increases, which is to be remitted to Gordon Brown and is to be funnelled back to Scotland somehow. Its impact on section 75 agreements remains undetermined, but it was of such concern to the councillors who gave evidence to the Communities Committee that Councillor Davies described them all as being

“deeply unhappy and worried about the Treasury's proposal for a planning gain supplement”.

Councillor Dunn said:

“the planning gain supplement—the system that is proposed in the Westminster bill—would be a complete and utter nightmare. If it were introduced, we would be left with a £150 million gap in our delivery of schools, road infrastructure and park-and-ride facilities, all of which we are getting as a result of section 75 agreements with developers.”

Councillor Davies then said:

“It would be disastrous for affordable housing policy.”—*[Official Report, Communities Committee, 22 March 2006; c 3333.]*

We still do not know where the proposal is going. COSLA said that it tried to get more information but that the information it received was “suitably vague”. It is a bit like saying in here that things will happen soon, although I am delighted that the minister has defined how soon.

The bill's ECHR compliance is an issue. The Executive has taken the line that certain sections might not be ECHR compliant but that the bill as a whole is, which cures any ills in it. Like various people, I do not agree with that position. The Communities Committee report notes that a minority of the committee, including Euan Robson, was concerned about the proposal to give Scottish ministers the power to decide the format of appeals, and states:

“The Committee notes the view of some witnesses that these provisions may be challenged on the basis that they are not compatible with the European Convention on Human Rights.”

There are other ECHR issues. Quite a few of the measures in the bill are not ECHR compliant and, even if the bill overall does comply with ECHR, the spirit of the bill does not. The loss of the right to

decide the appeal procedure, the balance in that process going to ministers, and the loss of a community right of appeal, even in limited circumstances, might all be challengeable. I know that the minister will say that it is always possible to take a case to the courts, but little communities cannot always go to the courts.

**The Deputy Minister for Communities (Johann Lamont):** Is it not the case that a third-party right of appeal would involve more decisions for ministers? Those who advocate it have to recognise that more decisions would be made at the centre.

**Christine Grahame:** No, the community right of appeal—which I will allow Sandra White to develop—would bring people back into the process. For instance, the example that I gave of a decision about whether a change was substantial would be highly challengeable in the courts.

**Johann Lamont** *rose*—

**Christine Grahame:** I have one minute.

**The Presiding Officer:** You have two minutes.

**Christine Grahame:** Thank you, Presiding Officer.

To return to the curate's egg, I will focus on the most concerning issue in the bill—the national planning framework and the processes by which the Parliament may scrutinise and influence it. The committee rightly did not agree with a 40-day period for parliamentary consideration of the framework. Some members wanted 60 days, but I and others wanted the Parliamentary Bureau to determine the timetable for parliamentary scrutiny if the Parliament scrutinises the framework—we do not even know whether it will.

The matter is even more urgent because of what we read in today's edition of *The Herald*, which is that according to Blair the future is nuclear.

**John Home Robertson (East Lothian) (Lab):** Hear, hear.

**Christine Grahame:** John Home Robertson agrees. *The Herald* says:

“the prime minister challenged his opponents to embrace nuclear energy in the long-term interests of the country”.

I have news for Mr Blair: Al Capone was toppled by rather dull tax laws, and Jack McConnell might just be toppled, if Mr Blair goes down that route, by rather dull planning laws.

The solution for the Scottish people is to vote for the Scottish National Party at the next election. We will have no nuclear power stations in Scotland, and I know that the Liberal Democrats will support us in that.

14:40

**Dave Petrie (Highlands and Islands) (Con):** I echo Patrick Harvie's and Christine Grahame's thanks to the clerks, witnesses and Communities Committee colleagues for their excellent support.

I declare an interest as a former Scottish Water manager.

When the Planning etc (Scotland) Bill was introduced to Parliament on 19 December last year, I did not think in my wildest dreams that I would be standing here opening this debate for my party. I was probably teaching S2 maths at the time. I am a recent addition to the Communities Committee, and I have found the legislative process stimulating and interesting. I give much of the credit for this speech to my predecessor, good friend and long-term mentor, Mary Scanlon, and I thank her for all her input and the hard work that she, like all members of the committee, undertook in scrutinising this large and complicated bill, which has culminated in an excellent stage 1 report.

The Scottish Conservative party supports thorough reform of the planning system and welcomes the bill as a positive move for Scotland, which we have long called for. The planning system in Scotland must be streamlined where it is cumbersome, made faster where it is slow and inefficient, and simplified where it is prohibitive to development. The planning system should reach and maintain the high standards of service that are necessary for 21<sup>st</sup> century Scotland.

It is particularly essential that the Planning etc (Scotland) Bill heralds improved community involvement through the principles of wider accessibility and transparent communication and the use of modern technology. The bill, once amended, must address public cynicism and uncertainty for developers and local communities. The Scottish Conservatives welcome the flexibility that will be introduced by different levels of planning applications and provisions such as permitted developments.

As the Communities Committee acknowledged, there must be a real culture change for the bill to function as it should. It is essential that we move from an adversarial process to an inclusive one with recognisable public participation. The introduction of annually updated local plans is a positive step in that direction, and I join the majority of the committee in welcoming the front-loading of the system to provide individuals and communities with the opportunity to input earlier in the planning process.

On third-party right of appeal, we have great sympathy with the many organisations and individuals who are concerned about how the planning system currently operates with respect to

rights of appeal. We want comprehensive consultation to take place with local communities, more transparency and the distribution of more pre-planning information. We will look with an open mind at lodging stage 2 amendments to improve community involvement and influence.

We have concerns that local authorities might not have the resources to meet the targets for local plans. The new system will be a drain not only on monetary resources but on council planners. We recognise that planners are in short supply, and we encourage councils to look to the private sector to recruit and attract more planners in the short and medium terms. In the long term, we should consider how to improve retention levels among planners who commit to the public sector.

On the period of scrutiny for the national planning framework, we agree with the majority of the committee that 60 days is a good compromise. We do not agree with having an unlimited period.

**Christine Grahame:** Will the member take an intervention on that point?

**Dave Petrie:** No, I am on a roll.

However, it is unlikely that the proposal will ensure the robust transparency that the NPF requires. The bill remains vague on the Parliament's input in scrutinising and approving the NPF. We agree with the Communities Committee on the need for a parliamentary debate on the NPF and on the need for proper consultation. We also wish to address the current lack of a statutory duty on the Scottish Executive to consult the public on the contents of the NPF, as that seems contradictory to the principle of local accountability in the planning white paper "Modernising the Planning System".

We disagree with the committee's conclusion that the planning gain supplement will not affect the bill. We are particularly concerned about the effect of the PGS on section 75 agreements. Although the Executive's evidence to the committee was that section 75 agreements would not be affected, the United Kingdom Government's December 2005 consultation on the PGS discusses reforms to the system of planning obligations that would accompany implementation of the PGS. It also suggests that planning obligations should be scaled back to matters that are relevant to the environment of the development site and to affordable housing, and it dedicates a whole section to a discussion of the future of planning obligations. That does not sound like something that will have no effect on the Scottish planning system.

The PGS relates to a major aspect of local authority negotiating power and local regeneration and, accordingly, I have requested further

ministerial information. I hope that the deputy minister can clarify the position for me in her closing remarks. At a property convention that I attended this morning, the delegates were almost unanimously against the planning gain supplement.

My colleague David McLetchie will outline our views about business improvement districts. I will highlight an aspect of the bill with which I am familiar. Scottish Water remains a major stumbling block to effective planning in Scotland, despite the strenuous efforts to upgrade crumbling infrastructure that was inherited from local authorities. The programme for the provision and repair of infrastructure must be accelerated if we are to remove that block, which will obviously result in ever-escalating and unaffordable charges to customers. I know from experience that excessive leakage from the public water network, coupled with the failure to remove non-statutory surface water from roads, roofs and paved areas, has resulted in a massive drain—figuratively speaking—on the public purse.

COSLA stated in its evidence to the committee that the delivery of development plans could depend on the contribution of infrastructure providers. It went on to say that, at present,

"there are large areas of Scotland where local authorities cannot do development because of Scottish Water, whether it is in the development plan or not."

I agree with that evidence and I believe that action is required to introduce real competition to the water industry, to bring greater benefits and lower costs to Scottish customers. A major sea change in the financing and organisation of Scottish Water would appear to be the only way forward.

I welcome the bill and look with interest to stage 2, when I will consider amendments to improve it.

14:48

**Euan Robson (Roxburgh and Berwickshire) (LD):** I am grateful for the opportunity to contribute to the debate on behalf of the Scottish Liberal Democrats. I record my appreciation of the contribution made to the Communities Committee's deliberations by all the witnesses and I thank the clerks and convener for all the work that they put into drawing up the comprehensive stage 1 report.

The bill is perhaps one of the most significant that the Parliament has considered in its first seven years. Reform is necessary and welcome. The aim of the bill is to achieve nothing less than a change in the ethos of the planning system. Henceforth, consultation, inclusion and engagement are to replace the confrontation, exclusion and alienation that, too often, people believe characterise the current system. A more

efficient and quicker planning process is to be welcomed, as is the emphasis on participation, which the minister mentioned in his opening remarks, and the embedding of sustainability in development plans. We heard from witnesses on innumerable occasions that they wish to see a quicker, more effective planning process, which I think the bill will guarantee.

As has been said, the provision to put the national planning framework on a statutory basis has been broadly welcomed. However, a particular cause for concern during our discussion of the NPF was the 40-day period that the Scottish Parliament will have to consider it. The majority of committee members believe that it is preferable to allow 60 days, which will provide a degree more flexibility. However, it was helpful that the minister dispelled the view that that somehow would be the sole consideration of the NPF. I cannot believe that any Government would seriously contend that a draft NPF should not be published well in advance of the commencement of parliamentary scrutiny. During that period, the Government of the day would surely wish to have the widest possible consultation on what would be the national strategy. The minister's clarification of the intentions in that regard have been helpful.

**Patrick Harvie:** Does the member agree that there is a difference between consultation, which is an informal process, and scrutiny, which is a formal process? Does he agree that this Parliament should allow itself the flexibility to carry out that scrutiny as it sees fit at the time?

**Euan Robson:** I agree that there is such a difference. The consultation on the draft plan will involve scrutiny, which will be reported to Parliament. I anticipate that any draft of the NPF will be altered significantly as a result of the public engagement process.

Liberal Democrats have reservations about how strategic development plans are to be developed. In essence, we believe that it should be a bottom-up process, whereby local authorities gather together and take the initiative to compile a strategic development plan. There is little doubt that strategic development plans are a better concept than the now-outdated structure plans, but the initiative should come from authorities themselves rather than from ministers. It is clear that local authorities should decide the boundaries of strategic development plan areas. We believe that areas should include whole authorities and that authorities could be members of more than one strategic development plan area.

Reference was made during committee proceedings to the potential division of, for example, Fife into two and the drawing of lines through other local authorities, with one part of Fife being in a strategic development plan area

and the other being outside it. However, there is no need to become bogged down in the inevitable disputes that would flow from that. Let the local authorities decide and take the initiative. They are best placed to know what is required. Of course, ministers should reserve the power to arbitrate in the event that authorities cannot resolve any difficulties.

On local development plans, it is welcome that there will be five-yearly updates. It is essential that this part of the new legislation works well. Local development plans are critical to the concept of a plan-led system. The emphasis on public involvement in transparent consideration of all relevant local issues is fundamental to the success of the legislation. The new consultation statement will reassure local communities about engagement, but the public must have confidence that local development plans mean what they say and will be adhered to. It is essential that there be no significant deviation from the content of development plans, so that their integrity is maintained over the five-year period. Accordingly, Liberal Democrats believe that any significant variation that is agreed by a planning authority should be referred to the Scottish ministers and that there should be a presumption that the Scottish ministers will investigate the variation and, if they so desire, hold a public local inquiry into it.

Equally, it is important that there should be a clear presumption that ministers will inquire into approved applications in which there is a clear financial interest for the local authority that is deciding the application. Development plans will, of course, require local authorities to indicate their land holdings, which will greatly enhance transparency. Nevertheless, we will propose amendments at stage 2 so that there is a process on the face of the bill. That will be better than people having to rely on notification directions, as is presently intended.

**Sarah Boyack (Edinburgh Central) (Lab):** Could the member give us some details of those proposals, as some of us have spent the past six months working up similar ones?

**Euan Robson:** In that regard, I say that we welcome the minister's commitments and look forward to hearing what those detailed amendments are. I will be happy to discuss the matter with the member.

The bill contains immensely important new developments, especially on affordable housing, on which the minister raised some points. Given the useful debate that the committee had on the subject, I believe that the minister's proposals will be particularly important.

On planning applications, significant improvements include the restriction of the duration of a planning permission to three years and the restriction of the introduction of new material by an applicant who is appealing against refusal. That is a particularly important development, as the issue has caused considerable grief.

On new procedures relating to variations that are sought after planning approval has been given, section 20 of the bill will insert into the principal act new section 59(8), which sets out a requirement that planning permission in principle must have regard to

“the provisions of the development plan and to other material considerations.”

At stage 2, it will be important to ensure that the provisions on planning permission in principle do not lead to cases in which, for example, the permission in principle specifies a certain density of housing but that is markedly increased at the detailed application stage.

Further key changes under the bill include the removal of minor matters from the planning process, the delegating of powers to officers, and neighbour notification becoming the responsibility of the local authority rather than the developer. Complaints about the failure of the neighbour notification process make up a significant proportion of the complaints that I receive about the planning system, which is also the case for colleagues.

The implementation of the bill will be key to its success. It will require additional resources, which the Executive must provide. I note the changes that have been made in the financial memorandum, but the additional resource should also seek to ensure that enforcement action is taken when required. Confidence in the system is significantly undermined if transgressors get away with deviations from permissions or no permission is sought.

The bill is welcome. It rebalances and markedly improves the planning system, and I urge the Parliament to back its general principles.

**The Presiding Officer:** We move to the open debate. Speeches should last six minutes, so we have a little time for interventions.

14:56

**Karen Whitefield (Airdrie and Shotts) (Lab):** It is no exaggeration to say that the Planning etc (Scotland) Bill is one of the most significant and complex pieces of legislation that has appeared in the Parliament. I am sure that we all agree that there is a need for planning reform. There is no doubt that many communities and individuals have

had bad experiences of our planning system, and it is vital that we take the opportunity that the bill presents to make real improvements to ordinary people's experience of planning.

The planning system is widely viewed as being overly bureaucratic, cumbersome and slow, which presents problems for planning authorities and applicants alike. In addition, the system is seen to hinder rather than nurture social and economic development. One important feature of the bill is the fact that it recognises the need for a cultural shift in the way in which all parts of Scottish society engage with the planning process. From individual applicants and large developers to local authorities and communities, there is a need for all parties to sign up to the principles of the bill.

The Communities Committee welcomed most of the measures in the bill. I do not have time to go through all the issues that we raised in our stage 1 report, but I will take the opportunity to highlight a few key points.

I welcome measures to ensure that decisions are taken at the proper level, including the appropriate use of delegated powers. That is a sensible step that will ensure that planning applications are dealt with as speedily and efficiently as possible. However, the committee raised concerns about the resource implications of the bill, particularly for local authorities, and the Executive must take that issue seriously.

There is no doubt that planning authorities already face difficulties with recruiting qualified staff. We need a properly structured and supported recruitment and training programme for planners. There is some merit in examining the possibility of offering a scheme similar to one in England and Wales that provides scholarships to undergraduate and postgraduate students on the condition that they spend a set minimum amount of time working in the public sector.

**Robin Harper (Lothians) (Green):** Does the member agree that we also need to employ more architects at council level?

**Karen Whitefield:** That is worthy of consideration. We need a root-and-branch reform of our local authority planning departments to ensure that we have the right people doing the right jobs, whether they are planners, architects or even planning assistants.

I have some sympathy with local authorities, which are often faced with difficult budgeting priorities. Unfortunately, planning departments often bear the brunt of budget cuts. However, we need to recognise the key role that our planners play in delivering the physical infrastructure that enables the provision of good local services. A strong local plan provides a firm foundation for the economic, social, educational and recreational

development of a community. We need to ensure that proper and meaningful engagement takes place with all sections of the community during the construction of the local plan. To do that, we need high-quality, experienced planning officers.

The committee also raised concerns about the need for strong enforcement of planning conditions. For too long, developers have been able to promise the earth during the planning process in the full knowledge that they will never be forced to comply with any of the conditions. I am pleased that the minister has responded to the committee's call to allow local authorities to issue fixed-penalty fines. Those will be a significant enforcement tool for local authority planners.

In addition, I favour the introduction of a requirement on developers to erect at the entrance to their development site a billboard giving clear notice of who granted planning permission and what conditions were attached to the consent. The billboard should also show contact details for the local planning authority so that any breach of planning consent can be easily reported.

I recognise that a number of people have called for a third-party right of appeal and I can understand why they have done so. However, it is wrong to suggest that the majority of the committee ignored or refused to listen to those concerns. Having listened to all the viewpoints that were put to us, the majority of committee members were not convinced that a third-party right of appeal would be the most effective way to deal with some of the problems that communities have faced. I believe that the front-loading measures that will be introduced by the bill will help to address many of those problems long before an appeal would be required.

**Patrick Harvie:** Will the member give way?

**Karen Whitefield:** No—not at this point.

However, in light of Christine Grahame urging people to vote SNP next year, perhaps SNP members can explain whether, if people vote SNP, they will also get TPRA. We need some clarification on that.

I welcome the introduction of good neighbour agreements, although the Executive still needs to do more work on how those will operate.

On the committee's behalf I take this opportunity to thank everyone who participated in our stage 1 deliberations and in our pre-stage 1 workshops. I also thank the committee clerks and the staff of the Scottish Parliament information centre for their support. Lastly, I thank my committee colleagues for their commitment and for producing what I believe is a substantial stage 1 report.

