

MEETING OF THE PARLIAMENT

Wednesday 21 March 2007

Session 2

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Scottish Parliament

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

Time for Reflection

The Presiding Officer (Mr George Reid): Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is the Rev Robbie Hamilton of New Wellwynd parish church, Airdrie.

The Rev Robbie Hamilton (New Wellwynd Parish Church, Airdrie): Good afternoon.

If you think that I look a bit tired, you are probably right. Last Thursday, I returned from leading a 10-day pilgrimage to the Holy Land. Even though the visit was my fourth to Israel/Palestine, I still came back having been exposed to new challenges that made me think of the situation there and of other situations closer to home. The group had the privilege of encountering not just the bricks and mortar of churches and excavations, but the living stones that make up Israel/Palestine—the people who have been divided for so long and are hurting.

A week past on Monday, we went back to school to learn about the kind of work that is being done to try to break down the barriers that are manifested in walls, fences, mistrust and misunderstandings. Tabeetha school in Jaffa is the only Church of Scotland school. It brings together Jews, Muslims and Christians, and pupils and staff alike work in a Christian environment to break down the barriers that divide by working, playing and learning together. They get to the very heart of the problem there and in many other situations: fear. Fear turns diversity into disunity and distrust. It turns groups and individuals into adversaries rather than neighbours who respect one other.

As leaders in society, in the church and in the Parliament, we are reminded by this very building that we are here to serve the needs of all people. Allied to that, we have a duty to lead by example, remembering the words of John in 1 John:

“There is no fear in love. But perfect love drives out fear.”

Be it in church, the community or the chamber, or when canvassing, may we carry out our duties out of love for the individual and the groups around us and respect for those who differ from us. Yes, we need to engage with one another in discussion and debate, and we should not be frightened to deal with the difficult and thorny issues that divide us. However, we should never do so in a way that

engenders fear and generates bitterness; rather, we should drive out fear and bitterness, replacing them with love, respect and acceptance.

Let us pray.

O, Divine Master,
grant that I may not so much seek
to be consoled as to console;
to be understood as to understand;
to be loved as to love;
for it is in giving that we receive;
it is in pardoning that we are pardoned;
and it is in dying that we are born to eternal life.

In the strong name of Jesus. Amen.

Point of Order

14:35

Mr Brian Monteith (Mid Scotland and Fife) (Ind): On a point of order, Presiding Officer. Further to the point of order that Mike Rumbles raised last Wednesday about the Standards and Public Appointments Committee's conduct in respect of the right of members to have a hearing before it, I beg your brief indulgence by allowing me to raise a point of order that, due to my temporary suspension, I was unable to raise at that time. I seek further clarification.

To put the matter in context, Mike Rumbles brought to members' attention the Standards and Public Appointments Committee's policy that members should, if they request it, be granted a hearing before the committee when it hears a complaint about them. He cited the e-mail that was published in the committee's report on my case that showed that I had asked to appear before the committee. He accepted that there might be some ambiguity about the matter, but as far as I am concerned there was no ambiguity. Neither you, Presiding Officer, nor Mr Rumbles could have been aware that I had sent a further e-mail to the committee, dated 26 February, that did not appear in the report. In that e-mail, I said:

"You should also know that I am out of the country on 6-8th March ... and 13-15th March ... inclusive and would be unable to attend a meeting on those days."

Clearly, if I had not wanted to attend the committee, I would not have gone to the trouble of pointing out when I would be unavailable. Whether the committee chose to ignore the e-mail or was not made aware of it, I cannot say.

In the circumstances, Presiding Officer, can you clarify, not so much for me as for members who might face a similar difficulty in future, what redress members have to ensure that a committee decision can be reviewed or challenged when the committee has possibly breached its own procedures, especially when members do not sit on that committee or it is unlikely to meet again and when, as in this case, the existing method of appeal—namely, appearing before the whole Parliament—has already been used?

The Presiding Officer (Mr George Reid): I am grateful to you for giving advance notice of your point of order. As I said last week in response to Mr Rumbles, the committee convener has confirmed in the chamber that the committee fully met its obligations under the code of conduct in its handling of the complaint against you. The matter is not for me. If you wish to take the matter further to get redress, you must do so directly with the committee.

Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill: Stage 3

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-5628, in the name of Cathy Jamieson, that the Parliament agrees that the Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill be passed.

14:37

The Deputy Minister for Justice (Johann Lamont): The Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill is a short but significant piece of legislation that will help a small group of people who find themselves in tragic circumstances.

At present, under section 1(2) of the Damages (Scotland) Act 1976, claims by the immediate family of someone who dies as a result of a personal injury are extinguished if the injured person settles their own claim before they die. The purpose of the bill is to address, urgently and exclusively, a horrible dilemma that the law of damages presents to mesothelioma sufferers, who face certain but not immediate death. Most sufferers go without the comforts that compensation might provide before they die so that their families can benefit from larger awards after their death. That is an appalling predicament for sufferers and their families to face at what is already a tremendously difficult and harrowing time. The bill will remove the dilemma by disapplying section 1(2) of the Damages (Scotland) Act 1976 so as to allow the immediate family of a mesothelioma sufferer to claim damages for non-patrimonial loss under section 1(4) of the act after the sufferer dies, irrespective of whether the deceased has already recovered damages or obtained a settlement.

I want to express my thanks to the Justice 1 Committee for considering the bill so diligently and to its clerking team for ensuring that events have progressed smoothly. Although this small bill was welcomed by all parties, it was nonetheless robustly scrutinised and improved by the committee. I also record my sincere thanks to Des McNulty MSP, who generously allowed us to draw from his work in preparing our consultation, and to other MSPs who have long taken an interest in this important issue. I also thank Thompsons Solicitors for providing us with statistics, and the asbestos groups, the various trade unions and everyone else who has enabled the Executive to introduce this unique bill. We welcome in particular the tireless energy and commitment of the campaigning groups in allowing us to reach this

point. Without their hard work and dedication, we would not be debating the bill at all.

I also thank the officials in the Executive's bill team for the good work that they have done in response to the committee's requests and for being extremely helpful to me, as someone who became involved in the bill's progress at a late stage.

During stage 2 consideration of the bill, I was pleased to fulfil the undertaking that was given to the committee at stage 1 that the bill would be amended so that its provisions would apply to any case in which the sufferer recovered damages or obtained a full settlement on or after 20 December 2006. At stage 2, the committee unanimously agreed to the amendments that will allow that to happen. I record my thanks to the committee for exploring the issue of retrospection so thoroughly with witnesses at stage 1 and to the witnesses for their consensus on the matter.

In practical terms, that means that from 20 December last year sufferers have been able to hold someone to account before they die without worrying about disadvantaging their families. As a result of being able to settle their claims or seek accelerated proof dates, some sufferers will be able to get, and to benefit from, their own full damages before they die. In addition, sufferers who had put off starting proceedings to avoid disadvantaging their families have now begun proceedings. There has already been an increase in the number of claims raised by people with mesothelioma.

In the financial memorandum to the bill, we said that, in future, not one but two actions might be raised because if the victim can settle before death, the relatives will be able to raise their own action. At present, if the victim does not settle, a single claim is made by the executor and relatives.

The issue of initiating a single action for the mesothelioma sufferer and their immediate family was explored in detail by the committee in evidence from stakeholders. I then wrote to the committee to confirm that primary legislation would not be required and that it was a matter for the rules of court. The stage 1 report on the bill recommended that the Executive should liaise with the Court of Session, the insurance industry and solicitors to establish whether the raising of a single action in mesothelioma cases would be feasible and whether it would, indeed, be beneficial to all parties. We accepted the recommendation and the issue has been investigated further. Stakeholders agree that the raising of a single action would be beneficial for claimants, as it would save time and expense.

Personal injury claims in the Court of Session are dealt with under the Coulsfield procedures,

which were introduced to bring about speedier settlement of claims. A personal injuries user group chaired by Lady Paton was established by the Lord President to monitor the effectiveness of the new procedures and to recommend continuing improvements to the procedure. I am pleased to inform the Parliament that the user group has considered the use of single actions in mesothelioma cases and has recommended that changes be made to the rules of the Court of Session to enable both claims to be dealt with in the same action. The recommendations await formal consideration by the court once the bill is passed, with a view to early implementation.

Looking more widely, the United Kingdom Government believes that, whenever possible, mesothelioma sufferers should receive compensation in life so that they themselves can benefit from it while knowing that their families will be secure in the future. That is completely in line with our approach, and I welcome the proposals to provide faster compensation to all people diagnosed with mesothelioma that were announced on 13 March by John Hutton, the Secretary of State for Work and Pensions. Once passed, that piece of reserved legislation will mean that every sufferer should receive a state payment within six weeks of making a claim, which will be recovered if a subsequent civil compensation claim is successful. Scottish sufferers will benefit from those proposals as well as from the provisions in the bill.

I am required to signify Crown consent. For the purposes of rule 9.11 of the standing orders, I wish to advise the Parliament that Her Majesty, having been informed of the purport of the Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill, has consented to place her prerogative and interests, in so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

I feel privileged to have been involved in progressing the bill. I pay tribute to my colleague Hugh Henry, the former Deputy Minister for Justice, who was instrumental in securing a legislative slot for this small but crucial bill. As I have said before, I have been struck by the fact that the issue goes far beyond financial considerations such as damages. It is also about sufferers wanting—and deserving—acknowledgement of what has caused their suffering. In addition to being denied the chance to obtain funds that would have eased their suffering at the end of their lives, sufferers have been denied the chance to hear someone take responsibility and admit that what happened was their fault.

I trust that all members will again support this short but vital piece of legislation, which will bring

real benefit to mesothelioma sufferers and their families.

I move,

That the Parliament agrees that the Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill be passed.

14:44

Mr Kenny MacAskill (Lothians) (SNP): I apologise, as I will have to leave the debate before the conclusion of the final speeches to go to a meeting of the Scottish Parliamentary Corporate Body.

The Scottish National Party heartily concurs with the minister. This is a short but significant—indeed, vital—bill. To some extent, the bill has been fast tracked, which is as it should be, and there were no stage 3 amendments.

Although the bill is short and limited in what it does, it has huge significance for the few individuals involved. We have had debates at stage 1 and elsewhere, but discourse has been limited because the matter is clearly one on which there is unity in the country and in the chamber.

We are aware that our proceedings are heating up as we approach the elections. It is often thought that a gladiatorial amphitheatre is replicated in the chamber at First Minister's questions, when politicians have battles over their respective ideologies. However, sometimes members clearly recognise that, irrespective of the political party that they belong to and the ideology that they profess, some things are manifestly wrong and unjust, such as the outcome of the decision by the House of Lords. Irrespective of where someone sits in this chamber or what political ethos they subscribe to, the situation was unacceptable and it was necessary that we acted with all speed.

As the minister correctly said, great tributes go to those who have been involved with the bill: Hugh Henry; Des McNulty; those involved on the committee; and those who have pursued a battle not only over the bill but over the whole issue of asbestosis. It is a battle that has been fought for more than a generation. Sadly, the struggle will probably continue because, as was mentioned during stage 1, cases are springing up in areas where we had not thought that there would be the possibility of related diseases.

When new technologies and new construction practices were first used many years ago, nobody started out with the deliberate thought that they would set out to make people sick, whether in the shipyards or in the construction industry. However, that was the consequence. Blame can be attributed to some companies that have acted shamefully. The bill will provide some solace for

individuals, but some companies have acted appallingly, and some may continue to do so. We must pay tribute to those in Clydeside and elsewhere in Scotland who have fought tenaciously—often with little support from Government or political parties—to raise the issue. The credit goes to them, but, as I said, it also clearly goes to others, such as Des McNulty, who picked up the baton and ran with it.

We had a full debate at stage 1, when members clearly recognised the wrong that had come about. The chamber is frequently divided, but I hope that there is no division over this debate, because we all recognise the injustice involved. It would be perverse if we were to have petty party squabbles over something that matters so much to the individuals affected. The Hobson's choice that those individuals faced—either to seek some recompense in their lifetime or to leave it to their families to pursue recompense thereafter—was manifestly wrong.

