

MEETING OF THE PARLIAMENT

Wednesday 15 November 2006

Session 2

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Scottish Parliament

Wednesday 15 November 2006

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

Time for Reflection

The Presiding Officer (Mr George Reid): Good afternoon. Our first item of business is, as it is every Wednesday, time for reflection. Our time for reflection leader today is Dr Conrad Harvey, Buddhist faith representative, NHS Scotland spiritual care committee.

Dr Conrad Harvey (NHS Scotland Spiritual Care Committee): I would like to offer the following meditation prayer to everyone present; hopefully, you will find it useful in your lives. It involves making yourself comfortable, ideally with a straight back, and thinking to yourself:

May I be happy
May I be free from fear
May I be healed
May I be peaceful

I ask you to sit as comfortably as you can and think:

May I be happy
May I be free from fear
May I be healed
May I be peaceful

Now, I ask you to consider someone sitting beside you, whether familiar or not to you, and reflect:

May they be happy
May they be free from fear
May they be healed
May they be peaceful

And finally, I ask you to imagine as many beings as you can and go on to reflect:

May all beings be happy
May all beings be free from fear
May all beings be healed
May all beings be peaceful

Thank you. I hope you that you will find that useful in your lives.

The Presiding Officer: I will allow a few minutes for members to enter the chamber.

Business Motions

14:33

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-5154, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, on rule 11.2.4 of the standing orders.

Motion moved,

That the Parliament agrees under Rule 11.2.4 of the Standing Orders that Decision Time on Wednesday 15 November 2006 shall begin at 6.00 pm.—[*Ms Margaret Curran.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S2M-5156, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Planning etc (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during Stage 3 of the Planning etc. (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, each time limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in any morning or afternoon during which the Stage is taking place being called) or otherwise not in progress:

Groups 1 and 2:	45 minutes
Groups 3 to 7:	1 hour 50 minutes
Groups 8 and 9:	2 hours 25 minutes
Groups 10 to 15:	3 hours 25 minutes (this will conclude Wednesday's session)
Groups 16 and 17:	3 hours 55 minutes
Group 18:	4 hours 55 minutes
Groups 19 to 23:	5 hours 50 minutes
Groups 24 to 26:	6 hours 30 minutes
Groups 27 to 30:	6 hours 55 minutes.—[<i>Ms Margaret Curran.</i>]

Motion agreed to.

Planning etc (Scotland) Bill: Stage 3

14:34

The Presiding Officer (Mr George Reid): The next item of business is stage 3 proceedings on the Planning etc (Scotland) Bill. Members should have the bill as amended at stage 2—SP bill 51A; the marshalled list, which contains the amendments that I have selected for debate; a supplement to the marshalled list, which contains four manuscript amendments; and the agreed groupings.

The division bell will sound and proceedings will be suspended for five minutes for the first division this afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate, and 30 seconds for all other divisions.

Christine May wants to make a point of order.

Christine May (Central Fife) (Lab): I have just been informed that my point of order is irrelevant. I gather that there are now copies of the marshalled list at the back of the chamber.

Section 1—National Planning Framework

The Presiding Officer: Group 1 is on national planning framework—general. Amendment 1, in the name of the Minister for Communities, is grouped with amendments 38 to 40 and 97.

The Minister for Communities (Malcolm Chisholm): Amendment 1 will address an issue that Jackie Baillie raised at stage 2, by requiring that any statement on a national development in the national planning framework must contain a statement by the Scottish ministers on the need for the development and may also contain a statement on other matters pertaining to the designation. I am grateful to Jackie Baillie for her contribution on the matter. Amendment 1 clarifies our intentions: designation as a national development will establish the policy need for the development in question, but ministers should not be constrained from setting out the broader context for the designation. Amendment 1 will ensure that the NPF addresses the question of need but will not unduly restrict the matters that may be addressed in a statement on a national development.

At stage 2, we gave an undertaking to Scott Barrie to lodge an amendment to require the Scottish ministers to give regular consideration to the need for revision of the NPF. Amendments 38 to 40 will place a duty on ministers either to revise the framework or to publish an explanation of why

they decided not to revise it within five years of publishing the framework. I ask members to support amendments 1 and 38 to 40.

Amendment 97, in Patrick Harvie's name, would extend the duty to contribute to sustainable development to the function of implementing the NPF. Part 1 of the bill sets out the functions and duties of ministers in preparing and revising the NPF. As there is a clear duty on ministers to prepare the framework, it made sense to impose further duties in relation to how they should do that. However, it would make less sense to impose duties on ministers in relation to the framework's implementation, which is not the sole or even the principal responsibility of ministers. The framework will be implemented by planning authorities in exercising their planning functions, public agencies, such as the Scottish Environment Protection Agency, Scottish Natural Heritage and Scottish Water, and private developers. Planning authorities, of course, will be under a duty to contribute to sustainable development in preparing their development plans. SEPA, SNH and Scottish Water are also bound by a sustainable development duty.

I fear that amendment 97 would add a duty to unspecified and unclear ministerial functions. The key issue for the bill is to ensure that the framework, which sets out the principles and priorities for development by which many agencies will be guided, is developed with the objective of contributing to sustainable development. That is extremely important to us. I therefore ask the Parliament to reject amendment 97.

I move amendment 1.

The Presiding Officer: Before I call Patrick Harvie to speak to amendment 97, I ask members who want to contribute to the debate to press their request-to-speak buttons, which will help me with my timings.

Patrick Harvie (Glasgow) (Green): It is a delight and a pleasure finally to reach stage 3 of this important bill, even if we must extend the pleasure over two days.

I welcome the Executive amendments in the group, which will lead to the provision of more information, particularly on the need for specific national developments, and will make it clear that the NPF will be updated on a five-yearly cycle—or reasons will be given for not updating it. I am happy to support the amendments.

Amendment 97 builds on arguments that I made throughout the Communities Committee's scrutiny of the bill. In the devolved context in which we operate—albeit that some of us would like to break from it—the planning system is perhaps the most important tool at our disposal to help a transition

towards a fundamentally more sustainable basis for our society.

I was pleased that the Executive took on board arguments about extending the sustainable development duty to ministers in relation to the NPF. I would like to push the duty a little bit further. The minister says that that is not necessary, because ministers will not have functions after the NPF has been published, but I disagree: ministers will still be involved in decisions, particularly those regarding developments of national strategic importance. Given that local authorities will have such a duty, which is a positive move, it would be correct to ensure that the duty that applies to ministers and the Scottish Executive is as robust as possible.

I ask members to support amendment 97—I will move it when the time comes.

Euan Robson (Roxburgh and Berwickshire) (LD): I welcome the minister's amendments 1 and 38 to 40, which, as he said, arose from discussions at stage 2. They are both welcome and proportionate. Like Patrick Harvie, I am pleased that the bill is now at stage 3—I think that we all are.

On balance, my view is that Patrick Harvie's amendment 97 is slightly misplaced and does not sit particularly well in section 1—we will not support it for that reason. The minister's amendments will be improvements and should be welcomed.

Christine Grahame (South of Scotland) (SNP): The Scottish National Party will support the minister's amendments and Patrick Harvie's amendment 97, with which I have every sympathy, as it would be a step further forward. I congratulate the minister on the proposal to make it mandatory for the Scottish ministers to make a statement on the reasons for particular national developments. It also makes sense to have a review of the national planning framework after five years, as that will happen with local development plans. The proposals fit in neatly and will mean that further information is provided to the Parliament and committees when they discuss the national planning framework.

The Presiding Officer: Minister, do you have anything to add?

Malcolm Chisholm: There is not much to reply to. For Patrick Harvie's benefit, I clarify that I said that ministers will not have the sole or principal responsibility in implementing the framework. Euan Robson got to the heart of the matter when he said that amendment 97 is misplaced and does not fit well in section 1. Of course ministers intend to do everything on the basis of sustainable development and I agree that planning is a crucial

tool in the move toward that, but amendment 97 would not help.

Amendment 1 agreed to.

Amendments 38 to 40 moved—[Malcolm Chisholm]—and agreed to.

The Presiding Officer: Group 2 is on national planning framework: public and parliamentary involvement. Amendment 93, in the name of Bruce Crawford, is grouped with amendments 94, 95, 43, 44, 96 and 46.

Bruce Crawford (Mid Scotland and Fife) (SNP): Amendments 94 and 95 are consequential on amendment 93.

I state with certainty that all members welcome the proposals to introduce the concept of a national planning framework, or, as the bill describes it,

"a spatial plan for Scotland."

The proposals are welcome because, for far too long, national projects or strategic infrastructure improvements have been left to the mire that is the current planning framework and system. The current framework has impacted on our capacity as a country to develop a more dynamic and sustainable economy.

I welcome the Executive's strengthening of the bill at stage 2, when it lodged amendments that will require ministers to prepare and publish what the bill refers to as a "participation statement". Although we welcome the move to describe the consultation process before Parliament scrutinises the national planning framework, we believe that a vital piece of the framework is missing. The process can pragmatically be made more robust, to create an increased sense of ownership of the final outcomes, provide Parliament with better information and strengthen Parliament's scrutiny role. The vital piece of the framework that is missing is the examination in public of ministers' conclusions on the national planning framework before it is submitted to Parliament for scrutiny.

14:45

It is true that individuals and organisations will have the opportunity to give ministers their views on the initial proposals in the national planning framework, which is to be welcomed. However, what we will not have is the opportunity to contribute to or debate in public the minister's proposals prior to parliamentary scrutiny. That is exactly what an opportunity for an examination in public would provide. We believe that it is vital that individuals and organisations alike should be provided with the opportunity not only to be consulted at the initial stages, but allowed to participate much more meaningfully through the

process of an examination in public. As a result of such an examination, Parliament would be much better informed about the responses of Scotland's citizens and organisations to Executive conclusions.

The national planning framework will include a commitment in principle to strategic infrastructure projects in relation to transport, water, energy and waste, as well as projects involving major urban regeneration and large strategic business or industrial investments. Given the scale of the power that ministers intend to take to approve such strategic projects in principle, it is hugely important that people feel that they have been given the chance to make their voice heard on ministers' conclusions after consultation and before Parliament has its say.

The process of examination in public is not a new concept in spatial planning in the United Kingdom. As I pointed out at stage 2, other spatial strategies throughout the UK are tested by an examination in public. Such examinations are short, non-adversarial, focused sessions that last only a few weeks and, at the end, a report is produced that sets out the recommendations and modifications. That happens in Northern Ireland, in the London spatial strategy and in every single spatial strategy in England, unless exceptional circumstances indicate that it should not happen.

In a briefing, Scottish Environment LINK said:

"Equivalent documents across the UK are subject to a process called 'Examination in Public' which allows the assumptions and proposals to be tested and the objections of those affected by the proposals to be heard. It is illogical that individuals in the communities may be able to attend a public hearing to discuss a local retail application but would not be able to object to the principle of a special waste facility on their doorstep."

That captures the argument well.

I move amendment 93.

Christine Grahame: I rise in support of Bruce Crawford's amendments 93 to 95 and Patrick Harvie's amendment 96, and, regrettably, against Donald Gorrie's amendments 44 and 46.

Amendment 43, in my name, seeks a resolution on the proposed national planning framework to be brought before the chamber during the period of parliamentary consideration. That reflects the views of the committee at stage 1, which was that the NPF should be the subject of a debate in Parliament on a substantive motion.

In the debate in committee, Donald Gorrie, who I think supported the committee's views, said:

"The national planning framework is a major issue—it is as important as a budget, for example".

He went on to say that, while we all accept—and indeed some of us hope—that Parliament's

composition in the future will be very different from what it is now, it should have, whatever its composition,

"a significant role ... in considering the national planning framework".

John Home Robertson took the view that

"It is right and proper that Opposition members"—
he corrected himself—

"indeed, all back benchers ... should be deeply suspicious of the Executive."

Well said, John. He went on to say:

"It is unthinkable that the Parliament would not express a view."—[*Official Report, Communities Committee*, 14 June 2006; c 3731-32.]

The minister rejected that, however, taking the view that the NPF is a statement of Government policy rather than something that required a substantive motion. I would dispute that. Issues such as nuclear power stations, nuclear waste, major trunk roads and perhaps the proposed new Forth road bridge—issues that the Parliament would want to debate fully—are involved. Those matters are not suitable simply for committee debate; indeed, they could cut across the remits of many committees. It would be much better if those matters were brought to the chamber in a substantive motion for debate—and, perhaps, amendment, in the same way as my party has lodged an amendment to the motion to pass the bill.

I am sympathetic towards Donald Gorrie's amendment 44, but I have problems with the replacement subsection (3) that it intends to insert into proposed new section 3B of the Town and Country Planning (Scotland) Act 1997. Amendment 44 says:

"In relation to any report of any committee of the Scottish Parliament ... the Scottish Ministers, in preparing or revising the framework, are to have regard to the report."

I think that that is too wishy-washy, so I cannot support Donald Gorrie's amendments 44 and 46. We want something more substantive, which the whole of Scotland can test properly.

On Patrick Harvie's amendment 96, I think that we should have a summary of the responses that are submitted on the NPF. It is important to have openness and accountability. Please, let us not have to rely on freedom of information law.

Donald Gorrie (Central Scotland) (LD): Amendment 46 is consequential on amendment 44.

The bill marks a great step forward in planning. Like some other people, I feel that it does not go far enough in many respects and that some opportunities have not been taken. However, it represents some considerable advances, one of

which is the national planning framework, which is an excellent basis for planning in Scotland. In amendment 44, I assert that the Parliament should be a partner in that exercise.

There is a concept that the really serious things are decided by the Executive, whereas we in the Parliament are just a crowd of kids to be kept amused. To use another metaphor, it is like we are the First Minister's poodle. Either we in the Parliament are serious about keeping a check on what the Government does or we can go home. We must beef up the authority of the Parliament. Amendment 44 says that, if the Parliament votes against a motion on the national planning framework, the Government must pay attention to that and alter the framework to meet the Parliament's concerns. At the moment, the bill simply says:

"the Scottish Ministers are to have regard to any resolution ... of ... the Scottish Parliament".

The ministers will say, "Oh, we're decent people and we'll take all of this seriously." We cannot legislate on the basis of the Government doing the right thing, however. History shows us that that would be a mistake. Either we are serious about our scrutiny or we are not. The least that we can ask for is that the framework be put to a vote so that we can vote accordingly.

Christine Grahame picked on the second proposed new subsection in amendment 44. It is of lesser consideration if a committee makes some observations on the planning framework. The relevant minister should pay some heed to that, although they do not need to be completely guided by it. There is a difference between an official resolution of the Parliament demanding major amendment to the national planning framework and the considerations of various committees.

I urge members to take this point seriously. We are here not just as members of parties but as members of a Parliament. We need this Parliament to be taken more seriously than it is at the moment. Let us make a start, get stuck in and make ourselves a main partner in constructing the national planning framework, which is very important.

Patrick Harvie: One of the best things about our debates on the Planning etc (Scotland) Bill—I might not say that very often—is the way in which it has raised planning up the political agenda a bit. The subject had been a bit of a Cinderella for a long time. Christine Grahame is right to say that the national planning framework could have a potentially profound impact on the whole of Scotland. It has been compared to a budget, as she said. I was disappointed, however, that the bill as introduced gave the impression that we would give the NPF the same level of parliamentary

scrutiny as we might give any Scottish statutory instrument. The NPF is much more than an SSI, and we should afford it a much higher level of scrutiny—both parliamentary scrutiny and, as Bruce Crawford said, public scrutiny.

If ministers are to make their decisions and sign off the national planning framework, which can grant approval in principle to highly controversial developments, including some major infrastructure developments, we should ensure that the very highest level of public involvement takes place. That means more than just consultation. Some people will want to get involved in consultations; others will want a formal opportunity to scrutinise in public and on the record the policy objectives of the Government as laid out in the NPF. We should give them that opportunity. I am sorry that the committee was not convinced of that at stage 2, when we considered various ways of extending parliamentary and public scrutiny. I hope that members of the Executive parties, in particular, will be open to the idea now.

On the off-chance that the Parliament votes against the proposals to extend scrutiny, I hope that the Executive parties will at least be open to my proposal to give clarity to those who have been involved in the consultation about the reasons why changes have been made—or not made—to the NPF as a result of that consultation. That is such a little step in the right direction that I hope that it will be palatable to the Executive parties.

Euan Robson: We do not accept the need for Bruce Crawford's amendments 93 to 95. He asks for an examination in public. In what forum? By what means? Over what period of time? Will it bring delays to the process, as I think likely?

On Christine Grahame's amendment 43, I say that, if the Executive wilfully disregarded committee reports or any debate in Parliament, that would almost raise questions of confidence, given that we are talking about something as important as the national planning framework is.

Donald Gorrie has put a great deal of effort and time into bill and has won a lot of respect thereby. We have not always agreed with what he has said and I do not agree with his amendment 44. For example, under his proposed new subsection (A3), even if the Parliament and the Executive agreed to a compromise, that would not be possible because the amendment says that

"the reasons for ... opposition have to be removed."

The aim of Patrick Harvie's amendment 96 is covered—or, at least, implied—in proposed new sections 3C(2)(a) and 3C(2)(b), which will be inserted into the 1997 act.

Dave Petrie (Highlands and Islands) (Con): We welcome this long-awaited day. With regard to

Bruce Crawford's amendments, we consider that there is plenty of scrutiny in place in which the public can participate. To Christine Grahame, I say that Parliament can already make comment by resolution or report, so we do not consider her amendment to be necessary. We consider Donald Gorrie's amendment to be somewhat excessive and we will not be supporting it. The good news for Patrick Harvie is that we see a lot of sense in his amendment and will be supporting it.

Malcolm Chisholm: Amendments 93 to 95, in the name of Bruce Crawford, propose a separate public examination to inform parliamentary scrutiny. We do not believe that that is required for a broad strategic policy document such as the national planning framework.

Bruce Crawford wanted us to copy England. However, unlike the technical and detailed regional spatial strategies that are prepared elsewhere in the United Kingdom, the national planning framework will not allocate land for specific developments. While some of the issues that are raised by the framework might be politically contentious, they will be issues of principle rather than of technical complexity. The programme of participation and parliamentary scrutiny to which we are committed will provide ample opportunity for the issues that are raised by the framework to be examined critically. I do not think that it is appropriate to suggest that Parliament does not have the capacity or competence to conduct its own scrutiny of a national planning document or that it cannot decide, in the light of the nature of the document, how best to organise that scrutiny. Contrary to what Christine Grahame said, Parliament will have a significant role to play and its participation will not be on the level of its participation in the process relating to statutory instruments, as Patrick Harvie alleged.