I am pleased that the majority of members of the Communities Committee were able to support the

general principles of the bill. I am disappointed with Patrick Harvie's amendment. If he genuinely believes that the bill contains much to be welcomed, why will he and the Greens not vote for the general principles of the bill today and amend the bill at stage 2?

I am sure we all accept the need for change in our planning laws. We all know that we need greater community involvement in our planning systems. We all agree that we need greater accountability on the part of developers so that they comply with agreed planning conditions. Equally, we all accept that planning is a vital element in Scotland's future economic success. I believe that the Planning etc (Scotland) Bill contains all the key elements for achieving those goals. I hope that the Executive will listen to the committee's concerns and will work to ensure that the bill becomes a piece of legislation of which every member can rightly be proud.

15:04

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

The fulcrum of this debate is whether people are to feel that they are participants rather than just consultees. Positive planning involves more than just regulating pieces of land. It is an holistic process with vision that enables the planning process to be owned by the people of the communities that it is intended to free. Like Patrick Harvie, I believe that whether it is certain that people's views will have real weight in the planning process is still open to question, given the processes that the bill proposes. I will give some examples of issues that arise in my area, and I am interested to see how they will be dealt with.

Recently, the Environment and Rural Development Committee has been taking oral evidence on the Crofting Reform etc Bill at stage 1. It is the general view that the Crofters Commission and crofting communities should have a role in deciding where housing developments take place, before the planning stage is reached. That would give communities a real ability to participate in and have ownership of plans. In September last year, when preparing for stage 1 of the Crofting Reform etc Bill, I asked whether the Minister for Environment and Rural Development, the Minister for Communities and the Crofters Commission had met to examine the implications of the proposed planning bill for the development of common grazing land, of which there is a great deal in crofting communities. The answer was that there had been "no formal discussions" but that the Deputy Minister for Environment and Rural Development would meet the Minister for Communities on 19 October. That concerned me considerably.

The issue is relevant to much of the area that I represent, from Shetland to Kintyre. Small, sparsely populated communities are becoming even more sparsely populated because planning is strangling the life out of many rural areas. We need answers to the question of how much the bill will help us to deal with that. If ministers are serious, the articulation between the Planning etc (Scotland) Bill and the Crofting Reform etc Bill, which is slightly behind it, must take place rapidly. If it does not, there will be questions about whether the Crofters Commission will be a statutory consultee, although that measure alone would be insufficient to secure development that is appropriate in crofting areas. I am not a member of the Communities Committee but, having read the report, which is a vast document, at least in outline, I have grave reservations about such issues. From my practical experience on the ground, I do not know that the way in which plans are developed embraces the concept that they must be holistic and visionary. In the past, they have been part of the regulatory process to far too great an extent.

I welcome the fact that affordable housing could become a use class, which would help us to decide that there should be more of it in areas that need it, especially rural areas. At the moment, village envelopes prevent people from living on large areas of the countryside. Scotland is becoming a place in which fewer and fewer Scots get to live in the countryside, except in smaller and smaller areas. Although areas on the edge of cities are expanding, large areas in which there is the potential for more people to live are being strangled by the processes of planning legislation.

In the past, planning advice notes have been interpreted in widely differing ways by different local authorities. The committee's report suggests that there must be much more consistency of application. I would like to think that planning determinations could lead to a wider definition of "the public good". For example, when supermarkets are developed, is there potential in planning to say that large amounts of goods must be transported by rail, rather than by road? Could we require supermarkets to transport goods to the nearest railhead, before transferring them to road? After all, supermarkets are very rich. They could easily help us in other planning areas. Are ministers thinking about that kind of approach at national planning framework level?

At present, local communities are blighted because of national decisions that were made in the past. I cite the example of coastal super-quarries. I do not need to remind those who were members in the first session of the Parliament how long it took to reject the proposal for south Harris. Planning authorities decide that areas should be identified for super-quarries, and small

communities can be blighted by national decisions. The national planning framework must articulate with the needs of very local areas. I have yet to see in the detail of the proposals whether that will happen. In particular, I look for answers from the minister in her response to the debate in respect of the provisions that relate to crofting.

15:10

**David McLetchie (Edinburgh Pentlands)**

**(Con):** I begin by focusing on business improvement districts, which were considered by the Local Government and Transport Committee, of which I am a member. There are many partnerships involving councils and local businesses that are designed to improve local business environments to make them more attractive centres and places in which to work, shop and take one's leisure. The BIDs focus on aspects such as improving the streetscape through the creation of pedestrian areas, installing seats, benches, floral displays and information points as well as improving security, preventing crime and promoting public safety through innovations such as closed circuit television. However, the key feature of all those initiatives is that, to date, they have been undertaken voluntarily. This Parliament does not have to pass new laws to enable such projects to be undertaken where there is widespread support for them from the local business community. They are, in effect, voluntary business improvement districts.

By contrast, the sole reason for the establishment of business improvement districts on a statutory basis is the imposition of a compulsory levy on businesses that do not agree with particular proposals for their area. For them, the levy will be a compulsory supplement on top of their rates to finance so-called improvements that they consider to be of little worth or value. For such businesses, the levy will be just another tax. It is small wonder that the Federation of Small Businesses expressed its members' opposition to the proposals when it gave evidence to the committee.

There is justifiable concern that any BID levy will not end up financing additional improvements to an area, but will instead finance services such as street cleaning that are already provided by the council—or which should be provided to a much higher standard than happens at present—from the rates that are currently paid by businesses. In other words, there is a real fear that the BID levy could end up being just another stealth tax.

Quite apart from considering whether payment of a BID levy should be compulsory, the committee also took evidence on the proposal that landlords should pay a proportion of any BID levy. The minister indicated that the Executive was in

discussions with Her Majesty's Government about creating a mechanism for doing so. There is not the slightest likelihood that the Government will agree to that proposal, nor should it. Splitting a BID levy between landlord and tenant is not possible under the equivalent English legislation, nor should it be a feature of ours. There is a very good reason for that: the commercial property market is a United Kingdom market, and commercial leases are invariably granted on a full repairing and insuring basis whereby all such costs become the responsibility of the tenant. I have no doubt that, even as presently drafted, the vast majority of commercial leases provide for such costs to be passed on to and borne by the tenant. I also have no doubt that any new lease would make that explicit, should the proposal proceed.

Investors want a pure income rental return from their investment—they do their sums on that basis. Adding in a BID levy is an unnecessary complication. The Executive is frankly naive to play to the gallery and try to go down that route, because it is a dead end.

One of the issues that go to the heart of planning law is the balance between, on the one hand, political decision making and, on the other, decision making through a quasi-judicial process. In the eyes of some, the First Minister has recently crossed that boundary in his enthusiasm for the major golf development proposed by Donald Trump's company. Whether the First Minister is technically in breach of the ministerial code is a matter on which I suspect no definitive or objective judgment will ever be made. However, I have some sympathy for him on this occasion, and not just because of our shared enthusiasm for the game of golf.

It is true that the planning application process must be adhered to and that there is a need for detailed examination of all local factors. It is also true that, in the first instance, it is up to the local authority to determine an application and that appeals against refusal go to the Scottish Executive.

However, I firmly believe that, in the last analysis, decisions on major developments of national and regional significance are political decisions that must be made by the Scottish Executive. There is no escaping that fact, and controversies over wind farms and pylons highlight the stark choices that must be made and the dilemmas that many people face. How do we balance, on the one hand, the need for a sustainable energy policy with a high renewables element and, on the other, the preservation of our scenery and natural heritage, which are among our greatest assets? Likewise, how do we balance the unspoiled beauty of the land on which Mr

Trump wants to build his golf course against the more cultivated and manicured landscape of his tees, fairways and greens, not to mention the investment in jobs that his development might bring to the area?

It is simply no use pretending that some independent Solomon can or should determine such matters. They are political decisions, and we should not shy away from taking them.

At a local level, the restrictions placed on councillors that prevent them from commenting on planning applications that affect their communities are unduly onerous, because they apply even to councillors who are not members of the local planning committee. In that respect, the code of conduct for councillors is totally at variance with political realities. If local councillors share a community's strong opposition to a development proposal, they should be free to represent and articulate their constituents' views. Frankly, it is ridiculous that they are barred from doing so.

Planning is at the heart of politics. We must not forget that fundamental fact when we consider the bill.

15:16

**Donald Gorrie (Central Scotland) (LD):** I speak as an individual member with a passionate interest in this subject. Indeed, I am sure that all members have read with great diligence a pamphlet called "Planning: Beyond the White Paper" that I sent to them some time ago. It expresses my view that planning, which up to now has been too negative, should be positive and based not centrally, but in the community.

The status quo is quite unacceptable. Indeed, everyone involved thinks that the present system is beyond repair and must be changed. In that respect, ministers deserve credit, because their bill represents a considerable advance and deals intelligently with quite a number of the issues.

The Communities Committee also deserves great credit for working very diligently on some very complex issues, listening to all sorts of people and making a considerable number of recommendations for improving the bill. On a number of occasions in its report, the committee says that the Executive must produce guidelines and regulations that are subject to the affirmative procedure. I think that any such guidelines and regulations should be produced before the committee really gets stuck into stage 2; after all, the Executive has most of the summer holidays in which to draft them. If we could see the contents of regulations, guidelines and so on, that would help us to judge the bill, because such documents are very often the meat of the matter.

How are we going to make planning positive and community based? I realise that starting at the centre is probably the wrong approach, but, in creating the national planning framework, we need a genuine partnership that ensures that the main stakeholders involved in planning and the Parliament are not only consulted but involved in the process. Such an approach will give all parties some sense of ownership of the framework. It should not be some Executive document that people simply nod through. Not only should the relevant committee be able to consider the framework, the Parliament should be able to debate it thoroughly and if it is not satisfied with either the consultation or the outcome, it should be able to set up a public inquiry. A parliamentary public inquiry might carry more weight than an Executive inquiry. After all, citizens are quite rightly very sceptical about all Executives and Governments and might be slightly less sceptical about MSPs. I have to say that, although the bill makes some progress, it does not go far enough in ensuring that we produce a democratic, consensual planning framework—in as much as that can be achieved.

The committee is slightly at fault in one respect, in that some of the argument in the report suggests that it is a matter of having either lots of good consultation at the early stage of a development or a third-party right of appeal. I think that we need both. There are a lot of good, positive things in the bill and in what the committee is proposing to improve it. However, there will still be some occasions when the system does not work, and there should ultimately be a right of appeal if the council is involved or if it is quite clear that the community and the council are still strongly opposed to a specific development. That would not happen frequently, but it would be a last resort, and that would help.

Local planning forums would provide a vehicle for local discussions, so that the council, community representatives, commercial representatives and the people from the health board and the enterprise company who should be involved in such discussions could study the plans and work together with the developers on major applications. Democratic forums would be helpful. We have to work on ways of involving the community more and of identifying who speaks for the community. We must involve community councils and other groups, not just groups of nimbys, to give people some power and a real say. That will attract more good people on to community bodies.

The question of enforcement is important, as other members have said. We need to give substantial rewards to developers who do the right thing and penalise those who do the wrong thing, so that in future the goodies get quicker, better

treatment and the baddies go to the bottom of the heap. The same applies to councils. If councils are doing really well, they should be helped by the Executive, and if they are not, there should be penalties to make life harder for them. To achieve that, we should have a national system of environment and land courts, which would take the whole subject seriously. At the moment, the legal system does not take planning seriously, and enforcement is a joke. To get good enforcement, we need land and environment courts that can specialise in that area.

There are many other things that we could do, but we need to do real things if we are to achieve sustainable development, and there should be an assumption in favour of giving planning approval to energy conservation methods and microrenewables, for example. We do not want talk, we want real action.

**Sarah Boyack:** Will Donald Gorrie give way?

**The Deputy Presiding Officer (Trish Godman):** Mr Gorrie is in the final minute of his speech.

**Donald Gorrie:** I recognise Sarah Boyack's interest and activity in that sphere.

There is an opportunity to do a lot of good things. I look forward to producing many amendments and to discussing them with members of the committee, but I think that they have done a good job so far.

15:23

**Bristow Muldoon (Livingston) (Lab):** I wish to concentrate mainly on part 9, which seeks to establish a legislative framework for business improvement districts and which was the subject of scrutiny by the Local Government and Transport Committee, which was a secondary committee for the bill. Therefore, I will draw attention to a part of the bill that I suspect not too many speakers will address today, although I recognise that my committee colleague, David McLetchie, has already addressed several aspects of it. I disagree with his interpretation of how the bill will apply and with his views on there being simply another tax on business and a substitute for services that local authorities already provide. I shall address those points in due course. However, I agree with his latter comments about the obligations on councillors to be advocates for their communities in relation to planning. That is an issue that we would do well to revisit.

Before I go into detail about part 9, I want to make it clear that, although I will not be speaking extensively about the main aspects of the bill, I fully support the bill overall. I believe that it will make the planning system in Scotland more

efficient, will give people and communities greater opportunities to participate and will enable Scotland's economy to grow in a sustainable manner while also enabling us to provide a framework for renewing investment in our infrastructure and housing.

The aim of business improvement districts is set out in the policy memorandum as being

“to increase economic growth and stability by enabling businesses to take forward their own priorities in the area they are located.”

The policy aims to stimulate the regeneration and improvement of town and city centres and to encourage partnership working among businesses, councils and other public bodies. The policy does not apply only to town centres and city centres, as BID status can also be conferred on industrial estates, business parks or sparsely populated areas, provided that business support has been demonstrated. The proposals in the bill provide a fair system for funding such improvements and move away from the existing voluntary participation schemes. The bill provides that, in each case, business support will have to be demonstrated in a ballot.

Business improvement districts already work successfully in many other parts of the world, including the USA, South Africa and Australia. In England, where the approach has recently been introduced, more than 20 business improvement districts are now up and running.

As part of its consideration of the bill, the Local Government and Transport Committee received evidence from a range of sources, including the Association of Town Centre Management, the Federation of Small Businesses, the Confederation of British Industry Scotland and BT. The ATCM was very positive about its experiences in England. It reported to the committee that 22 out of 27 BIDs that had been proposed in England had received approval in a ballot.

It is fair to say that, as Mr McLetchie indicated, of the organisations from which we received evidence the FSB was the most sceptical about the proposals. However, other business organisations, such as CBI Scotland, were more positive about the proposals, although CBI Scotland sounded a note of caution about the compulsory nature of the levy following a ballot.

Other business organisations were fairly positive. For example, the Scottish Chambers of Commerce expressed a broad welcome for the general principle behind BIDs, provided that there was tangible evidence of added value to businesses.

My view and, ultimately, the overall view of the Local Government and Transport Committee is that many of the concerns expressed by business

are largely addressed in the detail of the proposals, given the experience in England.

On the concerns about substitution, many people recognise that it would be important for any BID to establish with the local authority a clear agreement about the baseline services that an area already receives or should receive. COSLA indicated that it recognised that and the Scottish Chambers of Commerce, CBI Scotland and the Scottish Retail Consortium all saw the need for such an agreement.

**David McLetchie:** Does the member acknowledge that COSLA said that it was for councils to set the baseline for service provision rather than the baseline being set by agreement between councils and the business community? There is a big difference between one body unilaterally setting a baseline and everybody involved agreeing on the baseline.

**Bristow Muldoon:** Local authorities are ultimately responsible for delivering services; they have a democratic responsibility to deliver them. However, if a baseline were established that the business community did not recognise as being acceptable, the BID proposal could be rejected. In England, where the ATCM reported that many BID initiatives had already been undertaken, baselines have been established, which the business community has voted for in 22 out of 27 cases. I do not see the issue as an obstacle to the development of BIDs.

On the compulsory collection of the levy, I argue that, contrary to what Mr McLetchie says, a levy would be collected only after a ballot has taken place. The proposal would have to meet the criteria set in relation to the number of businesses in the area and their rateable value, and, clearly, businesses would have to vote in support of the proposal. Rather than the levy being a tax on business, the reverse is the case. If businesses decide that an investment is in their interests, other businesses should not be able to freeload on the back of those that are prepared to make that investment. All businesses should contribute.

The ATCM made the point that the levy is not a philanthropic gesture on the part of businesses; it is a hard-headed business decision to invest in the trading environment in order to improve businesses' prospects in the area. As I said, experience in England shows that, in many cases, businesses vote for BID proposals.

I was disappointed that the Conservative and SNP members of the committee did not support the general principles of part 9. Their position would deny many towns in Scotland that want to develop their business communities, such as Bathgate and Dunfermline, the same opportunities that towns and cities in England have for

investment to regenerate and renew retail and other activity in a partnership between the local authority and businesses. It is sad that SNP and Conservative members did not support part 9, which I certainly commend to Parliament along with the general principles of the bill.

15:29

**Chris Ballance (South of Scotland) (Green):** Planning reform is welcome in Scotland. We need to improve our planning system and we particularly need to strengthen communities' involvement in it. As my colleague Patrick Harvie said, there is deep mistrust among communities about the planning system, so we need to restore public trust and confidence in it.

I will focus on a particular concern, which is people's fear of being locked out of the processes for challenging national developments that are set out in the national planning framework. In a petition that was organised by Scottish Environment LINK and the Association of Scottish Community Councils, more than 5,000 petitioners expressed concern that the current proposals for the national planning framework are unjust and unaccountable. We argue not that the creation of a national planning framework, as a statutory document that sets out the pattern of development across Scotland, is a bad thing, but that the national planning framework must be properly scrutinised by Parliament and must be open to public challenge or inquiry. Public consultation and seminars across Scotland on the NPF are not enough. They amount merely to a superficial veneer of public participation and the public will be able to see through that. Communities fully recognise that centralising power in the hands of a Government minister is not a progressive move in a planning system that already reeks of mistrust.