We have not necessarily resolved all the problems; doubtless, significant problems will arise for others. I mentioned during the stage 1 debate that, when I had the pleasure of being in the company of Harry Benson, he told me of an outcome of the 9/11 tragedy that I had not known about. Many of the photographers who took the pictures that we have all seen in newspapers and elsewhere got dreadful diseases related to asbestosis because of all the problems that occurred in the atmosphere in and around downtown Manhattan.

Such issues will continue to arise, but—this is perhaps fitting as we come to the end of the session—as members of the Scottish Parliament, we must bury our differences and recognise that there is more that unites us than divides us and that we are here to address problems that exist in Scottish society. It is necessary for all politicians to recognise that some things transcend party ideology and must be sorted out. That is why the bill has had our full support and why it will have our full support at 5pm.

14:49

Margaret Mitchell (Central Scotland) (Con): It is a pleasure to speak in support of this short and unusual bill. It is a measure of the unanimity of the support for the bill that there were no stage 3 amendments.

That is in sharp contrast to my first experience of legislation in 2003, when the new Justice 1 Committee dealt with the Criminal Procedure (Amendment) (Scotland) Bill, which involved complicated reforms of High Court proceedings; amended the Criminal Procedure (Scotland) Act 1995; introduced trial in the absence of the

accused; increased sheriffs' sentencing powers; abolished the 110-day rule; addressed bail issues; focused on preliminary hearings; and made other procedural alterations. Suffice it to say that the stage 3 amendments that were lodged then were numerous and varied, and were the subject of robust debate.

Today the situation is very different, as the summary of evidence that was received by the Justice 1 Committee and the Scottish Executive testifies. Interest groups such as Clydeside Action on Asbestos and Asbestos Action (Tayside), West Dunbartonshire Council, Stirling Council, North Lanarkshire Council, Perth and Kinross Council, the Scottish Trades Union Congress, insurers and consumers, as well as various legal and academic respondents, were all in agreement that the existing law is problematic for mesothelioma sufferers and their relatives.

Although 12 of the 15 respondents stated that they were in favour of disapplying section 1(2) of the Damages (Scotland) Act 1976—the provision whereby the relatives' claim is extinguished if the sufferer settles their claim before death—as a means of remedying the problem, others, notably the Association of British Insurers and the Forum of Scottish Claims Managers, initially argued that the problem could be solved

“by encouraging claimants to initiate their claim, make an application for interim damages, and then sist the claim until after death.”

Some respondents, including the STUC, considered that there was justification for including other medical conditions in the bill. Others recognised that, perversely, improvements to court timetables and the more streamlined claims procedure following the Coulsfield report had the unintentional effect of adding to the anguish of sufferers, who, once diagnosed, have an average life expectancy of 14 months.

Despite the initial difference of opinion about how best to solve the problem, there have been none of the entrenched standpoints that are usually adopted when we debate the detail of a bill, once the general principles have been agreed. Instead, all the parties involved have been willing to compromise, in recognition of the uniqueness of the features that relate to mesothelioma: namely, that it is almost invariably caused by exposure to a particular substance—asbestos; that, as medical science currently stands, there is no cure; that life expectancy is short at, on average, 14 months; and that, under the Fairchild exception, sufferers do not need to meet the normal test of causation in civil actions. For those reasons, the bill that is before us today is mesothelioma specific. It is designed to remove the dilemma that sufferers face in relation to relatives' compensation claims, which in approximately 80 per cent of cases has

resulted in the sufferer forgoing their claim to ensure that their relatives are not disadvantaged.

No other class of personal injury shares the characteristics of mesothelioma, which means that our passing the bill does not compromise the general principle that relatives' rights are extinguished if the deceased settles their claim in full prior to death.

This is a bill of which the Scottish Parliament can be proud. It represents devolution as it was intended to work. As the minister confirmed, there is no doubt that the Parliament would not be in a position to pass the bill today were it not for the campaigners, for Thompsons Solicitors, who acted on behalf of the sufferers, and for Des McNulty. It is to be hoped that, when the Parliament convenes in the new session, it will give careful consideration to alternative ways of tackling the problems of the day, rather than rushing to legislate, so that precious legislative time can be given over to prioritising bills such as this, which can and, I hope sincerely, will make a difference to mesothelioma sufferers and their relatives.

14:54

Mike Pringle (Edinburgh South) (LD): I am pleased to speak at stage 3 of the Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill.

I have been in the Parliament for only four years, whereas others have been here longer, but I was wondering whether this was the first ever bill to which no amendments have been lodged at stage 3. One or two of my colleagues seem to recall bills for which only the Executive lodged amendments, and one colleague said that there might have been a bill with no Executive amendments. Perhaps one or two of my colleagues on the Justice 1 Committee can enlighten me. It might at least give them something fresh to say in the debate.

Pauline McNeill (Glasgow Kelvin) (Lab): I think that the member is correct. I cannot recall a previous occasion on which there were no amendments to a bill at stage 3—although I am sure that I will be corrected if I am wrong.

I think that this is also the first occasion on which the Executive has adopted all the key proposals made by a committee of the Parliament. I am sure that the member will join me in welcoming that.

Mike Pringle: Absolutely—without question.

The non-contentious nature of this bill was clearly evident in the shortest ever briefing from the Law Society of Scotland. I was actually able to read it reasonably quickly from end to end and understand it all.

I decided to look up mesothelioma on the web. There are 284,000 references on Google UK and 796,000 references on worldwide Google. Even such a simple subject as this has more information on the web than any of us could ever hope to read.

I was interested to read on Google that the dangers of asbestos were already well known as far back as 1899. Therefore, we might ask why it took so long to ban it. The answer is probably that asbestos was so useful and so cheap in installations in the building industry.

During my exploration of Google, I came across the interesting case of June Hancock, who lived in Leeds near a factory owned by J W Roberts, which was, in turn, owned by Turner & Newall. The factory manufactured asbestos. As a child in the late fifties, June Hancock played in Armley, a suburb of Leeds near the factory. After asbestos dust was pushed out from the factory and covered the area, exposing many innocent residents to the dangers of the substance, she was diagnosed with mesothelioma. J W Roberts had long since closed, so she took the parent company, Turner & Newall, to court. In October 1995, she finally won her case and was awarded £65,000. She was the first person to sue who had not been directly involved in the asbestos industry. She had not worked in the industry but was an innocent bystander. She won her case four years before asbestos was finally banned in 1999.

I was surprised to learn that there is a type of mesothelioma that is actually benign. Like the cancerous type, it occurs by lodging in the lining of the lungs, but it never develops into a tumour. However, the benign type is very rare.

Most cases of mesothelioma form into tumours and there is no known cure. It is caused by one of three types of asbestos—blue, brown or white—and it takes between six and 10 years to develop after exposure. As I said, asbestos was finally banned in 1999, but in theory we will still be getting new cases in 2059. It is estimated that by 2015 there will be 3,000 new cases a year. Therefore, this small bill, with so few sections, will have a very positive outcome for a great many people for many years.

The disease is almost always caused by asbestos, but very occasionally it seems to develop in other cases. The medical profession does not yet fully understand how that occurs. Research has led some in the profession to think that it might in some way be linked to radiation.

Today we will pass a bill with no dissent. For those who are currently suffering, and for the many who are going to suffer, it will give a better deal. Those people deserve that better deal. Compensation awards are better than they were,

but are they enough? June Hancock was awarded £65,000 in 1995, but how much should the award be in 2007?

I also congratulate all those who have campaigned so hard on this issue: Clydeside Action on Asbestos; Asbestos Action (Tayside); Des McNulty, in particular; Duncan McNeil; and many others.

15:00

Mrs Mary Mulligan (Linlithgow) (Lab): I, too, am pleased to speak in the debate. As members said, many people should be congratulated on their support for the bill: my Labour colleagues Des McNulty and Duncan McNeil, who secured members' business debates on the subject; members of the Justice 2 Committee in the first session of the Parliament and the Justice 1 Committee in this session—the committees were linked by the convenership of Pauline McNeill, who never gave up on the issue; and Thompsons Solicitors, who helped many people in a tragic situation.

Few of us can imagine what it is like for someone to be told that they have mesothelioma, knowing that life expectancy for sufferers is short and there is no cure. The people who really deserve our congratulations and admiration are the sufferers of mesothelioma and their families, particularly the members of Clydebank Asbestos Group and other action groups. Those people were faced with tragedy, but continued to fight for justice for themselves and others. They deserve our admiration and our action.

Mesothelioma is a dreadful disease. As we heard, it is a type of lung cancer that is almost always fatal. The Justice 2 Committee in the first session of the Parliament oversaw legislation to speed up the compensation process in light of the short period from diagnosis, but we must deal with the unintended consequence of that legislation, which was that it was not possible for both sufferers and their families to claim the damages to which they should have been entitled.

The Justice 1 Committee's scrutiny of the bill required consideration of only a small number of questions. Did we accept the need for legislation? Should it apply only to mesothelioma cases? Should there be retrospection? The committee quickly agreed that legislation was necessary to address the dilemma and that it should be limited to mesothelioma cases. The committee was also convinced that retrospection to an identified date was the right approach. The Deputy Minister for Justice, Johann Lamont, responded quickly to ensure that that approach was taken. The committee's support for retrospection was not arrived at haphazardly; we acknowledged that

legislation should not be made retrospective without detailed analysis taking place. On this occasion, the retrospective approach was possible, proportionate and the right thing to do.

In the stage 1 debate, I welcomed the Scottish Law Commission's more wide-ranging review of the law of damages. Too often, people who should be compensated face obstacles that cannot be justified. I am sure that all members of the Parliament would want to progress further legislation if it proved to be necessary. The Scottish Executive should use the Parliament's support to ensure that action is taken quickly.

Health and safety at work is a reserved issue, but the Minister for Health and Community Care, Andy Kerr, often stresses that members of the Scottish Parliament have an obligation to promote our constituents' good health, rather than just respond to their illnesses. Given the Scottish Executive's cross-cutting approach, I hope that the Minister for Communities will not mind if I talk about health in the workplace. The Scotland's health at work programme, which is part of the new Scottish centre for healthy working lives, has done much to encourage good working practices, but, like Kenny MacAskill, I cannot help but wonder about the possible damage that is being done to workers in industries in which people are required to sit in front of computers all day or work with chemicals that have only recently come on to the market, or to workers who are at risk of repetitive strain injury. We need to protect those people, too. It is essential that general practitioners consider their patients' work as a possible contributory factor in their illness. We should learn the lessons of the past, when we were perhaps too complacent, so that we can ensure that we protect workers in the future.

We cannot give mesothelioma sufferers back their good health by passing this bill, but we can try to make recompense for their suffering and that of their families. This is a good bill and a good day for the Parliament.

15:05

Shona Robison (Dundee East) (SNP): As I have said before, we whole-heartedly welcome the bill as a means of bringing some justice to those who are affected by mesothelioma and their relatives. I thank all the campaigners for their hard work, particularly Asbestos Action (Tayside), whose service I had the pleasure of launching in Dundee. I especially want to mention Ian Babbs, who, although greatly affected by asbestosis, has achieved a great deal. Advice and information are now available to mesothelioma sufferers in Dundee, which means that they do not have to travel to receive such specialist support. Given the health difficulties that those individuals face, we

should not underestimate the importance of providing advice as close as possible to home.

I wish that that service had been in place for a lady who came to see me in, I think, 2000. Twenty years ago, she had worked in a Dundee foundry; all her life, she had been fit and healthy and could walk for miles, but suddenly she started to get breathless when she was out. She was diagnosed with mesothelioma and, indeed, died within six months of receiving the diagnosis. It proved very difficult to work through the mire of the benefits system and the claims process to provide advice and information, and had advice been available then in Dundee, things might have been much easier for the lady and her family.

The bill, therefore, rights a wrong. Given that mesothelioma cases are expected to peak around 2015, we must make the claims process as quick and as simple as possible for people. It was an absolute travesty of justice to force people to make the difficult choice whether to pursue damages in their own name at a time when their health rendered them unable to take such decisions. Once the bill is passed, people will not have to face such an agonising dilemma. Indeed, that is the least that should happen, given that their suffering is no fault of their own.