Christine Grahame: Can the minister outline his thinking on how the framework will be brought before Parliament, if not by resolution?

Malcolm Chisholm: I am just about to go through the whole process. What is forgotten in relation to this issue is that it is not just a matter of having a final discussion in Parliament; there is a long process before that.

The framework will have been in the public domain long before it is laid before Parliament. Before the process begins, the Executive will publish a participation statement that will set out when and how the process will take place and the steps that will be taken to involve the public at large. Stakeholders, MSPs and the public will all be given the opportunity to participate in the debate.

15:00

The process will involve initial consultation on the scope and content of the national planning framework, the issuing of a draft for public consultation, revision of the draft in the light of the reaction to it and scrutiny of the finalised national planning framework in the Parliament. Over a number of months, there will be regional seminars, thematic seminars, workshops and e-consultations. We are keen to reach the maximum number of people and organisations and to ensure that they can participate in the most effective and appropriate way for them.

The national planning framework will, of course, draw on existing policies and programmes such as those on transport, regeneration and environmental infrastructure. It will reflect the spatial consequences of policy in those and other areas. Any projects that are identified as national developments will have been subject to scrutiny as part of the development of other strategies or programmes. That applies to all the examples that Christine Grahame mentioned. Moreover, stakeholders, the public and MSPs will have had the opportunity to scrutinise and make representations on the consultative draft. There will be opportunities for scrutiny, comment and debate throughout the preparation of the NPF and I fully expect the final stage, in the Parliament, to involve rigorous and testing scrutiny.

In the light of that extensive programme of consultation and scrutiny, we think that Christine Grahame's amendment 43 and Donald Gorrie's amendments 44 and 46 are misconceived. Ultimately, the national planning framework is a statement of Government policy, which is the responsibility of ministers, but it will have been developed painstakingly, over a prolonged period, with the full participation of the public, interested organisations and, crucially, parliamentarians. Ministers are accountable to the Parliament and it is folly to suggest that the national planning framework will be used as a Trojan horse for slipping in difficult developments unnoticed. It is for ministers to determine the framework's final content, but they will do so having taken account of the views of Parliament and the public at large.

Christine Grahame: I press the minister a little further on that. For clarity, does he intend to bring the draft national planning framework to the Parliament by way of a ministerial statement or by another method?

Malcolm Chisholm: It is appropriate for the details to be a matter for the Government of the day, but the fact is that there will be thorough scrutiny, not just at the final stage but at earlier stages. There will be full debates on the matter at meetings of the Parliament's committees and in the chamber, and there will be debates on the

individual policies that are implicit in much of the framework in connection with many other policy documents. There will be an exhaustive process of parliamentary involvement.

The bill also places a duty on ministers to make a statement to the Parliament on the actions that they take to address issues that the Parliament raises in any resolution or report on the framework. We are strongly committed to ensuring that all interested parties are fully engaged and involved in the preparation of the national planning framework and that the arrangements for participation are inclusive, open and transparent. At the end of the process, ministers will report to Parliament on how they have engaged with stakeholders and taken account of their views. We consider that the provisions on reporting to Parliament are appropriate for a broad, strategic policy document such as the national planning framework.

Patrick Harvie's amendment 96 is flawed because it presupposes that the only means of participation is through a formal response to a consultation. As we tried to signal by requiring a participation statement rather than a consultation statement, the national planning framework will be developed in a range of ways, including seminars and workshops, which will influence the development of the draft plan. It would be wrong to focus merely on consultation responses. It is more appropriate to understand how the participation of the public at large has helped to shape the national planning framework—that was the intention of an amendment that we lodged at stage 2. I ask the Parliament to reject amendments 43, 44, 46 and 96.

Bruce Crawford: On amendment 43, it is clear from the minister's response to Christine Grahame that he is not making a commitment to bring to the Parliament a substantive motion on the national planning framework. At stage 1, the Communities Committee recommended that he should do so. I am disappointed that, in effect, he said that he is prepared to bring the matter to the Parliament only through a ministerial statement. That hardly represents the partnership that we should have between the Executive and the Parliament.

As for Euan Robson's points, it is clear from amendment 93—perhaps he should have read it more closely—that arrangements would be left to ministers. It is a pity that I could not hear everything that he said, because he kept talking to his desk rather than to members.

Euan Robson: If the member would leave arrangements to ministers, is he saying that he does not know what he wants?

Bruce Crawford: That is a lame and poor comeback. We do lots of things in the Parliament

by secondary legislation. The Government has the opportunity to do that.

The minister chose to concentrate on just the regional strategies in England and failed to notice and point out that in Northern Ireland there is an examination in public of "Shaping our Future", which sets out a 25-year strategy for Northern Ireland. The London spatial development strategy, which covers 7.3 million people and 32 boroughs, provides a strategic framework for London for the next 10 to 20 years and it is also subject to an examination in public. Why are we being treated differently? Why are Scots citizens not being allowed in the door in the way that citizens in other parts of the United Kingdom are? We should take the opportunity in this Parliament to apply good practice from elsewhere.

The Presiding Officer: I take it that Mr Crawford is pressing amendment 93.

Bruce Crawford: Yes.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The member is talking to his desk.

The Presiding Officer: Order.

The question is, that amendment 93 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

As this is the first vote, I suspend the meeting for five minutes while the division bell is rung.

15:06

Meeting suspended.

15:11

On resuming—

The Presiding Officer: We will now proceed with the division.

For

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)

Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 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)
 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)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 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)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)

McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 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, Elaine (Coatbridge and Chryston) (Lab)
 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)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (Ind)

The Presiding Officer: The result of the division is: For 39, Against 80, Abstentions 4.

Amendment 93 disagreed to.

Amendments 94 and 95 not moved.

Amendment 43 moved—[Christine Grahame].

The Presiding Officer: The question is, that amendment 43 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)

Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 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)
 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)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 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)
 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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 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, Elaine (Coatbridge and Chryston) (Lab)
 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)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)
 Gorrie, Donald (Central Scotland) (LD)

The Presiding Officer: The result of the division is: For 41, Against 80, Abstentions 2.

Amendment 43 disagreed to.

Amendment 44 moved—[Donald Gorrie].

The Presiding Officer: The question is, that amendment 44 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) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 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) (Sol)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 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)
 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)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 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)
 Mather, Jim (Highlands and Islands) (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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (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, Elaine (Coatbridge and Chryston) (Lab)
 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)
 Swinney, Mr John (North Tayside) (SNP)
 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)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Presiding Officer: The result of the division is: For 18, Against 104, Abstentions 1.

Amendment 44 disagreed to.

15:15

Amendment 96 moved—[Patrick Harvie].

The Presiding Officer: The question is, that amendment 96 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)

Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Petrie, Dave (Highlands and Islands) (Con)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)

Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 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)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 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)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)
 Radcliffe, Nora (Gordon) (LD)

The Presiding Officer: The result of the division is: For 56, Against 65, Abstentions 2.

Amendment 96 disagreed to.

Amendment 46 not moved.

Amendment 97 moved—[Patrick Harvie].

The Presiding Officer: The question is, that amendment 97 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)

Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 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)
 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)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)

Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 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)
 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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 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, Elaine (Coatbridge and Chryston) (Lab)
 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)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)
 Gorrie, Donald (Central Scotland) (LD)

The Presiding Officer: The result of the division is: For 40, Against 81, Abstentions 2.

Amendment 97 disagreed to.

Section 2—Development plans

The Presiding Officer: Group 3 is on the creation of strategic development planning authorities. Amendment 98 is grouped with amendments 99, 47 and 100 to 107.

Iain Smith (North East Fife) (LD): The purpose of amendments 98 and 99 is similar to that of amendments that I lodged at stage 2. They seek to change the nature of strategic development planning authorities from creatures that are designated by ministers to bodies that are set up

by agreement between the relevant planning authorities.

I have several reasons for lodging amendment 98. I will outline the background as quickly as I can. Perhaps I am unique in the chamber in that I am still concerned about the concept of strategic development planning authorities that are to be based around Scotland's major cities. My concern largely relates to the question whether they fit with the bill's overall objectives to create a planning system that is based on sustainability and that increases community involvement—*[Interruption.]*

I do not think that it is my phone that is interfering with the sound, Presiding Officer.

The Deputy Presiding Officer (Murray Tosh): There must be one close to you. I would be grateful if members could ensure that all devices are turned off and not just switched to mute.

Iain Smith: In many ways, the proposed strategic development planning authorities go against the objectives of sustainability and community involvement.

On sustainability, I am concerned that by basing planning on city regions we will end up with a self-fulfilling prophecy—all economic development will happen around the cities and the hinterlands will become the dormitories for feeding into the cities and will not be sustainable in the long term. To be sustainable, communities need to have a balance of housing, employment, shopping, and leisure and recreation facilities. If those facilities—particularly employment and shopping—are concentrated in the cities, other communities will not be sustainable in the long term.

On community involvement, there are concerns that because the strategic development planning authorities will be centralised, there will be less democratic control and community involvement than there is even with the existing planning authorities. I am concerned about that.

The history of this subject goes back some way. The review of strategic planning went out to consultation way back in 2001, and submissions were requested to be made by October 2001. The analysis of the consultation responses that was published in February 2002 was interesting because, despite the claim that the establishment of strategic development plans for city regions attracted overwhelming support, the breakdown of the consultation responses shows that the support was extremely marginal. Indeed, excluding the responses from the business community, there was barely any difference in the number of respondents who supported, opposed or had mixed views on the proposal—and that holds true only if one excludes the responses from Fife. Of the 331 responses to the consultation, 151 came from Fife, and almost all of them were opposed to the proposed city regions.

The reasons why people in Fife opposed the proposal were outlined in Fife Council's submission to the Communities Committee at stage 1. With strategic development plans, parts of Fife could end up in either Edinburgh or Dundee city regions while other parts are included in neither. As a result, three different regimes could end up operating in Fife, which would run roughshod over the advantages of having one community plan for Fife and of having coterminous boundaries for various public bodies.

Another concern is that creeping centralisation would be likely to result from the proposals if bodies such as the local enterprise company and the health board eventually became part of the strategic planning authority area instead of maintaining their coterminous boundaries with Fife Council.

Those major concerns in Fife need to be addressed if the bill is to go any further.

When the minister responds to the debate, I ask her to consider whether the bill, which currently provides simply that the Scottish ministers may designate councils as part of a strategic development planning authority, might be amended to allow councils to propose their own scheme before the formal designation is made. We must try to ensure that full community consultation and participation takes place in designating strategic development planning authorities and developing strategic plans thereafter. It is important that we have community involvement and proper democratic accountability.

I move amendment 98.

Donald Gorrie: Part of the purpose of amendment 47 is similar to the purpose of Iain Smith's amendment 98. I do not necessarily share his concern about strategic development planning authorities—if they are to be, let them be—but they need to have a democratic basis. It is not clear from the bill what local authorities can do if they do not wish to be included in a city-based strategic development planning authority. Amendment 47 would provide councils with the right to say whether they wished to be involved in such an arrangement.

A number of the councils that adjoin City of Edinburgh Council or Glasgow City Council or that come in-between the two of them might have concerns about whether they should be linked to one or other of the city regions or to neither. We should give the councils freedom to make their decision. Amendment 47 would achieve that by allowing local councils to decide whether they wish to be part of a strategic development planning authority. The Executive would need to pay heed to that wish by not including a council area within a strategic development planning authority area if the council did not wish it.

A bit of local democracy is a good idea. The council might get it wrong, but it has the right to get it wrong, because it represents the local people. We should not merely have diktat from one or two civil servants who confront a map in a Government office. Let us have a bit of democracy and let the councils decide whether they wish to be in or out of strategic development planning authorities.

The Deputy Presiding Officer: Speeches should be of two minutes.

Dave Petrie: I appreciate the thrust of Iain Smith's argument that councils should be allowed to set up their own strategic development planning authority but, ironically, his proposal could lead to the exclusion of smaller remote authorities. My vision is that rural authorities, island authorities and urban authorities should be able to form part of a cluster if they have the same aims and objectives.

My concern about amendment 47 is that, unless all councils participate, the proposal just will not work.

We will not support amendments 98, 99 or 47.

Euan Robson: There are some residual issues relating to boundaries—it would be helpful if the minister clarified them. Fife might be divided down the middle, with one part looking towards Dundee and the other towards Edinburgh. One way around that might be to allow Fife to be part of both strategic development plan areas and for geographical coverage to extend in both directions. There is a danger that some authorities may be divided in two. In the Borders, which I represent, what will be the status of those areas that are outside official strategic development plan area boundaries? A whole-authority approach to boundaries is preferable. Strategic development plan areas are difficult to construct on a geographical basis, for the simple reason that transport considerations, for example, may suggest a boundary different from that suggested by natural features. I would be grateful if the minister commented on the value of taking a whole-authority approach.

Christine Grahame: This may be a first, but I like both Iain Smith's and Donald Gorrie's amendments. SNP members will support the amendments lodged by both members, although no new coalition should be read into that.

Iain Smith's amendments 98 and 99 are important because they would transfer the power to designate strategic development plan authorities to self-selecting local authorities. The amendments would not only restore local democracy but make it consensual. Ministers should not direct local authorities for a variety of reasons. As has been illustrated, the Scottish

Borders may be designated with Edinburgh, although the area might not want that. Fife could be put in with Edinburgh or Dundee, or—as was eloquently described—there could be three strategic development plans, all mixed up together. It is for local authorities to decide which strategic development plans and projects are suitable for them to take part in.

Donald Gorrie offers a softer option, which is none the worse for that. Again, the process would be consensual and local authorities would be able to opt out, which is appropriate.

Christine May: As members of the Enterprise and Culture Committee will know, my constituency of Central Fife is on the periphery of two strategic development plan areas—those of Dundee and Edinburgh. On many occasions, I have pressed for parity of treatment of the peripheral parts of those areas with city centres.

Metro regions are the way in which to generate economic development. If planning is about anything at all, it is about good social and economic development. I seek reassurance from the minister that in strategic development plan areas there will be parity of treatment of peripheral areas with urban centres, that there will be a duty on the combined planning authority to ensure that fairness is achieved, and that ministers will put in place some sort of monitoring to ensure that that happens. Subject to the assurances that I receive from the minister, I will not support amendments 98, 99 and 47.

Patrick Harvie: Iain Smith's proposal that arrangements should be entered into by consent seems entirely reasonable. He expressed wider concerns about the operation of strategic development plans that relate more to how the mechanism is used than to the concept itself. We have an opportunity to set the right tone in the bill—democratic accountability is the key. A decision by a minister is, of course, part of the democratic system, but it is a step removed from the local area to which it relates. People expect local councils to be the bodies that are mainly responsible for making planning decisions. Unless ministers can give reasons why they should be able to compel councils to enter into strategic development planning authorities against their will, Iain Smith's amendments 98 and 99 are reasonable.

Donald Gorrie's approach addresses the same issue, but in shifting the decision making to Parliament he does not localise it as Iain Smith's amendments do, so we will not be supporting amendment 47.

15:30

The Deputy Minister for Communities (Johann Lamont): I share Patrick Harvie's joy at

being here at stage 3—still having a pulse in my body is probably a bonus. I welcome the opportunity to contribute to a discussion that encapsulates, to some extent, clear threads that ran right through stage 2 deliberations on the bill: the balance between local decision making and central decision making, the authority of decisions and the stage at which decisions are made. I recognise the significance of the points that have been made, particularly by Iain Smith.

It was stressed at stages 1 and 2 that the quick establishment of effective joint working arrangements between planning authorities is critical to the success of our proposed strategic development plans. Amendments 98 to 107 are all based on the principle that there should be greater discretion for planning authorities to decide whether to form a strategic development planning authority and when to prepare a plan. Although we accept that co-operation is always better than compulsion, we argue that our approach is appropriate.

Amendment 98 and consequential amendments 100 to 106 would allow authorities to decide whether to form a strategic development planning authority, and they would remove the ability to place a clear and immediate requirement on a group of authorities to work together to prepare a plan and to direct, if necessary, that employees of a particular authority be assigned to manage and prepare the plan. We consider that removal of those provisions would increase the likelihood of disagreement and delay. We want the debate between authorities to focus on where the boundaries will lie and on what key issues face each area, not to falter on deciding who should be involved.

At the other end of the scale, an amendment that was lodged at stage 2 by Jackie Baillie sought to put in place a statutory requirement for the authorities to form a joint committee for strategic development planning. Although that amendment was withdrawn, it signals that there are two very different perspectives on the matter. I strongly believe that our proposals achieve the right balance between prescription and discretion, and I consider that they offer the best opportunity to get plans in place quickly and effectively.

Amendment 99 and consequential amendment 107 seek to remove the provision for ministers to require a group of authorities to prepare a strategic development plan at a specific time. Given the new requirement to prepare strategic development plans on a five-yearly basis, we do not think that the provision will be used often, but it remains a useful backstop should a national issue arise that requires a quick review of the plan. Amendments 99 and 107 are also unhelpful.

I am aware that section 2 of the bill has raised a number of concerns in a number of areas—

particularly, but not exclusively, in Fife—about which authorities will be involved in the new strategic development planning authorities, what the boundaries will be and how the joint working arrangements will operate. Some of those concerns are founded on a feeling, which has been expressed in Parliament, that the city-region approach is not the best way to deal with land-use planning or service provision in general. There are also concerns about the impact on outlying areas.

The bill is not about taking away powers from specific authorities or areas: in fact, we believe that the proposals offer some authority areas, such as Fife, significant benefits through their being able to influence planning in the wider regions of which they are part. It cannot be right for decisions that affect Fife to be taken by authorities in Edinburgh or Dundee. What is needed, however, is collaboration to address common problems with the interconnection of areas: areas must engage collaboratively with their neighbours and not be dominated by them.

Our approach is designed to avoid any one authority dominating the situation. It is a matter of ensuring that there is a formal forum for authorities in the wider regions to collaborate on shaping the overall planning strategy through recognition of the critical and supportive relationship in both directions between the cities and the neighbouring towns and countryside. We are aware of the tensions between the power of cities and the feelings of people in what have been described as outlying areas. Those tensions can also be felt in the cities.

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

Is the minister saying that, if members in Fife believe passionately that they should vote against an issue on the strategic authority, and do so, they could not be outvoted on it?

Johann Lamont: We have emphasised that all those involved have to take account of all the points that are made across the board, and that there must be parity and respect, as has been identified.