The democratic accountability and real rights for communities that are required at this level of planning are crucial, for the NPF may concern some of the most controversial types of development that rightly need proper scrutiny, such as new nuclear waste dumps, new nuclear power stations, landfill sites and motorways. As has been mentioned, the Prime Minister told the CBI last night that nuclear power is

"back on the agenda with a vengeance".

Given that, the significance of nuclear developments potentially being categorised as national developments and included in the NPF should not be underestimated.

Indeed, further reports today say that British Energy Group plc wants a simplified planning process and greater certainty over planning consent for new nuclear power stations. It seeks changes to planning rules to enable speedy

approval for its unsustainable, uneconomic and uninsurable nuclear reactors, such as those at Torness and Hunterston—and formerly at Chapelcross—which supply nuclear power that Scotland does not need and which the public does not want. With its proposals on the NPF, the Labour-Lib Dem Administration appears to be ahead of Tony Blair and British Energy in paving the way for a speedier but undemocratic process for more nuclear power.

I note John Home Robertson's approval of a speedier and more undemocratic process.

**Malcolm Chisholm** rose—

**Iain Smith (North East Fife) (LD):** Will the member give way?

**Chris Ballance:** I am spoiled for choice. I give way to Iain Smith.

**Iain Smith:** I take it that Chris Ballance recognises that some members do not approve of the process to which he referred and have made it perfectly clear that they do not support new nuclear power stations in Scotland.

**Chris Ballance:** Well, one thing that the Lib Dems have refused to say is that new nuclear power stations will be a red-line issue and that they will refuse to serve in a coalition that supports them. Will Mr Smith and his party refuse to serve in a coalition that includes new nuclear power stations in a national planning framework? Yes or no?

**Iain Smith:** Does the member recognise that we are all going to go into an election—

**Chris Ballance:** Yes or no, sir!

**Iain Smith:** We are all going to go into an election in—

**Chris Ballance:** I want a yes or a no—that is all I am interested in.

**Iain Smith:** The member took an intervention and should allow me to—

**Chris Ballance:** Let us get back to the debate.

**Iain Smith:** He accepted my intervention—

**The Deputy Presiding Officer:** Mr Smith, I think that you should sit down. He is not taking an intervention.

**Chris Ballance:** I have taken quite enough interventions, thank you.

In a written answer to Patrick Harvie, Malcolm Chisholm said with reference to the national planning framework:

"The issue of whether an individual development is required will be settled in a national debate, focused on the Executive and Parliament: all other issues, including specific location and design will remain to be settled by

processes at a local level.”—[*Official Report, Written Answers*, 7 February 2006; S2W-22613.]

In other words, communities that are frustrated with existing inequality in the system are likely to be told within the NPF that Scotland needs new nuclear power stations and new nuclear dumps and are likely to be asked only what colour they would like to paint the gates.

**Malcolm Chisholm:** Will the member give way?

**Chris Ballance:** I will give way briefly, as I am in my last minute.

**Malcolm Chisholm:** How can Chris Ballance argue against a system in which the Scottish Parliament would make decisions about nuclear power, which is exactly what we have under executive devolution? How in the name of democracy can Chris Ballance object to that?

**Chris Ballance:** I am arguing for proper scrutiny in the Parliament and for the possibility of open public inquiries and appeals.

The Greens will not be able to support the measures in the bill unless they are substantially changed to enable communities to challenge developments such as new nuclear power stations or dumps on the basis of need and to enable not just a Government minister but the Parliament properly to scrutinise and sign off what will be one of the most significant documents in the determination of the future of development and planning in Scotland.

15:35

**Christine May (Central Fife) (Lab):** Members of the Enterprise and Culture Committee and members who attended the business in the Parliament conference are well aware of the long-held concern of business and others involved in economic development that the current planning system militates against efficient development. Elected members of all parties in the Parliament and in local authorities are also well aware of the concerns of communities and individuals about local planning issues. The tensions, mistrust and downright hostility that all too often result from the decisions that are eventually taken under the current system can seriously blight individuals' lives and make communities unwilling to engage further with decisions makers. That creates a self-perpetuating situation in which improvement is impossible.

Therefore, I support the Executive's decision to undertake a root-and-branch reform of the system. When I was a local authority member, I remember a public consultation meeting that was attended by me, planning staff, the hall keeper, a drunk and a dog.

**Alex Johnstone (North East Scotland) (Con):** The dog was the most sensible one there.

**Christine May:** No Tories were present, so that might be true.

Of course, after the meeting the proposal went through with a number of amendments that were received mainly from people who understood that this was their best or only opportunity to have their point of view accepted. Such people knew how the system worked—so they worked it. The land use was determined and, a few years later, when an application for a permitted development was made and the community rose up as one and cried foul, it was too late.

A huge culture change is required among communities, landowners, developers, businesses, builders, people who work in economic development and planners. I hope that any planners who are in the chamber will forgive me, but I recall a report on planning that was published in the north of England in the late 1960s or early 1970s, in which a planner said that the mark of a good planner was the ability to know that they were right when everybody around them was telling them that they were wrong. I know that not all planners are like that, but there is a recognition that a different type of planner is needed. The Communities Committee mentions the matter in its report and I think that the Executive accepts that. However, there is no agreement on the changes that should be made to planning courses in universities if such courses are to turn out folk who have the diplomatic skills of a peace negotiator, the foresight and wisdom of Solomon and the ability to come up with a decision that satisfies all points of view. We might not achieve the utopia that we seek, but we must get as near to it as we can do.

Communities must be prepared to become involved in planning at a stage when proposals are less obviously relevant to them, because their input is vital at that stage. We need a general acceptance that a balance must be struck. We also need a change in the attitudes of developers, landowners and other people who, for good commercial reasons, have made the current system work only too well to their advantage.

The bill is welcome, in particular because it will turn the system on its head and promote public involvement. I say “involvement” rather than “consultation” and I have heard the Deputy Minister for Communities use the word “involvement”, which is important, because “consultation” is perhaps a degraded term in some communities.

I will set out some of the key issues for me. The first is the experience of the current system and its legacy, which have led to the calls for a TPRA,

which one can understand in the context of the current system. It is for ministers, the Parliament—if we agree—and local authorities to prove that the Executive is right to hold out against a TPRA, given the other changes. A second issue is the national planning framework. What will be in it and to what level of detail, will it identify specific sites and how long will we be given to debate it? A third issue is good neighbour agreements. Will they have enough teeth and will the process be fast enough for business and economic development agencies to take advantage of current situations? A fourth is the infrastructure issues and the balance in levying infrastructure and other gains, such as schools, roads and affordable housing, from developers. How will that balance be struck and how will agreements be reached on the extent to which developers will be responsible for infrastructure? Members have mentioned Scottish Water—I do not deny that there are issues on that.

A fifth issue is the resourcing of planning departments and the responsibility for neighbour notification. I agree that that should be the local authority's responsibility and not the developer's, if only because of the element of accountability that that will provide. A sixth issue is environmental impact and sustainability. Perhaps not enough has been said so far in the debate about that issue, which is extremely important if we are to put in place the agreement that was struck when the coalition was formed. A seventh issue is the establishment and development of metro regions. Members have heard me speak before about balancing the interests of peripheral areas with those of city centres. The final and probably the most important issue is the need for enforcement measures to have sufficient teeth and sufficient resources.

I welcome the motion to support the general principles of the bill. I hope that, at the end of the day, we will convince those who doubt the bill to support us, too.

15:42

**Ms Sandra White (Glasgow) (SNP):** As a substitute member of the Communities Committee, I, too, thank the staff and members of the committee and the various agencies who gave evidence on the bill. Everybody worked hard and deserves thanks not just from the Parliament, but from the general public.

We all agree that the planning system needs to be modernised and overhauled, because at present it is stuck. However, one issue on which we do not agree—although perhaps we can persuade the Executive—is the need for the new system to be democratic and transparent to all, not just to those who will benefit from it. Members have mentioned some positive aspects of the bill,

such as the fact that the local plans will be examined every five years and the front-loaded system with pre-consultation—there will be as much consultation as the public want. However, Christine May put it nicely when she said that, in some areas, “consultation” is not a very nice word, because people feel that they have been not consulted but just told what will happen. Whether the consultation process will be a success remains to be seen. I support the good aspects of the bill, but I look forward to amendments at stage 2.

Many issues have been raised by members today, the Communities Committee in its report, the Finance Committee and various agencies. Secondary legislation is a big issue that has come up time and again. We do not know what will be in the secondary legislation, and we will not have the meat on the bones until that secondary legislation is produced. I and others are concerned about that, so I hope that the issue will be addressed. The Finance Committee raised issues about the bill's financial implications. The minister said that he will speak to COSLA about those implications, but I hope that, in summing up, the Deputy Minister for Communities will give us more information on that.

When I first read the bill and saw the measures on good neighbour agreements, I thought that they were great and would go a long way towards helping communities and developers. However, when I questioned witnesses in the committee, I discovered that the agreements will be voluntary, so if a developer does not want to go into an agreement with a community, all will be lost. The minister has said that he will consider the issue further. We have a golden opportunity to take good neighbour agreements further in the bill.

**Johann Lamont:** I am sure that the member would agree that good neighbour agreements are about communities and developers being willing to work together. They are not a substitute for enforcement. Does she welcome the bill's emphasis on enforcement?

**Ms White:** They were not intended as a substitute. I welcome the enforcement proposals. What was clear about the good neighbour agreements was that if communities and developers came to an agreement and either side deviated from it, the other party would have the right of appeal. That is fantastic. It would be close to having a third-party right of appeal. However, when I commented on that, I was told that many developers might not enter into such an agreement if the appeal part of it was introduced.

That brings me neatly on to the third-party right of appeal. As members know, I proposed a bill on the TPRA. Communities out there want the TPRA. I say to Karen Whitefield that the TPRA is SNP party policy.

**Johann Lamont:** Will the member confirm that Jim Mather said at the property conference this morning that it was the SNP's position to support the bill and to oppose the third-party right of appeal?

**Ms White:** I would need to speak to Jim Mather. I have not seen him, but I can tell the minister that third-party right of appeal is SNP policy.

Karen Whitefield mentioned her community. I am sure that she received the e-mail from Ann Coleman that other committee members received, in which Ann says:

"Early involvement will not address the issues that concern communities like ours or the general public ... there is nothing new in this."

That is someone from Karen Whitefield's constituency. People are still sceptical about early involvement.

Let us lay to rest the myths that surround the third-party right of appeal. Scotland will not become an economic basket-case. It will not go down the tubes. The latest from the Lord Provost of Glasgow Liz Cameron, the Glasgow Chamber of Commerce and various businesses is that the TPRA will put us at an unfair disadvantage compared with England. I wish that somebody would explain why New Zealand, Sweden, Finland and Austria have far greater gross domestic products than the United Kingdom has, yet they all have the third-party right of appeal. Let us stop the constant scaremongering by developers and big business and have an honest, transparent, open and democratic planning system.

At stage 2, the SNP will introduce amendments to the bill on a limited third-party right of appeal, community right of appeal or whatever we call it. The Deputy Minister for Communities has mentioned that she will scrutinise councils' conflict of interest in relation to development and I would like more information on that. All people want is a level playing field. If developers have a right of appeal, why should communities not have a right of appeal too? The bill should introduce a level playing field, democratic decisions and transparency. I hope that the Executive will introduce amendments on TPRA at stage 2; if not, the SNP and other parties will do so.

15:48

**Iain Smith (North East Fife) (LD):** I welcome the opportunity to participate in this extremely important debate. It is a once-in-a-lifetime—or, given that this is planning law, a once-in-two-or-three-lifetimes—opportunity for root-and-branch consideration of planning law. The bill will affect literally every community in Scotland at some point over the generations in which the new legislation will be in place. I welcome the minister's opening

remarks about how he places equal importance on efficiency—on which much has been said—and community involvement. I welcome also the importance of sustainable development in the bill. Early participation is essential, and the minister has said that he sees planning as essentially a local matter that should be subject to local accountability.

No one can deny that there are problems with the existing system. My mailbag is regularly full of issues concerning planning. It is one of the major constituency issues that I have to deal with. Major developments always cause concern that could often be dealt with if there was early engagement with local communities but, too often, developers slap in their plans without any prior discussion with local communities. That is one of the areas that the bill seeks to address. Too often, communities feel that the odds are stacked against them and in favour of developers and that local views are disregarded. In many cases, there is a complete lack of confidence in the planning process. Sadly, areas such as development plans are not immune to that.

The way in which the Fife structure plan was handled recently does not give the public confidence in the process. To be fair to Fife Council, we had good, early participation in the processes for developing the local plan and the structure plan in Fife. However, unfortunately that was not followed through in the consultative draft plans, in which the requirement for new houses was well in excess—

**Tricia Marwick (Mid Scotland and Fife) (SNP):** Will Iain Smith give way?

**Iain Smith:** I am sorry, I do not have time. The debate is very short.

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** The member has six minutes.

**Iain Smith:** I have a lot that I want to cover.

The requirement for new housing in the development plan was well in excess of anything that any local community felt was reasonable or sustainable for their area. I am talking about areas such as the Tay bridgehead, St Andrews and Cupar. From nowhere, a plan to help to fund a Cupar bypass by developing 2,000 additional houses in the town appeared in the proposals. The plan also failed to include an effective green-belt area for St Andrews.

Local communities expressed strong fears about the direction of the proposals. They were supported by Fife Council's area development committees and even its environment and development committee but, unfortunately, the full Fife Council, which voted through the structure plan as originally proposed, totally ignored those

fears and concerns. It is essential that, when the plan comes to ministers, they ensure that there is a public inquiry into it before it is approved.

Given that experience in Fife, it is of little surprise that many of the public lack confidence in the planning system. That brings me to the main issue that I want to raise, which is the reason why I have so little time for interventions. I remain seriously concerned about the bill's proposal for statutory strategic development planning authorities, which are not the right approach. I am more than happy for the bill to provide permissive powers, but I am not in favour of statutory duties for development planning because they go against the bill's ethos of improving community involvement and ensuring local decision making.

There is a particular problem for Fife, which will be split between two strategic development planning authority areas. It will lose its current advantage of having coterminous boundaries, which enable people in community planning and development planning to work together with the health service, the police, the fire service and people in economic development, tourism, education, roads and transport. All that will be lost to a system that imposes a strategic development plan that splits Fife asunder. Under that plan, part of Fife will be involved with Edinburgh and part involved with Dundee and an arbitrary and artificial boundary will be drawn to determine which parts are involved with which city.

I do not oppose local authorities working together to improve planning—which, in fact, I believe will happen within the context of the national planning framework in any event—but I oppose the introduction of a statutory rather than a voluntary arrangement for that. I hope that the ministers will reconsider the proposal, because the introduction of the statutory approach will accelerate the loss of accountability and community involvement in the planning process. It will also lead to a loss of sustainable development, because of the self-fulfilling prophecy that if we do all our planning on the basis of city regions, planning will be sucked into the cities and the outer areas will suffer. They will become dormitory towns for the cities, which is the opposite of sustainable development.

Those are serious issues. Although I support the general principles of the bill, I will be unable to support it at stage 3 unless amendments at stage 2 or 3 address strategic development planning and remove the statutory proposal and introduce a voluntary arrangement.

The Communities Committee has addressed houses in multiple occupation before. We need to align planning law and the regulations on HMOs, and I hope that we can use the bill to ensure that if a dwelling is required by regulations to be

registered as an HMO, planning permission is also required.

On general permitted development orders, in my constituency there is concern about the 28-day rule, which allows people to use the GPDO system to do something in an area for up to 28 days. Unfortunately, it is being abused, particularly at Crail airfield, where thrashes are happening almost weekly but are permitted under the 28-day rule because they happen less than 28 times a year. That cannot be the purpose of the rule and I hope that it will be reconsidered and amended.

I welcome the improved enforcement powers in the bill, which are essential.

15:54

**John Swinburne (Central Scotland) (SSCUP):** Two words that strike fear into the electorate's hearts must be "planning" and "politicians".

About 60 years ago, a team of visionary experts was drawn together and challenged to create a completely new town to revitalise the economy of Scotland's central belt in the East Kilbride area. I am not a believer in quangos myself, but the East Kilbride Development Corporation stands as an example of a quango that actually worked. Its general manager, George Young, could set an example to the current Scottish Enterprise crowd. He traversed the world and brought industry to East Kilbride. That attracted people—from overspill and so forth—into the area. He did not just build houses; he created a town at East Kilbride, with shopping centres, medical centres, schools, playing fields, green spaces, swimming baths and landscaping. Nothing was omitted. Money seemed to be no object; I believe that funding came from central Government. There was no input from councillors—shock, horror! The corporation was given its task, and it delivered.

In the early 1950s, when television was still just a dream in most households, cable television connections were created for every house in the community. Cavity wall insulation was put in, which would please the Greens. I stress that that was back in the early 1950s—it was done in every house that was built. The East Kilbride Development Corporation was way ahead of its time. It was an unelected quango that did a magnificent job. It turned East Kilbride into the fastest-growing, most dynamic community in Scotland. I wonder whether any members of the Communities Committee, in studying the Planning etc (Scotland) Bill, took the time to consider what the East Kilbride Development Corporation did and learn some lessons, for lessons are there to be learned.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** I am interested in what John Swinburne

says. I represent the new town of Cumbernauld, and I was involved in local politics when the quango there was active. I wonder what the people of East Kilbride are saying now. Is it the same as what the people of Cumbernauld are saying? They look back in horror at not having had input to the development of their town and at not having had any democratic control whatever. We are picking up the pieces now. I know that the situation is similar in East Kilbride, which is not the utopia that John Swinburne makes it out to be.