Of course, other corrections need to be made, one of which is the limited availability of medication for mesothelioma sufferers. Members have already mentioned Alimta; as we know, it is not a cure but at least it alleviates the symptoms of the condition. I do not want to get into that matter today—the decision of the National Institute for Health and Clinical Excellence to recommend the withdrawal of that drug is under appeal—other than to say that it is another issue that mesothelioma sufferers and their families have to face. Depending on how the appeal goes, I am sure that we will hear more about the issue in this Parliament after 3 May.

Today is all about unity of purpose. I am certainly pleased that I have been able to take part in the debate and that this parliamentary session is ending with legislation on a touchstone issue that is important not only to those who are directly affected by the condition, but to many other people who know that those individuals have been victims of an injustice for a long time now. I pay tribute to the Parliament for correcting that injustice today.

15:09

Eleanor Scott (Highlands and Islands) (Green): In my brief speech, I will record my party's support for the bill. This is a short, circumscribed but very important bill, which, because it has received support from all parties,

will probably not make any headlines in tomorrow's newspapers.

I, too, pay tribute to everyone who has been involved: Des McNulty, whose member's bill received Green support; the parliamentary committees that dealt with the matter; and, of course, the mesothelioma sufferers and their families who have campaigned for so long.

It is a good day when the Parliament is able to right a wrong. It was wrong that 80 per cent of mesothelioma sufferers were not pursuing their claims in order to protect the financial situation of their loved ones in the future. The bill will remove that anomaly and enable sufferers and their families to make choices together about compensation, without risking the family's access to compensation in the future. I commend the speed and the consensus with which the Executive and the Justice 1 Committee worked on the amendments on retrospection at stage 2. The Green party supported those amendments as well.

There is so much consensus that I shall not use my four minutes—I simply wanted to put my party's voice on the record. We are about 10 days away from dissolution. During the election campaign, we may well be asked what difference the Parliament has made to people's lives in Scotland. Well, here is one instance in which the Parliament has righted a wrong and made a real difference to people's lives. My party supports the bill whole-heartedly and will vote for it at decision time.

15:11

Frances Curran (West of Scotland) (SSP): The Scottish Socialist Party very much welcomes and supports the bill. Politics is about power: who has it and how they use it. Although I am part of the consensus in the Parliament on the bill, I think that we should acknowledge that the bill is a small measure against a huge injustice. Those who have suffered that injustice have mainly been working-class men—there have been some women—and their families. Although the bill makes compensation claims easier and is not discriminatory, big problems in claiming compensation still exist for mesothelioma sufferers.

Until now, sufferers have found it enormously difficult to claim. Every possible obstacle has been put in their way. Employers and insurers have continually tried to evade responsibility for paying compensation. The big insurance companies have denied responsibility and delayed the legal process; then, when the campaigners and their families have got the companies bang to rights and, through the legal process, have forced them to compensate, they have resorted to selling off

their profitable assets, leaving the unprofitable parts to pay the compensation. One insurance company left £30 million in an account to pay £250 million of estimated liabilities. As Shona Robison said, the peak of the epidemic is expected to be 2015 to 2020. Given that the hot spots are in areas such as Inverclyde, Renfrewshire and West Dunbartonshire, where the death rate is higher and people are dying younger, the Parliament has a big responsibility.

I make a plea that in the next session of Parliament, after the election, we carry on pursuing the issue. The bill is a very small step. We should consider whether we can introduce legislation that nails the big companies. How can we make it easier for sufferers and their families to sue? What can we do to ensure that the medical services are there for mesothelioma sufferers? Every member is in favour of the bill but, considering the injustice that has been suffered, it is not enough. If we have the powers to do so, we should consider using legislation to force compensation to be made in a much shorter period. Furthermore, considering the lives that have been taken, the compensation for spouses—£30,000—is paltry. The insurers and companies knew about their liability and they knew what asbestos had done. The Parliament has a responsibility to right the bigger wrongs. However, the SSP will support the bill today.

15:14

Pauline McNeill (Glasgow Kelvin) (Lab): Members know that there has been a long history of tackling the injustice of mesothelioma. The Parliament has attempted to use its powers to reform the law, where it can, to tackle that injustice. As other members have said, the Executive should be praised for its approach to this short but much-needed bill. As Mike Pringle said, the key issues on which we wanted change—retrospection and the single action—have been responded to by the Executive. I whole-heartedly welcome the update on that today.

There are many people to thank. Clydeside Action on Asbestos must be congratulated on lobbying the Parliament, ensuring that we understand the nature of the problem and suggesting practical solutions.

I thank the Scottish Parliament information centre for its excellent briefing, which allowed members to understand the fatal nature of this incurable disease. After many months of saying mesothelioma, I can now pronounce it without stuttering. For those who have not managed that yet and are struggling, there is an excellent guide in the SPICe briefing, which spells out the word in phonetic language.

As we know, there is no cure for this dreadful disease and there had been long delays in the court process, which was obviously out of step with the need to tackle the problem. For too long, the civil system was not friendly to the needs of mesothelioma victims. This tragedy has prevailed for too long and the bill is one of a series of reforms that I hope will tackle the injustice.

As Frances Curran said, men working in industry have suffered, but so have women—the figures are shocking. As Mary Mulligan said, this sort of workplace disease has motivated the trade union movement to fight hard to improve all employers' approaches to health and safety in the workplace, because nothing can be more tragic than the cases of those who have contracted the disease while simply getting on with their job.

Nothing can take away the tragic deaths and the suffering of families who have been affected by the illness and death of the person they love, but the least that the Parliament can do is to ensure that we have the best and most appropriate legislation. The drafters of the bill—which will soon be an act—should be congratulated on its simplicity. The predicament that was caused by section 1(2) of the Damages (Scotland) Act 1976, whereby any claims of relatives were extinguished when the sufferer had also claimed, has been removed.

The bill has set many precedents. There were no stage 3 amendments and there has been an amazing amount of consensus throughout the chamber. That consensus was reflected in the evidence of the witnesses from whom the Justice 1 Committee heard. Although there was initial trailing of disagreement, ultimately, all the witnesses agreed that the bill was the right way forward. The bill has universal support, which I am sure is unprecedented.

In a future session, Parliament will have other issues to address in tackling the injustice of mesothelioma. We know from the Parliament's work that the Association of Personal Injury Lawyers raised the issue of the three-year prescription period and the narrow way in which the judges had interpreted it. It is clear that there is more work for Parliament to do in future.

We have shown that we can and will act where we are needed. I am certain that the Parliament in the new session will fight on on this issue. I hope that it does.

15:18

John Swinburne (Central Scotland) (SSCUP): By the law of averages, I have no right to be standing here, because I worked in the shipyards. In 1947—60 years ago now—I worked in the city of Johannesburg as a young apprentice marine

engineer. I worked in an area roughly the size of the chamber with scaffolding up either side of the inside of the ship's hull. Young apprentice ladders who put on the asbestos would make snowballs out of it and have snowball fights back and forward. Asbestos fell like snow on everyone in the hull of the ship. How they did not all die more or less instantly is beyond my comprehension. I used to go home at night and my boiler suit was white with asbestos. Many women have died because they came into contact with the deadly asbestos through washing their son's or husband's overalls.

The bill is tremendous. Thanks are due to Des McNulty and others who have pushed the issue. The bill has gone through in a consensual way, which is how the Parliament should work. As was said, there is far more to politics than yah-boo debates and First Minister's question time.

I had a good friend, Alex Forbes, who died, it was said, of lung cancer. With hindsight, his death was obviously due to asbestos poisoning. He drilled and countersunk holes in huge slabs of asbestos on a daily basis. That was about 30 years ago—there is no chance of compensation for him or any of his family. Thinking back to the conditions under which people worked, there was ignorance of the fact that asbestos was a dangerous substance to use. It took a long while for that to be realised.

When I see people with their masks on to lift little layers of asbestos out of buildings, I shake my head and think, "My goodness, I didn't realise the danger I was in." At the same time, I was on 40 to 60 cigarettes a day. I stopped smoking on 4 July last year, thanks to the legislation that was passed in this building. People cannot get a smoke nowadays. I am into my 10th month without a cigarette, cigar or pipe, and that is due to this place. We are doing some good. The Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill is excellent, and I thank the Executive for steering it through.

15:21

Mike Pringle: The Deputy Minister for Justice set out all the essential details of the bill, so I will not go over them again. She made an extremely good point about an issue that has emerged as a result of the bill—that of needing just one court action. People will need to go to court only once. That is extremely good news, for which I am sure that all those involved will be grateful.

I agree with Kenny MacAskill about the many businesses that have acted in an unacceptable way on the issue. John Swinburne has given some illustrations of that. I gave an example when I spoke about the classic case of June Hancock. She fought for years against Turner & Newall to

get her compensation, and finally won. She had to go to at least one, if not two, appeals. She did not have the big money and the lawyers that Turner & Newall had.

I agree with a good point that Margaret Mitchell made about legislation, although it perhaps does not relate particularly to the Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill. Since I became an MSP, I have thought that we try to get through too much legislation and that we need to give more thought to those bills that we put through the Scottish Parliament. However, the bill before us is an example of good legislation.

Mary Mulligan covered the question of retrospection. That did not occur to us at the beginning of our discussions, but we quickly agreed that mesothelioma is an example of retrospection being a good idea. The Executive responded to that point quickly, and the Justice 1 Committee was grateful for that.

Shona Robison outlined a case that clearly illustrated what was wrong before, why the bill is essential and why the action that we are taking will make things much better for sufferers in the future. I gave the example of how much money June Hancock got in 1995. Frances Curran made a good point about compensation, to which we will need to return in the future. I tend to agree—I am not sure that the levels of compensation that people are getting are adequate.

Pauline McNeill described the bill as a very simple one, and so it is. However, it is also very important. Eleanor Scott spoke about what we can say during the election campaign when people tell us that the Parliament does not make a difference—we hear that all the time. I agree with Eleanor Scott that we can tell people about the bill, which is a good example of how the Scottish Parliament has made a real difference.

I was fascinated by John Swinburne's description of snowball fights; I never thought that people could have snowball fights without snow, but we heard about an example of just that. Why did people not know about the dangers? The research that I conducted on Google showed clearly that, as far back as 1896—the century before last—people knew about the dangers.

John Swinburne: I think that it was not so much that the employers did not know, as that they did not care. That is the difference.

Mike Pringle: I agree almost entirely with that point. That shows how irresponsible some of our industries were, given that the facts were known a long time ago.

This is a good bill, which will help a lot of people, and I congratulate the Executive on introducing it.

There can be no doubt that the Liberal Democrats will support the bill at decision time.

15:25

Bill Aitken (Glasgow) (Con): I declare a technical interest, in that I am the beneficiary of an insurance company pension. I am sure that this is the first time that anyone in the Parliament has declared an interest on an issue that is more likely to cost them money rather than ensure that they gain money over the years. As I have said before, I intend to make the most of my pension, which is a privilege that is not granted to the sufferers of mesothelioma.

The bill is a good piece of legislation. I am the last to wallow in self-satisfaction or—as the minister can, no doubt, confirm—to offer congratulations to the Executive, but I think that the bill reflects well on the Parliament.

When John Swinburne spoke about his experiences—I was grateful to him for reminding me that there is someone in this chamber who was working before I was born—he highlighted the issues that were relevant in previous years. There was a complete lack of health and safety and a cavalier approach was taken to issues that were a threat to health. I do not accept that that was born of any particular malevolence; I think that it was born out of ignorance—people simply did not know. However, as a result of that ignorance, at least two generations have suffered.

The bill seeks to ease the predicament of those who suffer from this condition. They and their families must have faced the ultimate dilemma. The ability to choose the direction in which to go was, in many ways, constrained by the economic circumstances of the family. The bill will prevent that cruel dilemma from arising.

There is not much more that needs to be said. Congratulations go to the campaigners, in the first instance, because they made their case in a moderate, persuasive and reasoned manner, assisted by high-quality legal representation. Congratulations must also go to the Executive. Let us acknowledge its success. It would be churlish and quite unjust were we on this side of the chamber not to allow the Executive this moment of praise.

As other members have said, the bill reflects well on the Parliament, which has dealt with this matter thoroughly and expeditiously and with a degree of sympathy, which we all have for those who find themselves in the situation with which the bill is concerned. The legislation is, indeed, a justification for the existence of the Parliament. Everyone can take credit for the way in which the matter has been dealt with and will, today, be disposed of.