We acknowledge that the primary relationship on planning matters must be between communities and the council that represents them, so our guidance will require community engagement in preparation of plans and full engagement in, and endorsement of, the plans by the constituent member authorities of each joint board. I therefore believe that the new strategic development planning approach will ensure that the plans look more effectively beyond local authority boundaries and that the new requirements for plans to contribute to sustainable development will require that all issues be examined and all impacts be assessed in order to deliver benefits throughout each area.

The bill does not define what the groups of authorities should be for any strategic development plan—that will be a matter for secondary legislation. I confirm, as I stated at stage 2, that we are fully committed to further detailed discussion with authorities on draft designation orders. I stress that ministers will listen to the range of views before deciding what the groups should be. It is then for those groups to determine the boundaries of the plans. In some cases, authorities may want to be included as a whole, but in others they may consider that only part of the area should be included. That decision will, in the first instance, be for the group of authorities. I stress that the bill does not prevent any of those boundary options from being developed.

I give the assurance that the Planning etc (Scotland) Bill will not be used as an opportunity to drive forward changes to other organisational structures, such as local enterprise companies and health boards, or as an opportunity for wider discussions about public service reform. The bill is about putting in place effective land-use planning arrangements that reflect reality.

I reassure members about the purpose of strategic development plans and our desire to see the establishment of effective working arrangements. In that regard, I see Iain Smith's amendments in particular as important reminders of the care that we must exercise to secure transparency, accountability and the necessary balance. However, I believe, for the reasons that I have outlined, that his amendments, although they were lodged with the best of intentions, are not necessary. I therefore invite Iain Smith to withdraw amendment 98 and not to move the remainder of his amendments.

Amendment 47 is a repeat of Donald Gorrie's amendment at stage 2. It seeks to require ministers to consult authorities before designating the new strategic development planning authorities, and to give Parliament the final say in deciding which authorities are and are not included. As I have said, we shall ensure that authorities and others have every opportunity to make known their views on the draft designation orders for the new strategic development planning authorities. We believe that it is right for the Scottish ministers to lead the process and to have the opportunity to listen to all views before they decide on the final groupings. I therefore recommend that members reject amendment 47.

Iain Smith: Some of my concerns about democratic accountability and community involvement in the strategic planning process remain. However, I acknowledge the minister's helpful comments. She assured us that in the process of determining the designation orders and

considering the guidance there will be further guidance and opportunities for Parliament to have a say. I give the warning that if I am still a member of Parliament when the designation orders come forward and I am not satisfied that sufficient consultation has been conducted I will oppose their adoption. However, given the minister's assurances to date that there will be proper consultation of the partners involved to ensure a system that will work in the interests of all communities and not only the cities, I am willing to seek to withdraw amendment 98.

The Deputy Presiding Officer: Does any member object to Iain Smith withdrawing amendment 98?

Members: Yes.

The Deputy Presiding Officer: The question is, that amendment 98 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Mather, Jim (Highlands and Islands) (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)
 Scott, Eleanor (Highlands and Islands) (Green)
 Smith, Iain (North East Fife) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 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)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
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 Mulligan, Mrs Mary (Linlithgow) (Lab)
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 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (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)
 Sheridan, Tommy (Glasgow) (Sol)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Margaret (Edinburgh West) (LD)

Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 33, Against 82, Abstentions 1.

Amendment 98 disagreed to.

The Deputy Presiding Officer: Amendment 99 is in the name of Iain Smith.

Iain Smith: All my other amendments in the group are consequential on amendment 98, so I will not move them.

Amendment 99 not moved.

Amendment 47 moved—[Donald Gorrie].

The Deputy Presiding Officer: The question is, that amendment 47 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
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 Baird, Shiona (North East Scotland) (Green)

Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 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)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
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 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)
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 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 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)
 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)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (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, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)
 Smith, Iain (North East Fife) (LD)

The Deputy Presiding Officer: The result of the division is: For 31, Against 85, Abstentions 2.

Amendment 47 disagreed to.

The Deputy Presiding Officer: Amendment 100 is in the name of Iain Smith. I take it, Mr Smith, that you are not moving that amendment.

Iain Smith: I wonder whether I can save time by not moving amendments 100 to 104 en bloc.

The Deputy Presiding Officer: Unfortunately, I have to call each of the amendments. I ask that you confirm that you are not moving them when I do so.

Amendment 100 not moved.

Amendment 101 not moved.

Amendment 102 not moved.

Amendment 103 not moved.

Amendment 104 not moved.

The Deputy Presiding Officer: That is fine. No one else jumped in to move them.

Group 4 is on general issues with regard to strategic and local development plans. Amendment 20, in the name of the minister, is grouped with amendments 2, 21, 3 to 5 and 160.

Malcolm Chisholm: Amendments 20 and 21 seek to require the principal physical, economic, social and environmental factors that affect local and strategic development plans to be monitored regularly and a report on that monitoring to be published from time to time and, in any event, when a main issues report is published. The amendments, which follow from a stage 2 amendment that was lodged by Scott Barrie and which related only to local development plans, seek to set a general monitoring requirement for both tiers of plan and to ensure that the monitoring report is published in order to inform the preparation of the next main issues report. As these helpful amendments will ensure that the effectiveness of plans is regularly assessed and that any necessary changes are fed into the next plan review, I recommend that they be accepted.

Following an amendment that was lodged at stage 2 by Donald Gorrie, we agreed to come back at stage 3 with an amendment that would require strategic development planning authorities to send a copy of the proposed strategic development plan to planning authorities that neighbour the strategic development plan area. That will be the effect of amendment 2. Given that the bill already requires the strategic development planning authority to seek the views of neighbouring authorities in drawing up the main issues report, the amendment represents a logical additional step in the process and I recommend that it be accepted.

Amendment 3 seeks to ensure that notice of a local development plan examination is advertised just in libraries in the local development plan area rather than in the whole planning authority area. It acknowledges that some authorities will continue to be covered by more than one local development plan and that publicity is required only in the plan area. As it follows on from stage 2 amendments 33 and 34, which sought to make the same change at other stages in the plan process, and therefore ensures consistency with the remainder of the provisions, I recommend that amendment 3 be accepted.

Amendment 4, which follows from a stage 2 amendment that was lodged by Scott Barrie and which sought additional publicity for development plan schemes, seeks to require planning authorities to publish, on adoption, their development plan schemes, to send copies to Scottish ministers and to make them available in local libraries. This sensible addition to the bill is consistent with other provisions that are aimed at increasing transparency and engagement in the system and I recommend that it be accepted.

Amendment 5 is a technical amendment that seeks to replace the phrase "development control" with "development management" in order to reflect the new and more positive terminology that has been adopted in the modernisation package. I recommend that it, too, be accepted.

Manuscript amendment 160 seeks to require the regulations that set out the circumstances in which planning authorities can depart from the reporter's recommendations on a local development plan examination to be made first under the affirmative procedure. Concerns have been expressed about the lack of detail in the bill, but it is more effective for such matters to be included in secondary legislation, in order to allow for later amendment. We accept that there is much interest in the content of the regulations. As was stressed at stage 2, we will work closely with authorities and others to develop the detail. I am therefore happy for the regulations to be subject to the affirmative procedure to ensure proper scrutiny of the

circumstances. I recommend that amendment 160 be accepted.

I move amendment 20.

The Deputy Presiding Officer: We will have a quick lap of honour from Sylvia Jackson.

15:45

Dr Sylvia Jackson (Stirling) (Lab): Thank you. I just wanted to say that, in relation to section 19(10)(a)(i), the members of the Subordinate Legislation Committee are pleased that the minister and the Executive have accepted that the affirmative procedure should be adopted.

Scott Barrie (Dunfermline West) (Lab): I thank the minister for honouring the commitment that was given at stage 2 to lodge further amendments on these matters. The minister said, rightly, that the amendment that I originally lodged referred only to local plans, and he said that it would be better to lodge another amendment to cover both tiers. I am glad that the Executive has done that today and I thank the minister very much.

Christine Grahame: We on the SNP side of the chamber also find this group of amendments helpful in that they will increase transparency and accountability.

My one question for the minister relates to amendment 4 and the use of the expression

"As soon as is reasonably practicable after a development plan scheme has been adopted".

Has the minister a timescale in mind? If so, it would be helpful to have it on the record.

Malcolm Chisholm: I am afraid that it is a general remark and I cannot be more specific.

Amendment 20 agreed to.

Amendments 105, 106 and 107 not moved.

Amendment 2 moved—[Malcolm Chisholm]—and agreed to.

The Deputy Presiding Officer: Amendment 108, in the name of Pauline McNeill, is grouped with amendments 125 and 126.

Pauline McNeill (Glasgow Kelvin) (Lab): Open spaces are the lungs of urban communities; indeed, they are the lungs of all communities. However, the pressure on space has never been greater. As Scotland's economy continues to grow and regeneration policies thrive, the pressure on our open spaces will continue.

A range of Scottish Executive policies rely on green and open spaces. Our policies on fitness among young and old people and our health in general depend on our open spaces. If we do not take steps to preserve those spaces, when we

lose them we will lose them for ever. We all know of stories about sports clubs and sports grounds being sold off for development and not being replaced. In my constituency, the vibrant Dowanhill Lawn Tennis Club faces closure, as it is possible for the developers to argue that an equivalent facility can be enhanced to compensate for loss of that space. They propose to build another sports club ground further down the road.

At the moment, the planning rules on green spaces and spaces that host sports clubs are too loose—developers can work their way around them. The presumption against building in open spaces and green spaces, especially where the ground has already been zoned for recreational use, should be a robust presumption that is difficult to overturn.

I responded to the recent Scottish Executive consultation on planning and policy guidance on green spaces, open spaces and sports facilities. I welcome the work that the Executive is doing, and I hope that other members took the opportunity to respond to the consultation. In my response, I made it clear that we must ensure that the rules on equivalent spaces that can be found elsewhere do not result in an overall reduction of spaces.

I welcome the Executive's plans to ask local authorities to audit their spaces; that is a very good and important development that I support whole-heartedly. However, I want a debate on whether that would best be done through guidance or the bill. I am looking for an assurance from ministers that any such guidance will be robust. I want local authorities to be reassured that, if they reject planning applications for developments on open spaces, their decisions will not be overturned. Developers will seek to use the rules to do that and, as we know, they have the right to appeal whereas communities do not. That debate is for another day, however.

I am looking for assurances that, at the end of the consultation on green spaces, the action that the Executive takes will be robust enough to offer genuine protection to all Scotland's open spaces.

I move amendment 108.

The Deputy Presiding Officer: I call Christine Grahame. You have two minutes.

Christine Grahame: I will be quick. Amendment 108 is important and I congratulate Pauline McNeill on lodging it. If she seeks leave to withdraw it, the SNP will oppose that request and move the amendment.

Open space is equally important to people in rural and urban areas. The misconception is that, because people have fields all about them, they have open space. Fields are not open spaces; they are places of work. Green space is as

relevant to people in rural Scotland as it is to those in urban Scotland.

One example from my area is that of a school that is being built on open space, on common good land. The ministers called in the application, because the land was not even designated in the local development plan for those purposes, but it is proceeding. If the presumption in planning law had been for open spaces to be protected, the development would not have been approved. Amendment 108 is terribly important. As I said, if Pauline McNeill seeks leave to withdraw it, the SNP will move it.

Dave Petrie: As a sports fanatic and extra-curricular supporter, I agree with Pauline McNeill about protection of recreational areas. I am delighted to see that Glasgow City Council is converting all its blaes pitches to all-weather facilities.

However, I have a slight concern about the inflexibility of the proposal. If, for any reason, an authority wanted to cover a sports facility or have an indoor sports centre built on a recreational area, it might be prohibited from doing so. I support the principle and spirit of amendment 108, but the Conservatives will vote against it because we think that it would be far better to set something more flexibly in regulation and guidance.

Patrick Harvie: Pauline McNeill began by describing open spaces as the "lungs of all communities". I am sure that all members recognise the importance of such spaces in respect of a range of issues, including—as Pauline McNeill said—health.

Community cohesion is another reason for having green and open spaces. I am thinking in particular of the informal spaces that do not necessarily get the same protection as formal parks. Those informal spaces are often the first places where people meet their neighbours after moving into a new area, when they are walking their dogs or taking their children out to play. Such spaces are not only part of the physical fabric of the environment—they help to make real communities.

Pauline McNeill spoke about shocking examples in her constituency, but examples of the loss of green and open spaces are to be found throughout Glasgow and the whole of Scotland. Although the Executive's idea of audits is good and will give us more information about how much open space exists and how much has been lost, it seems that such audits are going to be in the pipeline for rather a long time. We are making insufficient progress in completing them.

I am happy to support Pauline McNeill's amendment 108 and I am pleased to hear that another member will move it if she does not.

The Deputy Presiding Officer: I call Malcolm Chisholm to respond to the debate. I would be grateful if you could do so in four minutes, minister.

Malcolm Chisholm: Amendment 108 seeks to require the spatial strategies of local development plans to identify areas of important open space and to introduce a presumption against development of such areas. Since the introduction of the bill, a review of the national policy on open space has commenced. Pauline McNeill reminded us of that. Earlier this year, we published draft Scottish planning policy 11 on physical activity and open space. I believe that draft SPP 11 is a robust policy document.

The draft policy seeks to strengthen protection of open space significantly; for example, it will require local councils to audit their open space and introduces a new requirement for them to notify ministers of a much wider range of developments on open space, including those that involve smaller community sports facilities such as tennis courts and bowling greens.

The consultation on draft SPP 11 closed on 3 November and received 130 responses from a wide range of interests. I thank Pauline McNeill for her comments in that regard and I agree wholeheartedly with the general thrust of her remarks about the importance of open space. However, given the review of SPP 11 and its aim of strengthening the provision and protection of open space, the legal requirements that are proposed in amendment 108 are not appropriate.

Amendment 108 would create a presumption against the development of open space, but draft SPP 11 promotes such a presumption. That is the right policy route for dealing with that important issue. The draft SPP acknowledges that development plans are the proper vehicle for deciding where development should occur and will require plans to identify open spaces that are to be protected and enhanced. Although I support the aim of amendment 108, I do not support the legal requirement that it would introduce. Draft SPP 11 offers a more appropriate and effective opportunity to strengthen protection of open space. We will take on board the concerns that have been expressed in this debate when we finalise the policy, so I recommend that amendment 108 be rejected.

Amendments 125 and 126 would oblige the Scottish ministers to call in every planning application on an area of designated open space unless the planning authority refused permission.

Pauline McNeill: First, will the minister clarify the status of guidance to local authorities? Secondly, if a local authority rejected a planning application on the basis of the guidance, would the

Scottish ministers use the same guidance and support the authority's refusal to grant the application?

Malcolm Chisholm: The guidance would be a material consideration. SPP 11 will be important in determinations by local authorities and ministers on such issues. SPP 11 will be a robust document but, as I said, we are finalising it and will make it more robust if we can. We will take on board the comments that have been made in the debate.

On amendments 125 and 126, I understand the desire to protect good-quality open space, but I do not agree that ministerial scrutiny and centralised decision making are necessary in all circumstances. Amendments 125 and 126 would undermine the principle of local democracy in planning matters by requiring that minor or non-contentious developments be taken out of the hands of local authorities. For example, ministers would have no choice but to call in and ultimately decide on a planning application for a sports pavilion that was needed to replace a dilapidated facility on a playing field. Not all developments on open space are offensive or require intervention at national level.

As I said, we seek to widen notification requirements through SPP 11 and to back up our approach with an option for ministers to intervene if necessary to ensure that we strengthen protection of open space. We all share that important objective. We are acting on the matter, so I ask members to reject amendments 125 and 126.

Pauline McNeill: I listened to the minister's comments and I agree that the guidance is important. I want the guidance to be fully used by local authorities.

The issue is difficult for me. I accept Dave Petrie's point that the approach that I propose has not been tested and has not been consulted on, although I think that it would attract widespread support. When back benchers lodge amendments, there are always drafting issues. I plead with the Executive to monitor the effectiveness of the guidance. If it is designed to protect open spaces it should do so. If it fails, I expect ministers to introduce tougher legislation. On that basis, I seek members' leave to withdraw amendment 108.

The Deputy Presiding Officer: Does any member object to the withdrawal of amendment 108?

Members: Yes.

The Deputy Presiding Officer: The question is, that amendment 108 be agreed to. Are we agreed?

Members: No.

The Deputy 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) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 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)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)

Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 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)
 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)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (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, Elaine (Coatbridge and Chryston) (Lab)
 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)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 40, Against 79, Abstentions 1.

Amendment 108 disagreed to.

16:00

The Deputy Presiding Officer: Group 6 is on houses in multiple occupation. Amendment 109, in the name of Pauline McNeill, is grouped with amendments 113, 112, 141 and 140.

Pauline McNeill: I know a wee bit about houses in multiple occupation, having lived in two streets in Glasgow Hillhead—Kersland Street and Cecil Street—that are well known for many reasons and which have a high concentration of HMOs. The members who have lived in Cecil Street will know what I am talking about. [*Laughter.*] Perhaps the Presiding Officer will add a few seconds to my time because of that distraction.

During the passage of the Housing (Scotland) Bill, I consistently raised the issue of HMOs and was advised that the passage of the Planning etc (Scotland) Bill would be the appropriate time at which to raise the matter. So, contrary to some of the briefings that have been issued in the past couple of days, the issue is certainly not new—it is not new to me and I am sure that it is not new to other members.

I welcome the discussions that took place at a meeting on 12 April that was initiated by Scottish Executive officials and included local authorities. Under amendment 109, making a property an HMO would be regarded as a material change of use, which would mean that the change would be brought within the planning system. Under amendment 113, a subdivision of rooms, when designed for a change of use, would be covered by the planning system, too. Amendment 140 would end the use of certificates of lawful use in relation to HMOs. Amendment 141 would allow authorities to revoke HMO licences, if they so wished.

There have been some misleading briefings about the amendments. In some parts of the country, issues arise as a result of the overprovision of HMOs. In Glasgow, landlords are required to obtain planning permission when there are three or more tenants—the figure is four or more in the west end. I acknowledge that local policies exist, but I want to ensure that they are enforced. My amendments are about achieving a sustainable housing mix to ensure provision for students, migrant workers, young professionals and others who rely on sharing their accommodation, as well as for the families that live in areas permanently. We need to ensure that local authorities have mechanisms to strike such a balance. I have argued consistently that we should ensure that we have mixed affordable housing. I argued that in relation to private development and I will argue it in relation to John Home Robertson's amendment 22, which I support.