**John Swinburne:** In East Kilbride, as I have said, we had a team of visionary experts. I am afraid that those working on Cumbernauld must have got drawn from the bottom of the pack. East Kilbride turned out to be the best new town in the United Kingdom. It was superb, and a beautiful place to bring up children. The whole concept was ideally realised. Cumbernauld and various other new towns that sprang up were disaster areas, because the people involved did not have the same competence as the members of the East Kilbride Development Corporation did. They were superb. Companies such as Rolls-Royce and Motorola were brought in, and they are still there, well to the fore, working for the good of the community, providing jobs and providing social housing for rent as well as for sale.

Unfortunately, East Kilbride has now fallen into the hands of the people to whom Cathie Craigie was alluding. South Lanarkshire Council has got hold of the place now. If there is a bit of green grass there, the council builds on it. The whole concept of the new town is being slowly eroded by councillors who, no doubt, put their plans out to consultation and got expert opinions before inflicting damage on the good work that was done in East Kilbride. The Dollan baths are brilliant. Paddy Dollan was the first chairman of the East Kilbride Development Corporation, and he was lauded for his efforts in the area. There was not even a set of traffic lights in the whole town. The whole traffic system was done with roundabouts. People could go there and get lost for ever, trying to get back out.

East Kilbride was a revolutionary, forward-thinking new town, and we should stand up and salute the people who made it. I am sorry that no one took the time and trouble to see what they did for the good of the community. They did it without any consultation; they imposed it on the community. They were visionary experts and I take my hat off to them. I will always be against quangos, but that one worked.

16:00

**Pauline McNeill (Glasgow Kelvin) (Lab):** I have been anticipating the bill. I have submitted evidence at every stage and have asked a tome of

questions on it. I held three seminars on planning in my constituency; I thank Johann Lamont and her predecessor, Mary Mulligan, for coming to the community to talk about planning.

I do not envy the Communities Committee its task of scrutinising the bill, which I accept is one of the most significant of the session. It is now decision time on some of the key points of principle that we have been debating for many years.

The planning system has been criticised for being too slow and ineffective, for lacking transparency, for failing to involve communities adequately and for producing bad decisions. The question is whether the bill addresses those criticisms. Overall, I think it makes a good attempt to speed up the production of better quality decisions.

I do not doubt that the Executive has been utterly committed to bringing about meaningful public involvement in planning decisions and better reasoning for and more transparency in such decisions. I believe that we are heading in the right direction.

My starting point has always been that, within published national planning guidelines, and using development plans, ministers and councillors should make the final decisions on planning, provided that there is meaningful and intensive consultation—and even negotiation, where possible—before such decisions are made.

I do not believe that the end process should be independent, so I do not support the type of third-party right of appeal that Scottish Environment LINK has promoted, although I have supported a more qualified type. I believe that there is an alternative to that right of appeal: where planning guidance has been breached or a case is made that there are grounds for the Executive to review the process, a community body that is defined in law should in its own right be able to invoke the process of notification.

A community right of notification is not strictly a form of third-party right of appeal, but it is a mechanism for notifying the Executive that there are grounds for it to review a decision that has planning implications. We have a system in which local authorities are bound to notify ministers if, for example, there is a departure from a local plan, but it does not give objectors a formal place and they are not informed of the outcome of such reviews, which I think is wrong.

I have always believed that a limited third-party right of appeal would add value to the process and I have always found it extremely unfair that applicants and developers who might not even own the land in question can challenge a local authority's appeal decision.

I welcome section 18 and the significant restrictions that the Executive has placed on the right of appeal, but I still believe that a balance has to be struck in the system.

I also welcome the Executive's intention to ensure that it is notified of decisions when there has been a departure from the local plan. To redress the balance, the very least we can do is build into the system a mechanism to ensure that the community interest is represented.

It cannot be right that a local authority, which is the organisation that draws up the plan, can be the sole arbiter in deciding whether an application is within the terms of the plan. To suggest that a planning authority has no interest in deciding a matter in its own favour when interpreting the plan; that it has no special interest in whether a development has two or five storeys; or that it does not have a strong interest in the development of luxury, high-value flats when areas such as Glasgow Kelvin are crying out for rented and affordable housing, is to deny the reality.

A local authority can interpret the plan in its own favour, so I do not believe that it should be judge and jury. I ask ministers to consider the possibility that communities should be allowed to notify them when they think the local plan has been breached. I emphasise that that would happen only in limited circumstances and would not represent a major departure from what we have at the moment.

I cannot see why some of our demands on affordable housing cannot be responded to by imposing some form of statutory duty on a planning authority to build minimum numbers of affordable houses and houses for rent. Previously in this chamber, I have expressed my objections to the fact that our planning system does not seem to care about what kind of housing we are building as long as it is in the development plan. My constituents who were born and bred in Partick, Scotstoun and Yorkhill are living in overcrowded conditions and cannot move out of them because we just do not have enough accommodation. The bill must include a duty that will result in some kind of additional rented accommodation in my area.

I thank the Executive for the interest it has taken in examining how the planning system relates to HMOs, which Iain Smith mentioned. There has been a meeting of interested MSPs and planning officials and I thank the minister and Jim MacKinnon for bringing that about. We need to think seriously about what legislative measures we want. However, it strikes me as odd that, if there is a planning requirement to have HMOs making up 5 per cent of the accommodation in an area, we do not enforce it. I know that things are never as simple as they seem at first, so I welcome the discussions that the minister and officials are

having. I hope that something comes out of those discussions that we can get into this bill.

16:06

**John Scott (Ayr) (Con):** I endorse the largely consensual approach to the bill that has been taken by all parties today, with the notable and entertaining exception of John Swinburne. Points have of course been made about the emphasis of the bill, but all are agreed that reform of the planning system is long overdue.

In the past, the planning process has been seen as intimidating, complex, cumbersome and lacking in transparency. This bill represents a once-in-a-lifetime opportunity to start with a clean sheet of paper and create legislation that is uniquely suited to Scotland and fit for purpose.

In particular, the bill offers us an opportunity to provide for greater community involvement through public participation and to draw attention to planning constraints that are created by Scottish Water. Those are issues of concern in Ayrshire.

It is important that the bill simplifies matters. I hope that that criterion will be applied wherever possible throughout its passage through Parliament.

I welcome and echo the views of Professor Greg Lloyd: people currently get involved in the planning process only when it appears to affect them and their interests adversely. To overcome that weakness, we will need to front load the process, as the bill proposes. I believe that to be key.

Community councils, tenants and residents groups, local church groups and so on should all be made aware of and given the opportunity to comment on proposals at the earliest opportunity. Community buy-in is important at any stage, but an ability to help formulate strategic priorities early in the process is vital. For that reason, I welcome pre-application consultation on certain types of development, as is outlined in the bill. I would also welcome predetermination hearings, which would statutorily oblige planning authorities to hold a hearing into certain types of application. Those proposals, taken in conjunction, should be beneficial to those involved.

Of course, such measures assume that communities will want to be involved in the process. That might be problematic but, through time, local communities—perhaps following educational planning seminars or, more probably, bitter experience—will become aware of the value of early consultation. Early and proactive input has to be of greater value to the process and the communities themselves than an end-of-process reactive input.

However, as the Scottish Community Development Centre noted, communities will not become involved unless they can see a genuine purpose for their involvement and the prospect of concrete benefits in return for their investment of time and energy. In my view, that is the rub. If local authorities invite participation in the planning process, it has to be meaningful and taken note of thereafter. If communities' views are sought at an early stage, they must be taken note of. If they are not, the process will fail and the doubters of this bill will be shown to be correct.

How will a community council's views on, say, the local development plan be reconciled with the planning committee's perhaps different perspective some years later? That will take a great deal of sorting out. It will perhaps require the wisdom of Solomon, as Christine May said. The proposed process will have to be clearly defined in the planning advice notes and the subordinate legislation. A further problem with the additional consultation is the need for more planners, who are currently thin on the ground. They will be in huge demand if 70 per cent of local plans need updating at the starting point in the process.

My second point is that, in effect, planning decisions are being made by Scottish Water. I hope that the bill—or, more probably, the Government—can address that. Dave Petrie has alluded to the matter. It is all very well to have an all-singing, all-dancing, shiny, new local plan, but it will be of little or no use if Scottish Water cannot supply water and sewerage connections. Much-needed new housing must be built and connected to water and sewerage infrastructure in designated areas and Scottish Water, in whatever shape or form, must be able to do that.

The current development brake that has been imposed due to the underfunding of Scottish Water is a planning blight in itself. Scottish Water should be allowed to raise capital in the marketplace to meet the current unsatisfied demand for new infrastructure. However, that is perhaps a matter for another day and, indeed, another minister.

With those remarks, I wish the minister every success in taking the bill on to the statute book

16:11

**Jackie Baillie (Dumbarton) (Lab):** There is much to be welcomed in the bill. I am not sure whether I can compete with Pauline McNeill's passion for planning, and I most definitely cannot compete with John Swinburne's passion for East Kilbride, but I believe that we have a once-in-a-generation opportunity to put in place a modern planning framework and to ensure that we connect people firmly with place.

It is critical that we get the bill right, because it will form the basis of how we develop sustainable and thriving communities, using the levers that are available to us to enable growth and a vibrant economy, enhance our environment and, perhaps most important, assist in regenerating communities and tackling poverty. I urge the Executive to use the bill as the central reference point from which to develop other, connected, policies on, for example, the supply of more affordable housing, the encouragement of renewable energy or the alignment of our considerable resources to national and regional development priorities.

Having a national planning framework, up-to-date and relevant development plans and communities that are engaged in the process at an early stage are all positive aspects. I know that the minister will want to ensure that community engagement, which is absolutely right in theory, works in practice. Like many other members, I have seen some interesting examples of what some would call consultation even though it does not involve any discussion or listening and there is no real engagement at any level. Thankfully, I am talking about the few and not the many, but we need to send out a strong signal that what is required is not just consultation but real involvement and genuine participation.

I also make a plea for consistent definitions of "community" and "local". That would certainly help my local community to understand its role. Equally, I am interested to know how ministers will monitor the effectiveness of community participation. Their continuing oversight will be welcome.

I recognise that the Executive's approach founds on early engagement and that it therefore front loads community involvement. I do not disagree with that approach, but I think that there is a gap at the end of the process. Donald Gorrie and I do not often agree, but I think he is right. It is not an either/or choice. We need to make sure that we have both. The question for me, therefore, is whether the gap is filled by TPRA or, as I prefer to call it, a community right of appeal.

I have no doubt that the communities that I represent in Helensburgh, Dumbarton and the Vale of Leven want a community right of appeal. Many of them have written to me to say exactly that. I am also aware that 86 per cent of those who responded to the Executive's consultation supported such a right. However, I do not want to get into an increasingly heated and polarised debate about whether we are for or against a community right of appeal and whether we are somehow for or against business as a consequence; I simply want to ensure that the Parliament gets the right system for the country.

That is why I believe we should have a community right of notification.

Pauline McNeill has outlined the proposal, so I will add to what she said. At the moment, in certain circumstances, local authorities are required to notify proposals to ministers. For example, if a proposed development would affect a trunk road or special road or if it would increase the risk of flood damage, and in many more circumstances besides, the authority must notify its decision to ministers. The Executive is wisely expanding that list to include major and local developments that are significantly contrary to local plans, local authority interest cases and a number of other categories. Such decisions will need to be notified to ministers, who will then determine whether to call in the most contentious applications. Usually, that will be followed by a local inquiry.

**Patrick Harvie:** I agree with much of what Jackie Baillie has said, but will she say a little more about what duties ought to be imposed on ministers if such a right of notification is introduced? If no new duties are to be imposed on ministers, will notification be the same as just writing a letter to ministers?

**Jackie Baillie:** Indeed, but if I may finish, the member will see where the ministers' duties would apply. However, before I move on from that point, I want to state that it would be useful to have the criteria for call-ins published so that the process is transparent and people know what is going on.

The simplicity of the proposal that Sarah Boyack, Pauline McNeill and I have developed is that it would give communities exactly the same power, as the duty on ministers would also apply if they received a notification from a community. The benefit of the proposal is that ministers would get a clear view from both the local authority and the wider community at the same time and they would be able to make a more informed judgment on whether the planning decision should be called in. Our proposal would provide certainty both for business and for communities that there would be appropriate oversight from the Executive. The proposal would not adversely impact to any great degree on the legitimate desire to make the planning system function more quickly and more efficiently, nor would it require much additional resource.

I welcome the tantalising comments from Euan Robson—indeed, I welcome all converts—and I would be happy to share with the Liberal Democrats the detailed proposals on which Sarah Boyack, Pauline McNeill and I have worked for six months now. This is a positive opportunity.

I acknowledge the positive discussions that we have had with the Deputy Minister for

Communities. As ever, I am grateful to her for her thoughtful approach. I hope that ministers will use this opportunity to capture the essence of our proposed community right of notification. If they do, they will perform a service to democracy and fairness but, above all, they will ensure that we have a robust, progressive planning system for the 21<sup>st</sup> century.

16:17

**Stewart Stevenson (Banff and Buchan) (SNP):** I apologise to my erstwhile colleagues on the Communities Committee that my party removed me from the committee precisely at the point that it started to engage in planning issues. However, I see that the deputy minister's enthusiasm for that move was substantial.

The last time this subject was considered and Mr Chisholm's card was stuck in the console and the request-to-speak button was pressed, some very fine words were said:

"My point is about the failure to recommend a third-party right of appeal."

They were said on 29 October 2005. As the Deputy Presiding Officer, Murray Tosh, may recall, he advised the speaker:

"I ... see which MSP's name attaches to the cards that you have been given. George Butler has the card for Malcolm Chisholm".

Thus, when Malcolm Chisholm's card was last used to speak on this subject in the chamber, the speaker in question took a rather different line. That is somewhat ironic.

At that event, which was an excellent innovation by the Communities Committee, my constituent, Mr James Buchan, spoke about a planning error in Peterhead: a fish store refrigeration plant had been built 5m higher than it should have been. That example illustrates perfectly the very real effect that planning can have on people's lives. In the case of Mr Buchan and his neighbours, the effect was quite substantial. Therefore, I am pleased to see that paragraph 127 of the committee's report states:

"The Committee is content with Part 6 – Correction of Errors."

However, correcting errors in planning often involves much more substantial work than correcting errors in paperwork.

In the limited time available, I want to turn my attention to the second motion before us today, which is the financial resolution. I remind members that, under the resolution, the Scottish Parliament

"agrees to any expenditure or increase in expenditure ... arising in consequence of the Act."

We do not take financial memoranda as seriously as we might. This is and needs to be a complicated bill. The Finance Committee has made substantial criticisms of it and the Executive has produced additional information that shows that its initial estimates of the costs associated with the bill were not sufficiently developed. The bill will be changed substantially at stage 2 and, as a consequence, its costs will change substantially. It would, therefore, be entirely precipitate of us to give our support to the financial resolution today—whatever we think, on the balance of argument, about the bill. The financial resolution is a kind of blank cheque.

There is a more general issue in respect of financial resolutions and complex bills, which extends beyond the bill that is before us today. A range of bodies and individuals have commented on the financial provisions of the bill. When asked about the financial implications of the bill, the Cairngorms National Park Authority pointed out that it is funded by the Executive and that

“Higher fees will not cover cost of neighbour notification as we only receive 50% of fee from local authority.”

In its calculation, the City of Edinburgh Council suggests that neighbour notification will cost £93.57 per application, which is outwith the range that is provided elsewhere. In commenting on the financial implications of the bill, COSLA states that it

“cannot begin to achieve the culture change proposed by the Planning Etc. (Scotland) Bill, unless the resources identified in the Financial Memorandum, at the very least, are made available”

to it. History suggests that we should be sceptical on that front.

In the Finance Committee’s report, Bruce Crawford suggested that we should not support part 9 of the bill, which relates to BID, because the financial side of that has not been sorted out. In paragraph 23 of its report, the Finance Committee stated:

“the Committee is seriously concerned that the existing shortage of qualified staff will stifle the effective implementation of the Bill, requiring a longer transition period than anticipated and higher costs (including contracting increasing numbers of private sector planners).”

Going to the private sector is not a panacea. The Communities Committee says that

“some of the figures contained in the Financial Memorandum are inadequate”

and that

“there are other costs that have not been included.”

When we look at the financial side of the bill, we must exercise considerable caution.

It is strange that, although across Scotland people are finding that applications for planning

permission for houses are being turned back because we cannot dispose of our sewage, there is nothing in the bill that will mean that we can refuse nuclear power stations because they cannot dispose of their waste. That issue should perplex us all for some time to come.

16:24

**Cathie Craigie (Cumbernauld and Kilsyth)**

**(Lab):** Like other members of the Communities Committee, I thank all those who gave evidence to the committee and took part in the pre-legislative consultation, and the clerks for their support during the process.

I have a passion for planning and make no excuses for that. I also have a passion for change. Unfortunately, the current planning process seems to be able to generate criticism from all corners. Whether people are applicants or objectors, there always seems to be something with which they find fault.

There is an undoubted lack of confidence in the system. Every stakeholder has concerns and complaints about it, whether they are people who live in a community that is affected by a proposed development, an individual who applies to make an extension to their home, a business organisation that wishes to build an extension to a factory to expand the business and perhaps create more employment opportunities, or a major house builder who seeks consent to build a much-needed affordable housing development. We are all familiar with the frustrations felt by many people. That frustration is reflected in the number of people who contact us at our surgeries and by letter.

We have failed in the past to show people just how important planning is to their everyday lives and the communities in which they live. At present, too few people get involved in the development plan process in their local areas, never mind engage with the national planning process. Too many people see the planning process as a way to object to a development rather than as a way to develop plans that will allow sustainable growth to meet their needs, the needs of their community, the business community and the country as a whole.