15:28

Stewart Stevenson (Banff and Buchan) (SNP):

It is no great secret that we have some fairly confrontational debates in this place from time to time and that, although we speak this afternoon in a spirit of consensus, not all parties here have coalesced around a single view of the world. It is therefore particularly pleasant that, in the last stage 3 in this session of Parliament—the remaining bill is a private bill, which has no stage 3—we coalesce around an issue in relation to which there is not one scintilla of difference in our objectives and not an iota of criticism of how those objectives are being sustained by a bill.

It is good that we have found a way of pushing the boundaries a little and of introducing a degree of retrospection in respect of implementation of the legislation. It is also good that, in doing so, we have obtained the consent and support of all parties involved in the matter, including not only the sufferers but we parliamentarians. Let us note that we are but bit players in the matter. The people who have really brought deliverance to the sufferers are those who progressed the issue by campaigning on it and bringing it to MSPs' attention. Those people are represented in the gallery today.

There are, of course, members who have campaigned on the matter for some time. I pay tribute to Des McNulty and to my late colleague Margaret Ewing, who raised the matter on behalf of some of her constituents. However, in the gallery today is someone who stands head and shoulders above everyone else—quite literally. My wife had only ever seen Frank Maguire on the television, which of course gives us no sense of scale. She did not realise that Mr Maguire—a formidable legal intellect and a tremendous campaigner for the sufferers—is somebody under whose armpit I, at 5ft 11in, can comfortably walk. He is an interesting character. I never want to get on the wrong side of him.

A number of things have happened en route to the point that we have reached today. The Coulsfield procedures, which were mentioned earlier, were an excellent first step because they helped to resolve some of the sloth-like procedures of the civil courts and deliver some benefit. For every benefit in life, however, there is almost always a disbenefit. In this case it proved to be severe, so it is a privilege and pleasure to be one of those who is playing a small part in addressing that disbenefit.

We should commend the work that we have done on the matter today and in recent weeks as a case study that shows members in the next session of Parliament how they can deal with matters that are readily identified as not being party-politically contentious. The Justice 1

Committee and Parliament have dealt with the subject thoroughly and with a shared objective. They have the pleasure of sharing the outcome and the merit that derives from it.

At stage 1, I said that the “British Journal of Cancer” pinpoints how many people will suffer from mesothelioma. I will expand on what I said then. The journal suggests, on an epidemiological basis, that there will be some 90,000 deaths in the 80 or so years from 1968 to 2050. Perhaps my colleague Kenny MacAskill was only half right when he said in his opening remarks that only a few individuals are involved. At any point in time, the number of individuals involved is comparatively modest, but over the period in which we expect this terrible disease to affect people in our society, a significant number of people will be affected. We are all pleased to help those who are sufferers today, but we are also delivering an on-going benefit for the next 45 years and possibly longer. That will continue to reflect well on today's work. We support the bill.

15:33

The Deputy Minister for Communities (Des McNulty): I am delighted to have the opportunity to wind up this debate on the Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill, which takes forward the work that I did on my member's bill last year and brings it to a successful conclusion.

The consensus on the bill is welcome, but in a sense it is slightly misleading because the history of arguing for rights and compensation for sufferers from asbestos-related diseases has been a struggle. Many people have been involved in that struggle. In particular, I pay tribute to Tony Worthington MP, who was involved for a long time, and to Margaret Ewing MP and MSP, who also took up the sufferers' cause. Over the years, they consistently fought for the right thing, which is justice for sufferers from asbestos-related diseases.

The various groups—Clydeside Action on Asbestos, the Tayside group and the STUC and its various affiliates—have all played prominent roles, but I want particularly to highlight the role that has been played by the Clydebank Asbestos Group, with which I have close contact, and to highlight its work to develop the arguments for the bill and to advance other cases and issues on behalf of asbestos sufferers. It has a formidable reputation—not just in Scotland but in the UK and, increasingly, internationally—as a group that has a clear perspective, direct campaigning methods and a strong record of success. The reasons for that include the fact that so many of the group were involved in Upper Clyde Shipbuilders and have a sense that class was a factor in people

being exposed to asbestos in their working conditions because of neglect as well as ignorance. Their pursuit of the matter and the methods that they have used are highly commendable.

I want to thank many individuals. I obviously thank Frank Maguire of Thompsons Solicitors, and Iain Jamieson, who did so much to draft my bill. I thank my researcher, David Halliday, who did so much in taking the draft bill on and in producing a consultation paper. I thank the officials in the Executive's bill team, who have done a terrific job throughout, and I thank members of the Justice 1 Committee, led by Pauline McNeill. They have not only been involved in working with ministers to improve the bill, but Pauline McNeill and Bill Aitken were also involved in earlier discussions about how to speed up the treatment of cases. The bill will act on that and it links with work that has been done before.

I must congratulate the ministers who have been involved. Hugh Henry, when the case and arguments were brought to him, acknowledged that there was a wrong that needed righting, and Cathy Jamieson and Johann Lamont have taken the bill through Parliament and have led us to the point where Scotland is in advance of not just the rest of the UK but, in many ways, other places in the world in how we deal with compensation for victims of asbestos. The bill not only makes us feel good and that we are doing the right thing; through it, we have advanced the interests of this category of people further than others have.

Stewart Stevenson said that this is the last Executive bill that will be passed in this session. It is interesting that the last action of Parliament before the previous summer recess was to pass a legislative consent motion to overturn the House of Lords ruling in the *Barker v Corus* case. The work of the Scottish campaigners in particular was instrumental in encouraging the Westminster Parliament to consider the House of Lords judgment and to find a way of overturning it. We have also had some impact on benefits issues, which have been addressed recently by John Hutton in giving people benefit entitlement.

This is an excellent story—and not just for Parliament. It is another mark of achievement by campaigning organisations that have worked hard for a cause over many years. Other such issues will be brought forward, but over the past two or three years campaigning organisations have had a tremendous run of success. They have focused on the issues that legislators—people such as ourselves—can address and they have presented them in ways that we can help them to resolve. Thankfully, Parliament has been able to deal with the specific matters.

The bill will be very good legislation and I am proud of having been involved in it. Parliament has done the right thing and the bill does credit to Parliament, although greatest credit is due to campaigners. I hope that the greatest benefit will be felt by the people who are contending with mesothelioma. As other members have said, many more such people are in the pipeline. The contaminatory material is already in their bodies, so they will end up dealing with mesothelioma. We will remove an additional stress and dilemma for those people, which is the right thing to do. Today has been a good day for Parliament and I am pleased to thank everyone who was involved in the bill.

Cairngorms National Park Boundary Bill: Stage 1

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-5758, in the name of John Swinney, that the Parliament agrees to the general principles of the Cairngorms National Park Boundary Bill.

15:41

Mr John Swinney (North Tayside) (SNP):

I thank the Environment and Rural Development Committee for the consideration that it has given the bill and for hosting an evidence session in my constituency, at Blair Atholl, to hear from a range of local organisations and representatives.

It is important to stress at the debate's outset that the committee heard from a wide cross-section of individuals and organisations that support the bill. They include local organisations such as the Pitlochry partnership, the Blair Atholl area tourism association and Mount Blair community council; local authorities such as Perth and Kinross Council; and various national bodies such as the John Muir Trust and the Ramblers Association Scotland.

Of the submissions that were received, 24 were in favour of the bill, one was against it, one was in favour of neither the present nor the proposed boundary and two took no stance on the boundary. On any objective analysis, it is clear that support is strong for the proposition that I put to Parliament. No wonder: the issue has been around for a long time. In September 2000, ministers made a formal proposal under section 2 of the National Parks (Scotland) Act 2000 to establish a national park in the Cairngorms. Scottish Natural Heritage undertook an extensive consultation that lasted 20 weeks and it listened carefully to interested parties' views. After due consideration, SNH recommended for the park area a designation that the Government decided not to follow. Principally, the Government decided not to extend the national park boundary to include the northern part of my constituency—the Angus glens and highland and east Perthshire.

However, after an inquiry by the Rural Development Committee in the previous session of Parliament and much pressure from outside Parliament, the Government revised its proposals and provided in the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 (SSI 2003/1) for the inclusion of the Angus glens, but not highland and eastern Perthshire. At that stage, the Rural Development Committee faced a dilemma that faced everybody, in that the order was one that members could vote only for or against. I was not

a member of that committee, although some of its members are in the chamber today, but I suspect that the committee voted with some reluctance in favour of the order, while making it clear that it felt that highland and east Perthshire should be included.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I am one of the members to whom John Swinney referred. I felt that the boundaries should not have excluded highland Perthshire and that to do so was wrong. I was forced to vote for the order, because if we had not done so, we would not have had the park.

Mr Swinney: I understand the dilemma that faces members when they deal with designation orders that are not well defined or well argued for, as with the order for the Cairngorms national park.

Since that frustrating position was reached, constituents of mine have tried to remedy the situation. The remedy that we have is the bill that I have introduced, which proposes an extension of the park's boundaries to take in highland and eastern Perthshire.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): As the convener of the Rural Development Committee in those days, I put it on record that although the committee was in a huge dilemma, as Mike Rumbles said, the committee's unanimous recommendation was that the Executive should adopt SNH's proposals.

Mr Swinney: I am grateful to Mr Fergusson for that remark and for the way in which he has pursued the issue assiduously and supported efforts to remedy the situation over the years.

I turn to the Environment and Rural Development Committee's stage 1 report on the bill. At paragraph 94, the committee came to a strong conclusion that supports the central purpose of the bill. It states:

"the Committee agrees that there are persuasive arguments on geological and geographical grounds that the area is naturally part of the Cairngorms and that its inclusion would enhance the coherent identity of the Park, as required by the Act. The Committee heard powerful evidence that including the Perthshire hills and immediate glens would mean that the Park boundary would cover the natural southern topographical extent of the Cairngorms."

That is an absolutely appropriate remark for the committee to make.

The report then considers

"whether this Bill provides an appropriate and effective method of addressing the Park boundary."

However, in my view, it gets distracted by the possibility of changes to other parts of the boundary that have not been proposed or argued for as consistently as the change that the bill proposes. That argument is used to undermine the

committee taking immediate action to support the central purpose of the bill. The committee disagreed, by five votes to four, on the general principles of the bill.

Despite having rejected the bill by five votes to four, the committee goes on to say that it

“strongly and unanimously recommends that the Park boundary should be considered as part of the quinquennial review process.”

I find that position to be more than a bit illogical. The committee hears compelling evidence for including the area, it presents no compelling evidence why the area should not be included, it rejects the bill and then it goes on to say that the issue should be considered again in the quinquennial review in 2008. I do not think that the committee's decision was driven by evidence that it saw. If there was within the committee's report a convincing marshalling of evidence that said that the evidence that I had prepared was somehow wrong, inappropriate or inadequate, that would be a reasonable position to adopt. However, the committee has not accepted or presented any compelling evidence against the bill's provisions; it has accepted that there is compelling evidence in favour of extending the boundary but has chosen not to follow that compelling evidence. That leaves many members of the public genuinely questioning why the committee has come to such a conclusion.

Murdo Fraser (Mid Scotland and Fife) (Con): Would Mr Swinney, as the SNP's finance spokesman, like to reflect on the value for money of the committee's decision? Parliament has spent a lot of time and money in considering the bill and taking evidence only to park the decision for a year. I presume that the whole process will have to be gone through again as part of the quinquennial review. Is not that a waste of taxpayers' money?

Mr Swinney: Mr Fraser makes a reasonable point. Not only will the consultation have to be done again, but if we agree to extend the boundaries, that might involve relocation of some of the significant boundary markers that have not yet been installed at Drumochter pass and which would have to be moved south to somewhere near Blair Atholl at further cost to the public purse. The case has been made for the bill to be passed and for public money to be saved as a result of taking the decision today, instead of delaying it. Accordingly, I invite Parliament to support that proposition.

In my concluding remarks, I turn to the quinquennial review that has been talked about. The quinquennial review is about governance and process but there is no obligation—in the quinquennial review or the arrangements for undertaking the quinquennial review—for the boundary issue to be re-examined. That will be

done by the gift of ministers, but none of us knows who, in a few months' time, will be the ministers who will make the decision. There is no obligation on whoever is in office to take the boundary issue into account.