My amendments would not reduce the existing number of HMOs, as they are neither about changing the status of existing HMOs nor about renewals. The amendments would apply to proposals for new HMOs, which would be dealt with in line with the local authority's policy, whatever it might be. If a local authority had no

limit on HMOs, the legislation would not apply and the matter would be for the local authority to decide.

In some streets in my constituency, in excess of 50 per cent of properties are HMOs. One reason for that is that planning permission is not always sought and that, even when it is required, the 10-year lawful use certificate means that a council is unable to decline planning permission if the property has been used in that way for 10 years, even illegally. Students, too, have concerns about living where there are large concentrations of HMOs. This is about spreading HMOs around cities rather than concentrating them or reducing their number.

The subdivision of rooms is an important issue, as it brings multiple people into areas designed for smaller numbers. There are elderly people who have had four or five people move into a flat above them because there has been a change in the use of a room, so that everyone is trying to live on top of one another in a house that was designed for much smaller numbers. Bringing that issue into the planning system would allow conditions to be set. Bedrooms below bedrooms in tenement property are a real problem because they are not well insulated.

I have raised the issue of HMOs many times and I would like to hear what the Executive proposes to do. I want the Executive to recognise that the issue is a real one and to consider whether the legislation could contain anything that would ensure that a balance is struck and that we have mixed communities.

I move amendment 109.

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): HMO provision is necessary, especially for young people but, as Pauline McNeill said, problems occur when there is a concentration of HMOs in towns and cities. For example, in St Andrews, 90 per cent of some streets and blocks consist of HMO properties. In other towns, enclaves of migrant workers are being created. As has been seen in other parts of the country, if the number of young, transient and short-term residents increases beyond a certain level, the nature of the community changes and the balance and sustainability of a locality can be placed in jeopardy. Family-oriented shops become non-viable and are replaced with fast-food outlets, which makes the area less desirable for families. In areas in which that happens, another downside is the closure of primary schools so that, instead of being mixed, vibrant and sustainable, a community becomes a monoculture of single, young people, with all the potential difficulties that that can bring.

Amendment 112 recognises that HMOs are commercial operations. Financially, they can be

very profitable operations, but HMOs should also be required to sit comfortably alongside family homes. They do not just cater for students, but where there are concentrations of students, areas can become ghost towns during the long holidays. Amendment 112 is intended to protect the very principle of having mixed, viable and sustainable communities, which, incidentally, is a primary aim of the bill. The amendment, like Pauline McNeill's amendments, would not in any way affect existing HMO provision. It would simply allow local authorities to develop sensitive local plans. Again, in line with the thrust of the bill, all stakeholders and interested parties would be consulted on those plans. The present situation, in which some HMOs require planning consent and others do not, leads to great confusion for the public and for providers of HMOs. Sadly, that results in frequent disregard of existing laws.

In similar fashion to Pauline McNeill, I have received e-mails from people who wish to retain the status quo, many of which have been based on a misapprehension of the intention of amendment 112. It is not anti any group, and no person would be made homeless as a result of its implementation. Young people should have the benefit of living in a mixed, sustainable community rather than in a monoculture of young people.

The Deputy Presiding Officer: I have an impossible task here, because I have far too many names on my screen, so there will be time only for bullet points.

Bill Aitken (Glasgow) (Con): Unlike Pauline McNeill, I never lived in Cecil Street or Vinnicombe Street in my younger days, but I did go to some good parties there, which probably highlights her point, which is that HMOs can be a problematic form of tenure. However, the fact is that there are now so many single households that it is a necessary form of tenure. We would have had a lot more sympathy with the issues involved if they had come before the chamber, been remitted to the committee and then come back, with a study of their impact on the rented sector and, indeed, the owner-occupied sector. Unfortunately, that has not happened, so the Conservatives are unable to support Pauline McNeill's and Andrew Arbuckle's amendments.

Tricia Marwick: I have a great deal of sympathy with the amendments in Pauline McNeill's name. On a number of occasions, Pauline McNeill has tried, as have other members, to get the Executive to deal with the issues around houses in multiple occupation. During the passage of the Housing (Scotland) Bill, the Executive's response was that they were a planning matter. When we came to the Planning etc (Scotland) Bill, the minister said that the issues might have something to do with planning, that the Executive was in dialogue with

local authorities and that it would report back on the matter at a later stage. Of course, the minister failed to do so, despite the undertaking to the Communities Committee to report back to us by stage 2. We did not get that report.

According to the Executive neither the Planning etc (Scotland) Bill nor the Housing (Scotland) Bill was the appropriate mechanism. Ministers must now tell us what they intend to do about HMOs. My regret about Pauline McNeill's amendments—I am not blaming her for this—is that we have had no opportunity to scrutinise them, nor did the Communities Committee take any evidence on the matter, and I am not convinced that the amendments would do as Pauline McNeill hopes.

The Deputy Presiding Officer: Please wind up now.

Tricia Marwick: I understand the frustrations that have led to Pauline McNeill's amendments. We look to the minister—

The Deputy Presiding Officer: Quickly, please.

Tricia Marwick: We look to the minister to respond and say how he intends to take the issue forward. It is simply not acceptable to go no further than where we are now. If the minister is saying that legislation is not required, does he intend to issue guidelines to local authorities, which currently all have different policies for their areas? We are looking for a timescale for action on the matter.

The Deputy Presiding Officer: You must stop now.

Tricia Marwick: The Executive has dragged its feet for long enough on the matter. Communities are crying out for action, and it is simply unacceptable that the Scottish Executive has so far taken none.

The Deputy Presiding Officer: When I ask for "bullet points", I am really saying that I want speeches of about a minute. I am sorry that there is no more time to give people. I will not be able to call everyone.

Karen Whitefield (Airdrie and Shotts) (Lab): I have considerable sympathy with Pauline McNeill's amendments in the group. She has raised the issue of HMOs consistently at the Communities Committee and in the Parliament. Although the existing HMO licensing arrangements can deal with problems with the behaviour of tenants and with the operation of landlords, my concern is that they cannot deal with the issue that Pauline McNeill has raised in relation to maintaining an appropriate balance of residential use in an area. We need to address that issue.

It is my understanding that planning authorities can develop planning policies to control HMOs

through their local development plans, but that is not happening. It would be helpful if the Executive could outline how it will work with local authorities to address the serious problem that manifests itself in some of our more urban communities.

Euan Robson: This is an important issue, which was discussed during consideration of the Housing (Scotland) Bill and the Planning etc (Scotland) Bill. There are anxieties among local communities but, equally, there are anxieties among students about ensuring that there is an adequate supply of accommodation. The problem with agreeing to the amendments in the group is that it could mean passing piecemeal legislation, with potential unintended consequences. There is an overwhelming case for proper consultation on HMOs and for the production of a standalone bill to cover the outstanding issues in this complicated area.

Mark Ballard (Lothians) (Green): HMOs are an essential form of housing for migrant workers from within or outwith Scotland and for young professionals, not just for students. According to Shelter Scotland, only about 25 per cent of people who live in HMOs in Edinburgh are students. That is not surprising, given the changes in the housing market and the lack of affordable housing in the city.

The areas where local authorities are most likely to implement limits on HMOs are close to the centre of cities, but it is important that workers and young people have the opportunity to live in those areas. Limiting the supply of HMOs increases their price, thus limiting the availability of low-cost housing. HMO licensing is not designed for that; it is there to ensure the safety of tenants, not to ensure quotas for different kinds of people or to determine the social mix. We should keep the HMO licensing arrangements and ensure that houses in multiple occupation have decent standards for fire safety, but we should not use them as an experiment in social engineering. They were not designed for that. We should reject the amendments.

16:15

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I appreciate Pauline McNeill's long interest in this matter. By creating the HMO arrangements, the Parliament and the Scottish Executive have gone a long way towards licensing the private sector. I can understand that people in certain areas of Glasgow, Dundee and other university cities might feel that there is overprovision, but they have to remember what that brings to the economies of their areas.

I would like to hear the minister say that she will encourage local authorities to use the powers that

are available to them so that we can find a solution to this quite difficult issue, especially for people who happen to live up a close in which a landlord is not taking responsibility. However, we need HMO accommodation and I would not support any move that put that in danger.

The Deputy Presiding Officer: I express my regrets to the four members who I am unable to call.

Johann Lamont: I will deal with the broad issues before dealing with as many of the critical points around the amendments as I have time to cover.

I recognise that, in parts of Scotland, there are concerns about the increased concentration of HMOs and the effect on the environment, amenity and neighbourhoods. Our view, which has been formed through discussions with local authorities and others, is that the tools that are necessary to deal with the issues are, for the most part, already available to planning authorities and we do not need amendments to the bill. However, I acknowledge that there are issues for the planning system and we are extremely aware of those. Indeed, we convened a meeting of interested MSPs, local authorities and officials to talk about the way forward. Perhaps the reason why the amendments do not fit the bill and why we have not yet come up with a solution is because the issue is complex and involves balancing a range of factors including amenity, mixed communities, students' needs, affordable accommodation and HMO licensing.

Pauline McNeill has been concerned about this matter for a long time and she is right to say that she attempted to deal with it in amendments to the Housing (Scotland) Bill and was told that the forthcoming planning legislation was the appropriate place to deal with it. The amendments that she and Andrew Arbuckle have lodged have provoked concerns. Indeed, as I was coming into the chamber this afternoon, Sylvia Jackson handed me a petition that expressed her constituents' concerns about the availability of affordable accommodation for students.

We know that the problem is difficult, but I contend that the individual amendments do not address the problem in the correct way. It is inappropriate to set out in primary legislation the specific topics that are to be covered in development plans. That is a matter for individual planning authorities to consider in the light of, for example, local circumstances and the Executive's planning guidance. It would not make sense to require planning authorities across Scotland to put resources into preparing policies on issues that do not arise in their area. From talking to MSPs, I know that this is a big and concerning issue in some areas but not in others. Therefore, we need flexibility and balance.

As I said, there are issues about the ability of certain of the amendments to deliver the policy aims that have been identified. I do not have time to go through all of them.

Sarah Boyack (Edinburgh Central) (Lab): Does the minister accept that the issue involves not just having good guidance on HMOs from the Executive but landlords taking responsibility, acting as good landlords and ensuring that their tenants do not undertake antisocial behaviour and ensuring that the powers in the Antisocial Behaviour etc (Scotland) Act 2004 are used to take decisive action?

Johann Lamont: The member will know that I am something of an advocate of the registration of private landlords and believe in the importance of them taking their responsibility seriously. HMO licensing, the Antisocial Behaviour etc (Scotland) Act 2004 and, in particular, private landlord registration play a critical role. I know that the City of Edinburgh Council has been proactive in ensuring that landlords have appropriate information about what they can do. The information that is provided by landlord registration allows us not only to develop further our guidance in this area but to make contact with landlords and work with them on a broad range of issues.

We know that this issue is of concern to people and I recognise the concerns that lie behind the amendments. However, I do not accept the scaremongering and hostility that have motivated some people. Planning has a role to play in dealing with a number of the issues around increasing concentrations of HMOs in certain areas, but we must also acknowledge its role in ensuring that there is adequate provision to meet the full range of housing needs, which includes HMOs. We must also recognise the importance of getting the various bits of the system—licensing, registration and the planning system—to work together in a joint endeavour to deliver appropriate accommodation that does not impact inappropriately on local communities.

The planning guidance that we intend to publish on HMOs will cover local development plan policies, the interface with the HMO licensing regime, development management and planning enforcement. However, I do not believe that we should require every planning authority to produce a policy on an issue that might not be relevant in their area. We should not require planning permission for every HMO regardless of the circumstances, extend planning controls to the internal arrangements of flats or houses, or extend planning enforcement powers to revoke licences that were granted under other legislation.

I assure everyone in the chamber that, in publishing the planning guidance, we will address the points that have been raised and the concerns

that prompted them. There will be further opportunities for MSPs and those who have lobbied them to ensure that the guidance meets both the needs of people who live in HMOs and the need for mixed, sustainable communities.

Pauline McNeill: A number of members have a long-standing interest in this matter and it has been useful to have a debate on it.

I acknowledge the minister's point that a policy on HMOs is not needed in every area, but in some parts of the country there is a problem that definitely needs to be addressed. It is important to note the nature of HMOs. They are not necessarily more troublesome than any other type of housing; the issue is the volume of people that they bring to an area that was perhaps designed for a smaller number. We must recognise that that has an impact on others.

I do not accept Mark Ballard's assertion that my proposal involves social engineering. There is some evidence that my constituency is losing families, who feel that 60 per cent of the homes in their close are now HMOs and that the local authority's planning policies are not dealing with the volume of people who live there. As Sarah Boyack said, there are other solutions. We should all agree that, although there is a place for HMOs, they cannot be the solution to affordable housing for migrant workers and students. We need other solutions—solutions that, I hope, we will debate later today. I am a strong supporter of those.

I am trying to get some movement from the Executive. There is a recognition that there is a problem that needs to be addressed, even though it varies around the country, and I welcome the minister's commitment to publish guidance, but if I am to seek agreement to withdraw amendment 109 and not move my other amendments in the group, it would be helpful to know that there will be consultation. It would be wrong for me to pursue my amendments, because I realise that a number of interests are involved that have not been talked through, but I want to ensure that the Executive has the right policies on the matter. Perhaps guidance is the way forward.

I wonder whether the minister wants to intervene on me to reassure me that there will be consultation—

The Deputy Presiding Officer: I think the minister has already indicated that there will be consultation.

Johann Lamont: I just did not say what the quality of it would be.

The Deputy Presiding Officer: There will be high-quality consultation. *[Laughter.]*

Amendment 109, by agreement, withdrawn.

Amendment 21 moved—[Malcolm Chisholm]—and agreed to.

The Deputy Presiding Officer: Group 7 is on local development plans and community needs and involvement. Amendment 50, in the name of Donald Gorrie, is grouped with amendments 51 and 52.

Donald Gorrie: It is legitimate for members, if they so desire, to support one or two of my amendments rather than all three, but they all focus on the same questions. How do we involve communities as equal partners in planning in their area? How do we make planning more positive, especially in relation to the performance of local communities? Hitherto, for most people, planning has been about preventing some people from doing what they want to do. That is one issue, but planning should be a positive thing that creates a better society. It should be a utopian activity and not a blocking activity. We are a long way from utopia, but we can, at least, move in that direction and start thinking about how to be positive.

The first amendment in the group—amendment 50—would ensure that the general proposals that are included in the main issues report cover three important aspects for the local community. They are

“affordable housing for sale or let ... facilities for recreation, sport and community activities”—

those could be indoor or outdoor activities that are sporting or intellectual, such as gardening—

“and ... open space”.

In dealing with a different part of the bill, Pauline McNeill vigorously expounded the importance of open space, so I need not repeat that. I think that everyone in the Parliament feels that affordable housing for let is important, so it should be included to ensure that the planning authority shows in the main issues report how it will provide enough affordable housing, recreation facilities and open space to create

“a vigorous and balanced community.”

The amendment takes a positive approach, focusing on improving a community.

The second amendment in the group—amendment 51—would ensure that the planning authority seeks the views of

“local communities and their representatives”.

The bill instructs the planning authority

“to seek the views of ... key agencies”,

whoever they may be—I am sure that they are very important—but says nothing about finding out what the community wants. I suggest that, in addition to seeking key agencies’ views, the planning authority should talk to communities and

their representatives and reflect their views in the general proposals.

The third amendment in the group—amendment 52—is to a different provision from the other amendments. It relates to participation statements and would ensure that the planning authority worked in partnership with communities. A big contrast exists between working in partnership with somebody and consulting them. A person works in partnership with their husband or wife and does not just consult him or her. A husband and wife are equal partners; they may disagree, but they negotiate and something is done that is satisfactory to both. However, we all have experience of bad consulting and I am sure—and I hope—that the minister will do good consulting. Consulting is more often done in an insulting way. We need partnership, not just consultation.

I revert to the positive aspect. Instead of just saying what they do not want, organisations such as community councils and other community groups should be told, “Right—you don’t want this, that and the next thing. What do you want?” They should be invited to produce a positive view of their communities and how they should be developed, which should be fed into the system.

All those suggestions are useful and constructive and I hope that members will find them worthy of support.

I move amendment 50.

The Deputy Presiding Officer (Trish Godman): I exercise my discretion under rule 9.8.4A(c) to extend the time limit for group 7 by seven minutes. That time will need to be made up from the time that is allocated to groups 8 and 9.

I call Karen Whitefield, to be followed by Dave Petrie. Each member has one minute.

Karen Whitefield: I will restrict my comments on amendments 51 and 52 to saying simply that they are similar to amendments that the Communities Committee rejected at stage 2 because we accepted the assurance from the Deputy Minister for Communities that such issues would be covered in guidance. That still stands.

Amendment 50 would require local development plans to reflect the importance to the community of providing affordable housing, recreational facilities and open space. Who could object to any of that? Communities with such amenities are exactly what we want. However, the amendment says that we must reflect that in a way that delivers

“a vigorous and balanced community”,

which the amendment does not define. I fear that we would spend considerable time debating the issues and that we would not deliver affordable housing, recreational facilities or open space. That would be to communities’ detriment.

Dave Petrie: I will restrict my comments mainly to amendment 51. Amendment 50 is somewhat prescriptive and amendment 52 is excessive. As for amendment 51, I seek the Executive's assurance that the "key agencies" will include people such as local communities and their representatives. I realise that that could be specified in regulations, but it is important for the Executive to give such assurances today.

16:30

Patrick Harvie: I return to the theme that Johann Lamont correctly identified earlier and which dominated the discussion at stage 2—the theme of democratic accountability in the system. The negative perceptions that many people have of politicians at all levels are reinforced by the fact that, collectively, we have not quite recognised that the mandate that any democratically elected politician—local or national—has is weaker now than it was when election turnouts were higher and when public involvement and engagement with politics and the political process were stronger.

Donald Gorrie's amendments 51 and 52 are by no means trivial. They address the tone with which we should operate systems such as the one we are discussing. They are about saying that local authorities are not masters of the planning system but should use it in collaboration with, and with the co-operation of, their local communities. When we are elected to the position of councillor, MSP, minister or anything else, we should seek to use the planning system not to meet our own ends, but to co-operate and collaborate. Donald Gorrie's amendments set the correct tone.

Malcolm Chisholm: I will be brief so that we do not lose time from the debate on affordable housing.