In the past, too many professionals have seen community involvement as unimportant. I cannot agree with anything John Swinburne said about the benefits of quangos in the new towns of Scotland. I represent a new town and I am sitting next to two colleagues who were born and brought up in new towns. I am sure that they can see the mistakes that were made when planners, developers and some politicians were allowed to

proceed without considering the needs of the local community.

I am sitting near the former leader of a council who had a new town in her area. I remember when we all bonded together to fight against the undemocratic processes of those quangos. We can see what happened in Cumbernauld town centre when planners and developers proceeded without involving local folk or hearing about their needs and aspirations. Thankfully, we are changing the system now so that local people will be involved.

We have an opportunity to change an outdated system into a modern and transparent one that delivers for our communities while at the same time delivering sustainable economic growth. We now have a chance that has not come along often in the past to change and modernise the planning system. Most important, in my opinion, we have a chance to change the way in which we all view planning.

As others have said, the committee has done a huge amount of work on the bill, but the

“primary objective of the Bill is to modernise the planning system to make it more efficient and give local people better opportunities to influence the decisions that affect them.”

I endorse the general principles of the bill and believe, like the committee, that the Scottish Executive has made a genuine attempt to encourage engagement. I was heartened by the minister’s choice of words in his opening remarks.

We can improve the bill if we go just a little further to ensure that it states clearly that we want people to participate in the planning process—not just consulted or given access to documents previously agreed by council committees, but involved in the whole process—and that we want to be able to show clear evidence of participation. We have to get it right to ensure the culture change that we all want and to which Christine May referred.

Professor Lloyd, an academic who gave evidence to the committee, told us that our challenge is to

“elevate people’s engagement with and understanding of the planning system”.

He also told us:

“The challenge is to find ways in which we can sell the importance of the planning system.”—[*Official Report, Communities Committee*, 18 January 2006; c 2841.]

That is what we have to do. I welcome the forthcoming research project announced by the minister and hope that it will concentrate on those challenges.

The way forward is to involve people at every stage in the process, to have a system that truly involves folks not merely as part of a consultation—the term that is used in the bill—but encourages them to play a full part in developing plans at every level. They must be afforded that opportunity and actively encouraged to participate fully in the process of developing the national planning framework, to engage with and understand the need for good strategic development plans and to be fully engaged in shaping their local development plans.

I very much welcome the bill, endorse its general principles and look forward to working with ministers at stage 2 to ensure that the process is improved.

16:30

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** With some notable exceptions, I think that there is general consensus on the bill’s general principles. The proposal to modernise the planning system, which emphasises early engagement with the community and up-to-date local plans, is good and involves many reforms.

However, all systems go wrong, and the minister has set out a process for dealing with things that go wrong for the applicant—in other words, for the developer. As the minister has acknowledged, it is only right, just and proper that this very good system should contain an appeals process. Our local councillors are only human; they can make some perverse decisions and get things wrong. Human beings get things wrong all the time. Indeed, under the ECHR, we are required to have an appeals system for planning applications and developers and it is right that we should have that. In their comments on community rights, Pauline McNeill and Jackie Baillie highlighted an interesting aspect of rights under the ECHR, which is that there should be an appeals system of some description for people who are directly affected by decision makers.

In that respect, I want to speak about neighbour notification, even though it might seem a bit strange to leap between issues such as third-party right of appeal and neighbour notification. The minister intends to reform neighbour notification rules to ensure that the local authority, not the developer, sends out neighbour notifications. That is only right, because it is important that people who are directly affected by planning applications—the immediate neighbours to proposed developments—have an input to such matters. The fact that the minister—who, after all, has recognised the rights of developers under the ECHR—is seeking to change the neighbour notification system in such a way shows that he, too, recognises that fact.

However, one element is missing. Now, I have always thought of Malcolm Chisholm as a just man and a well-balanced individual and I am sure that he can see that my arguments are justified. However, I have never really understood why he cannot accept that there needs to be some balance in the system. I do not want to put words into his mouth, but he might well argue that providing such balance will only open the door to many objections.

I want to help the minister by ensuring that the system is well balanced. I fully support the bill's general principles, but one principle that is missing is an approach that is as just and as fair to people who are directly affected by planning applications as it is to those who submit them. As a result, I will lodge detailed amendments along those lines at stage 2. I hope that the minister will consider them and that we can debate these matters, because I do not believe that the Executive has offered any justification as to why people who are immediately affected by a planning application cannot appeal the decision. After all, no matter how good a system might be—and the proposed system is a good one—people make mistakes. I simply ask the minister to think about that matter.

16:34

**John Home Robertson (East Lothian) (Lab):** There is something slightly unconvincing about Mike Rumbles's claim that he is trying to help the minister. I advise the minister to beware of Rumbles bearing gifts.

I come at the issue from a county that has a long history of controversial planning issues. In my time, we have had opencast mining, a nuclear power station, wind turbines and a vast landfill site. We have retail developments and some would say that we have more than our fair share of new private housing, much of it for commuters. We even have controversies about golf courses and our local racecourse.

As I have mentioned Musselburgh racecourse, I should also say that it has been there for more than 190 years and has recently gone from strength to strength. However, there is significant local controversy about plans for the development of an all-weather track. The confrontation between supporters and opponents of that development is probably a classic example of what can go wrong with the existing planning system, and I endorse everything that David McLetchie has said about the way in which councillors get gagged when such proposals are under consideration. That is a problem. I have no doubt that ways can be found to allow the racecourse to develop in ways that are appropriate for the wider community and I hope that that will be achieved.

Planning controversies tend to breed conspiracy theories. Everybody believes that the system is stacked against them. Developers see nimby conspiracies everywhere, people who are opposed to developments think that they are victims of capitalist plots, and the planners know that everybody hates them, so the existing system is a recipe for general paranoia. The bill seeks to replace a reactive, or even reactionary, system in which people simply respond to development proposals as they come, with a proactive planning system based on what should be the widest-possible consensus about development, conservation and what needs to be done for the benefit of the whole community.

The committee describes the proposed new approach as a culture change. I just hope that people in Scotland, and particularly in the Scottish media, will rise to that challenge. The new approach will work only if we succeed in promoting sensible consideration of complicated choices. Some people will always prefer the old habits of reaction and negative campaigning—I suspect that that is part of the mindset behind the campaign for a third-party right of appeal. The bill is designed for a more confident and mature Scotland, with less whingeing and more willingness to face up to choices about a better future. The planning system is there to prevent inappropriate development, but we also need to facilitate good development and the system must deliver that.

**Ms White:** Is John Home Robertson saying that the 86 per cent of people who responded to the minister's and the Communities Committee's consultations who wanted third-party right of appeal, and the 95 per cent of those who attended the conference in the Parliament in December who wanted that right of appeal, are immature and should not be able to put forward their views?

**John Home Robertson:** No, I am not saying that. What I am suggesting is that the bill provides a better way of achieving what all those people want and I hope that we can have mature consideration of that. My point is that Scotland needs good housing, good infrastructure and good industries and services. We need conservation and we also need things that people might not want in their back yards—landfill sites, prisons, railways, wind turbines, quarries and nuclear power stations. It is not good enough simply to create a right to object; people need to face up to the responsibility to make difficult choices.

It is increasingly likely that Britain will need new nuclear generators. It would be stupid to become dependent on nuclear electricity from England when there are communities in places such as East Lothian and Ayrshire that would welcome new nuclear power stations here in Scotland. That

is a debate that all of us—even the Liberal Democrats—will have to face up to.

The biggest issue in my constituency is the acute shortage of affordable rented housing. The committee report refers to that and the minister touched on it in his opening speech, for which I am grateful. I am looking for amendments to the planning system to deliver land to enable councils and housing associations to secure sites to meet that urgent need. The minister will remember the members' business debate that was held on 28 September last year, so I will not go into detail about that now. To put it briefly, however, I am acutely concerned about the plight of thousands of people who are living on the edge of homelessness, often in intolerable conditions, stuck on waiting lists for many years because there are not enough affordable rented houses to meet their needs.

The problem is that potential housing land in East Lothian and elsewhere is in the hands of private developers who are unwilling to build low-cost houses to let and who will not sell land to the council or to housing associations at affordable prices. I am advised that PAN 74 guidance is not releasing sites for affordable rented houses on land that has been allocated for housing. The planning system needs to do more to address that land-related issue. We look to the Executive to take urgent action to tackle an extremely serious problem. We need land now for new council housing in East Lothian. I intend to return to that point as our consideration of the bill continues.

This is an excellent bill. I commend the convener of the Communities Committee, Karen Whitefield, for the way in which she led us through consideration of the bill at stage 1. I am struck by the contrast between my experience of standing committees at Westminster and the open scrutiny of legislation that the minister and her officials have been able to achieve in this Parliament. I suggest that this is an excellent example of the Scottish Parliament doing a thoughtful and constructive job for the people of Scotland, although I do not expect the media to report that.

I hope that the Parliament will agree to proceed to stage 2, so that we can complete the task of legislating for a better planning system for the whole of Scotland, but I trust that the bill that we finally pass will include measures to deliver land for affordable rented housing in areas such as my constituency.

16:41

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** Malcolm Chisholm started the debate by talking about the shared vision that needs to be developed between communities and planning

authorities. I suggest that we are a long way from achieving that shared vision.

As John Home Robertson said, there has been a rise in single-issue politics and a rise in nimbysism. I do not see that as an entirely negative development, but it shows us that there has been an almost complete failure of the planning system. Iain Smith mentioned the situation in Fife, where a war is going on between communities and the planning authorities.

It is important that we achieve a culture shift and engage communities not only about what they oppose but about what they want to see happen in their communities. It is currently extremely difficult to do that. When I have discussions with communities, they say, "What is the point? The developers hold all the cards. The planning system is not a level playing field and local plans are not worth the paper that they are written on. What is the point in being positive and thinking about the future of our communities when we do not have the power to influence what happens?" We must achieve a culture shift. I hope that we arrive at a situation in which communities feel confident about identifying their needs and about saying yes to proposals as well as no.

The key question is whether the bill achieves that aim. Does it achieve that culture shift and create a participative planning system? We have reflected on some very good provisions in the bill, such as those on enforcement, neighbour notification and keeping local plans up to date. As Christine Grahame said, all those proposals will have resource implications.

There is also a provision for guidance on participation. Christine May spoke about some of the diabolical participative practices that have been pursued in Fife in recent years—I can tell members that they have not changed.

We must consider carefully the plans for strategic planning. Iain Smith referred to problems in respect of aligning the strategic plans with city regions. The danger is that we will create dormitory towns in some of our accessible rural areas. Those will be unsustainable communities in which there will be increased demand for car usage, few services and unsustainable levels of housing. I say to the Tories, who referred to investment in Scottish Water, that that is where the money is going: it is going on unsustainable, inflated housing projection figures. That is what will blow Scottish Water's budget. We must strike a better balance.

Donald Gorrie made a sensible point about the national planning framework. I agree that Parliament needs to have a sense of ownership of the national planning framework. There must also be robust scrutiny and examination of the

framework in public. Instead, a debate is taking place in committee about whether there is 60 days' scrutiny or 40 days' scrutiny. I am not on the Communities Committee, but that sounds like an arbitrary discussion. Surely what we need is flexibility for the Parliament to decide how it wants to scrutinise the national planning framework. We should not have an NPF that is a spatial expression of the policy of the majority party of the Parliament. That is not what it is about.

The national planning framework is about the Parliament taking a sense of ownership. Malcolm Chisholm referred to the democratic will of the Parliament, in which there is a majority party, setting the national planning framework. The question then is how voters can make judgments on the key issues that will be in the NPF. How can voters tell, when Iain Smith will not give us a yes or no on the matter, whether nuclear power would be part of a partnership agreement?

**Iain Smith** *rose*—

**Mr Ruskell:** Sorry, I do not have time for an intervention.

That leads me on to the issue of third-party right of appeal. Karen Whitefield said that she was concerned that SNP voters would not be allowed to get TPRA through with an SNP Government. I am sure that Lib Dem voters feel the same way right now. I say to Iain Smith that we should not be dropping TPRA; we should be driving it through. This is a once-in-a-lifetime opportunity to do that.

However, I do not think that TPRA is an alternative to planning reform and I do not believe that other members do either. Third-party right of appeal is not a panacea; it is something that we need in the toolbox. We need to see a levelling of the planning system to encourage confidence in communities. In countries that have introduced TPRA, as Sandra White said, gross domestic product has gone up. TPRA is not a threat to economic growth or an efficient planning system.

The proposal from the back-bench Labour Party was for a community right of notification. That could be a useful tool in the box and I am sure that it will get a fair hearing at stage 2. However, we must bear it in mind that communities already have a pared-down ability to call for an appeal in the planning system, so we must be careful.

I am a bit disappointed that health was not mentioned in the debate. In the first session of the Parliament, the Transport and the Environment Committee made positive recommendations about viewing health issues as a material concern in the planning system. The Communities Committee reported on that and the Executive believes that it will change the guidance on environmental impact assessments to reflect the health issues that have been substantiated, which is to be welcomed. It

will be welcomed particularly by those who are concerned about pylons, but it will not be welcomed by communities that have petitioned the Parliament over their concerns about mobile phone masts and terrestrial trunked radio communication masts, which do not attract environmental statements. I say to the ministers that there is a danger that communities will lose faith not only in the planning system, but in the Parliament and the Public Petitions Committee, so many petitions have we seen asking for those issues to be addressed. The solution that the Communities Committee has come up with does not quite meet those concerns.

The debate is about the heart of democracy. It is about who makes the decisions and who influences them, and where they are taken. Unfortunately, the bill suits the old style of representative democracy; it does not suit the kind of modern, participative democracy that we are aiming for in this new Scotland of ours. I do not believe that the bill is fit to be agreed to at stage 1.

16:47

**Mr Andrew Arbuckle (Mid Scotland and Fife) (LD):** As many speakers in the debate have said, the overhaul of the planning system that the bill represents is long overdue. As someone who still sits on a local authority planning committee, I agree with other members that the present system is adversarial. In many ways, it has helped to create the demand for third-party right of appeal, as objectors have felt that their views have not been taken on board and that the scales are weighted in favour of developers.

As every former councillor knows, the door banging shut behind the councillors after a planning decision has been made is not good for local democracy. That is why I welcome the proposal for a more collaborative approach in bringing forward planning applications. I also welcome the largely consensual debate that we have had this afternoon.

Only last week, I attended a local community council and witnessed what I hope is a vision of the future. A developer was present to give his thoughts on a housing proposal for the village. He was asked, "What type of houses are you proposing?" and he replied, "What type of housing do you want?" Members should note that that was not a consultation; it was possibly what we would expect to see under a good neighbour discussion.

That example might seem idyllic in planning terms, but it represents a sea change from the current system, which breeds, as the Communities Committee's report says,

"the often deep-rooted distrust that many members of the public ... have of the current system."

The lack of a third-party right of appeal in the bill has been trumpeted throughout the debate, but I believe that, with a more consensual approach than the current system has, there will be fewer feelings of injustice.

**Patrick Harvie:** Will the member give way?

**Mr Arbuckle:** Not yet.

Also, if a proposal for a carbuncle were passed and appealed under TPRA, the carbuncle could still emerge after the appeal.

**Pauline McNeill:** Will the member give way?

**Mr Arbuckle:** Not yet.

A better way forward would be to convert the carbuncle into a cathedral or something more acceptable to the community, through prior discussion.

**Patrick Harvie:** I draw the member's attention to a commitment in his party's 2003 manifesto to

"Grant third party rights of appeal".

The commitment appeared under the heading, "Green Action", which was a flattering gesture that I am embarrassed to say we did not reciprocate. Given that the Liberal Democrats are not bound on the issue by the partnership agreement, will they vote for or against their party policy at stage 2?

**Mr Arbuckle:** Initially, I whole-heartedly believed in granting third-party rights of appeal, but Jim Mackinnon and his officials have developed a new approach that offers a better way forward. The approach that is proposed will be more consensual and will involve communities more than would the more reactive TPRA approach, which the member continues to support.

I share Karen Whitefield's concern about the proposed new planning system's requirement for qualified planning officers who will need the necessary skills to bring about the more consensual approach that the bill envisages. Christine May set out a job specification for planners that even she could not meet. A great measure of the success of the new system will depend on the qualities and enthusiasm of officials. I agreed with Christine May on another point, but I disagree with what she and others said about neighbour notification, because I am worried about the financial and human resources burdens that neighbour notification will place on local authorities. A better way forward might be to ask the developer to be responsible for neighbour notification, but to provide that if the developer does not comply, the planning application can be immediately halted, which would be quite a sanction.

On slightly parochial matters, I agree with my colleague Iain Smith and with Mark Ruskell, who

talked about the structure plan that was pushed through Fife Council. The plan was based on straight-line projections on inward migration and house occupancy and proposed the building of 35,000 new houses during the next 20 years. I do not know whether that was madness or badness.

Euan Robson was correct to say that strategic development plans must be robust and that the best approach would be to start at grass-roots level. Iain Smith pointed out that the proposed division of Fife into two strategic development plan areas is a nonsense. I also oppose that approach to Fife—what God has created, let not the Scottish Executive cast asunder.

I congratulate David McLetchie on his criticism of the current castration—not literal castration—of councillors on planning matters. I still deal with planning issues, so I welcome proposals for increased enforcement powers, because the current enforcement system attracts much criticism. However, we must ensure that legal enforcers are active in the field.

I congratulate Pauline McNeill on her excellent speech. She and Iain Smith referred to houses in multiple occupation. HMOs are not a big issue throughout the country, but the distorting effect of large numbers of HMOs in small communities is deeply felt. I am pleased that the Executive met representatives from such communities and I look forward to proposals to deal with the overprovision of HMOs.