Even if the quinquennial review starts in September 2008, it will take a month to select and appoint an independent body to review the boundary of the national park. Another couple of months will pass while there is consultation on the boundary of the national park. It will take another five months for other organisations to be consulted, and it will then take another couple of months to analyse the responses. A report will have to be made to ministers and a designation order will have to be drafted, after which there will have to be consultation on the designation order. We will then have to have a statutory report on that and a draft order, followed by a period for consultation and further consideration by ministers. Finally, Parliament may be asked to review the order not in 2008—not after a delay of a year—but, more likely, in September 2010 or perhaps even later.

The proposition that parking the issue for a year and not taking action today would be a neat fix is unrealistic. If members decide not to support the bill's general principles today and we do not make progress on the matter, the issue will not be addressed for a considerable time.

Parliament should support the general principles of the bill because the people of highland and east Perthshire have waited long enough.

I move,

That the Parliament agrees to the general principles of the Cairngorms National Park Boundary Bill.

15:50

Maureen Macmillan (Highlands and Islands) (Lab): I thank the committee's clerks for their invaluable support and I thank all those who supplied written and oral evidence. In particular, I thank the people of Blair Atholl for their hospitality and the excellent evidence that they gave.

The Environment and Rural Development Committee was made aware that Scottish Natural Heritage recommended that highland and eastern Perthshire communities should be included in the original park boundaries, but the Executive decided not to include them. Mr Swinney is to be commended for seeking to right what communities in highland and eastern Perthshire and some bodies perceive to be a wrong.

The bill focuses on highland and eastern Perthshire; we could not consider possible boundary adjustments in other areas. The committee asked the Executive why parts of

highland and eastern Perthshire had been excluded from the national park and we were told that they had been excluded for reasons of governance. In 2002, the Executive thought that the park might be too large to be managed effectively because the park authority was untried.

The committee took evidence in Blair Atholl, during which community representatives and interested organisations gave strong and persuasive views. They said that, geologically, geographically and economically, parts of highland and eastern Perthshire should be included in the park and that Blair Atholl was the historic southern gateway to the Cairngorms. Their evidence left a strong impression on the committee.

However, the committee also had to consider whether the process that the bill proposed was the right one to follow and what impact there could be on the current park, even supposing that we all agreed about the justice of extending the boundary along the line that is outlined in the bill—the rationale behind the boundary was debated. We had to consider whether boundary changes might be more appropriately dealt with in next year's quinquennial review and whether doing so would give the park authority more time to prepare. It was pointed out that the Cairngorms National Park Authority had just completed its draft park plan, which involved many months of consultation of stakeholders. In addition, the authority was finalising its local plan, which is a much more detailed document. Strategies and plans would therefore have to be unpicked and reconsulted on if Mr Swinney's bill were passed. We were told that that would have an adverse psychological effect on the current park stakeholders and that the detailed local plan would have to be redone under the recent new legislation rather than under the old legislation. Others strongly argued that it would be better to unpick plans now than to wait perhaps another 18 months to unpick them. There were also differences of opinion about the perceived financial implications of the bill, which centred mainly on the costs of moving boundary markers.

Highland Council was uneasy about Perth and Kinross Council being able to appoint a member to the Cairngorms National Park Authority, as a result of which Highland Council would lose one member of that authority, which would give it less than half the council representation on the authority, although two thirds of the park would be in the Highland Council area. Some thought that the bill would create problems for the directly elected element of the park authority, although Mr Swinney thinks that ministers could tackle that problem relatively simply were the bill to be enacted.

Mr Swinney and the Executive strongly disagreed about how much consequential

legislation would be required in the wake of the bill. Mr Swinney thinks that a minimal amount would be required, but the Deputy Minister for Environment and Rural Development believes that the process might not be any quicker than it would be if we waited for the quinquennial review.

Next year's quinquennial review is the alternative method for addressing the aspirations of highland and eastern Perthshire. Much depended on the Deputy Minister for Environment and Rural Development's evidence about how she saw the remit of that review. Such reviews traditionally focus on governance, and concerns were expressed about whether a quinquennial review could include a boundary review. It was noted that parts of highland and eastern Perthshire were originally excluded from the park because of anxieties about governance. The boundary issue was therefore tied to the governance issue. The deputy minister said that she expected that the quinquennial review would include consideration of the boundaries.

The committee did not agree which was the better process for progressing boundary changes. The arguments were finely balanced. Those who believed that a just case had been made and that loose ends and anomalies could be dealt with easily at a later date favoured the bill. Those who felt that the implications for the park had to be considered and that changing the boundaries of a national park through a member's bill might set an unwelcome precedent preferred that the whole issue be considered in the quinquennial review, especially given the minister's strong indication that the boundaries would be considered in the review. Having debated the merits of both pathways, the committee divided and voted narrowly not to recommend the general principles of the bill.

However, the committee strongly and unanimously recommended that the park boundaries be considered as part of the quinquennial review process. The committee urged the Executive to consider how the boundaries issue might be examined in or alongside the quinquennial review so as to avoid any undue delay, and to consider whether the review should be undertaken by an independent body. The committee also recommended that the review process include wide public consultation, which should not be confined only to the stakeholders and communities that are involved in the current park.

15:56

The Deputy Minister for Environment and Rural Development (Sarah Boyack): Since giving evidence to the Environment and Rural Development Committee, I have had exchanges

with the committee and with John Swinney on the detail of his bill. Essentially, the Scottish Executive's lawyers and John Swinney's lawyers do not agree on whether using a member's bill for such an issue is straightforward and manageable. Given the legislative framework—the National Parks (Scotland) Act 2000 provides for the making of designation orders—we just do not agree on that issue. I want to acknowledge that at the outset.

For me, the crucial issue is whether changing the boundary just now is the right thing to do. That was the key issue for me at committee. I am strongly of the view that now is not the right time to make such a change.

Mr Swinney: Will the minister give way?

Sarah Boyack: No. I am in my first minute, so I ask John Swinney to let me get going.

In my evidence to the committee, I was absolutely clear about three things. First, I was clear that the boundary that the Executive chose is the right one. Although it was not universally agreed on, the reasons for the boundary designation were given clearly at the time. Secondly, I gave evidence on why now is not the right time to change the boundaries. Thirdly, I highlighted the particular problems that John Swinney's bill would cause for elections and the representation of the councils on the national park authority. There are also concerns about dealing with detailed boundary issues at stage 2.

We argued over the boundary in the debate on the designation order in 2002. Mike Rumbles was absolutely correct to say that the issue was hotly debated. Members such as Mike Rumbles and Nora Radcliffe made strong representations about the boundary, but the Parliament approved the designation order by 100 votes to 20. Colleagues are right to say that the designation order was approved because people wanted to get on with the national park.

I understand the arguments that were made then, especially by non-governmental organisations, which wanted a much larger area for environmental management purposes. Their aspiration was for a much bigger park. However, at the time, we were creating the United Kingdom's largest national park. The Scottish Executive had also had to work extremely hard to win support in the Cairngorms—especially among the business community and the estates—for the national park.

Ministers at the time were strongly of the view that, to meet the national park's criteria as set out in the 2000 act, we had to prioritise those areas that required national park status for their effective protection and management. Ministers were concerned that delivering coherent and co-

ordinated management would be a major challenge for the national park authority, given that it would need to deal with other national organisations, four local authorities and myriad local businesses and land managers. Crucially, the national park authority had to involve local communities, many of which had expressed concerns.

It is testament to the park's excellent work in community building that there is still such a strong demand, particularly from businesses in highland Perthshire, to join in its success. Because of that success, I strongly believe that the worst outcome at this point would be to disrupt the park's momentum. As Deputy Minister for Environment and Rural Development, I have to take that on board seriously, which is why I approved the park plan for the Cairngorms national park last week. The park plan is the green light for action in the national park. It will let the park authority develop the core paths network and work to promote sustainable tourism in the national park area, which received the European sustainable tourism award in 2005.

Crucially, the green light has been given to prepare the Cairngorms national park's local plan, which is central to building the affordable housing that is desperately needed in the area. The national park's local plan will let the four planning authorities get on with the job of working with the national park authority and local communities to deliver rural housing. I am determined that we should not get in the way of that good work and the momentum that has been built up.

Mr Swinney: The minister has talked about affordable housing and the need to guarantee environmental protection for all the areas in the Cairngorms national park, which I accept. However, given that the area that I want to be included in the park faces the same issues and challenges as the areas that are already in the park, why would it be so disruptive to guarantee it the same protection and opportunities as the topographically and geographically identical areas that are already in the park?

Sarah Boyack: I am happy to address that full on. This morning, I met the chair of the Cairngorms Chamber of Commerce—which, incidentally, did not exist when we started discussions on the Cairngorms national park. He made it absolutely clear that there is significant concern among local businesses and people within the existing boundaries that if we divert them from the process of implementing the national park plan it will be damaging to tourism and sustainable tourism management, to recreation and—crucially—to economic development. Strong concerns about that exist in the national park area.

Mike Rumbles: As the minister will be aware, I represent West Aberdeenshire and Kincardine, which is on the other side of the boundary from the area that John Swinney represents, and this is the first time that I have heard concerns such as those that she has outlined. She was wrong about local representation—Andrew Thin, the previous chairman of the board of the Cairngorms National Park Authority, now says that having directly elected representatives on the board is the best thing that has happened to the park. The minister was wrong about the boundary when it was established and she is wrong now. Will she not change her mind, even at this late stage?

Sarah Boyack: Let me be absolutely clear: as part of its considerations, evidence was presented to the Environment and Rural Development Committee specifically on business concerns.

I was about to give Mr Rumbles credit for the discussion that we had in the Parliament about the issue that he raises. He is right that I strongly resisted direct elections. At the time, national parks were an innovation, and we felt that we were already being innovative in the way in which the four key objectives were set out in the National Parks (Scotland) Act 2000. Mr Rumbles persuaded the Parliament to accept the principle of direct elections to the board, and I give him credit for what is one of the strengths of the Cairngorms national park.

In committee, I expressed concern about the derailing effect that John Swinney's bill would have, because the nature of the present discussion means that 690 people in the Blair Atholl area would be excluded from the electoral process. It is not a question of being courageous, as John Swinney said it was in the newspapers this morning; it is a question of backing and not derailing the tremendous work that has been carried out in the three years since the park's establishment. As Maureen Macmillan said, that is why the committee backed the Executive's call not to support the bill.

I turn to the Environment and Rural Development Committee's unanimous conclusion that the park boundary be considered as part of the quinquennial review. Although we do not want to prejudge the outcome of that review—there will be other boundary issues that it would be wise for the review to consider—I am now actively considering how best to carry it out. I give a commitment to consider the committee's recommendation that there should be wide consultation, and the Executive will assess whether it would be best for that to be an integral part of the quinquennial review or whether we should commission an independent body to assist the process. John Swinney is right—future ministers cannot be bound by a commitment that I

make today. However, I note that I am not the first minister who has reported to the Parliament that the issue needs to be re-examined.

I give credit to John Swinney for keeping the issue alive, but my fundamental point is that his bill would not be good for the health of the Cairngorms National Park Authority, which the Parliament set up several years ago. Our first priority must be to continue that body's good work and not to divert or derail it or get in its way. That is why I strongly urge the Parliament to support the Executive and reject John Swinney's bill.

16:04

Richard Lochhead (Moray) (SNP): I begin by congratulating John Swinney, the local constituency member, for doggedly pursuing the campaign since 2003. I also pay tribute to his campaigning constituents who, likewise, have kept the issue on the agenda since the National Parks (Scotland) Act 2000 was passed.

I speak not only as my party's spokesperson but as a former member—like Mike Rumbles and Alex Fergusson—of the original Rural Affairs Committee. I also speak as a member of the current Environment and Rural Development Committee and as a constituency member who, like Mike Rumbles, represents part of the existing national park—in my case, upper Speyside.

Like Mike Rumbles, I have not received any representations from businesses or organisations in upper Speyside opposing the inclusion of highland Perthshire. I say that as a member who receives almost weekly letters from the local community, yet the issue has not been raised with me.

Sarah Boyack: As a point of accuracy, the serious concerns that are being raised are about changing the boundaries at this time. That is the key issue about which there are concerns among the Cairngorms business community.