Of course, I support the provision of the facilities that are mentioned in amendment 50, but I do not agree that the requirement for them should be included in primary legislation, especially as the amendment highlights only a small number of objectives rather than the full range of sometimes competing issues that must be addressed. That is more appropriately a matter for policy. We have discussed SPP 11 on physical activity and open space and, in a moment, we will discuss SPP 3 on planning for housing. Also, as Karen Whitefield reminded us, it is not clear how a vigorous and balanced community would be defined, which could result in lengthy debates about whether a particular strategy would achieve that.

Members should remember what we are proposing. Authorities will be under a duty to prepare a participation statement in their development plan schemes that will set out the

steps that they will take to involve the public at large in plan preparation and review. Those statements will be updated annually and assessed at the examination to ensure that the planning authority has done what it said it would do. Therefore, amendment 51 is unnecessary.

On amendment 52, we should remember that the thrust of our package of modernisation is to involve local communities more effectively in the planning process, especially in drawing up development plans. A range of other provisions in the bill support that—for example, the preparation of participation statements; neighbour notification of key proposals; and the requirement to involve the public at large at various stages of the plan process. I do not believe that further legal prescription is necessary or appropriate, as it could reduce the flexibility to find effective local solutions based on the nature of the community and the issues that it faces.

I would not expressly encourage community groups to prepare their own versions of the plan, as is proposed in the second part of amendment 52, because of the complex legal and policy requirements that must be taken into account. We are encouraging the public at large to be fully involved in the formative stages of plan preparation, and we are encouraging planning authorities to be transparent with their information and to use a range of techniques to allow communities to help to shape the strategy and decisions on the location of new developments. Therefore, like the other two amendments, amendment 52 is neither necessary nor appropriate.

I recommend that all three amendments be rejected.

The Deputy Presiding Officer: Mr Gorrie, there is no time for you to wind up the debate. I ask you to press or withdraw amendment 50.

Donald Gorrie: I press amendment 50.

The Deputy Presiding Officer: The question is, that amendment 50 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Canavan, Dennis (Falkirk West) (Ind)
Curran, Frances (West of Scotland) (SSP)
Fox, Colin (Lothians) (SSP)
Gorrie, Donald (Central Scotland) (LD)
Kane, Rosie (Glasgow) (SSP)
Leckie, Carolyn (Central Scotland) (SSP)
Martin, Campbell (West of Scotland) (Ind)
Swinburne, John (Central Scotland) (SSCUP)

AGAINST

Aitken, Bill (Glasgow) (Con)

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 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)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 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, Marlyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (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, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 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)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)

Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Johnstone, Alex (North East Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 8, Against 74, Abstentions 1.

Amendment 50 disagreed to.

Amendment 51 moved—[Donald Gorrie].

The Deputy Presiding Officer: The question is, that amendment 51 be agreed to. Are we agreed?

Members: No.

The Deputy 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) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Martin, Campbell (West of Scotland) (Ind)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Swinburne, John (Central Scotland) (SSCUP)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 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, Marlyn (North East Scotland) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)

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)
 Lochhead, Richard (Moray) (SNP)
 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)
 Mather, Jim (Highlands and Islands) (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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (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, Elaine (Coatbridge and Chryston) (Lab)
 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)
 Swinney, Mr John (North Tayside) (SNP)
 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)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 16, Against 100, Abstentions 1.

Amendment 51 disagreed to.

Amendments 3 and 4 moved—[Malcolm Chisholm]—and agreed to.

Amendment 52 moved—[Donald Gorrie].

The Deputy Presiding Officer: The question is, that amendment 52 be agreed to. Are we agreed?

Members: No.

The Deputy 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) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Martin, Campbell (West of Scotland) (Ind)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 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, Marlyn (North East Scotland) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)

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)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 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)
 Mather, Jim (Highlands and Islands) (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)
 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)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (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, Elaine (Coatbridge and Chryston) (Lab)
 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)
 Swinney, Mr John (North Tayside) (SNP)
 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)

Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 17, Against 102, Abstentions 1.

Amendment 52 disagreed to.

Amendment 5 moved—[Malcolm Chisholm]—and agreed to.

Section 3—Meaning of “development”

The Deputy Presiding Officer: We move to group 8, on fish farms. Amendment 53, in the name of the minister, is grouped with amendments 54 to 68, 70 and 91.

Johann Lamont: Amendments 54 to 66 ensure that a material change in the use of equipment that has been placed or assembled for the purposes of fish farming will be treated as development under the second part of section 26(1) of the Town and Country Planning (Scotland) Act 1997. That will be irrespective of whether the change includes any new or modified equipment. The primary aim of the amendments is therefore to ensure that where there might be the potential for significant impact on the environment, the planning authority may require a new application for planning permission, and an environmental assessment can be undertaken if necessary.

Amendments 53, 67, 68, 70 and 91 will provide for the extension of the statutory planning system to existing marine fish farms. The meaning of the term “development” under section 26(1) of the 1997 act will be amended by amendment 53 to include the operation of an existing fish farm. Amendment 68 provides the mechanism to set the date when planning law will apply to existing farms. It also provides that the principal matter to be taken into account when granting planning permission is whether there will be any impact on European sites and the environment generally. It provides for a power to grant planning permission for a single development or, by order, for a class of development with provision to attach planning conditions to such permissions.

Scottish ministers will also be able to make regulations to seek an application and to determine its form, the documents that must accompany it, the consultation arrangements that should be in place for it and any other matters concerning the procedure for such an application. The regulations would be subject to the negative resolution procedure.

Bringing fish farming under planning control is, as all members will be aware, a long-standing commitment. As statutory planning control does not currently extend into the sea, primary

legislation is required. The Parliament provided for certain powers in the Water Environment and Water Services (Scotland) Act 2003. The provisions in that act are sufficient to extend planning control to future marine fish farms and to extend modifications to existing fish farms to the 3-mile limit. The bill as it stands will extend planning controls for future fish farms to the 12-mile limit and amendments in this group will bring existing fish farms into the planning system. The review of all existing farms will consider primarily any impact that they have on European sites and the environmental impact of each farm.

Under the current scheme, fish farmers are generally granted permission for 15 years, after which they need to seek a renewal of the permission. Ministers support the growth of an aquaculture industry in salmon, other fin fish and shellfish. We want an industry that is sustainable, diverse, competitive and economically viable and of which its people can be justifiably proud. Therefore, if planning permission is granted to new or existing fin fish or shellfish farms, the permission will be permanent. The provision of permanent permissions will help with long-term investor confidence and support a fragile industry.

We have been working towards a workable and robust planning system for fish farming that provides long-term certainty for developers while ensuring that environmental concerns and enforcement issues are given appropriate weight. The provisions in the WEWS act and the bill—as amended by amendments 53 and 68 and consequential amendments 67, 70 and 91—will enable us to achieve those objectives. I ask members to support all the amendments in this group.

I move amendment 53.

The Deputy Presiding Officer: I can give members a very tight two minutes.

Eleanor Scott (Highlands and Islands) (Green): The concerns that I will express about amendment 68 are those of Highland Council, which has a large number of fish farms in its area.

If the review of existing fish farms is to be carried out by ministers rather than by local authorities, such sites will be removed from any sort of local control. The worst cases involve some of the earliest sites. People who were affected by such developments back then had no opportunity to appeal and, under the regime that is proposed in amendment 68, they will have no opportunity to do so next time round.

I share Highland Council's concerns and unease about the granting of permanent consent for developments in the marine environment, which is a highly dynamic environment about which we are learning more every day. Quarries and wind farms

have shorter planning consents. There is no reason why a similar length of consent should not apply to fish farms. The 15-year consents that pertained under the previous regime seem to be about right.

A further issue concerns sites for which planning permission has been granted but has not been used and sites that have subsequently fallen derelict. In those circumstances, Highland Council would like local authorities to be given the power to withdraw permission for such sites or to restore them.

With some reservations, I will vote for the amendments in this group because I want the granting of planning permission for fish farms to be moved from the Crown Estate to councils. That has been a long-term Executive commitment, which I have shared. However, I would like the Executive to address the concerns that I have highlighted.

Rob Gibson (Highlands and Islands) (SNP): The Scottish National Party is glad that, after the statement that was made in 1997, the Parliament will finally in 2006 manage to take back planning powers from the unelected and unwanted Crown Estate. However, that prompts questions about what powers the Crown Estate still has and whether the Parliament will have to return to the issue.

On amendment 68, we are glad that the planning legislation will be for local authorities to manage. We welcome the fact that a non-statutory panel will review and audit the existing consents, but we are concerned that, of the 252 salmon fish farm leases that the Crown Estate has granted, more than half have not been used in the past four years. Therefore, a considerable amount of work will need to be done to ensure that the proposed planning arrangements work. The SNP believes that the minister must ensure that the tightest possible scrutiny is given to that issue. In light of the Aquaculture and Fisheries (Scotland) Bill, we also need to ensure that rigorous assessments are made of the environmental quality of the water in those areas. The proposed planning powers need to tie up with those.

We support amendment 68 and we believe that it is necessary, but we have basic questions that remain unanswered about the way in which the powers will be brought into force.

16:45

Maureen Macmillan (Highlands and Islands) (Lab): I welcome the bill's provisions for marine planning as it pertains to fish farms. As the minister mentioned, those provisions were sought by the Transport and the Environment Committee in the previous session, when Robin Harper and I

were reporters on agriculture. We were able to get provisions inserted in the Water Environment and Water Services (Scotland) Bill that were intended to be underpinned by provisions in the Planning etc (Scotland) Bill.

I note the concerns that have been expressed by Highland Council. However, because stringent conditions will be attached to planning consents, I am content that the 15-year rule should be changed to allow for permanent consents. As is the case with other planning consents, if conditions are broken, consents can be withdrawn. I underline the point that Rob Gibson made about sites that are lying empty and are not being used. I hope that either the planning system or the Scottish Executive Environment and Rural Affairs Department will enable those sites to be used by shellfish farmers, for example, who wish to use them for the benefit of the local economy.

The Deputy Presiding Officer: I invite the minister to wind up briefly.

Johann Lamont: I will do my best. For someone who represents Glasgow Pollok, I probably know more than is healthy about marine fish farming—I certainly know more than I did before the bill was introduced.

I recognise the important issues that have been flagged up and the concerns that have been identified. We must be clear about the issues that we are addressing. We are striking a balance. Everyone agreed that fish farms should come into the planning system. At one stage there was an assumption that those fish farms that were already in the system and had been granted consent would have deemed consent and would move into the planning system en bloc. That has proved not to be the case, because of our European responsibilities and other anxieties. The review body will deal not with every planning application for a fish farm but with those fish farms that would otherwise have been assumed to have deemed consent. New fish farms will, of course, be subject to local authority accountability and responsibility.

We know that over time there have been huge changes in marine fish farming. The regulatory framework that existed pre-1999 generated some anxieties, but I understand that the industry has moved forward and that regulation is more rigorous.

Richard Lochhead (Moray) (SNP): Will the member give way?

Johann Lamont: I want to finish making my point first. As in all such matters, it is critical that we strike a balance. Not only must fish farms be subject to a regulatory framework, that framework must be proportionate. There is pressure—not just from the industry but from local communities that want it to thrive—for us to ensure that the right

balance is struck. We are bringing fish farming into planning authorities' area of responsibility. However, those fish farms that would have been deemed to have consent must be reviewed, because of our European responsibilities. That is what the review body is about—it is not about watering down local authorities' responsibility.

I urge members to recognise that the Aquaculture and Fisheries (Scotland) Bill and the broader responsibilities of the Environment and Rural Affairs Department will ensure that the regulatory framework is appropriate and responsive to the needs of local communities and to the industry. We do not wish having fish farmers seek planning permission to sterilise any part of our communities, wherever they may be; we want a thriving industry that meets the needs of the local economy, however that economy is expressed.

I will now give way to Richard Lochhead.

The Deputy Presiding Officer: I am sorry, minister, there is no time for you to take interventions. Please finish.

Johann Lamont: I have finished.

Amendment 53 agreed to.

Amendments 113 and 112 not moved.

The Deputy Presiding Officer: Group 9 is on affordable housing etc. Amendment 22, in the name of John Home Robertson, is grouped with amendment 69.

John Home Robertson (East Lothian) (Lab): It may come as a surprise to members that I, of all people, am rising to speak about rented accommodation, but I will leave it to others to judge whether I am really as bad a person as certain newspapers are suggesting. I take this opportunity to express sincere thanks for the understanding and friendship that parliamentary colleagues in all parties have shown.

Amendment 22 would make provision for affordable housing to be designated as a land use class under the bill. I make no apologies for returning to the subject, because the acute shortage of council houses and housing association stock is the most serious social problem facing towns and villages in my constituency of East Lothian. I will not go over all the points that I made in the members' business debate on 28 September last year, and again in the committee, because we all understand the problem well enough.

The critical shortage of affordable rented housing means that some councils are struggling to fulfil their obligations to house homeless people, which means that people who are stuck on housing waiting lists are being left in a desperate

predicament. East Lothian Council has had to spend millions of pounds buying back former council houses that were sold at a discount under the right to buy and which have to be bought back at the full market value. That is what the council has had to do to try to comply with the homelessness regulations.

Meanwhile, people who are still going backwards on the housing waiting lists are getting angry, and understandably so. It is not fair to leave elderly people in upstairs flats for ever, it is not fair to compel young families to stay in their parents' increasingly overcrowded homes indefinitely, and it is certainly not fair to compel people to pay unaffordable rents or mortgages in the private sector.

Councils that have been prudent with their housing finances could be in a position to build to meet the need, if only they could acquire the land to build on. However, in housing hot spots such as East Lothian, virtually all the potential housing land is in the sticky hands of property developers, who expect exorbitant prices for house sites. We cannot build affordable houses on unaffordable sites.

Planning advice note 74 should make it possible to secure a percentage of homes for rent or for sale at affordable prices on land that will be released for housing in future. I welcome that. Incidentally, I think that we still need to set proper criteria for affordability. Tenants should not be entirely dependent on eligibility for benefits; I suggest that there should be a formula linked to the national minimum wage. However, PAN 74 is for future allocation of land and the crisis is immediate. It is not good enough to hope for more affordable rented houses in five years' time; I am looking for powers to designate land for affordable housing now, so that sites can be acquired at sensible prices, to meet the urgent and immediate needs of people who are stuck on waiting lists.

Amendment 22 may or may not be the best way to achieve that objective, but I am looking for practical initiatives from the minister to address this urgent issue now. We have been talking about the crisis for several years and, while we have been talking, the situation has been getting much worse. It is not good enough to legislate for the consequences of homelessness alone. Surely we have a duty to address the cause of homelessness, which is obviously the acute shortage of affordable rented housing—council houses and housing association houses. Councils need the land to get those houses built.

I move amendment 22.

Donald Gorrie: I am happy to support amendment 22 as well as the amendment in my name.

Amendment 69 is an endeavour to tackle one aspect of the need for affordable housing in those areas where there is a great concentration of second homes. As that will be the case only in local areas in certain parts of the country, the amendment gives local authorities power, if they so wish, to do certain things, but it does not compel them to do anything. They decide what to do. If a local authority decides that the excessive number of second homes in a particular part of its area is a problem, it can designate that area. It can then say that anyone wishing to change a permanent residence into a second home needs to apply for permission for a change of use under the planning laws.

The best definition that various experts could give me of what constitutes a permanent home and what constitutes a second home was that a permanent home is one where the resident lives for more than 26 weeks in the year, and a second home is one where they live for less than 26 weeks. We can obviously quarrel over that, but it seems a reasonable attempt at designating a second home.

If the local authority has decided that there is a problem and designates an area, and somebody then applies for permission to change the use of a house from permanent residence to second home, the planning authority will then decide whether that change of use exacerbates the lack of affordable housing in a serious way. If the council decides that it does, it can refuse permission for the change of use. That is a method of using the planning laws to help to deal with the second home issue, which in turn impinges on the lack of affordable housing. It is all at the discretion of the local authority. I hope that members will think that the proposal is a reasonable way of dealing with a genuine problem and will support amendment 69.

The Deputy Presiding Officer: I am again exercising my discretion under rule 9.8.4A(c) to extend the time limit for groups 8 to 9 by six minutes to 5.07 pm. The time will have to be made up from the time allocated to the other groups. A considerable number of members wish to speak, so speeches will be limited to a minute and a half.

Tricia Marwick: The SNP will not support amendment 69, in the name of Donald Gorrie. It is not that we do not have sympathy with amendment—we do. However, there is a problem with proposed new subsection (3C) of section 26 of the 1997 act, in which Donald Gorrie defines a temporary place of residence as a place that is

"occupied for less than 26 weeks in a year."

The problem with that definition is that if somebody is taken into hospital or goes abroad to work, it is possible that their house might be designated as a second home. That is an example

of the law of unintended consequences. The proposal has not been thought out, so the SNP will not support amendment 69.

We also have great sympathy with amendment 22. I know about the work on affordable housing that John Home Robertson and other members of the Communities Committee have done. We have an acute housing shortage because of a lack of affordable accommodation. There must be strategic use of land. We must ensure that any land that is available is available first of all to local authorities. Another issue that we must address is the compulsion on local authorities to sell off land to the highest bidder. We must ensure that, when local authorities draw up their housing plans, they are allowed to keep back some land for their own use or for the use of others who are building affordable accommodation. We must ensure that PAN 74 is implemented as quickly as possible to allow developments to take place.

Dave Petrie: I do not think that any member of the Parliament would object to what John Home Robertson said. There are massive problems throughout all our constituencies in relation to affordable housing. However, amendment 22 offers a somewhat rigid solution. As he perhaps hinted, it might be more appropriate to deal with the matter through regulation. I have fears about leaving the matter to the discretion of the local authority. We do not want to run into the ghetto situation, in which certain sites are affordable and others are not. I can see problems with the proposal. Although I agree with the spirit of amendment 22, I do not think that we would support the proposal in this form.

The aims of amendment 69 are also honourable but, regrettably, I do not think that it has been fully thought out. If someone wants to let out a second property to help us to get over our major housing problem, they should be encouraged to do so, but I do not think that the proposal in the amendment is the route to take.

Patrick Harvie: I have sympathy with amendments 22 and 69. John Home Robertson made some valid points. I am sure that he would agree that the causes of homelessness are many and complex and that they go beyond the availability of affordable housing, but clearly it is a central issue. Tricia Marwick also made some valid points.

There is perhaps a case for saying that the issues are not best addressed by the mechanisms that are proposed in the amendments. Both issues have links to local government finance. The single-person discount for council tax gives people incentives for the inefficient use of housing stock. We should consider how we could give people incentives through local government finance for the efficient use of our existing housing stock.

We retain the view that the proposals on land value tax would help to ensure that land is available for purposes of social value, but that is a debate for another time. On this occasion, I have sympathy with the amendments.