The Communities Committee has achieved a great deal, but it must cover much ground in the coming months. I look forward to stage 2.

16:54

**Mr David Davidson (North East Scotland) (Con):** I apologise to the minister for missing the first few sentences of his speech; I think that I grasped the general thrust of it.

I was a councillor and I sat on a planning committee. Before that, I was a community councillor—indeed, I was the chairman of the Association of Scottish Community Councils. Planning is the biggest issue that community councils have dealt with over the years.

When I was a councillor, the two main issues were planning and school closures. The planning horror rolls on, so we must get the bill, which is long overdue, right. As many members have said, consultation must be meaningful. There is no point in having a consultation with a huge response and then ignoring it. Members have raised issues of public confidence, fairness, democracy and timescales. As many have said, the planning system drags back development, confuses people and is long overdue for change.

I ask the deputy minister to say what role she envisages for community councils in future. They are statutory consultees and have a right to speak on behalf of their communities. I echo my friend David McLetchie's comments, which others supported, that local councillors can be neutered or gagged when they try to speak up for their communities. That must be considered. If people are to play their role, they must have education, but there is nothing to beat experience. As has been said, we need clarity about the criteria for call-ins. The issue of affordable housing for rental and purchase has been raised throughout the debate. Patrick Harvie talked about public trust, business getting its way and people power. We must seek to get the balance right on those issues. In many ways, a TPRA has been raised.

Patrick Harvie and one or two other members spoke at length about the national planning framework—there was talk of a period of 60 days. I agree with him that committees need time to do their job properly, but that is a generic issue for the Parliament and its committees, as we must ensure that we get the legislation right. Christine Grahame said that we need a consolidating act. Why do we not put everything up front and let the Parliament examine it properly and try to produce coherent legislation? I do not doubt that the minister will have a reason for why many of the measures will be introduced through subordinate legislation, but that is a huge issue. Many members have mentioned the ECHR. The Conservatives agree that the hierarchical system, on which Christine Grahame and other members commented, is welcome, but there is a huge reliance on subordinate legislation in relation to that system, so we must ensure that the Parliament has a right to say something on that legislation.

My colleague Dave Petrie talked about the planning gain supplement. Our colleagues in Westminster have highlighted the fact that there is no guarantee that any money that may be raised from the supplement would be spent in the same community—it could go to another part of the region. As far as we are concerned, the supplement is just another form of general taxation. Many members, including John Scott and Dave Petrie, mentioned the development constraints that relate to Scottish Water, which is a huge issue. Scottish Water is not part of the communities ministerial team's responsibility, but it has a huge impact on planning and development.

I agree with Euan Robson that we need a quicker system that has the public's confidence. He and others, including Stewart Stevenson, talked about resources and affordability. If the Parliament's Finance Committee has concerns, they must be taken on board. I hope that the minister will deal with that in her closing speech. The convener of the Communities Committee

talked about resources and enforcement. I think that she suggested that we need a posh version of whistleblowing, as did other Labour back-bench members. Many members talked about front loading, which means giving people information in advance, before proposals get halfway through the system. I suspect that that will stop a lot of frustration.

David McLetchie talked about landlords in the BID system—surely the users of the property should play their part. However, the system is another levy and is not really a part of the bill that we need to deal with, because I do not think that it will be taken further down south. John Swinburne talked about a visionary dictatorship. I have some sympathy with Iain Smith, which is unusual, on his point that local authorities should be free to work together, rather than in a top-down situation. Why do we have elected local authorities if not to do a job? John Scott talked about participation. The Glasgow girls mentioned a community right of appeal as a way forward.

The Conservatives agree with the Communities Committee on the need for a parliamentary debate on the national planning framework. We need to have that sooner rather than later. The current vagueness seems contradictory to the white paper on local accountability.

As I said previously, we have got to get it right. Hopefully, that will happen during stage 2. If extra time is needed, that should be allowed. No one mentioned that we may have to go back and do post-legislative scrutiny of the bill. We need a dot on the calendar for that. The Conservatives have great sympathy with the many organisations and individuals who are concerned at how the planning system operates with regard to rights of appeal. We want comprehensive consultation with local communities, more transparency and the distribution of more pre-planning information. We will therefore move into stage 2 with an open mind, which is how today's excellent debate has run. Members have said what they think. Instead of posturing, they have explained where their doubts are coming from. We will approach stage 2, as I am sure other parties will, looking at how we can improve community involvement and influence.

17:01

**Tricia Marwick (Mid Scotland and Fife) (SNP):**

I agree with David Davidson that this has been a good, useful debate. A wide range of issues—not just third-party right of appeal—has been raised by members. One issue that most if not all of us in the Parliament and throughout Scotland can agree on is that the present planning legislation is not fit for purpose.

CBI Scotland produced a policy paper a few years ago that showed that the difficulties and challenges facing the present planning system were costing the Scottish economy £600 million a year. Few communities are satisfied that their views are taken into account and they are at a disadvantage in terms of how the present system works. Will the bill meet the needs of planners, communities, business and local authorities? Will it restore confidence and trust? Those are big questions and they are difficult to answer because so much of the detail of the bill will be left to secondary legislation.

As the Communities Committee's report says, that absence of detail has restricted its ability to scrutinise certain provisions in the bill. Witnesses, too, felt that there were many aspects of the bill on which they were unable to comment. The Royal Town Planning Institute said:

"The success of this bill will depend ... on secondary legislation."

It went on to say that

"the devil remains in the detail which has yet to come."

Frankly, ministers, that is no way in which to legislate. I think that I echo the views of Christine Grahame, David Davidson, Donald Gorrie and others when I say that.

The Communities Committee has recommended that most of the secondary legislation—I counted 10 areas—be subject to the affirmative procedure, which will allow the committee to consider that legislation in greater detail, but not to amend it. That is the major problem with the way in which the Executive deals with legislation. The areas in which the committee has asked for secondary legislation under the affirmative procedure include neighbour notification, development plans, pre-application consultations, appeals, good neighbour agreements and planning obligations. Those areas are the nub of the bill, but we do not have the details on them. I would welcome the minister's confirmation when she sums up that she accepts the need for secondary legislation in those areas to be subject to the affirmative procedure.

It is a matter of regret to me and to other members of my party that the Executive and a majority of the committee do not agree that there should be a limited third-party right of appeal. Scottish Environment LINK said to the committee:

"We are asking for a limited right of appeal and only in specific circumstances. It will not be a free-for-all."—*[Official Report, Communities Committee, 8 February 2006; c 3067.]*

**Karen Whitefield:** Will Ms Marwick confirm who was speaking for the SNP when it comes to TPRA—Jim Mather this morning, or Sandra White this afternoon?

**Tricia Marwick:** I did not hear what Jim Mather said, so I will not comment on what Karen Whitefield says he said. I make it clear that a limited third-party right of appeal is SNP policy.

The committee acknowledged that the present system is not working for communities and recognised that there is a strong feeling that the planning system is unfairly balanced in favour of applicants. My colleague Sandra White will lodge amendments at stage 2 on a third-party right of appeal.

As Stewart Stevenson said, the financial resolution is simply not good enough. There are resource implications that have not been identified and, if the bill is to work, the Executive must be honest and transparent about where those costs will lie. The bill will place new burdens on local authorities and it is vital that they be fully resourced to carry out their work. Like Christine Grahame, I have concerns about the planning gain supplement; we need clarity from the ministers on that.

I remain unconvinced about the Executive's proposals to include Fife in the overlapping boundaries of two strategic development planning authorities. I know that other Fife members share that concern. The Executive has already said that it will amend those proposals but, as a Fife MSP, I want to be reassured that the larger city authorities will not ride roughshod over Fife's needs. We have plenty evidence of that happening with the Forth Estuary Transport Authority on bridge tolls.

I turn to the aspects of the bill that have the potential to make the planning system better. Neighbour notification of development plans will play a key part in ensuring that communities are involved at the earliest stage. I welcome the transfer of responsibility for notifying neighbours from the applicant to the local authority. I also welcome pre-application consultation, but I urge the Executive to ensure that notification of it is as wide as possible. There should also be greater access to information on how applications are dealt with. Good neighbour agreements are positive, but the Executive needs to do more work on them before introducing the necessary secondary legislation.

The requirement on key agencies to co-operate with planning authorities is of great importance. Many members have mentioned Scottish Water, and I am struck by the evidence that COSLA gave the committee:

"It is Scottish Water that is delivering our development plans at the moment, because there are large areas of Scotland where local authorities cannot do development because of Scottish Water, whether it is in the development plan or not."—*[Official Report, Communities Committee, 22 March 2006; c 3307.]*

Scottish Water needs to be sorted out, and I urge the ministers to take that on board, because many of us are concerned about it. The development plans can be as good as we can make them and we can enter into discussions and decision making but, unless we can get Scottish Water to provide for what we believe is needed, the bill is useless.

**Mr Ruskell:** Will Tricia Marwick give way?

**Tricia Marwick:** I am sorry, but I am really short of time.

Temporary stop notices will be an effective means of taking immediate action against breaches of planning control, but I would like the Executive to go further and insist that, for major developments, there should be a code of construction practice that sets out in detail what operations will take place, how they will take place, whether the public can complain and how they can complain. I commend the approach that the Waverley Railway (Scotland) Bill Committee took on that and suggest that the Executive should consider whether it can be developed further.

The national planning framework is vital. That is why, like Christine Grahame and Patrick Harvie, I believe that the Parliamentary Bureau should be left to decide on the timing of the parliamentary consideration of the framework, as it does on the consideration of bills. We should not have in the bill a commitment to 40 or 60 days' consideration; it should be left more open than that.

I will highlight two other issues. One is the minister's commitment that a development's impact on human health will be taken into account as part of the environmental impact assessment. I look forward to guidance on that being submitted to the committee for examination. I also look forward to the Greens' input on that issue when the guidance is submitted, as they made good points about it. However, the minister's commitment, as far as it goes, is to be welcomed.

I welcome the minister's support for the committee's view that a duty should be placed on local authorities to address the issue of affordable housing when drawing up development plans. Many members have made that point. John Home Robertson mentioned the need for land to be made available for houses to rent. That is probably one of the most pressing problems that is currently experienced by our communities. If the Planning etc (Scotland) Bill cannot enable housing need to be met through the planning system, it will be valueless.

I said that the bill has the potential to improve the planning system. It is certainly not perfect, and many improvements are needed at stages 2 and 3. All the legislation in the world will not bring about the culture change that must take place among communities, individuals, local authorities

and developers if we are all to have confidence in the system. I urge ministers to listen and react to the comments that have been made today and to come back to us in the Communities Committee at stage 2 with amendments. I hope that they will consider in a neutral way the amendments that are lodged by those of us who are desperately seeking to make the bill better than it is now. I hope that they will engage with the committee at stages 2 and 3 as they have done at stage 1.

**The Deputy Presiding Officer (Murray Tosh):** We come to the closing speech. We are about eight minutes ahead of the clock, so there is no need to feel unduly constrained by your 10 minute allocation, minister.

17:11

**The Deputy Minister for Communities (Johann Lamont):** Is that a polite way of telling me that I should speak at a speed at which people can actually understand me? I will take it as such.

I thank the many members who have spoken in the debate, and I add my thanks to those that have already been given to the Communities Committee for all its hard work in considering the bill. I understand from my previous position on the committee just how much work it takes to get a report to this stage. I recognise the serious manner in which everyone has engaged in scrutiny of the bill, supported by the committee clerks, other officials and SPICe. I put on record my thanks to my own officials, who have worked tirelessly to be available and open in their explanations of the bill's proposals.

We should recognise the significant role of the Communities Committee in the passage of the bill—to which John Home Robertson referred—and the way in which that role has developed as the legislation has developed. We should not allow anyone to pretend that the debate has not been taken seriously at the pre-legislative stage and at stage 1, and I have already mentioned the hard work of others. I say this as someone who has run a marathon, but being the minister who was scrutinised by the committee for six and a half hours over two days certainly did not feel like the process was being taken less than seriously. We should celebrate the fact that we have a rigorous process in place in our committee structure and our committees' critical role in making legislation.

I have another confession: I love planning. I did not expect to love it. Unlike David Petrie, if I was not here, I would not be standing in front of an S2 maths class; I would be standing in front of an S2 English class. That focused my mind on how wonderful this is.

There is a genuine understanding that planning and planning decisions can change lives. As a

young person, I decided that when I went into full-time work I wanted to do something purposeful, which is why I chose to go into education. At no stage did it occur to me to go into planning. We must recapture an understanding of what planning can do and of the role that planners can play in making changes that make a difference to people's lives.

I hear what members have said about the issues around secondary legislation. We are considering the committee's recommendations on affirmative powers, and we will consider each specific request carefully. We are considering the committee's recommendation to produce an indicative timetable for the key stages of implementation. That is already in hand, and it will be with the committee before stage 3.

One of the critical issues in the debate is the importance of the Planning etc (Scotland) Bill in restoring public trust in planning. It is essential that we have honesty and maturity in the system. I say gently to Patrick Harvie that he perhaps ought to have been a little more honest about the amendment that he lodged. Everything that he highlighted in that amendment can be dealt with as the bill progresses through the Parliament. His decision to lodge his amendment was more about positioning himself politically than about engaging with the politics of the planning process and the bill.

It has been reported to me that Jim Mather, the SNP's business spokesperson, was unequivocal when he was speaking to businesspeople today about his party's opposition to the third-party right of appeal and his support for the Planning etc (Scotland) Bill. Far be it from me to suggest that he might have been tailoring his comments to his audience, but it would be helpful to get clarity from the SNP on exactly what its group's position is. The SNP must confront the fact that its spokesperson for business said something to the business community that did not exactly reflect the position of his party.

I want to address a number of other issues that have been flagged up. Patrick Harvie said that people are cynical about the process. We will not be able to challenge that attitude if we feed it by telling people that the bill is motivated entirely by cynicism and represents a capitulation to the business community.

**Patrick Harvie:** I am grateful for the opportunity to intervene, having been described as taking a dishonest position. Does the minister think that trust in the system can be built up and cynicism can be overcome when her own First Minister has been meeting developers to discuss developments without meeting opponents or other interested parties, which is in contravention of the ministerial code?

**Johann Lamont:** I do not accept Patrick Harvie's characterisation of what has happened.

We must confront the fact that if we tell people constantly that the motors behind the bill are wrong, we can hardly be surprised if they feel that they are being misled. No one who has read the bill objectively could say that it is a business persons charter; it is ludicrous to make that charge.

There are difficult challenges for us in the planning debate. How do we balance the needs of the economy against the rights of communities? How do we address the question of environmental justice? How do we avoid a situation in which we reward the strongest and those who are able to organise themselves against those who are unable to do so?

I accept that not everybody in a community is a nimbby and that not everybody in the development industry is a cowboy, but the nimbys and cowboys are there. We have to challenge both groups and ensure that the planning process does not help them to avoid progress but allows it to be supported.

If we are in favour of affordable housing, we must confront the fact that some people do not want it and will campaign against it. Developers might moan and groan about the regulation and slowness of the process, but if they confronted the people in their industry who made people cynical and exploited them, they would have to say that of course there is a place for robust scrutiny. We also have to be honest and say that there are tensions within communities. I hear a lot about the rights of communities but, as the planning minister, I know that communities sometimes speak with more than one voice.

We have to challenge what people want and we need a planning system for the things that nobody wants but everybody needs. Whatever our aspirations for transport, the economy, affordable housing and renewables, we need a planning system that will support our policy.

On the third-party right of appeal, Patrick Harvie said that he does not want lots more appeals, but I do not know how he would stop that. He ignores the importance of effective enforcement in dealing with problems in the process. We seem to have forgotten that we have argued for reducing the development industry's rights of appeal. There seems to be an assumption that if a developer appeals to the centre, the centre will always roll over and agree with them. That is not the case, so there should not be that presumption.

I have never understood why those people in favour of the third-party right of appeal think that it is more democratic and better to have decisions made at the centre. I am a bit of a megalomaniac

and I like making decisions, but how many more decisions do people want me to make? Why is there an assumption that a decision that I make at the centre will be more reflective of local interest than decisions taken in communities? That does not fit with the Greens' go-local policy.

**Mike Rumbles:** I think that the minister misunderstands the argument. The argument that I made was that mistakes will be made, no matter how the good the system is, so it is useful to have a second look at something.

**Johann Lamont:** Yes, but we have systems to deal with that. The centre is capable of making decisions and we have to have robust structures that ensure accountability.

Participation is a thread running through the Scottish Executive; it is critical. We have ensured that there is participation in housing, among other things. That is not a tick-box exercise, nor should it be.

We should also reflect on the fact that people can carry two things in their head at the one time. They can say that their frustration is because decisions that are made at a local level can be overturned and that it is because a decision that is made at a local level cannot be overturned. There is an issue about local democracy, local accountability and the specific accountability of local authorities themselves. We do not want to second-guess those local authorities in every case. There is a balance to be struck that entails ensuring that local authorities are accountable for the way in which they do their business.

On resources, I say to local government that councils have had an increase in the resources that they receive but that the resources that are going to planning have not risen proportionately. That is a challenge for them.

We need to get more planners.

**Christine Grahame:** In my speech, I referred to the number of planners. One member this afternoon mentioned the use of a golden handcuffs scheme for people embarking on planning training. What is the Executive putting in place in that regard?

I hope that the minister will also deal with the issue of planning gain, given the serious issues that the councillors who gave evidence to the committee raised about the impact on affordable housing, about which we are all concerned.

**Johann Lamont:** The issue of getting more planners is a serious one. We have to talk to the profession and engage with young people to find out what might make them more likely to choose that profession. We also have to make it a more attractive business to come into. It should not be the grind that it sometimes can be, with planners

being the fall guys in the middle of the process. Having a development plan-led system, in which there is more certainty and there is a hierarchy, will help to drive out some bits of the job that are difficult and will allow more space for the more creative element.