Richard Lochhead: I am pointing out to the minister the extent to which representations are being made, given that two of the constituency members who have spoken in the debate who represent parts of the existing park have not received any representations that John Swinney's bill should not progress.

I turn to the National Parks (Scotland) Act 2000 and the previous Rural Development Committee, on which I sat. The stage 1 report on John Swinney's bill by the current Environment and Rural Development Committee refers to the previous committee's report. Paragraph 10 states that "That Committee"—the previous Rural Development Committee—

"reported to Ministers that, 'There appeared to the Committee to be almost unanimous dissatisfaction with the

proposed boundary, along with a degree of bewilderment due to the fact that the Executive had not provided clear and transparent reasons for its departure from the recommendations of SNH”.

That was then, and the situation is exactly the same now. Paragraph 45 states that the existing committee found that

“The National Trust for Scotland stated that ‘The consultation carried out by SNH in 2001 was exemplary’. SNH stated that the reasons that it put forward to include this area in the Park during the consultation process for the draft designation order remain valid.”

Very little has changed over the years. Opinion is almost unanimous that the highland Perthshire area referred to in John Swinney’s bill should be included within the boundary. The stage 1 report states:

“Evidence to the Committee indicated that the local communities and business organisations in the eastern and highland Perthshire area generally support the Bill. The Association of Cairngorms Community Councils stated, ‘Moving the boundary in that way would, as far as the communities are concerned, be the natural completion of the park. It has been noted that there is currently a gap in the connections between communities.’”

The committee found itself in the strange position, when we went to Blair Atholl and took evidence from the local community, that witness after witness representing all the local sectors gave us virtually the same evidence, which was that they supported highland Perthshire being included within the boundaries of the national park. Almost all the evidence that the committee received during our inquiry gave us the same message, yet the majority of the committee—the Labour and Lib Dem members—voted against including highland Perthshire within the boundaries.

John Swinney referred to the conclusions of the Environment and Rural Development Committee’s report, which lays out all the reasons why his proposal should be supported. The report refers to the powerful case put forward by John Swinney and his constituents and the many reasons why the area should be included within the boundaries, yet the committee voted five to four in favour of rejecting the bill.

I turn briefly to some of the spurious arguments that were put forward against John Swinney’s bill. We heard arguments from Labour members of the committee that we have to draw the boundary somewhere, so why should we accept an extension? However, we have heard time and again that the topography and natural character on both sides of the existing boundary are almost the same. We could easily extend the boundary to include the area that is currently outside the boundary, because the areas are very similar.

We also heard the argument from Labour members that the bill would just encourage other

MSPs to introduce bills to extend the boundaries even further. Can members believe that? That is part of the democratic process. It is the right of any MSP in the chamber to introduce a member’s bill to extend the park’s boundaries, if they so wish. Parliament, through the democratic process and consultation, can make a decision. That is called democracy. For some reason, the Labour members of the committee do not like democracy. They do not think that people should have a say or that MSPs should make representations on behalf of their constituents.

There was also the spurious argument that our accepting the demand from this community might generate demand elsewhere. At the moment, there is no evidence of strong demand for any other community to be included in the park. Two members who represent parts of the current national park have indicated that they are not aware of strong demands in their constituencies for the park to be extended further into those areas. If there is such demand in the future, so be it—that is part of the democratic process.

Another spurious argument was that we would have to change the composition of the national park authority. So what? That could easily have been sorted out at stage 2, where any necessary tweaks or slight changes to the bill could have been made. That happens to any bill that goes through the Parliament. What was wrong with tweaking the bill at stage 2?

After eight years in the Parliament and having gone through this process in the first session, I found it an incredible experience to go through it again. The same scenarios were outlined to us, and there was virtually unanimous support for one side of the argument, but the Environment and Rural Development Committee, of which I am a member, split five to four, with the coalition parties sticking together. I wish that Nora Radcliffe were here today. I am sure that she has a valid reason for not being here, but I would have loved to have heard her reasons for speaking throughout the process in favour of the bill and of including highland Perthshire within the boundaries of the park, but, when it came to a division in committee, voting with the Labour Party not to support the bill’s general principles. That is fascinating. It is a pity that she is not here to explain herself, but I am sure that in due course she will be asked to do so to the people concerned.

Today we have an opportunity to right a wrong. I urge the Parliament to do a great service to democracy, to John Swinney, to the consultation process that took place and to John Swinney’s constituents, who almost unanimously supported the inclusion of their area within the national park. Let us do the right thing and support the general principles of the bill.

16:12

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): John Swinney's member's bill is about righting a wrong. In that, it is fairly unusual. In my experience, much of the legislation that is passed by the Parliament has little to do with right and wrong and a lot to do with politics. However, here we have a bill that is approved of by virtually everybody who gave evidence to the Environment and Rural Development Committee.

John Swinney's bill proposes restoring the Cairngorms national park to the boundary that was originally recommended by SNH, by including Blair Atholl and parts of eastern Perthshire. As we all heard from Alex Fergusson, that was also the boundary that the Rural Development Committee unanimously recommended in 2002.

Alas, politics are never far away. How else are we to explain the fact that, although all members of the 2002 Rural Development Committee—including Labour members Alasdair Morrison and Elaine Smith, who are not here but for whom I have some regard—voted for the SNH boundary that included Blair Atholl, five years later members changed their minds and voted against it during stage 1 consideration in committee?

There is also the remarkable case of Nora Radcliffe, who has form as a caring and conscientious member. Few who heard it will forget her impassioned plea on behalf of lobsters during the passage of the Animal Health and Welfare (Scotland) Bill, when she argued that it was more humane to kill them by stabbing them between the eyes than by boiling them to death. However, when the vote came, she decided to boil them after all.

What does that have to do with the Cairngorms national park? Here is what Nora Radcliffe said about the park in John Swinney's members' debate on Wednesday 20 April 2005:

"I agree with every word of John Swinney's motion and I hope that the Scottish Executive will move at the first sensible opportunity"—

I ask members to note that phrase—

"to review the boundary and to adopt the one that was extensively consulted on and that won a high degree of consensus."—[*Official Report*, 20 April 2005; c 16218.]

So what does she do in committee when the first sensible opportunity to right the wrong comes along? Surprise, surprise, she votes to kick the bill into the long grass.

Helen Eadie (Dunfermline East) (Lab): Does Ted Brocklebank understand that someone who arrived from planet Mars might wonder whether he is debating the merits of Nora Radcliffe or of the bill?

Mr Brocklebank: I am not sure what that intervention meant, but it might have made more

sense if Nora Radcliffe or the other members whom I have mentioned were here to respond to my comments. Why are Labour and the Lib Dems so hell-bent on kicking out John Swinney's bill?

Mike Rumbles: Excuse me. The Lib Dems are not hell-bent on kicking out John Swinney's bill. I shall certainly support it at decision time.

Mr Brocklebank: I thank Mr Rumbles for keeping me right, but I am still not sure that the minister has given an adequate answer as to why the Executive as a whole appears to want to kick out the bill.

The committee's report was a model of its kind. It rightly concluded that there was an overwhelming case for the boundary to be extended south. The report's only failure—which was inevitable, in light of the committee voting along party lines—was to reject the Swinney bill in favour of waiting a year for the quinquennial review. In other words, legislation in 2007 was too soon, but legislation just a year later might be okay. I am grateful for the minister's commitment today that the issue will be discussed in the quinquennial review. However, as John Swinney has pointed out, any decision taken then could still take another three or four years to implement.

It is not that extending the boundary would cost more. John Swinney's bill would not require increased grant aid beyond the currently envisaged £4.5 million for 2007-08. The administrative cost of operating a slightly larger park could be absorbed within existing resources. It is not intended to locate any offices or staff in highland or eastern Perthshire. However, there could well be additional costs in erecting signs for the current park boundaries and then uprooting them if the decision is eventually taken to include Blair Atholl.

When I asked the minister about that in committee, she said that it did not make any sense to leave the granite pillars for signalling the entrance to the park, for example, at Drumochter, mouldering away in a shed somewhere. She said that it would be better to erect them now and then reposition them if Blair Atholl came into the park. What would be the cost of that double operation if the pillars had to be erected further south? A mere bagatelle of £87,000, that is all. Despite the Executive's economic logic, I do not think that there are any real financial concerns to do with extending the park as John Swinney proposes.

The Scottish Conservatives support the general principles of the Swinney bill. We believe that the Executive's opposition is based entirely on politics. We shall vote today for what is best for the park, its local communities, the local tourism sector and the economy of highland and eastern Perthshire. We shall vote to right what we see as a blatant wrong.

16:17

Donald Gorrie (Central Scotland) (LD): I am an assiduous watcher of “Yes, Minister” DVDs. Unfortunately, today I am in the position of the Sir Humphrey brigade, who often say, “Yes, of course I support this radical reform in principle,” but then find all sorts of objections to it in practice. I find the position slightly uncomfortable. If the debate had terminated at the end of John Swinney’s speech, I would have been even more uncomfortable, but it is an unfortunate fact of politics that one’s problems are often with one’s allies. Having listened to Messrs Lochhead and Brocklebank, I now find it far easier to oppose Mr Swinney’s bill.

Timing is an issue. Virtually everyone agrees that the area of the park should be extended—I certainly thought that it should. However, we have to consider the timing when we consider a sensible way of proceeding. Mr Brocklebank spoke about “the first sensible opportunity”. Surely the Executive’s argument is that now is not a sensible opportunity and that it would be better to integrate consideration of an extension into the quinquennial review of the whole park set-up.

Mr Brocklebank managed to extend the delay by three or four years. I suppose that he thinks that Mr Swinney’s bill could take effect tomorrow. In fact, it would be months before it could take effect.

Because of my involvement with procedures in the Parliament, I have particular views. I am not enthusiastic about members’ bills being introduced on a timetable that means that they will not get through the process in the current session of Parliament and will have to be resumed in the next session of Parliament.

The timing issue can be resolved to some extent if the minister or her successor brings forward consideration of the park’s boundaries, so that it happens before other aspects of the quinquennial review. I presume that the park’s governance must reflect the boundaries as they will be, so it would be reasonable to agree the boundaries before agreeing other governance matters.

There are also democratic issues—members can pooh-pooh them if they like—and community issues, as well as financial issues, although those could be addressed. It might be that people are being slightly petty about councils’ representation. However, putting an important organisation’s nose out of joint unnecessarily is not a good way of governing a country.

There is an argument for reviewing the park’s boundaries before other matters are considered as part of a coherent review. People might think that other areas should be included. Members might pooh-pooh that argument too, but Mr Swinney has focused on particular areas that he represents—and rightly so. He deserves great credit for

pursuing his constituents’ cause and I admire him for doing so, but on balance—the close vote in the committee shows that this is a matter of balance—and having talked to ministers, I am narrowly persuaded that the argument for taking action slightly later but in a more coherent fashion can be sustained. However, I wish Mr Swinney the best of luck in future in enlarging the park in a sensible manner.

16:22

Mr Mark Ruskell (Mid Scotland and Fife) (Green): I, too, remember the excellent work of the Rural Development Committee in the first session of the Scottish Parliament. At the time, I was not a member of the Parliament but a visiting member of the public. I listened to the strong cross-party consensus—which excluded Labour, of course—that the SNH boundary was the right one.

I campaigned on the issue for the Greens before the most recent Holyrood elections and witnessed the same strong cross-party unity on the hustings at Pitlochry. When I entered the Parliament as an MSP four years ago, I was again impressed by that strong cross-party unity. John Swinney, the constituency member; Murdo Fraser; Dennis Canavan; and Keith Raffan of the Liberal Democrats were all emphatically opposed to an illogical boundary decision that went against the results of the SNH consultation, which was widely regarded as well informed and fair.

During the past four years, discontent in highland Perthshire about the park’s boundaries has grown. The Perthshire Alliance for the Real Cairngorms has done excellent work and is backed by a cross-party grouping. Local MSPs such as Murdo Fraser and me have been content to support John Swinney’s member’s bill and I am proud to have co-signed, along with Dennis Canavan and Murdo Fraser, the motion that we are considering. We have witnessed a long process of trying to right a wrong by including highland Perthshire in the park.