17:00

Ms Sandra White (Glasgow) (SNP): I support amendment 22 because I believe that it will reinforce the need for sustainability in our communities, which was an issue that arose in our earlier discussion of HMOs. We need more affordable housing—after all, young people, in particular, simply cannot get on the property ladder—and more rented accommodation, and amendment 22 will help us to achieve that. Affirmative action must be taken on this matter. We cannot keep on talking about it, because people out there are suffering and need this accommodation. I certainly hope that the amendment will find support.

Murray Tosh (West of Scotland) (Con): I have much sympathy with what John Home Robertson is trying to do in amendment 22. Although I agree that such issues are usually covered by regulation, the current regulations are not yielding enough land for affordable housing.

Local authorities are overwhelmingly dependent on the policy of taking 25 per cent of private sector developments for affordable housing purposes. However, that is not yielding enough land in every local authority area. Indeed, in local authority areas such as East Dunbartonshire and East Renfrewshire, in which market sector housing is restricted, the 25 per cent quota policy is not nearly enough to meet local needs.

The question is where we can find the land and how we will achieve this aim. I know that introducing a use class order raises great difficulties, but if we are not prepared to modernise our laws on compulsory purchase and to find an effective way of making that mechanism deliver land—which is clearly not happening at the moment—we must try something else. John Home Robertson has suggested something else and I am very interested in hearing whether the minister has another viable policy alternative. If he does not, there might be something to be said for supporting amendment 22.

Malcolm Chisholm: I acknowledge and share concerns about the availability of land for affordable housing. Indeed, that is why I have been chairing a working group on the issue and why, earlier this week, I announced a review of SPP 3 on planning and housing to address the matter as effectively as possible and in every way we can.

Amendment 22, in the name of John Home Robertson, seeks the introduction of a separate

use class for affordable housing in order to allocate land specifically for such housing, either for rent or for sale, and to keep that stock affordable over the longer term. We took the issue very seriously; indeed, we went to the extent of commissioning independent research on the use class issue, which was published earlier this week and emphatically concluded that introducing a separate use class for affordable housing would not offer any significant advantages over planning authorities' current powers. In fact, the research also concluded that such a move would have some major disadvantages. For example, it would do nothing to encourage landowners to release land for the development of affordable homes and would not ensure that affordable housing provision would be retained for affordable use in the long term.

As members have pointed out, last year we published PAN 74 on affordable housing, which outlined ways in which the planning system could support the delivery of affordable housing. The research found that the quota approach introduced by PAN 74 will deliver significant provision of land for affordable housing in mixed communities.

The research also suggested that separate allocations of land can contribute to new affordable housing provision. SPP 3 and PAN 74 already provide for planning authorities to designate sites or parts of sites specifically for affordable housing. The issue will be examined further in the review of SPP 3.

The research also found more effective ways of retaining the affordability of homes. For example, our homestake shared equity scheme operates a golden share mechanism that gives a housing association the first option to purchase a low-cost home when it is sold on. Of course, the pressured area mechanism can also be used to retain social rented stock that might otherwise be lost under the right to buy.

The review of SPP 3 will consider, among other issues, how to secure a more generous allocation of land for housing in development plans and how to release that land more quickly through the planning system.

Tricia Marwick: Will the minister give way?

Malcolm Chisholm: I doubt that I have any time to give way; I think that I have to finish by 17:07.

Central to the review will be the need to ensure that development plans identify sufficient land for housing where a need has been properly established. We will consider how guidance can more closely integrate housing needs assessments and development plans and look at the role of ministers in intervening in situations in which a development plan does not reflect housing needs.

It is vital that development plans are up to date. Part 7 of the bill, on assessing planning authority performance, will greatly improve ministers' powers to raise performance across the whole planning service, including development planning, and ensure that specific steps are taken to make improvements if failures occur. The review will also consider issues surrounding housing quality and density that have an impact on overall housing provision, and I am pleased that the affordable housing working group has endorsed it.

More immediately, I announced on Monday that a further £48 million is to be allocated to Communities Scotland to speed up the delivery of much-needed local projects and specifically to help housing associations to purchase strategic sites for the provision of affordable housing. I am pleased that £1 million of that will go to housing associations in East Lothian to purchase a site at Tranent to provide 48 new affordable homes.

Our reforms to the planning system will improve the land supply for housing, but we are also taking action to make better use of public sector land. For example, we are working with Defence Estates to secure a national agreement similar to the one that we already have with the Forestry Commission. That will enable further transfers.

I totally agree with John Home Robertson's objectives but I do not think that amendment 22 is the way to proceed. To give him time to sum up on amendment 22, I will not spend any time on amendment 69. Several members have re-emphasised the point that was made in committee—that amendment 69 is not practical. I recommend that amendment 69 be rejected.

John Home Robertson: I am grateful for the opportunity to raise this matter and I am grateful for the comments and support from colleagues in all parties and, indeed, from the minister.

Everybody acknowledges that this is a serious problem, but a number of people have expressed doubt over whether amendment 22 is the best way to deal with it. I accept their points. I have no doubt that PAN 74 will help in future, but my point is that houses cannot come soon enough for people in all our constituencies who are stuck on housing waiting lists and have been for a very long time.

The matter is far too serious for any kind of political gimmicks or stunts. I am grateful to the minister for what he has said and the additional money will clearly be useful as far as it goes. The trouble is that it will go only to housing associations and not to local authorities. Housing associations do not do all that much in East Lothian and people there need council housing. I hope that we will be able to discuss that matter further.

I am encouraged that Des McNulty, who is now taking over responsibility in this field, spoke very strongly in favour of what I was proposing during my members' business debate on 28 September last year. I am therefore prepared to trust him and to seek to withdraw amendment 22.

The Deputy Presiding Officer: Mr Home Robertson seeks to withdraw amendment 22. Does anyone object?

Members: Yes.

The Deputy Presiding Officer: In that case, the question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 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)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 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)
 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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 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, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 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)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Home Robertson, John (East Lothian) (Lab)

Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Deputy Presiding Officer: The result of the division is: For 35, Against 73, Abstentions 8.

Amendment 22 disagreed to.

Amendments 54 to 67 moved—[Malcolm Chisholm]—and agreed to.

After section 3

Amendment 68 moved—[Malcolm Chisholm]—and agreed to.

Amendment 69 moved—[Donald Gorrie].

The Deputy Presiding Officer: The question is, that amendment 69 be agreed to. Are we agreed?

Members: No.

The Deputy 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) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 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, Marlyn (North East Scotland) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 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, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 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)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (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)
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 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)
 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)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

The Deputy Presiding Officer: The result of the division is: For 16, Against 99, Abstentions 1.

Amendment 69 disagreed to.

Section 4—Hierarchy of developments for purposes of development management etc

Amendment 70 moved—[Malcolm Chisholm]—and agreed to.

The Deputy Presiding Officer: Group 10 is on the power to recategorise developments. Amendment 6, in the name of the minister, is grouped with amendments 7 and 8.

Johann Lamont: I hope that this group of amendments is non-controversial, given that they were lodged in response to issues that members raised at stage 2. The current bill provisions for the hierarchy of developments enable Scottish ministers to direct that a development in a particular class in one category may be treated as if it were in another. That will have the effect that a local development could be treated as if it were a major development and vice versa. The original intention was that the bill would include an element of flexibility in the way in which particular developments could be handled, possibly in exceptional circumstances.

Following interest from the Communities Committee at stage 2 about the way in which the provision would be used in practice, we looked afresh at the proposal. We consider that there are instances that would justify ministers directing that certain local developments should attract the enhanced scrutiny that is associated with major developments, possibly because of their scale, rural nature, or the mix of proposed uses.

However, we do not envisage that there will be circumstances in which a major development should be treated as if it were a local development. That would remove the pre-application consultation and the additional scrutiny that is normally required for significant proposals, which would not be consistent with the approach that we have taken elsewhere in the reform package. For that reason, the provisions of amendments 6 and 7 combine to ensure that ministers may direct only that local developments may be treated as if they are major developments, and not the other way round.

Following stage 1, the Communities Committee requested that certain regulations that are associated with the bill should follow the affirmative procedure. Although we sought to

restrict the use of that procedure to the more significant strands of secondary legislation, we accept that there will be widespread interest in the way in which classes of development will be categorised under the modernised planning system as either major or local developments. Although there will be full consultation on the draft regulations that are associated with the hierarchy of developments, amendment 8 will amend section 4 to ensure that the regulations will be made under the affirmative procedure and will attract full parliamentary scrutiny, as recommended by the committee. I ask members to support amendments 6, 7 and 8.

I move amendment 6.

Patrick Harvie: I welcome the amendments in the group and the recognition that greater clarity was called for in this section of the bill. Clarity is one of the things that the Executive hopes to achieve throughout the planning system, but a question mark hung over the provisions in section 4. The amendments will help to resolve that. In particular, I welcome the use of the affirmative procedure.

The Deputy Presiding Officer: Do you wish to wind up, minister?

Johann Lamont: I have nothing further to add.

Amendment 6 agreed to.

Amendments 7 and 8 moved—[Malcolm Chisholm]—and agreed to.

Section 5—Initiation and completion of development

The Deputy Presiding Officer: Group 11 is on the retention of information on site while development is carried out. Amendment 114, in the name of Maureen Macmillan, is grouped with amendment 115.

Maureen Macmillan: Amendment 114 and its consequential amendment 115 were lodged to address an issue that Highland Council raised with me—other planning authorities may also have experience of it—which is that developers may not always inform contractors of the details of planning conditions. That can result in such conditions not being properly adhered to by contractors and can lead, for example, to houses being built too closely together or to trees that were required to be fenced off for protection being damaged or even cut down. Often, the subcontractor blames the contractor or the contractor blames the developer for not providing the information. When that happens, the developer insists that information was given, albeit verbally.

17:15

The provision in the bill for the displaying of a notice on large development sites would not cover such matters satisfactorily, particularly in rural areas, where developments are more modest in size. A requirement to have documentation on site, if the authority thought it appropriate, would ensure that developers, contractors and subcontractors were aware of the planning conditions and could be held to account.

The documents would not be for the general public to consult—I am heading off concerns about the health and safety of people who might tramp across a site to inspect the documents—but would provide information for people who worked on the site. The requirement to hold the documents on site would be at the discretion of the planning authority. For example, a planning authority might not impose such a condition on a single-house development, but it might do so for a development of 50 houses.

Amendment 115 would make the retention of documents a planning condition. I hope that the minister will reflect on the experience of planning authorities such as Highland Council and consider amendments 114 and 115 favourably.

I move amendment 114.

Dave Petrie: Maureen Macmillan made the point that I was about to make. In rural areas there is sometimes no accommodation on sites, so it would not be practical to hold documentation on site. The approach in amendment 114 would not cover that contingency, so would not be appropriate for inclusion in the bill. Perhaps regulations could encourage such an approach.

Christine Grahame: The Scottish National Party is sympathetic to amendments 114 and 115, although when I read amendment 114 I did not take the view that the documents would not be available to members of the public. Perhaps Maureen Macmillan will explain how amendment 114 would apply only to certain parties. Members of the public often want to see documents that relate to a development.

Malcolm Chisholm: I am grateful to Maureen Macmillan for raising the issue. It appears that developers who are not clear about the plans that they should be following are causing difficulties. If that is a widespread problem, we would be keen to explore what action could be taken. However, we are not currently in a position to support a provision on the matter in primary legislation. We do not know to what extent planning authorities perceive there to be a problem and there is little evidence of the implications for cost or health and safety, for example, which interested parties might want us to consider.

If we establish that there is a problem that needs to be addressed, there might be more simple solutions than those that are proposed in amendments 114 and 115. Under planning legislation, developers are required to comply with the terms of the planning consent, including conditions that are attached. We might be able to promote appropriate planning conditions or to amend secondary legislation to deal with the issue.

Amendments 114 and 115 are a little premature and I am not convinced that they would encourage compliance with planning control. I am happy to commit to exploring the issue further with interested parties, to investigate the extent of the problem and options for action, if action is required. I thank Maureen Macmillan for drawing our attention to the issue and invite her to withdraw amendment 114.

Maureen Macmillan: Highland Council has given me no statistics on the matter, so I am grateful to the minister for undertaking to review the extent to which there is a problem. If the review identifies a problem, I look forward to the Executive taking action to address it. I seek leave to withdraw amendment 114.

Amendment 114, by agreement, withdrawn.

Amendment 115 not moved.

Section 6—Applications for planning permission and certain consents

The Deputy Presiding Officer: Group 12 is on applications for planning permission made to the Scottish ministers. Amendment 23, in the name of the minister, is grouped with amendments 24 to 26 and 29 to 31.

Johann Lamont: Amendments 23 to 26 and 29 to 31 relate to planning legislation that commenced earlier in the year, to apply planning acts to the Crown. In bringing planning controls to bear on the Crown, new provisions were needed to accommodate the Crown's responsibilities. In particular, a new procedure was introduced for developing departments in certain circumstances to apply directly to the Scottish ministers for planning permission, for example, if the relevant Government department had certified that the development was of national importance and was required urgently.

The amendments will apply several of the provisions in the bill to cases in which applications are made directly to the Scottish ministers. The provisions in question relate to the making of regulations or a development order as to the form and content of planning applications, the variations of planning applications, pre-application consultation with local communities and related provisions on declining to determine applications.

It is unlikely that we would apply the provisions on pre-application consultation to such urgent applications, as the point of the latter is to reduce the time in reaching a decision when a project of national importance is required urgently. However, we would prefer to retain a level of flexibility at this juncture.

The provisions for developments of national importance that are required urgently should not be confused with the procedures for national developments, which will be introduced as part of the new planning hierarchy under the bill. Although there may be some overlap in the nature of the developments in question, the procedures address different issues. The provisions on national developments are about ensuring that developments of national and strategic importance are addressed in the statutory plans that will lead the planning system and that applications for such developments are brought to the attention of ministers and may be expedited if necessary. The urgent applications procedure is to deal with circumstances that may arise when a development of national importance is required urgently. I reassure members who were not involved in the discussions on urgent Crown applications to ministers that the consideration of urgent applications will still involve the relevant planning authority and local communities. I ask members to support amendments 23 to 26 and 29 to 31.

I move amendment 23.

Amendment 23 agreed to.

The Deputy Presiding Officer: Group 13 is on requirements as to the contents of applications for planning permission etc. Amendment 9, in the name of the minister, is grouped with amendments 10, 71, 72 and 12.

Malcolm Chisholm: Amendment 9 and the four consequential amendments that are grouped with it will amend section 6 to introduce a requirement for a design statement to be provided at the planning application stage for certain classes of development. The statements will set out the design principles and concepts, in a manner as specified by regulation or order, and will be included in planning applications. Scott Barrie raised the issue during the Communities Committee's stage 2 consideration of the bill. We supported the principle behind the proposal but were unable to accept his amendment as it stood because of some minor technical issues. However, we agreed to lodge an Executive amendment at stage 3 to address the committee's concerns.

The bill contains a provision under which planning applications for certain types of development will have to be accompanied by an access statement that sets out how issues that

relate to access for the disabled have been dealt with. We will of course consult key stakeholders on the exact nature of the scope of the design and access statements in advance of laying regulations or orders before Parliament. Although we envisage that, in most cases, a single statement containing design and access issues will be prepared, circumstances may arise in which only one or other of the statements is required. For example, an application to build a house in a rural area may not require an access statement if the home will be a private one, but it could require a statement about design. Amendments 9, 10, 12, 71 and 72 have therefore been drafted to allow flexibility, including the possibility that the statements may be combined or in separate documents. I ask members to support them.

I move amendment 9.

Amendment 9 agreed to.

Amendments 10, 71, 72 and 12 moved—[Malcolm Chisholm]—and agreed to.

Section 7—Variation of planning applications

The Deputy Presiding Officer: Group 14 is on variation of applications. Amendment 118, in the name of Christine Grahame, is grouped with amendments 119 and 120.

Christine Grahame: I hope that members will bear with me, as the issue is a bit technical and therefore a bit dry. Amendments 118 to 120 are about the situation in which an application has been granted consent but the developer seeks post-consent variation. As laid out in the bill, if a planning authority considers that a proposed variation is not substantial, the variation may proceed.

I have concerns about the term "substantial". For example, suppose that a community council and others object to a development proposal for 50 houses on a site and that, as a result of that, the planning authority takes the view that 40 houses is the correct density. The developer starts to build the houses then goes into liquidation. Another developer takes over and says, "I can't continue developing on this site. Forty houses is not worth my while. I want to make it 50." The developer and the planning authority say that that is not a substantial variation and the application proceeds as varied. We must remember that the application is post-consent; 40 houses had been agreed to and now the number is 50. In those circumstances, the only right that the community would appear to have is to go to litigation. There is also an issue under the European convention on human rights, on the right to be heard. The community would not have the right to be heard. I am presuming, of course, that the community objects to the further 10 houses.

On amendment 120, whether the variation is substantial—that is the key to this issue—and whether the community considers that it is substantial should be determined by an independent arbiter. It should not just be up to the developer and the planning authority to agree to the variation. Furthermore, the third party—the community, as it would be in this example—should not have to resort to litigation, which is a long and expensive process. Under the second of the two new sections that amendment 120 would introduce, an independent arbiter, agreed between the parties, would be appointed simply to determine whether, in the circumstances, the variation was substantial. If the variation was not considered to be substantial, the application could proceed; if it was, a fresh application would have to be made.

I move amendment 118.

Dave Petrie: I almost found myself agreeing with Christine Grahame. My understanding is that it is all to do with the degree of variation. A minor variation should be permitted under the variation rules in planning, but a major variation should mean a resubmission.

Johann Lamont: I hope to be helpful. Amendments 118 and 119 are contingent on amendment 120. However, amendment 120 is fundamentally flawed in that it is based on the mistaken premise that section 7 relates to variation of planning permission previously granted, when in fact it relates to variation of planning applications under consideration by the planning authority or the Scottish ministers. On that basis, I do not propose to examine the other problems with the detail of amendment 120 and simply recommend that it, and its associated amendments, be rejected.

Christine Grahame: I am happy to be corrected, but section 7, on variation of planning applications, which will insert new section 32A into the 1997 act, says:

“An application for planning permission ... may, with the agreement of the planning authority, be varied after it is made.”

That is the issue—“after it is made”. As for Mr Petrie’s contribution: yes, minor and major variations, but who decides? There may be a strong conflict with the community, which might say, “In your view, building 10 extra houses here may be minor, but in the circumstances the community considers that to be substantial.” The community might wish there to be a fresh application. I hope that I have answered the two issues raised.