On the planning gain supplement, the Executive has already made a submission to Westminster on the matter. We are clear that planning is devolved but that a planning gain supplement would not be. Whatever happens, it is critical that the two systems work together and that we do not lose that local connection between developers and local communities.

The national planning framework is quite straightforward: it is a framework, and it is a spatial expression of our political priorities. I say to our friends in the Green party that, even if we sat in permanent session for the next 20 years and, at the end of that process, the Parliament agreed that we were in favour of motorways going into the national planning framework, I would not expect the Green party to agree with that position. We will never get a consensus about some of those hard issues. Ultimately, ministers are accountable to the Parliament in that regard.

The significant thread that runs through what people are saying this afternoon appears to be that the parliamentary process and the local government process, both of which involve democratic accountability, are not the places where these issues must ultimately be scrutinised. People are saying that if a decision that is made using those processes is not the one that was sought, an independent process that is somehow separate from the political process should be used. That does not make sense.

**Mr Ruskell:** Will the member give way?

**Johann Lamont:** I think that I have done extremely well on that so far and I would like to make some progress.

The issue of whether there should be a 40-day period or a 60-day period is not about us wanting to ride roughshod over the Parliament. In fact, it is to do with the openness of government. We are saying that there is more to this than our simply expressing our political priorities and that we want to engage with the Parliament, communities and stakeholders. I have made that clear throughout stage 1. Clearly, the bill already contains robust proposals for dealing with the matter. I hope that we can reflect further on the specific issue of the timescale that has been highlighted.

I recognise that people take seriously the issue of local authority interest, as do we. We will reflect on what has been said on the matter. I contend, again, that robust proposals are already in the bill.

However, we are clear that we are happy to go into further dialogue on the issue.

I recognise the importance of strategic development plans and that there should be a more effective way of planning for our larger cities. I recognise the concerns about where some of the strategic development plan boundaries will lie—for example, in Fife—and can say that we are considering options in that regard. Ultimately, we do not want to impose boundaries and will work with authorities to find practical solutions that reflect the realities on the ground.

On that point, I say to Iain Smith that one cannot carry the two things in one's head at the same time. One cannot, on the one hand, condemn Fife Council's decisions and call for an independent inquiry into what it has done and, on the other hand, say that we can never impose things on local authorities in relation to strategic development plans.

Crofting is an issue that is dear to my heart. Rob Gibson talked about the significance of common grazing and I say to him that I have dear memories of my own family serving long and weary on those committees. I recognise that there is a crossover and that some people have argued that the Crofters Commission should be a statutory consultee. I am happy to consider that further, but I emphasise that the point is a good example of the importance of local development plans reflecting local priorities while being set in a national context. That is why the drive of the bill is to acknowledge that local involvement and understanding are critical.

Members will be aware that planning is recognised as a key means of delivering social, economic and environmental sustainability. We have put a new statutory duty on planning authorities to exercise development planning functions with the objective of contributing to sustainable development. That is in line with Scottish ministers' commitments under the sustainable development strategy. I live for the day when we will all have an absolute understanding of what sustainable development is, as the process moves forward.

I have already made the point about the importance of secondary legislation. I hear what has been said about HMOs, good neighbour agreements and business improvement districts. In response to David McLetchie's point, I confirm that local authorities will be required to provide lists of existing service provision levels so that potential BID members can assess what extra services they might wish to be delivered. The concerns of the Federation of Small Businesses have been addressed through the dual voting system, which requires a majority of individual businesses to be in favour of the BID proposal as

well as a majority of the total rateable value of those businesses. Both majorities have to be in place before a BID proposal can proceed. A further consultation on the detail of the BID proposals will be issued shortly.

**Christine May:** Will the minister undertake to have discussions with the Minister for Environment and Rural Development on Scottish Water and the need for it to dovetail its investment plans as far as possible with what we are trying to do in the bill?

**Johann Lamont:** I am more than happy to take that on board. It is critical that we talk about these matters throughout the Executive, throughout the Parliament and in our communities.

Mike Rumbles said that it would be useful if we thought about the issues. He makes the assumption that we have not thought about them. The issues have been wrestled with by us, the committee, stakeholders and others. Ultimately, our judgment is that a third-party right of appeal—that is the issue that Mike Rumbles highlighted—would slow down and extend the system without necessarily improving it. I want a faster system and I want to get rid of the institutional lag that is built into it.

If a third-party right of appeal would do what is claimed for it, we would take it seriously, even if it would slow down the system, but I do not accept that it would do what is claimed. We have to consider how we can invest our time and energy in participation, development plans and real enforcement, to deal not just with the developer who is at it but to tell all the others who are thinking about being at it that they had better not bother.

A number of members said that we do not have an either/or choice. I agree. Instead, the choice is between what will make a difference and what will not. We need to concentrate on the things that will make a difference in our communities, challenge people to have proper community engagement and challenge developers to bring forward proposals that have proper endorsement. We are wrestling with the challenge of engagement and the other issues. As I said, we have to concentrate on the things that will make a difference rather than things that would make us feel better about the process without actually making the difference that we intend.

I urge members to support the general principles of the bill and I assure them that I will engage with anyone who wants to engage on proposals at stages 2 and 3. In that way, we will ensure that we have a bill that is fit for purpose for our communities and our economy and a Scotland where we can deliver all our aspirations through the planning system.

## Planning etc (Scotland) Bill: Financial Resolution

17:30

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of a financial resolution. I ask Johann Lamont to move motion S2M-3961, on the financial resolution in respect of the Planning etc (Scotland) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Planning etc. (Scotland) Bill, agrees to any expenditure or increase in expenditure of a kind referred to in Rule 9.12.3(b)(iii) of the Parliament's Standing Orders arising in consequence of the Act.—[*Johann Lamont.*]

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

## Business Motions

17:30

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S2M-4409, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 24 May 2006

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Stage 1 Debate: Bankruptcy and Diligence etc. (Scotland) Bill

*followed by* Financial Resolution: Bankruptcy and Diligence etc. (Scotland) Bill

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 25 May 2006

9.15 am Parliamentary Bureau Motions

*followed by* Stage 3 Proceedings: Police, Public Order and Criminal Justice (Scotland) Bill

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 Continuation of Stage 3 Proceedings: Police, Public Order and Criminal Justice (Scotland) Bill

*followed by* Parliamentary Bureau Motions

*followed by* Continuation of Stage 3 Proceedings: Interests of Members of the Scottish Parliament Bill

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 31 May 2006

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Stage 3 Proceedings: Animal Health and Welfare (Scotland) Bill

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business  
 Thursday 1 June 2006  
 9.15 am Parliamentary Bureau Motions  
*followed by* Scottish Conservative and Unionist  
 Party 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—[*Ms Margaret  
 Curran.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motions S2M-4407 and S2M-4408, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out timetables for legislation.

*Motions moved,*

That the Parliament agrees that consideration of the Local Electoral Administration and Registration Services (Scotland) Bill at Stage 2 be completed by 9 June 2006.

That the Parliament agrees that consideration of the Scottish Commissioner for Human Rights Bill at Stage 2 be completed by 29 September 2006.—[*Ms Margaret Curran.*]

*Motions agreed to.*

## Parliamentary Bureau Motions

17:31

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of two Parliamentary Bureau motions. I ask Margaret Curran to move motion S2M-4403, on membership of a committee, and motion S2M-4404, on the approval of a Scottish statutory instrument.

*Motions moved,*

That the Parliament agrees that Mike Rumbles be appointed to replace Mr Andrew Arbuckle on the Local Government and Transport Committee.

That the Parliament agrees that the draft Joint Inspections (Scotland) Amendment Regulations 2006 be approved.—[*Ms Margaret Curran.*]

**The Presiding Officer:** The question on the motions will be put at decision time, to which we now come.

## Decision Time

17:31

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

There are five questions to be put as a result of today's business. The first question is, that amendment S2M-4270.1, in the name of Patrick Harvie, which seeks to amend motion S2M-4270, in the name of Malcolm Chisholm, on the general principles of the Planning etc (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

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

### FOR

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Sheridan, Tommy (Glasgow) (SSP)

### AGAINST

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 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)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (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)  
 Grahame, Christine (South of Scotland) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)

Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahan, 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)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 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)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Tosh, Murray (West of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

**The Presiding Officer:** The result of the division is: For 12, Against 99, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The second question is, that motion S2M-4270, in the name of Malcolm

Chisholm, on the general principles of the Planning etc (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 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)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (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)  
 Grahame, Christine (South of Scotland) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahan, 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)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Tosh, Murray (West of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

**AGAINST**

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Sheridan, Tommy (Glasgow) (SSP)

**ABSTENTIONS**

MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)

**The Presiding Officer:** The result of the division is: For 98, Against 11, Abstentions 2.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Planning etc. (Scotland) Bill.

**The Presiding Officer:** The third question is, that motion S2M-3961, in the name of Tom McCabe, on a financial resolution in respect of the Planning etc (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 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)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (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)  
 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)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Campbell (West of Scotland) (Ind)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahan, 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)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Petrie, Dave (Highlands and Islands) (Con)  
 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)  
 Scott, John (Ayr) (Con)

Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Tosh, Murray (West of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

**AGAINST**

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Sheridan, Tommy (Glasgow) (SSP)

**ABSTENTIONS**

Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 78, Against 11, Abstentions 20.

*Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Planning etc. (Scotland) Bill, agrees to any expenditure or increase in expenditure of a kind referred to in Rule 9.12.3(b)(iii) of the Parliament's Standing Orders arising in consequence of the Act.

**The Presiding Officer:** The fourth question is, that motion S2M-4403, in the name of Margaret Curran, on membership of a committee, be agreed to.

*Motion agreed to.*

That the Parliament agrees that Mike Rumbles be appointed to replace Mr Andrew Arbuckle on the Local Government and Transport Committee.

**The Presiding Officer:** The fifth and final question is, that motion S2M-4404, in the name of Margaret Curran, on approval of a Scottish statutory instrument, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the draft Joint Inspections (Scotland) Amendment Regulations 2006 be approved.

**Aberdeen Crossrail**

**The Deputy Presiding Officer (Trish Godman):** The final item of business is a members' business debate on motion S2M-4279, in the name of Richard Baker, on Aberdeen crossrail. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament notes the economic, social and environmental benefits that Aberdeen Crossrail would bring to the city and other areas of the north east; welcomes the announcement by Network Rail in April 2006 that an additional £40 million is to be invested in the Scottish rail infrastructure network; considers that this additional investment should be used to help develop projects like Aberdeen Crossrail; welcomes the Scottish Executive's "Transport for Tomorrow" consultation as a valuable chance to debate the future of the Executive's transport strategy, and believes that the Executive should, through that strategy, move beyond a feasibility study of the crossrail project and progress towards a commitment to construction with a clear timetable for completion.

17:37

**Richard Baker (North East Scotland) (Lab):** I am pleased that we have the opportunity to hear the case for the development of Aberdeen crossrail. I thank my colleagues from across the north-east and across the parties represented in the chamber who have supported my motion, which urges the Executive to build on its support for the feasibility studies of the project by committing to its construction.

I am aware that there has been long-standing support from many people in the north-east, as well as in the chamber, for the development of Aberdeen crossrail. The proposal is being actively promoted by the north-east Scotland transport partnership. It is not surprising that it has such widespread support, given the clear benefits that the scheme would bring to our region. If our part of Scotland is to have the kind of integrated transport network that we want to see throughout the country, Aberdeen crossrail must be an essential part of that.

Aberdeen crossrail is a project that is designed to upgrade, improve and extend rail links between Aberdeen and communities both north and south of the city. It is an innovative and ambitious part of the strategy to provide more public transport options for commuters and to cut congestion in the centre of Aberdeen. It is widely agreed that there must be concerted efforts to address that issue.

An incremental approach to delivering crossrail is proposed. First, services from the south, which currently terminate at Dyce, would be extended to terminate at Inverurie. In the medium term, a half-hourly cross-Aberdeen service would be achieved,

with more services to Inverness, too. There would also be a new station in Kintore. In the longer term, a new, dedicated local service with trains every 15 minutes between Inverurie, Aberdeen and Stonehaven would be introduced. That would enable further new stations to be opened in the city and in Aberdeenshire. The 2003 Scottish strategic rail study even looks to the possibility in the long term of expanding the crossrail network to other destinations to the north and west.

The timescales for completion of the stages range from the end of next year to beyond 2012, for the full scheme. However, I hope that we can have a more ambitious timescale for implementation. There is no doubt that action is needed if we are to tackle the problem of congestion in Aberdeen in the years to come. Even with the construction of the western peripheral route, traffic forecasts suggest that car usage is set to increase, which will impact on congestion. Measures such as improved rail services in the area are crucial. We have sustainable transport schemes to encourage car sharing and cycling, but we need to give commuters more options—specifically, a rail service that complements the bus network. That works in other parts of the country, and I have no doubt that it will work well with Aberdeen crossrail.

Improving passenger numbers could lower the costs of travelling by rail, which would significantly increase the use of public transport in the north-east. The crossrail project could involve park-and-ride facilities, bus stops and access for cyclists and walkers beside each station. We need to take that kind of approach if we are to have a multi-modal, sustainable and integrated transport policy that will tackle congestion.

One might ask why I have raised the need to go ahead with the construction of crossrail before the feasibility studies have been completed. Although those studies are important, I believe that there is an overwhelming case for crossrail to go ahead, and the Executive is consulting right now on its national transport strategy. It is vital that we flag up the importance of this project at an early stage of that process. I will certainly be making a submission in support of the crossrail project, and I have today launched a petition that I hope will command a high level of support for the scheme.

When I asked a question on crossrail recently, people queried whether the minister's response showed a weakening of the Executive's commitment to the scheme, as he said that crossrail would have to compete with other transport projects for priority in the transport strategy. That seemed a perfectly reasonable answer. As the Executive embarks on its consultation, it is up to us in the north-east to

make the case for Aberdeen crossrail. The strength of our argument is clear.

In other parts of Scotland, the Executive is making the biggest investments in new rail services for decades. I know that from my own happy experience on the private bill committee that considered the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill. There are also the new stations in Edinburgh, the airport rail links and the Borders railway, to name just some of the projects. The Executive knows the value of investing in new rail services in other parts of Scotland.

It is very clear that new rail projects are proving to be very successful, as can be seen with the new services in Edinburgh, where passenger numbers on the crossrail service have risen by up to 72 per cent on last year. The stations at Newcraighall, Brunstane and Edinburgh Park have taken hundreds of cars off the roads, with 42 per cent of people who use the trains saying that they used to drive to work. That indicates that the level of investment that would be required to construct Aberdeen crossrail would have an excellent return.

I believe that Aberdeen crossrail will be hugely successful. Not only will it make a valuable contribution to the development of the transport infrastructure in our part of Scotland, but it will be crucial to our ensuring that we have an effective transport network in Aberdeen and Aberdeenshire. That is vital to the people of the area and to our economy.

For many people in the area, commuting by rail is too often an unrealistic option. I believe that if they had that option, people would welcome the service and make full use of it. That is why I believe that developing an improved rail service should be not only a local transport priority, but a priority for the Executive.

I commend Aberdeen crossrail to the chamber and to the minister, and I hope that we can look forward to the Executive pledging to make it a key part of Scotland's national transport strategy.

17:43

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I welcome the fact that we are debating the crossrail project today. It is useful that Richard Baker lodged the motion. Crossrail will help those of my constituents who commute to Aberdeen from Stonehaven.

This is not just about rail. Some of my constituents in Stonehaven in the northern part of Kincardineshire commute daily to Aberdeen, and the western peripheral route will be a great boon to them. The whole approach to a transport strategy for the north-east has to involve a

combination of the western peripheral route and the crossrail project. We are in danger of considering only one of those two major projects and ignoring the other. We have to make it absolutely clear that all the members of the Scottish Parliament from Aberdeen city and Aberdeenshire—Richard Baker will correct me if I am wrong—are in favour of both the western peripheral route and the crossrail project. It is important to stress that.

The crossrail project will be really good news for my constituency. After all, it is not just about speeding up our citizens' daily journey to work by shortening journey times; the re-opening of stations such as Newtonhill, which is something that has been long argued for by members from across the parties, will also be very important. At this point, it would be remiss of me not to mention the re-opening of Laurencekirk railway station, which is a little further south. I realise that this is not strictly on the topic of the Aberdeen crossrail project, but that development, which is something that I have been pressing for, has been given every green light to proceed. I look forward to the minister's response when NESTRANS submits its application.

However, with the crossrail and western peripheral route proposals, we must have an effective integrated transport strategy in the north-east that brings together the train, the car, park-and-ride facilities and other elements, because that will be important for the investment that is being—and will be—made in the north-east. I am pleased that the Scottish Executive is moving forward in that respect.

Finally, I have been inundated with representations and correspondence from constituents who are unhappy either with elements of the western peripheral route or with the whole project. However, it forms part of the north-east integrated transport strategy, which we need to get right. The investment for it is available, and more is coming. In that respect, the Scottish Executive must be applauded.

17:46

**Ms Maureen Watt (North East Scotland) (SNP):** I welcome this debate not because I want to praise the Executive—which is what Richard Baker no doubt intends—but because I want to highlight some barriers that hinder the development of an integrated transport system in the north-east.

I should point out that the Aberdeen crossrail project is only one strand of the work of NESTRANS. Given the focus of the public and media on the western peripheral route, the Executive should fund some public relations work

to highlight the other good work that is being undertaken to alleviate traffic congestion in and around Aberdeen.