I am most disappointed by the position of the Lib Dems, with the notable exception of Mike Rumbles. As Ted Brocklebank pointed out, during the members’ business debate on the Cairngorms national park that John Swinney secured in 2005, Nora Radcliffe said:

“I agree with every word of John Swinney’s motion”.—*[Official Report, 20 April 2005; c 16218.]*

Andrew Arbuckle, the Liberal Democrat member for Mid Scotland and Fife, who is absent from this debate, also supported John Swinney’s motion. He said:

“I have no wish to see the continual revision of legislation, but when there are wide-ranging, non-

controversial, sensible reasons for change, the Executive should be big enough to accede to such proposals. What the creator has put together, the Executive should not cast asunder.”—[*Official Report*, 20 April 2005; c16222.]

The communities of highland Perthshire are feeling cast asunder once again by the Liberal Democrats and the Labour Party. I am disappointed that Liberal Democrat members of the Environment and Rural Development Committee voted with Labour to recommend that the bill should not proceed.

Strong evidence in support of the bill was provided throughout stage 1. The only substantive argument made against the bill was that it would lead to some disruption of the current park board's plan. However, if we accept, as the committee did, that a boundary change is logical, the longer we put off the change, the more the park will bed in and the more disruptive the change will be in future. For example, the granite signage at Drumochter that Ted Brocklebank mentioned is not yet in place; however, by this summer, it will be. If we do not agree to this motion, an additional £87,000 will have to be spent when—as I hope—the sign is eventually moved.

The Executive wants us to leave boundary changes to the quinquennial review. However, there is no certainty that the review will allow the rightful boundary to be established. Moreover, the review has no timescale. It could take three years for any recommendations to be decided. As a result, we could be many years—and many additional costs—down the line before this change is made.

The evidence against the bill is weak. My favourite line of argument came from Highland Council, which claimed that Dalwhinnie is a better gateway than Blair Atholl because it has a left turn off the A9 heading north. I know that the council wants holidaymakers to spend a long time in the Highlands, but at some point they will want to turn around and go home. One would hope that they would use the gateway and their right indicator before doing so.

The evidence that we heard in committee suggested that none of the communities in Badenoch and Strathspey is worried about highland Perthshire joining the national park. In any case, as those communities will have fewer councillors after 3 May, there is room on the national park board for a single Perthshire councillor—just as there is room for such a councillor on the Loch Lomond and the Trossachs national park board.

The right thing for the Parliament to do is to vote in support of the general principles of this member's bill. By doing so, we will correct a mistake from the first session and do the right thing for communities across the Cairngorms. I hope that all members will rise to that challenge.

16:26

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): A substantial part of the Cairngorms national park lies in my constituency and in that of Mike Rumbles. From the south at Dalwhinnie to the north at Cromdale, the park includes the settlements of Newtonmore, Kingussie, Aviemore and Grantown-on-Spey. However, as members have pointed out, the park boundaries exclude the southern Cairngorms area. Alex Fergusson, Mike Rumbles and I were members of the Rural Development Committee when it considered the matter in great detail at various venues, including local meetings in Kingussie. I argued then—and argue now—that it is perverse to exclude the southern Cairngorms from the Cairngorms national park.

I say that as someone who spent his later youth and earlier middle age tramping through much of the Cairngorms. In fact, other than Bynack More and one or two others, I have been to the top of most of the Munros in the area, and I cannot for the life of me understand how anyone can argue that An Sgarsoch, which, at more than 1,000m, sits just south of the boundary, should be outwith the national park. For that matter, I cannot understand why Glen Tilt and Beinn A'Ghlo are not in the national park while Braeriach, Cairn Toul, Mount Keen and Lochnagar are. They are all part of the Cairngorms, so why are they not all included in the Cairngorms national park?

The arguments that we have heard today must be the thinnest from an Executive that likes to use anorexic arguments. First, the minister seemed to suggest that including in the national park the areas set out in my friend and colleague John Swinney's bill would lead to a loss of momentum. How would it? In fact, what does that mean? I respectfully suggest that that is simply an empty assertion.

There might well be a loss of momentum if the area that John Swinney has proposed for inclusion in the national park contained settlements of 10,000 or 15,000 people. However, only 690 people live there and there is only one major settlement—Blair Atholl.

Secondly, the Executive has argued that the proposal will cause disruption. However, would simply replacing one Highland councillor with a councillor from Perth and Kinross disrupt anything? Would it be the end of the world? Who, indeed, would notice?

The minister said that she received a letter from Duncan MacKellar, who is a friend of mine and someone whom I know extremely well. I have to say that, except for that letter from Mr MacKellar—who admittedly feels that the matter should be addressed later—I have received no letters from any of my 70,000 constituents.

Sarah Boyack: It would be helpful if I clarified two points. First, the challenge is not the number of people in settlements—although I was concerned about their being excluded from the democratic opportunity to select a representative—but the land management of the area. Secondly, the disruption is to the work of the national park authority. The key issues on which there is great concern that there will be disruption are rural housing; the local plan; the core paths network; and training for local businesses.

Fergus Ewing: I do not accept that that work would in any way be disrupted. Why should it? It would simply be supplemented in respect of an area with very few people and only one settlement area. As far as land management goes, Atholl Estates does a good job and, as a land manager, is well respected. Its efforts would enhance the national park.

Much reference has been made by members to other areas that would like to join the national park, although those members did not bother to specify which areas. There has been some talk about Dava moor joining the national park, but that is not because it wants to be in a national park per se. Dava moor does not want the area—including Glen Kirk, Cairn Duhie, Tom nan Clach, Berrieburn, Farr and Paul's Hill—to become one continuous wind farm. Dava moor is fed up with SNH not standing up for Scotland's heritage. SNH has objected to only one in four of the wind farm applications in Scotland, a matter that I pursued with it at a meeting on 9 March at the house of one of the protestors. So, I can scotch the myth that other areas want to join the national park. If the minister is going to pursue that particular canard, perhaps she could enlighten me as to which of the areas in my constituency are enthusiastic, eager and thrusting candidates to be included in the national park, because I have yet to be made aware of them.

I am delighted to support John Swinney's bill, but it is a shame that naked party politics from the Labour Party and its absent Lib Dem colleagues—with the exception of my friend Mike Rumbles—will do their dirty business later this afternoon.

16:32

Peter Peacock (Highlands and Islands) (Lab): I start by declaring an interest, as I did during the committee's consideration of the bill. I am a former member of the Cairngorms working party and was briefly a member of the Cairngorms Partnership, which preceded the establishment of the national park authority.

I pay proper recognition to the role played by John Swinney in keeping attention on the issue. I very much respect what he has done in picking up

an issue that many people regard as unresolved business. He has presented what is undoubtedly the united view of those in the north part of his constituency about being part of the national park. He has used parliamentary procedure to its full effect to draw attention to the issue and to get it debated right through the stages of a bill and on to the floor of the chamber.

It would be churlish not to recognise that, in the evidence taken by the Environment and Rural Development Committee in Blair Atholl—and indeed in the written evidence that we received—we heard a united, powerful and passionate desire from the people of Blair Atholl to be in the park. We heard from mountaineers, ramblers and other non-governmental organisations about their desire to see that part of John Swinney's constituency become part of the national park.

That said, I am the member of the committee who is perhaps least persuaded that I have heard convincing evidence for the need for a change in the park boundary, although I readily concede that I have heard passionate advocacy for it. Why do I say that? There are five reasons.

First, John Swinney's arguments are flawed in two key respects. He and others have argued in evidence that the current boundary is illogical for a variety of reasons, the principal one being that it cuts through mountain tops, which are not the right place for the boundary. The second major plank of his argument is that we should follow the boundary recommended by SNH—the same SNH that Fergus Ewing has just decried for not standing up for Scotland's natural heritage—for reasons that others have indicated in the debate. Other large sections of the Cairngorms national park boundary cut through mountain tops—the Monadhliath mountains are the principal example—but John Swinney has not argued that that is somehow illogical.

Mr Swinney: Mr Peacock misses the point. The point that I have made consistently is that there is a topographical similarity between areas that are currently excluded from the national park and areas that are included—in fact, those areas are identical in nature, not just similar. That is the illogical thing that I have challenged throughout the passage of the bill.

Peter Peacock: I will address that point in a second.

John Swinney has argued that, because SNH recommended that the area be included, it should be included. However, SNH also recommended that other areas be included, but he did not argue for them.

Secondly, I am not clear that the merits of the area that John Swinney is arguing for, on cost and management grounds, are greater than those of

other areas that are also adjacent to the park. I cite the example of the Drumochter hills and Dava moor, notwithstanding what Fergus Ewing said. We heard evidence from mountaineers and ramblers that if the option were open to extend the boundary across the Drumochter hills, while not holding back progress elsewhere, they would argue for it.

Thirdly, the bill does not resolve all the democratic questions that others have raised, which I do not think can just be swept under the carpet, because they are important.

Fourthly, I believe that if the bill was approved, we would have to go back through the procedures for the local plan and the park plan, which would not be appropriate, because it would hold up the momentum of what is happening elsewhere in the park.

The fifth and final reason why I am less persuaded than others of the bill's merits is that, notwithstanding the merits of what John Swinney has done to keep attention on the issue, I do not think that using a member's bill to effect the change that he proposes is the best approach. That is not for any democratic reason—members are entirely entitled to use the member's bill process—but because I do not think that that approach is coherent. I could introduce a bill next year to extend the boundary on to the Dava moor; someone could introduce a bill the following year to extend on to the Drumochter hills; and someone could introduce a bill thereafter to include the other SNH areas—so to speak—that have been left out of the park. I do not believe that that would be the right approach.

The coming quinquennial review will be an appropriate occasion for the issue of boundaries around the whole park to be reviewed. The purpose of a quinquennial review is to review what is happening in the early stages of an organisation. I believe that the review should be comprehensive. The boundaries are linked to governance.

Eleanor Scott (Highlands and Islands) (Green): Will the member explain which of the first four of his five concerns will have disappeared after the quinquennial review?

Peter Peacock: The quinquennial review will provide the opportunity to consider the case for including the Drumochter hills and Dava moor. It will not interfere with the local plan, which has now been agreed by the minister. It will consider the issue of boundaries comprehensively without using the member's bill route. A variety of concerns will disappear once we get to the review.

The minister has said that she expects the boundaries to be part of the subject of the quinquennial review and I welcome her assurance

on that point. I also make it clear, as a member of the Environment and Rural Development Committee—I am not technically bound by this—that we expect ministers to pursue in future the points that we make in the Parliament.

When I was a member of the Cairngorms working party, we debated long and hard what would be the right boundaries for the then Cairngorms natural heritage area. It was almost impossible to agree, because there is not an absolutely right answer to what should be a national park boundary, particularly in the Highlands, which is so magnificent in the round. Where the boundary goes is ultimately a matter of judgment. I do not criticise ministers' original decision on the boundary, because there was clearly a concern about the scale of the park. I respect that decision and I will respect the decision following the quinquennial review, whatever it is.

I support the committee's report and recommendations and I hope that the Parliament does so too.

16:39

Murdo Fraser (Mid Scotland and Fife) (Con): As we have heard, John Swinney's bill has a simple objective: it is about righting a wrong. When the boundaries of the Cairngorms national park were drawn up, they included parts of Inverness-shire, Moray, Aberdeenshire and a small part of Angus, but no part of Perth and Kinross, despite the fact that all objective views on the matter were that the northern part of highland Perthshire should be included.

Even the Government's own advisers on the matter—from Scottish Natural Heritage—said that the boundaries should include part of highland Perthshire. The only people who took a different view were the Scottish Executive, but ministers failed to marshal any objective evidence in support of their view. Clearly, the only conclusion that could have been reached at the time was that the decision was taken to exclude Perth and Kinross for political reasons, because it suited the Executive to have a majority of the councillors elected to the park board from the Highland Council area.

Mark Ruskell referred to the cross-party support for the bill from local representatives among the Scottish National Party, the Conservatives, the Greens and even the Liberal Democrats—as well as from the independent member, Dennis Canavan, who, I am very sorry to say, is clearly not able to join us for this afternoon's debate. It is perfectly clear from the evidence that was presented to the Environment and Rural Development Committee at stage 1 that there is

overwhelming support for the bill's general principles.