The Deputy Presiding Officer: The question is, that amendment 118 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baker, Richard (North East Scotland) (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)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (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)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyon, George (Argyll and Bute) (LD)

Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (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)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)

17:30

The Deputy Presiding Officer: The result of the division is: For 33, Against 58, Abstentions 1.

Amendment 118 disagreed to.

Amendment 24 moved—[Malcolm Chisholm]—and agreed to.

Amendments 119 and 120 not moved.

Section 10—Pre-application consultation

Amendments 25 and 26 moved—[Malcolm Chisholm]—and agreed to.

The Deputy Presiding Officer: Group 15 is on pre-application consultation. Amendment 74, in the name of Donald Gorrie, is grouped with amendments 75 to 77 and 83.

Donald Gorrie: I have four amendments to section 10. The first, amendment 74, is based on my idea that we make more progress with something when we get people involved and sitting around a table to discuss it. It is not so good to have partial meetings. Let us suppose that three groups of people are involved: the local community, the planning authority and the developer. If all three parties are brought together, that allows for more progress and everyone knows where everyone else stands.

We all have experience of partial meetings, and they happen in the great wide world, too. People speaking at one meeting can give different views

about some other meeting. A and B meet. Then B goes off to meet C and says that A is insisting on such-and-such, and that he told A such-and-such, each of which might be only partially true, if at all. The purpose of amendment 74 is to ensure that, with major developments, the developer calls at least one meeting between the planning authority, the local community representatives and himself, and that they thrash things out so that they at least all know where they all stand. Furthermore, they will have more chance of reaching a compromise. It is often aspects of a planning application that annoy people, rather than the whole thing. If those aspects are altered, the community might be able to live with the proposal reasonably well.

My amendment 75 seeks to encourage developers to improve how they consult local communities. It suggests that they build up a track record of consultation. If it is a good track record, developers should get better treatment from the council. If it is a bad track record, the council will view them with more suspicion, and they will have to jump through more hoops to secure their next development and to satisfy the demand for consultation. The amendment tries to put pressure on developers to build up a good track record of consultation.

My amendment 77 is along the same lines, to an extent. It refers to the current application, not to those in the past. It says that local community representatives can report on how well they think that the developer has carried out the consultation, on whether they have made any agreements with the developer and on whether there are any outstanding issues. It is not just a question of whether or not the developer has agreed with those representatives, but also of whether the developer has acted in a reasonable way in conducting the consultation. The planning authority would take account of the views of the local communities concerned about how well the developer was doing. Amendments 75 and 77 are an attempt to make developers consult seriously. There is a huge range of developers. We have all had experience of good developers who consult with communities in a constructive way and of bad developers who steamroll through and ignore the community, with the council not standing up to them properly. The final point about the amendment is that, if a proposed development is contrary to the plan and the council thinks that the consultation has been inadequate, the council may refuse to consider the application at all. In effect, the developer will be told to go away and do some more consultation in an attempt to sort the thing out.

The amendments are designed to produce better consultation between developers and the local community and strengthen the arm of the local community. They go with the grain of the bill,

which makes great efforts to improve the pre-consultation process. My amendments will improve the quality of that pre-consultation and I hope that people might think that that is worth supporting.

I move amendment 74.

Christine Grahame: We are sympathetic to Donald Gorrie's amendments 74 and 75. We cannot support amendment 77, as it refers to "the attitude" of a prospective applicant. I do not know how we could, in reasonable terms, measure attitude. However, we are sympathetic to amendment 83.

I should say that I have sent the official report staff the scribbled notes to amendment 76, rather than the notes that referred to the amendment that they asked about. I am just warning them that, if they think that this bill is difficult, I have not helped them.

My amendment 76 is to do with redressing the balance of power. Developers are skilled and professional when they address consultation meetings. They put the show on the road and the community sits and has a presentation put to them. The community councillors who spoke to the Communities Committee made it plain that they find applications and planning procedures extremely complex. Many of them make themselves informed, but there is an imbalance. I cannot see the harm in having someone from the planning authority attend consultation meetings to address issues, clarify matters and throw some light on an issue if the developer is saying something that is not quite right. Otherwise, people in communities will feel that, when they attend consultation meetings, there is an imbalance and that the developer has the upper hand. My amendment would ensure that someone from the planning authority could be there to give them some guidance.

Euan Robson: There is some merit in Donald Gorrie's amendment 75. We all have experience of developers who are unco-operative and unhelpful. It is particularly important that there is early consultation that is genuine. Accordingly, it would be helpful if the ministers could explain what powers local authorities will have to ensure that there is some compliance with the requirements of consultation and why this amendment should not be agreed to.

Dave Petrie: We consider Donald Gorrie's amendment 74 to be excessive and believe that it would place unnecessary and extreme pressure on councils. With regard to his amendment 75, each application should be treated without prejudice and it would be unfair to do otherwise. Again, Christine Grahame's amendment 76 is not absolutely necessary and would place undue

pressure on busy planning authorities. There has been no consultation on Donald Gorrie's amendment 77 and it is questionable whether community councils would have the resources to do what it suggests in any case. Donald Gorrie's amendment 83 is unnecessary, since the legislation already does what the amendment seeks to do.

Malcolm Chisholm: Donald Gorrie's amendment 74 seeks the minimum requirement of a meeting between the prospective applicant, the planning authority and representatives of local community bodies as part of a pre-application consultation. It also seeks to define what constitutes a local community body. He lodged an identical amendment at stage 2. As we said then, the matter is one for subordinate legislation and guidance. If we try to address it in the bill, we risk introducing requirements that will be inappropriate to particular communities or developments. Also, if we try to define the interested local bodies in the bill, we risk excluding parties that have a relevant interest and we might end up with provisions that are vague and difficult to implement. I therefore recommend that amendment 74 be rejected.

Donald Gorrie's amendment 75 seeks to require the planning authority to consider the applicant's past performance in consulting on planning applications before the authority decides who should be subject to pre-application consultation on a subsequent application. Again, the proposal was included in an amendment that Mr Gorrie moved at stage 2. As we said then, we believe that the planning authority's power to demand additional pre-application consultation and the obligation on the authority to reject a planning application if the requirement for such consultation has not been met are sufficient to protect the local community's interests. I therefore recommend that amendment 75 be rejected.

Christine Grahame's amendment 76 seeks to ensure that the planning authority is represented at all pre-application consultation meetings with the persons who are specified by the Executive in secondary legislation as requiring such consultation if those persons request such representation. It is an amended version of an amendment that was lodged but withdrawn by her at stage 2. I note that the latest version of the amendment attempts to limit the requirement, but the concerns that we voiced at stage 2 remain. Such representation might be appropriate at large meetings or meetings of particular significance, but it is not appropriate for the bill to state that the planning authority must attend every meeting that we specify in secondary legislation if their attendance is requested by the consultee, because that would tie up the planning authority's resources unduly.

Christine Grahame: Will the minister issue guidance on best practice on consultation? In the circumstances, will he make any recommendations?

Malcolm Chisholm: We will issue comprehensive guidance in the planning advice note on community engagement, which we have taken incredibly seriously in the past few months. It is a shame that, this afternoon, we have had little opportunity to note that work, which has been going on behind the scenes. Meetings have been held throughout Scotland to engage communities in how they can be more meaningfully involved in the planning process. There will certainly be guidance on the issue that concerns Christine Grahame and on the many other aspects of genuine community engagement that are at the heart of the bill.

When an application has been submitted with its accompanying report on the pre-application consultation, members of the public will have the chance to see to what extent the proposals and the report reflect their views. If the documents fail to reflect the public's views and do not give a reasonable explanation, it will be open to concerned groups or individuals to object, and I presume that they will do so vociferously. I therefore recommend that amendment 76 be rejected.

Donald Gorrie's amendment 77 is the same as one that he moved at stage 2, when it was rejected by the committee. As we said then, there will be nothing to prevent community bodies or individuals from making their views about pre-application consultation and the resulting proposals known to the planning authority. Indeed, it is important that pre-application consultation is not seen as replacing the publicity and consultation on the application itself. Public involvement will not stop with the pre-application consultation. I see no need for a statutory provision in that regard and I recommend that amendment 77 be rejected.

Donald Gorrie's amendment 83 would allow a planning authority to decline to determine an application for a major development that is significantly contrary to the development plan if the pre-application consultation does not identify a suitable justification for the departure from the plan. It is a slightly amended version of an amendment that was lodged at stage 2. As we said then, the proposal would move the planning authority's consideration of a case from the application phase to the pre-application phase. That would undermine the consideration of planning applications, during which the development plan and all the other material considerations will be brought to bear in determining the application.

The point of the pre-application consultation is not to judge the case, but to bring to the fore and perhaps deal with the potential concerns that surround the project. It is our stated intention to have pre-application consultations and pre-determination hearings on proposals for major developments that are significantly contrary to the development plan. Planning authorities will be required to report on how their decisions on such cases were reached and the applications will be subject to notification to ministers. That should allow sufficient scrutiny and consideration of any grounds for departing significantly from the development plan. I therefore recommend that amendment 83 be rejected.

17:45

Donald Gorrie: I am unconvinced by the minister's and other's arguments. To have a three-cornered meeting of those who are concerned—the developer, the community and the planning people—would be a useful way forward in pre-application discussions. The fact that we do not have community councils everywhere means that we must have other ways of identifying community bodies, but it is not beyond the wit of man to do that.

We do not do enough to encourage community councils. Recently, a consultative paper was issued to community councils about their future. The first sentence of it said, "By the way, we're not giving you any more powers anyway." Many people in the building do not believe in local democracy, but they jolly well should and we should shake them up until they do. Having the proposed meetings would help the situation.

The idea that it is in some way immoral to take into account a developer's behaviour in consulting on the present development proposal and previous proposals and that purely the bricks and mortar of a development should be considered is wrong. We must consider the issue as a whole. A developer's conduct towards the community is relevant and should be taken into account. It is reasonable to insist that the council take account of the developer's history of consultation and that the community can comment on a current application. If an application is clearly off beam in terms of the development plan and no consultation has shown why it should be accepted, the council should be able to reject it without going into a great debate.

Supporting and strengthening the community is a good idea. I wish that a few more people in the building believed in communities and local democracy.

The Presiding Officer (Mr George Reid): The question is, that amendment 74 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) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 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) (Sol)
 Swinburne, John (Central Scotland) (SSCUP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 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)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 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)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)

McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 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, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 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 18, Against 78, Abstentions 24.

Amendment 74 disagreed to.

Amendment 75 moved—[Donald Gorrie].

The Presiding Officer: The question is, that amendment 75 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) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 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) (Sol)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
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 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
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 Hughes, Janis (Glasgow Rutherglen) (Lab)
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 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
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 Macmillan, Maureen (Highlands and Islands) (Lab)
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 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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 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, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
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 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
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 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 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 17, Against 78, Abstentions 25.

Amendment 75 disagreed to.

The Presiding Officer: Amendment 76 is in the name of Christine Grahame.

Christine Grahame: In the light of what the minister said in response to my intervention, I will not move the amendment.

Amendment 76 not moved.

Amendment 77 moved—[Donald Gorrie].

The Presiding Officer: The question is, that

amendment 77 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) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
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 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)
 Eadie, Helen (Dunfermline East) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
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 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, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
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 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
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 Jackson, Gordon (Glasgow Govan) (Lab)
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 Livingstone, Marilyn (Kirkcaldy) (Lab)
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 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)

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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (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)
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 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, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 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)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)
 Swinburne, John (Central Scotland) (SSCUP)

The Presiding Officer: The result of the division is: For 15, Against 100, Abstentions 2.

Amendment 77 disagreed to.

The Presiding Officer: We have 9 minutes in hand but, after consulting business managers, I propose not to continue to the next grouping. I propose shortly to take a motion without notice to bring decision time forward.

Business Motion

17:51

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-5155, 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 22 November 2006

2.15 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Parliamentary Corporate Body Question Time

followed by Stage 1 Debate: Transport and Works (Scotland) Bill

followed by Financial Resolution: Transport and Works (Scotland) Bill

followed by Stage 1 Debate: Christmas Day and New Year's Day Trading (Scotland) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 23 November 2006

9.15 am Parliamentary Bureau Motions

followed by Preliminary Stage Debate: Airdrie-Bathgate Railway and Linked Improvements Bill

followed by Financial Resolution: Airdrie-Bathgate Railway and Linked Improvements Bill

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time—
Justice and Law Officers;
Enterprise, Transport and Lifelong Learning

2.55 pm Stage 1 Debate: Adult Support and Protection (Scotland) Bill

followed by Financial Resolution: Adult Support and Protection (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 29 November 2006

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by

Final Stage: Glasgow Airport Rail Link Bill

followed by

Stage 3 Proceedings: St Andrew's Day Bank Holiday (Scotland) Bill

followed by

Business Motion

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by

Members' Business

Thursday 30 November 2006

9.15 am

Parliamentary Bureau Motions

followed by

Stage 3 Proceedings: Bankruptcy and Diligence etc. (Scotland) Bill

11.40 am

General Question Time

12 noon

First Minister's Question Time

2.15 pm

Themed Question Time—
Finance and Public Services and Communities;
Education and Young People,
Tourism, Culture and Sport

2.55 pm

Conclusion of Stage 3 Proceedings: Bankruptcy and Diligence etc. (Scotland) Bill

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by
Curran.]

Members' Business.—[*Ms Margaret*

Motion agreed to.

Parliamentary Bureau Motions

17:51

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-5151, on the membership of a committee, and motion S2M-5150, on a substitution on a committee.

Motions moved,

That the Parliament agrees that Margaret Smith be appointed to replace Nora Radcliffe on the Equal Opportunities Committee.

That the Parliament agrees that Stewart Stevenson be appointed to replace Mr Stewart Maxwell as the Scottish National Party substitute on the Health Committee.—[*Ms Margaret Curran.*]

The Presiding Officer: The questions on those motions will be put at decision time.

Motion Without Notice

17:52

The Presiding Officer (Mr George Reid): Since we are all here, I am minded to take a motion without notice to bring decision time forward to now.

Motion moved,

That, under Rule 11.2.4 of Standing Orders, Decision Time on Wednesday 15 November 2006 shall begin at 5.52 pm.—[*Ms Margaret Curran.*]

Motion agreed to.

Decision Time

17:52

The Presiding Officer (Mr George Reid): There are two questions to be put as a result of today's business.

The first question is, that motion S2M-5151, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, on the membership of a committee, be agreed to.

Motion agreed to.

That the Parliament agrees that Margaret Smith be appointed to replace Nora Radcliffe on the Equal Opportunities Committee.

The Presiding Officer: The second question is, that motion S2M-5150, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, on a substitution on a committee, be agreed to.

Motion agreed to.

That the Parliament agrees that Stewart Stevenson be appointed to replace Mr Stewart Maxwell as the Scottish National Party substitute on the Health Committee.

World Diabetes Day

The Deputy Presiding Officer (Murray Tosh):

The final item of business today is a members' business debate on motion S2M-5099, in the name of David Davidson, on world diabetes day 2006. The debate will be concluded without any question being put.

Motion debated,

That the Parliament expresses its support for World Diabetes Day 2006 on 14 November and the launch of the year-long campaign to raise awareness of the impact of diabetes among disadvantaged and vulnerable groups; notes the campaign's message that every person with diabetes, or at risk of diabetes, deserves the best quality of education, prevention and care that is possible; is concerned that people on the lowest incomes are around twice as likely as those on the highest incomes to develop type 2 diabetes and that the prevalence of diabetes in the most deprived areas is over two-thirds higher than in the most affluent; further notes that black and minority ethnic groups are at least five times more likely to develop diabetes than their Caucasian counterparts and are more likely to live in more deprived areas; recognises the developing epidemic of diabetes in young people in Scotland, and believes that the Scottish Executive should ensure that the needs of disadvantaged and vulnerable groups are fully addressed in the roll-out of the Scottish Diabetes Framework: Action Plan and that resources for diabetes awareness, screening and early intervention treatment to reduce long-term costs to the NHS are made available to all of Scotland's NHS boards.

17:54

Mr David Davidson (North East Scotland) (Con): I will start with a declaration of interest: I have been a diabetic for 32 and a half years.

I welcome the people from the diabetes community who are in the gallery and point out that, because of the long parliamentary day, not so many of them are able to be here, but they have sent their apologies and support.

I am delighted to be having this debate on behalf of the cross-party group on diabetes and to celebrate world diabetes day 2006, which was yesterday. Celebrated on 14 November every year, world diabetes day was established by the International Diabetes Federation and the World Health Organization in 1991 with the aim of co-ordinating diabetes advocacy worldwide. It has become the primary global awareness campaign of the diabetes community throughout the world, and through the activities of the IDF and its member associations and partners the world diabetes day campaigns reach millions of people around the world. Diabetes communities in more than 150 countries are united in what is both a targeted campaign to raise awareness of diabetes and its complications and a celebration of the lives of people everywhere who have diabetes.

For the historians, 14 November is the birth date of Frederick Banting who, along with Charles Best, discovered insulin back in 1922.

Diabetes is one of the greatest challenges facing Scotland today. We have 180,000 diagnosed diabetics, and that figure is expected to reach more than 400,000 within the next 10 years. Approximately half of those cases will come from disadvantaged communities, and they are the people who are least likely to access appropriate care. Unless the disease is diagnosed and effectively treated, it puts people at risk of serious complications, such as heart and kidney disease, blindness, stroke and amputation. Deaths from diabetes are expected to rise by 25 per cent during the next 10 years.

The most deprived groups are two and a half times more likely to have diabetes, and 80 per cent of people who present with type 2 diabetes are overweight or obese at diagnosis. The prevalence of diabetes increases with age, such that almost one in 10 of the population over the age of 64 has diabetes. People from black and minority and ethnic groups are up to six times more likely to develop diabetes.

One in five people who has a severe mental illness has diabetes. The prevalence of diabetes in nursing homes is up to 25 per cent, compared with 3 per cent in the general population. Complications such as heart disease, stroke and kidney damage are three and a half times more likely in the lowest socioeconomic groups, and people from deprived or ethnic communities are less likely to have their body mass index or smoking status recorded. They are also less likely to have records for their HbA1c blood screens. They do not have retinal screens, blood pressure checks or checks for neuropathy. They also do not get access to flu vaccinations.