Any objectors to the western peripheral route whom I have met think that the road—wherever it might go—is the Executive's only answer to Aberdeen's traffic problems. The coalition has only itself to blame for that state of affairs. It is unfortunate—actually, I would call it an act of downright incompetence—that an important part of the north-east integrated transport strategy has been so mishandled by successive Liberal Democrat transport ministers and that there has been no informed debate on the other strands of the work of NESTRANS. As a result, the general public do not really know about the plans for an Aberdeen crossrail project; for rail freight; for access to Aberdeen airport; for bus services; and for the provision of cycleways and walkways. The 13 strands of the proposal for a modern transport system in the north-east have largely been ignored.

We welcome the additional £40 million investment. However, although that sounds like a lot of money, it does not amount to very much if we are talking about investment in transport infrastructure. In any case, much of the money seems to go on umpteen feasibility studies and work for consultants instead of on tangible change, and it is little wonder that the public get frustrated when they see no obvious signs of progress.

Much of the investment that will be required to make the Aberdeen crossrail project a success will be used to make right successive Governments' underinvestment in the Inverness to Aberdeen line, which has been neglected for years. Indeed, passing loops will have to be installed at many places on the line before the frequency of trains on the section of the Aberdeen crossrail between Inverurie and Stonehaven can be increased. Mike Rumbles is probably glad that the re-opening of Laurencekirk station has not been considered as part of the Aberdeen crossrail project, because much faster progress seems to have been made on that proposal.

There seems to be an overriding focus on opening up stations in areas where people live, rather than areas where people work. It is all right to take people into the centre of Aberdeen, but only a fraction of them work in the city centre and there are no good, fast links to the industrial estates. I know of many people who want to take the train into Aberdeen from various points on the Inverness line, but it is difficult for them then to go on to Tullos or Altens. As a result, they are put off using public transport.

I seriously believe that, in order to realise the true potential of Aberdeen crossrail, the opening

up of smaller stations along the line is vital. A station at Tullos, where lack of car parking is a serious issue for many businesses and their employees, is a necessity if the project is to take off. Opening stations at Woodside and/or Bucksburn on the other side of the city is also essential—not, as Richard Baker said, in the longer term, but in the initial stages of the project.

I would like the minister to tell us what importance he attaches to rail freight and what has happened to the proposed freight terminal at Raiths Farm. Little freight seems to be moving through Guild Street and Craiginches at the moment. Waterloo Quay is mentioned in the NESTRANS document, yet the link is to be ripped up to make way for a retail development at Guild Street railway station. That hardly makes for integrated transport.

I welcome the debate that Richard Baker has initiated. I will use my position on the Local Government and Transport Committee to press the matter as much as I can, and I look forward to hearing the minister's response.

17:51

**Mr David Davidson (North East Scotland) (Con):** I congratulate Richard Baker on securing the debate and I welcome him on board as he joins those of us who have campaigned for the crossrail project for a long time. We now have a full set of MSPs who support the project. Obviously we have yet to hear from one or two of the local members who are ministers, but I understand their difficulty.

I have always argued that the starting point should be a station at Laurencekirk. The minister might care to reflect that, as and when the crossrail comes on stream, Laurencekirk might actually be connected and put into the pot. I suspect that there is great demand for the crossrail, and I agree with Maureen Watt that it has to go where people need to go, so the siting of stations is a major issue. There are also timescale issues. If we have a station at Laurencekirk, will there be enough parking? Stonehaven station desperately needs more parking; it is already difficult to park there because it is so busy.

Connectivity with local bus services is an issue, as is the involvement of smaller bus services, which could take people to their industrial estates once they get to a station that is reasonably near their destination. That is all part and parcel of the solution. Richard Baker mentioned park-and-ride facilities, and I have also raised the issue of parking. There are areas, particularly rural ones, where there is a desperate need for such facilities.

The biggest question, of course, is who will fund what. Maureen Watt reeled off her shopping list,

but I do not think that she believes the package to be quite as free and simple as it sounds. I have always argued that there should be an integrated hub at Guild Street, not the nonsense of yet another retail development to take people away from the city centre. There could be a retail facility there, but it would need a connection with the ferry services, a new bus station and facilities for the city buses to go through it. I have received confirmation from FirstGroup that it would consider that suggestion if there were changes to the plans for the Guild Street development, which seem to have stalled somewhat anyway. That would enable us to get even more people to and from the ferries and to connect them with the other services across Scotland.

Traffic timetabling is a major issue that I recently discussed again with Network Rail. It has £40 million for an eight-year programme under its rail utilisation strategy, to make better use of what we have got and tidy up signalling. I am not sure how the timetabling can be done to achieve a 15-minute service, but if the crossrail were developed properly I am sure that most people would be quite happy with a half-hourly service. We would then have to see how that worked out.

The north-east needs to get its fair share of resources. If the minister can get his act together on the consultation on the Stonehaven fastlink, we hope that we will get the AWPR on time. I believe that the commitment exists, although the final funding figure has not been given. However, we have not been given a real commitment to anything other than investigating the crossrail project. The project is vital not only to Aberdeen but to the economy of the north-east. People must be able to travel from where they live to the city to access, for example, work opportunities, education, medical care and leisure and recreation facilities.

It is a lot more comfortable for the disabled to travel on a train than it is for them to travel on a bus, on which they are likely to be thrown about. In addition, there might be room for only one wheelchair on a bus. There is a good inclusion case for the scheme.

All members have mentioned the airport link, which Network Rail says is not its problem. I do not know exactly whose problem it is, but no doubt it is the airport's and the city council's problem. We must get a partnership going. I would like some clarity from the minister today on some of the issues that have been raised in the debate.

17:56

**Shiona Baird (North East Scotland) (Green):** I congratulate Richard Baker on securing the debate at such an opportune moment.

The Aberdeen crossrail project is hugely important to achieving a long-term sustainable solution to Aberdeen's congestion problems. It will address the problem in a far more practical and cost-effective way than could any western peripheral route.

The economic and business case is surely self-evident. Taking commuters off the roads will free up the city centre and surrounding areas for the traffic that will still need to use the roads. Why is the crossrail scheme not the top priority in creating a modern transport system for Aberdeen? Why is it facing bureaucratic delays at every turn? Why is it not receiving high-profile political and media support in the way that the WPR is? The WPR is a costly distraction from an eminently sensible, much cheaper and less damaging alternative.

The question must be asked: is the Executive serious about tackling climate change, reducing greenhouse gases and developing sustainable transport options? It will be interesting to see how effective Transport Scotland is in working with Network Rail to address timetabling and infrastructure issues. Transport Scotland also needs to address other issues, such as time penalties, which constrain progress. Network Rail seems to have a considerable amount of power over those matters. It may prove to be rather too inflexible in its willingness to address local initiatives.

To increase frequency and manage capacity more effectively, Network Rail and Transport Scotland need to decide whether they really want to provide a first-class rail system that will attract the huge number of travellers who want to travel by train.

The crossrail project must be brought forward in its entirety. A timetable is laid out, but it must be progressed more quickly. Implementation of the first stage requires a modest investment, which is not automatically forthcoming.

Planning for extra stations, particularly the one at Altens, must begin soon if we are to encourage a modal shift from car to rail in time to disprove the already flimsy economic case for the wildly extravagant WPR proposal. I am sure that the crossrail project would be delighted to receive some of the millions that have already been wasted on WPR route options.

To end on a more positive note—

**The Minister for Transport and Telecommunications (Tavish Scott):** Gosh. Please do.

**Shiona Baird:** The planned gauge enhancement to allow greater use of the track for freight is welcome. The railways have an important and positive role to play in meeting the future

transport needs of the area. Let us show that we mean business by providing the investment that is so badly needed.

17:59

**Nora Radcliffe (Gordon) (LD):** I thank Richard Baker for giving us the opportunity to debate the Aberdeen crossrail proposals. The project is important to the north-east, but it is also important to Scotland. If our rail infrastructure could carry more passengers, that could only be good for the train operating companies, for Network Rail and for the economy as a whole. It is also important in the much wider context of climate change, which is acknowledged to be the greatest challenge that we face; the focus for climate change mitigation is on electricity generation, but that is a tiny part of our energy demand compared with transport. On all counts, therefore, the crossrail project is important.

As other members have said, the project is part of the modern transport system, which is an integrated set of proposals that NESTRANS developed and which the Executive endorsed in 2003. The proposals incorporate road, rail, park-and-ride, cycling and walking provisions. It is a substantial project, but it can be achieved incrementally. Indeed, nobody has mentioned so far the four additional shuttle services that are already in place between Aberdeen and Inverurie, which are the first services on the ground in the initial part of this extended project. That is great, but we must keep the ball rolling.

The detailed feasibility studies that are under way, which should be completed next March, are not a way of putting off developing the project. They are a necessary part of identifying in detail the practical steps, including the dynamic loops that we need to achieve the medium-term goal of extending services from the south to Inverurie and services from Inverness south of Aberdeen to Stonehaven, using the trains that are already running to achieve a half-hourly service.

There is tremendous potential for getting cars off the road. We can see that in the volume of cars that process into Aberdeen daily and out again at night. When the fuel protest was on, I turned up at Inverurie station to catch a train to Edinburgh and found that the platform was thronged with commuters who had opted to use rail to get to work. That just shows the potential market and the number of people who could choose to go to work by rail but do not do so at the moment.

I am pleased that we will be opening a station at Kintore again. It is a community that is growing exponentially. However, I would endorse what others have said about the necessity of opening stations where people are going to work. I can

remember a station at Kittybrewster and it is time that we had one again. We want stations at places such as Altens, where people are going to work. If we are going to make the most of the potential to get people out of their cars and on to rail, we need new stations along the line to serve where people work as well as where they live.

I would endorse the long-term ambition to move to a 15-minute service, because that will have an effect on usage. I note that when the frequency of the bus service between Inverurie and Aberdeen increased, usage increased. People want to know that they do not have to wait hours for a bus and that if they miss one, they will get another one quickly.

Aberdeen crossrail is an excellent project and part of a coherent transport plan. I look forward to it rolling ahead in good time.

18:02

**Mrs Nanette Milne (North East Scotland)**

**(Con):** I, too, am pleased that Richard Baker secured the debate though, given his many sleepless nights since his daughter's birth last December, I would not have been surprised had he chosen sleep deprivation rather than transport provision as a topic for debate.

Aberdeen crossrail is, as we all agree, an extremely important and integral part of the modern transport system that is planned for north-east Scotland. At a time when most of the publicity is about the Aberdeen western peripheral route, it is appropriate that we should discuss another part of the infrastructure.

If the debate receives the coverage that it deserves in our local north-east newspapers, it should highlight to those many citizens who seem to be unaware of it that the western peripheral route fits into an overall plan to ease congestion and speed up traffic flow in and around Aberdeen, to the ultimate benefit of the economy of the entire north and north-east of Scotland.

I will focus briefly and solely on the proposed new station at Kintore because I have had several representations on the matter in the past few weeks from people who have recently moved to Kintore or who are considering buying a house there. Kintore must surely be one of the fastest growing villages in Aberdeenshire. In just five years, its population has grown from just over 1,600 to over 2,500 and the village has completely changed its character from a traditional north-east village to an urban satellite of Aberdeen, with tightly packed streets of modern houses clustered round the historic village centre.

I had a look round the new developments last weekend and I saw at least two cars parked

outside nearly every house. Indeed, most of the houses have been built with double garages. Many of the owners commute daily to Aberdeen. Members should think of the effect of such traffic on the back road to Newhills, the Haudagain roundabout and Anderson Drive and consider the advantages to the environment if even half the cars from Kintore were left at home while their owners commuted by train. As Maureen Watt said, train travel is increasingly favoured by residents of Inverurie and Dyce, and Kintore people, too, want access to the train.

Surely it should be a priority to build a new station at Kintore and relieve pinchpoints on the outskirts of the city. A new station could be costly, because a passing loop of track would have to be installed alongside the existing railway line. However, I am pleased to see from the helpful NESTRANS briefing that NESTRANS classes the opening of Kintore station as a medium-term objective, which could be achieved by 2009—just three years from now—provided that resources are committed to the development.

When feasibility studies have been completed and NESTRANS has made the case for Scottish Executive investment to enable its proposed improvements to be implemented, I hope that Aberdeen crossrail will feature prominently in the Executive's proposed strategic projects review and that the Executive will approve the proposal. I hope that a station at Kintore will be an integral part of the project.

The benefits for local people and businesses, the easing of congestion in the city and the benefits to the environment would be significant. I urge the minister to enable Aberdeen crossrail to be constructed at the earliest possible opportunity.

18:06

**The Minister for Transport and Telecommunications (Tavish Scott):** I thank Richard Baker for bringing the matter forward. I will be happy to bring to the attention of my colleague Margaret Curran his keenness to serve on private bill committees, which she will note with great interest. I am sure that serving on a private bill committee would also help him with his sleep deprivation problems.

I was grateful for David Davidson's appeal to the Scottish National Party to show a degree of financial responsibility and I am sure that all members were interested to hear that Maureen Watt wants Government to spend more money on public relations—I presume in the pages of the *Daily Record*.

We are committed to delivering a more accessible transport network in Scotland and we are willing to consider proposals to enhance

infrastructure services throughout the country. As Richard Baker fairly acknowledged, we must balance the needs of different areas and communities and assess the extent to which transport proposals represent value for money in the allocation of available funds. It is important that decisions on proposals such as the Aberdeen crossrail are made in the light of the rail strategy that is being developed, the strategic projects review, which has started—I assure Nanette Milne that the crossrail proposal is part of the review—and the national transport strategy, which will be concluded later this year.

I am grateful to members for giving me the opportunity to comment on the Aberdeen western peripheral route, which was inevitably going to be mentioned in the debate. I am particularly grateful to the Greens for placing so firmly on the record their utter opposition to the scheme, despite the fact that it is the number 1 priority of NESTRANS, the local authorities concerned and many local people, including a great part of the business community. The Greens' strong opposition to the scheme is firmly on the record.

I suspect that it is inevitable that there will be a local public inquiry into proposals for an Aberdeen bypass, which will correctly scrutinise the decision-making process and the robustness of the business case. It will be important that members and organisations that support the scheme make the case at the inquiry. Conspiracy theorists—it is disappointing to note that they include a number of members of Parliament—and political opponents can look forward to that opportunity to put up or shut up.

I have nothing but the utmost sympathy for individuals who might lose their homes as a result of the route that has been identified. Nineteen homes, along 47km of the AWPR, will be removed, which is a considerably better outcome for a road that must go somewhere, as many people in the north-east have observed. I quote from—

**Shiona Baird:** Will the minister give way?

**Tavish Scott:** Let me finish the point. I thought that I had dealt with the Greens rather firmly.

An editorial in the Aberdeen *Evening Express* on 15 May said:

“The city bypass, combined with the dualling of the A90 north will create what this area needs—a modern, efficient road system. One that will see traffic flowing freely from north to south. Everyone will benefit from that.”

The editorial also acknowledged the importance of the road in the context of the entire transport system of the north-east. Richard Baker and other members made that point.

Some people—a vocal, articulate minority—oppose the Aberdeen bypass.

**Shiona Baird:** On a point of order, Presiding Officer. The subject of the motion is the Aberdeen crossrail project. Do you not feel that we are straying too far from that?

**The Deputy Presiding Officer:** I expect the minister to return to the Aberdeen crossrail as soon as possible.

**Tavish Scott:** I will do that once I have dealt with the issue that members raised—one of them was the member who raised the point of order. I know that she does not want to hear this, but she will just have to sit there and take it.

Road Sense is a campaign body that should admit that its real purpose is to oppose the road. Where was it when the First Minister, Jack McConnell, and the then minister with responsibility for transport, Lewis Macdonald, announced early in 2003 that we would build the road? That was the time to make its case, but it was not there.

I will deal with some of the issues that have been raised about the crossrail project, which, as I and several members have said, is part of the proposals for the overall transport system in the north-east. Those proposals have been developed over several years and a number of processes have been gone through. NESTRANS took over development of the project and promotes the scheme as part of its modern transport system, which includes the western peripheral route. NESTRANS has developed both schemes as part of an integrated package of measures to improve the economy, accessibility and environment of the region.

Two Scottish transport appraisal guidance reports have now been produced and have built an approach that splits the proposals into the short, medium and long term. In June 2005, just one month after receiving the STAG 1 report, we awarded £400,000 to NESTRANS for the development of detailed feasibility work, which is being done properly. NESTRANS recently submitted the first of three reports as part of that detailed work. To deal in part with Nanette Milne's point about the strategic projects review, I can say that the estimates from that, which we received in recent weeks, are that the capital cost to Government for delivery of the medium-term proposal is in the order of £40 million to £90 million, with additional operating costs to the franchise operator of about £3.2 million. For the long term, the capital costs are estimated to be £140 million to £215 million, with additional annual operating costs of £6.5 million to £8 million. That serves to show the need for a proper and full assessment of the business case. The arguments

on that have been put by members this evening. Those arguments will be revisited as part of the STAG process but, for Government investment purposes, it is important that, as with all capital transport projects, a positive business case is made.

On a wider point, we are committed to the Mossend to Elgin rail freight enhancement scheme, which Nora Radcliffe and others mentioned and which will be wholly funded from our transport funds. The project is already under way—a construction contract has been awarded to Jarvis Rail and is progressing to schedule—and will transfer 12.3 million vehicle kilometres per year from road to rail. That is a substantial improvement for north-east businesses and for the environment. The project goes hand in hand with a number of station investment proposals, and improvements that are being made throughout the network. Mike Rumbles and David Davidson mentioned Aberdeenshire Council's proposals for Laurencekirk station and there are several other investments.

I assure members that Transport Scotland and my officials are working on the crossrail project, in conjunction with the regional transport partnership, NESTRANS, to ensure a thorough assessment of the associated benefits, costs and risks for consideration as part of the strategic projects review. They will continue to do that and we will ensure that we deliver a range of important projects for the north-east.

*Meeting closed at 18:14.*



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