Mortality and morbidity are increased by deprivation, and there is a proven link between deprivation and the prevalence of type 2 diabetes. There are more obese patients in deprived areas than anywhere else in the world, and they require more targeted resources and more primary care to prevent the complications that are expensive for the health service to treat, such as heart disease and the other conditions that I have mentioned.

Inequality in health outcomes in people with diabetes has many causes. Fifty per cent of the increased morbidity is due to smoking and uncontrolled hypertension. Other factors are poor glucose control, raised cholesterol, obesity, lack of education, lack of access to services, unemployment, housing status and so on. It is frightening that young people are very vulnerable, with high rates of psychological morbidity, particularly anxiety, low self-esteem and even

eating disorders. They have acute problems and they also suffer from stigma in our communities.

Scotland has the highest prevalence of type 1 diabetes in children in the world, and health outcomes for such children have not improved in the past 10 years. The majority of sufferers are at risk of future microvascular complications. A flood of children are presenting with type 2 diabetes, a condition that used to be associated with adults over the age of 40.

Our ethnic communities are at high risk. People of south Asian origin are six times more likely and people of black Afro-Caribbean origin are five times more likely to develop diabetes than the general white population, which results in two or three times higher rates of heart disease, renal failure and stroke for those groups. Part of that is because of socioeconomic deprivation, genetic risk factors, displacement, mobility, discrimination and racism, difficulties with communication and literacy, and cultural and religious influences and behaviour, including issues such as physical activity and food choices. I highlight the work that is being done on those issues in the Lothian NHS Board area. A poll this year showed that those groups have low awareness of diabetes and its complications.

In older people, diabetes rates increase steeply with age. Some 10 per cent of people over 64 and up to 20 per cent of the over-85s suffer from diabetes and all the problems that go with it. As I mentioned, the prevalence of diabetes among care home residents is as much as 25 per cent, but many sufferers do not receive adequate support, especially with their diet.

The Scottish diabetes framework action plan of 2006 sets out the diabetes challenges that Scotland will face over the next three years. The priorities include improved care for people with type 1 diabetes and the need to improve health outcomes, especially for children with diabetes. We need to ensure that our health boards, community health partnerships and managed clinical networks make more of an effort to tackle the outstanding awareness and prevention issues.

Having taken part in a charity walk for the Juvenile Diabetes Research Foundation, I received a letter today from a parent in Aberdeen who raises money for JDRF. My constituent's nine-year-old child suffers from depression because he needs to perform all sorts of injections and tests every day and he cannot really cope with it. He has no access to pump therapy because of a lack of resources in the Grampian NHS Board area. I hope that the minister will address that point.

Diabetes is a global pandemic that results in one death every 10 seconds from diabetes-related

complications. An amputation takes place every 30 seconds because of neuropathy. One new case is diagnosed every five seconds. If no action is taken, the number of diabetes sufferers in the world will rise from the current total of 240 million to more than 400 million by 2025. That will put intolerable strain on the health budgets of all nations, especially those in the developing world.

To do nothing is no longer an option. Through tonight's debate, I call upon Scotland to wake up and join the battle to improve treatment and care for diabetics in Scotland and assist those struggling economies abroad that share in what is a global diabetes pandemic.

18:02

Rob Gibson (Highlands and Islands) (SNP): I congratulate David Davidson on securing this important debate on diabetes. I will home in on how type 2 diabetes in adults is treated in our system.

Diabetic retinopathy screening is an important part of the checks to ensure that the eyesight of people with diabetes is secure. However, quality assurance issues have resulted in the national health service in Scotland moving to a more complicated system of checking how such screening is carried out. In the past, optometrists carried out screening as part of their regular check-ups for patients, but audit requirements to ensure that screening is carried out in a suitable fashion mean that each screening must be checked by at least four people. That has resulted in more screenings being done in hospitals rather than by optometrists in patients' own towns.

In the case of Raigmore hospital, that means extended journey times for patients, because they must wait some time before the eye-drops that they are given so that photographs can be taken wear off. I know of one case in which the photographs that were taken by the hospital technician were not good enough and had to be taken again. In the meantime—this story covers the months of October and November—the patient had an annual check-up with their local optometrist, who was able to do the job, which he does very well, with equipment that was up to scratch. The local optometrist was able to assure the patient that there was no problem.

It is important that in our system we recognise that around Scotland there are very different ways of handling the matter. In Orkney, an optometrist already has the kind of digital camera that can do the job, but the health board has also bought one. In Ayrshire, the health board has ensured that digital cameras are available to all optometrists. That best practice has allowed practices to deal with the issue close to where patients are. In

Highland, a software problem has resulted in a five-month backlog. In an attempt to catch up, patients who live relatively close to Inverness have been taken to hospital.

The minister needs to respond on the treatment of diabetics. According to the Kerr report, chronic conditions such as diabetes should be dealt with in the community, as close as possible to where patients are. I contend that, although optometrists have the necessary skills, the system should be organised to allow screening material to be transmitted by electronic means, so that the four experts who are required to consider cases under the new form of quality assurance are able to do so. The procedure should be carried out near to patients' homes, but checks should be made where the experts are.

The patient to whom I referred has fallen between two stools. Twice they were forced to travel much further than was necessary in order to have taken the right kind of photograph, although their optometrist was perfectly capable of carrying out the procedure locally. I ask the minister to ensure that when clinical services are audited the root reason why quality assurance is carried out in that way is identified. We want to avoid clinicians finding themselves in the same situation as those who were associated with the cervical smear problem in Inverclyde. Patient journeys must not be increased to the extent that patients are put at greater disadvantage, and we should make best use of the resources that are available. I would like the minister to respond to that point, because we want the NHS and optometrists to deliver screening procedures throughout Scotland in a suitable fashion.

18:07

Eleanor Scott (Highlands and Islands) (Green): I am pleased to speak in the debate. I congratulate David Davidson on securing it and on his continuing work with the cross-party group on diabetes. I also thank Diabetes UK and the International Diabetes Federation for their on-going work.

The Highlands and Islands, which I represent, has a high incidence of diabetes, including type 1 diabetes. The briefing from Diabetes UK Scotland states that Scotland has a high incidence of diabetes, but in the Highlands it has historically been high—I saw it as a junior doctor when I worked on the paediatric wards at Raigmore and, many years later, as a school doctor. Recently, many of our debates have focused on type 2 diabetes. I will say a little about that, because incidence of that form is increasing and we can do a lot more to prevent it. However, type 1 diabetes is still important and I welcome the Scottish

diabetes action plan priority of providing improved care to children with it.

I have encountered many cases of type 1 diabetes. I am aware of the upset, shock and lifestyle readjustment to a whole family—and beyond—that occurs when a child is diagnosed with the condition, and of the concerns of teachers and other school staff when a child with type 1 diabetes is admitted to school or a child who is already at school is diagnosed with it. The role of the diabetes nurse is important. We could clone them several times over and still not have enough. When we were able to get diabetes nurses to go into schools to show what needed to be done and to talk about the management of hypos, testing and so on, it was incredibly well appreciated, but because their time was so valuable it could never happen enough.

Because of the high incidence of diabetes in the Highlands and Islands, I welcome a major development that is about to take place in the region. An article that was published in the *Inverness Courier* last week states:

“Plans are well under way to establish a dedicated diabetes clinical research facility within a new £5 million Diabetes Institute to be based at Raigmore Hospital in Inverness.”

The facility will be part of the UHI Millennium Institute department of diabetes. There will be a diabetes institute and a research professorship sponsored by LifeScan, a health care firm that is big in the Inverness area. The institute will collaborate in research with other centres. The facility is supposed to open in the spring of 2008.

It is all very exciting because the institute will also consider the use of telemedicine. As Rob Gibson said, telemedicine is very welcome, because diabetes—particularly type 2, which tends to affect older patients, although it increasingly affects younger people—is a chronic condition that should be managed by patients as much as possible, with support in their own communities. Travelling long distances to hospital appointments is perhaps not the best way to manage the condition. If we can use telemedicine so that people can be monitored in their own homes from a distance, that will be welcome. If telemedicine is sophisticated enough to allow retinal images to be sent down the line, that is excellent. The institute may become a centre of excellence in diabetes care in remote and rural settings.

I would like to mention the local group, Diabetes UK, Inverness and district branch, which has set itself the target of raising £15,000 in the coming year to help equip and furnish the new centre. I wish the group's members every success. They are a determined bunch, so I am sure that they will do it. I also wish the new unit every success. I

know that this is not a subject for this debate, but I hope that we can not only stop and reverse the incidence of type 2 diabetes, which is increasing at a worrying rate and is a ticking time bomb, but that we can improve our management of type 1 diabetes and the outcomes for people who have that condition. I welcome the opportunity to make those points in the chamber today.

18:11

Euan Robson (Roxburgh and Berwickshire (LD)): I add my congratulations to those that other members have given David Davidson on obtaining this evening's debate. This is an important subject and it is essential that the Parliament and the Scottish Executive recognise that diabetes is a growing problem.

I entirely agree with David Davidson that diabetes is one of the great challenges that face Scotland today. It is a particularly great challenge because not only do we know that the number of people involved is rising but, as the 2004 review report said, many thousands of cases go undiagnosed. That must be a cause for considerable concern—early diagnosis enables appropriate interventions to be made to prevent the onset of some of the other symptoms that manifest themselves, beyond the disease itself.

The Scottish Executive's introduction of free eye tests was an important new policy. I talked to an optician who recently established a practice in Duns in my constituency—the first optician in Berwickshire for some 20 to 30 years—who emphasised the fact that he can spot where there might be as-yet-undiagnosed diabetes. There might be more cases in future, but perhaps that is to be welcomed if we can diagnose them more quickly and ensure that the appropriate interventions are available.

As Eleanor Scott said, some parts of Scotland have had a higher incidence of diabetes than other parts. The Highlands is one such area. The Borders is another. I welcome the fact that the Scottish Executive has provided some pilots for anticipatory care in disadvantaged areas. That is clearly correct, but disadvantage is not located in only one part of Scotland; it can be found throughout Scotland. It is essential to look to areas that might not appear to have major disadvantage, but which have considerable disadvantage hidden away, perhaps in an affluent community or in a sparsely populated area. It is important that anticipatory care, including early diagnosis of diabetes, is sought and obtained throughout Scotland.

I am particularly concerned—I had not previously appreciated this—that the black and ethnic communities experience much higher rates

of diabetes. I cannot intuitively think of a reason for that. I ask the question—although perhaps I should already know the answer—whether research has been done on the matter. Is there some way in which we can find out the reasons why those communities experience much higher rates of diabetes? I hesitate to suggest any reasons, but there clearly must be some. I cannot believe that there should be such marked differences, particularly between people who live in similar areas.

It is important that the excellent work in producing the “Scottish Diabetes Framework”, in reviewing the framework and in the “Scottish Diabetes Survey 2003” is continued. I note that the foreword to the review of the diabetes framework in 2004 mentions that progress will be made in reviewing the framework by early summer 2005 and that further work will take place. It would be helpful if the minister could clarify exactly what is going on, what work the Executive is undertaking and what the timeframe is, because there is no doubt that diabetes is one of the more serious matters that we need to address in Scotland today.

18:16

Stewart Stevenson (Banff and Buchan) (SNP): I congratulate David Davidson on securing a debate on this important subject. I frequently disagree with him on political matters, but on this occasion I pay tribute to him as a practical example of longevity in a diabetic, which serves as a model of what can be achieved. He also illustrates perfectly some of the points that he made. Although I disagree with him, he is articulate and able to engage with his condition, understand it and ensure that he is managing it. The best way to manage a lifelong condition is for the person who is subject to it to be a key part of the management. That illustrates why there are difficulties in more disadvantaged communities in which people have less capability.

Like Eleanor Scott, I have examined the figures. Having had a brief exchange with her, I think we agree that the prevalence of type 1 diabetes is higher in the Highlands than it is anywhere else in Scotland but, paradoxically, the prevalence of diabetes overall is lower in the Highlands than it is in many other parts of Scotland. That means that the prevalence of type 2 diabetes in the Highlands is low compared with the rest of Scotland. The reason for that is that people who live in a rural area such as the Highlands are much healthier and fitter psychologically, physically and dietetically, even though there is deprivation in rural areas. City deprivation, in particular, is a problem.

About one in 25 of our population has diabetes. The interesting question to pose is what proportion

of people with diabetes have intrinsically avoidable diabetes. The answer is that a very high proportion of people with diabetes have essentially avoidable diabetes, because type 2 diabetes is environmental and diet based.

I have been doing my bit to constrain the further development of diabetes. I will name names. When I found Jamie Stone and Frank McAveety eating chips in the members' lounge during the stage 3 process that we started today, I pointed out the health risks that they were running and told them that they were in conflict with the Executive's policies and practices, which I support. Perhaps the minister will have a reinforcing word with them.

As David Davidson said, diabetes is a worldwide problem—but we should consider some uniquely Scottish aspects of the issue. Scotland was one of the first countries in the world to have a world-class medical school, which was located in Edinburgh. The huge morbidity on the doorstep of the medical school in the old town of Edinburgh provided a climate in which people could study the conditions that were engaging practitioners in medicine in the middle ages.

As various genetic links are associated with type 1 diabetes and as, with record-keeping that is superior to that of many other developed countries, we have a very good understanding of the genetic mix of the people in this country, we have a key opportunity to take a lead in research into how we can prevent the development of type 1 diabetes and continue, support and reinforce a primarily diet-focused approach to dealing with type 2 diabetes.

Of course, we also have to engage with the psychology of people whose behaviour, as far as diabetes is concerned, is not good for their health. As other members have pointed out, diabetes is accompanied by a wide range of other conditions that not only damage people's quality of life but incur substantial public costs. That should give us a clue about where we should look for the money to invest in world-class research that would benefit the people of Scotland and make a contribution to the rest of the world.

By the way, coming to the Parliament might be one solution. My blood pressure is 30 points lower, which helps a wee bit. That said, my diet might not be any better for being here.

We certainly have to engage with the problem. I congratulate David Davidson on securing this debate and am interested in hearing what the minister has to say.

18:21

The Deputy Minister for Health and Community Care (Lewis Macdonald): I, too,

congratulate David Davidson on his securing this timeous debate and I welcome many of the comments that have been made. I also welcome the opportunity to confirm our recognition of the challenge that is presented by diabetes and to highlight our actions to address it.

We acknowledge David Davidson's points about the impact of type 2 diabetes on disadvantaged and vulnerable groups. Of course, tackling health inequality is one of the key themes of our vision of future health care—"Delivering for Health", which we set out in Parliament just over a year ago.

Since devolution, we have been endeavouring to develop more effective ways of improving care of people who have diabetes. Euan Robson asked about the basis of that work. The "Scottish Diabetes Framework", which was published in 2002, set out a clear vision for improving diabetes services and the diabetes action plan, which came out earlier this year, refocuses that approach on consultation of diabetes sufferers, carers and service providers and sets out a clear three-year programme of action. We welcome health care professionals' commitment to delivering the action plan's recommendations.

Diabetes services have improved considerably in recent years. Most important, the creation of managed clinical networks for diabetes care in every NHS board area has provided leadership and focus on delivery of local diabetes services. Investment in information technology has resulted in the creation of a fully electronic diabetes patient record that will be available at all stages of the patient's pathway. It will provide timely clinical data to support the care of the patient and increasingly robust data that will be used to examine the overall quality of care. The number of diabetes sufferers who receive the required regular tests has increased, which has led to an overall improvement in the number of patients who reach their treatment targets.

Mr Davidson: In my speech, I mentioned a letter that I received today that highlights the lack of access to insulin pumps, which the cross-party group on diabetes discussed earlier this year. Does the minister have any comments about the roll-out of pump therapy in Scotland? I know that some trials are being carried out, but despite the fact that the treatment frees up services and allows people to lead normal lives, Lothian NHS Board has struggled to get the system up and running and it is simply not available elsewhere.

Lewis Macdonald: In answering that question I will also address the issues that Rob Gibson raised to do with diabetic retinopathy screening. We look to managed clinical networks to address such issues within regions such as Grampian, as mentioned by David Davidson, or Highland, as mentioned by Rob Gibson, or Lothian. In all

places, we look to MCNs to define the services that are needed in their areas and to ensure that those services are delivered in an integrated way.

The action plan also emphasises the importance of supporting people who have diabetes in caring for themselves. We have to ensure that people have access to good-quality education and information so that they can improve their knowledge and skills and gain the confidence to deal with the condition and to integrate self-management into their life and care. Such education on self-care will be a key part of our work. It will be taken on board by the NHS as mainstream NHS business.

Disadvantaged groups have been mentioned, including people from minority ethnic groups. For example, a genetic predisposition among south Asian people can be the fundamental cause of their particular disadvantage. We look to MCNs to undertake a needs analysis of their local populations to identify disadvantaged groups and appropriate treatments. People may be disadvantaged because of their ethnic origin, because they have learning disabilities, because of their social or economic position, or because of geography or transport issues. The MCNs will be key agencies in developing understanding of what is required and in ensuring that services are made available. I have already mentioned "Delivering for Health", in which a key point is that we should address inequalities in access to health services. Diabetes services are one such area in which we would be keen to address inequalities.

We also have to consider the many people who are living with diabetes but who have not been diagnosed. In that regard, we take advice from the National Screening Committee, which advises all four United Kingdom health departments. It feels that general population screening for diabetes is not necessarily the best way forward, but that it will be critical in reducing risk among the groups that are at highest risk. We will continue to listen to such advice and to act on it.

Work on diabetes screening should be taken forward in the context of addressing general cardiovascular risk factors. That is the advice of the National Screening Committee on the basis of its projects and pilots. It is also the focus of the keep well programme on anticipatory care, which is being piloted in five areas. Euan Robson asked whether the pilots and the focus on cardiovascular risk factors such as diabetes will be confined to those five areas. The intention is to use the results from the pilots to inform policy more generally. We have to acknowledge that there are disadvantaged groups as well as disadvantaged areas. Those groups exist all over Scotland. We hope to extend the pilots beyond the current five in the reasonably near future.

We are committed nationally, regionally and locally to the goals in "Delivering for Health". Those goals include reducing inequality and improving treatment. "Delivering for Health" puts a clear emphasis on increasing support and increasing the focus of health services on people who are living with long-term conditions. That offers a basis for sustainable improvements in how we will support people with diabetes in the future.

We support the call of world diabetes day for care for everyone with diabetes and we are working hard to deliver that care in Scotland. "Delivering for Health" sets the context and the diabetes action plan sets out the programme of steps that we need and intend to take. The direction that we are taking will, I hope, bring the kind of improvement that all the members who have spoken this evening have called for.

Meeting closed at 18:30.

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