Evidence was taken from bodies such as the Pitlochry partnership; from Bill Wright of the Perthshire Alliance for the Real Cairngorms; from the Mountaineering Council of Scotland; and from the Blair Atholl area tourism association. The John Muir Trust stated:

"the Cairngorms can definitely be defined. As I say, they define themselves. The logic is to have the national park boundary following the area that defines itself."—[*Official Report, Environment and Rural Development Committee*, 5 February 2007; c 4024.]

Like Fergus Ewing, I have climbed many, if not most, of the mountains in the Cairngorms, including many of those around Blair Atholl. It is immediately apparent to anyone standing on the top of Beinn A'Ghlo that it is at the heart of the Grampians and at the southernmost edge of the Cairngorms massif. Why should a mountain like Beinn A'Ghlo be treated to any less protection than Beinn Bhrotain or Ben Avon or any of the other mountains in the Cairngorms? Why should Glen Tilt be treated to any less protection than Glen Feshie? They are all equally part of the Cairngorms, and they should all be treated in the same way.

There is an important economic issue here for highland Perthshire. There is no doubt that, as far as many visitors are concerned, Blair Atholl is the natural southern gateway to the Cairngorms. At present, people enter the Cairngorms national park on the A9 at the Drumochter pass. Apart from a lay-by beside a very busy main road with trucks rolling past at 60mph or more, there is no visitor experience there. Would it not make more sense to have Blair Atholl within the national park as a proper gateway centre?

Maureen Macmillan: Would the member not say that the House of Bruar is quite a good visitor experience?

Murdo Fraser: The House of Bruar is an excellent visitor experience, but it does not lie within the Cairngorms national park. The purpose of the bill is to extend its boundaries and bring the House of Bruar and Blair Atholl within them. That would solve the problem and would create a visitor experience at the southern end. There are good economic arguments for the inclusion of Blair Atholl and, on the other side, Spittal of Glenshee.

Let there be no doubt that opposition to the bill is driven purely by politics. It is a great shame that Nora Radcliffe of the Liberal Democrats is not here to defend her position. She was clear when she spoke in the members' business debate on the subject back in April 2005, as Ted Brocklebank mentioned. She said:

"I hope that the Scottish Executive will move at the first sensible opportunity to review the boundary and to adopt

the one that was extensively consulted on and that won a high degree of consensus."—[*Official Report*, 20 April 2005; c 16218.]

We have reached that "sensible opportunity" but, unfortunately, Nora Radcliffe decided to vote against it in committee. To put it as gently as I can, that is a most disappointing U-turn on her part, and it shows the contempt that members of the Liberal and Labour Executive parties have for the views of those in highland Perthshire and throughout Mid Scotland and Fife.

The current boundaries of the Cairngorms national park were a mistake by the Executive. The Cairngorms National Park Boundary Bill is about righting a wrong, and it is time to put matters right. We have great pleasure in supporting the general principles of the bill.

16:44

Rob Gibson (Highlands and Islands) (SNP):

The debate has got to the heart of the conundrum that we are trying to solve today. The question is whether the bill is the correct vehicle for sorting out an historic wrong or whether the quinquennial review is an appropriate process for dealing with it. Mr Swinney's bill can capture the opportunity, taking into consideration the time that it has taken to prepare and to reach this stage. It can go further and can create the possibility of including highland Perthshire in the national park.

When it was announced that Mr Swinney's proposal was not going to have the support of all the members of the committee, *The Press and Journal* quoted Mr Swinney as saying that it was "utterly not the case" that his bill would need more legislation, apart from a possible technical measure for election arrangements. We understand that if a member tries to deal with a matter of this sort, they are unable to introduce the secondary legislation that would normally be required for a bill. However, introducing a bill, as Mr Swinney has done, is often the only way in which members can make progress on certain issues. Therefore, dumping the bill in the underhand way by which that will be done today—with the people who are going to vote it down not even coming to the chamber to listen to the arguments—is one of the nastiest parts of this little exercise.

It is interesting to note that the benefit of the topography of the Cairngorms and the Mounth is being thrown up in the air and out of the window in any consideration of how to deal with this issue. In Scottish terms—indeed, perhaps even in European terms—the Cairngorms national park's present boundaries are large. However, the bill would add only a small area to the park.

To speakers who have asked why John Swinney did not argue for the inclusion of other areas of

land, I point out that he is arguing for the inclusion of an area that he represents. The other parts that members mentioned have only a handful of residents, if any. In any case, I am sure that the MSPs who represent those areas would be arguing for their inclusion in the park if there were any demand for that.

The SNP supports John Swinney's approach because we think that it would be complementary to include highland Perthshire in the land management deliberations relating to the park, the core path network and the development of the park authority and that the sooner highland Perthshire is in, the better. However, we are faced with a Government that is not big enough to say that it made a bad decision at the time but that it will now change its decision and go along with the proposal. After all, the Government could take over the bill and progress it. In that regard, I say to Donald Gorrie that I am thankful that we have a Parliament in which we can start a bill in one session and carry it on in the next one. That is a big improvement on Westminster.

The issue that concerns me most is the fact that we are overlooking why a national park is a national park, which concerns the topography, the scenery and the wildlife. In that regard, I point out that the Mountaineering Council of Scotland asked the political parties:

"What would your party do to promote the increased protection of Scottish mountains during the next term of the Scottish Parliament, and what importance do you place on the people's appreciation of our finest mountain areas?"

It is interesting to note that the Scottish National Party, the Tories, the Greens and the Scottish Socialist Party sent in an answer but that the Labour Party and—I am sorry, Mr Rumbles—the Liberal Democrats sent in no answer. That shows the interest that the Labour Party has in the mountain areas of our country, particularly those relating to the Cairngorms national park.

I ask members to support John Swinney's bill; it is the sensible way forward.

16:48

Sarah Boyack: We have to reflect on the impact of the bill and accept that there is a disagreement. I am disappointed that Rob Gibson has lowered the tenor of the debate. We just disagree. There is nothing nasty or bitter about it, from the Executive's perspective.

There are times when, with the benefit of hindsight and experience, we want to change our views. I am absolutely open in that regard. During the progress of the National Parks (Scotland) Bill, when I was a relatively new minister, I did not welcome the amendments to the bill that were moved by Mike Rumbles. I was defending an early

piece of legislation of which I was passionately supportive, having supported the national parks principle in my former life as a town planner, particularly in relation to Loch Lomond and the Trossachs. However, I am happy to give credit where it is due and acknowledge that the decision that the Parliament made to amend that bill was the right one. That has proved to be the case partly because of the quality of the management of the national park. I put on record that I think that the work that has been done by the first chair of the national park, Andrew Thin, and his chief executive, Jane Hope, has been exemplary. Many people thought that a 25-member management team was far too large. Other places get by with an awful lot fewer people, but we wanted to have an inclusive national park in the Cairngorms. We—in the Executive and in the chamber—worked hard to deliver that.

We set up the process. We debated the National Parks (Scotland) Bill endlessly with colleagues from the Cairngorms area and the Loch Lomond and the Trossachs area. We decided that the key principles for the national parks would be set out in the act and that we would use designation orders to consult on the detail of the boundaries. I accept that colleagues were profoundly unhappy with the Executive's decision at the time and that they remain profoundly unhappy. I did not attack John Swinney for using the member's bill process to keep the issue alive. My main disagreement with him is that I believe that it is not the right process. We agreed a different process.

There was a consultation on the draft designation order. The Executive listened to the views that were expressed and agreed to accept into the park boundaries Glenlivet and Laggan parishes, the Dalwhinnie and Drumochter area, Glen Tromie, the Gaich forest, and the heads of the Angus glens. It is not true to say that the Executive did not listen. It just did not agree with all the representations that were made to it.

I return to the fact that the Executive made a legitimate decision. The ministers—Allan Wilson and Ross Finnie, as the Cabinet member—decided that they wanted to ensure that the park would be a success. There was a lot of scepticism from businesses and there were doubts about whether it was right to establish a Cairngorms national park. We had never had national parks in Scotland. England and Wales had had them for 50 years, but they were new to us. Establishing national parks in Scotland was an innovative step and people were concerned. Ministers decided that they would opt for a national park that was smaller than the one for which people had aspirations. I accept that, and I do not dispute that the environmental NGOs, in particular, were disappointed. However, the decision was made.

We are now three years into the national park and it is doing superbly well. As I said in evidence to the committee, I do not want to disrupt the process.

Mr Swinney: Will the minister take an intervention?

Sarah Boyack: I ask John Swinney to let me continue.

I am particularly keen that the national park authority is not diverted from its task. There are many different communities in the national park area and a lot of good work has been done to bring them together. The destination management organisations that have been, and are being, set up cover specific areas, but they do not yet cover the whole national park. The business community has come together. I do not want to jeopardise that work. It is clear to me that much more needs to be done in the existing national park area.

Economic development in Perth and Kinross is a key issue that was raised both today and in discussions with the committee. When the committee asked me about signage, I said that I was keen for Transport Scotland to talk to Perth and Kinross Council to see whether they could hammer out an acceptable way forward. I understand that the first meeting has now been held and the council is reflecting on the options. I am keen that we get an agreement. There is nothing to stop businesses in Perth and Kinross working together and working with local estates to do more to promote tourism in the area. Let us not regard today's debate and our refusal to expand the park at present as a block to that activity.

There was much discussion during the debate about the process. Our process is not about denying democracy. It is about having a sensible approach. I say up front that I have concerns about using the process of a stage 2 debate to discuss lines on a map. It was difficult enough to get agreement and get the process done through the designation order, but the process is crafted to let us do that.

Let us have the debate about the boundary in the context of the debate about the boundaries of the whole national park and the effectiveness of the national park. I am committed to that, and I add my voice to those who support that. I cannot put it more clearly than that. The matter will need to be considered. John Swinney has the Executive's commitment that we will ensure that we work through the best way to deliver that. Many people regard the debate as unfinished, but so is the current management of the park, and I certainly do not want to jeopardise that.

16:54

Mr Swinney: I thank the members of all parties who have given such support to the Cairngorms National Park Boundary Bill, including Murdo Fraser, Mark Ruskell and particularly Dennis Canavan, who, obviously, is not with us today. I put on the record my thanks for the cross-party support for the bill.

The minister said at the beginning of her remarks that there were some fundamental disagreements between her legal advisers and my legal advisers about the requirement for additional primary legislation. I challenged the minister on that point because I fundamentally disagreed with the analysis that she had been given. What did the minister come back to me with? She said that there was a possible problem with the fractions that had been used for the calculation of the board membership. That was it—the fractions. I do not think that that was a credible argument.

Equally, many of the arguments that have been marshalled today could legitimately be pursued as stage 2 amendments in the Environment and Rural Development Committee by any member of the Parliament. They were certainly not arguments of such a strategic nature that they mean that the bill should not proceed beyond stage 1.

Ted Brocklebank quoted what Nora Radcliffe said about addressing the issue at "the first sensible opportunity". That point has been discussed, with comments also from Donald Gorrie. To me, this takes us to the heart of the process. When the draft designation order was discussed, the Parliament was given a proposal on a take-it-or-leave-it basis. There was no opportunity to go through a stage 2 process of changing lines on a map—we had to take it or leave it. That is not a robust process for us to undertake when there are issues of genuine concern to constituents. The bill gives us the opportunity to examine genuinely the question of the boundaries of the park in relation to highland and eastern Perthshire. It also gives all members the opportunity to take part in the process, and not on a take-it-or-leave-it basis.

Mr Brocklebank also mentioned the cost of upheaval because of the boundary stones that would be put down. I do not want to sound cynical or sceptical, but I am sure that members can imagine a situation at the end of the quinquennial review, another three years down the track, when ministers marshal the argument that it would cost too much to make a change because the boundary markers have been put down—I am sure that these ministers would certainly try that. That is why we need to take action just now.

Sarah Boyack: It is unfair of Mr Swinney to say that. We have given a commitment to the process,

and I have already said that we do not prejudge it. It takes us seriously to the heart of the issue. We will consider the evidence at the time.

Mr Swinney: I hear what the minister says, but I do not think that many members will think that I am being overcynical in my analysis.

Mr Peacock said that he has had a long history of involvement with the issue as a member of the Cairngorms working party. He is right in that respect. However, Perth and Kinross Council, too, had a long involvement in the working party. Throughout the exercise of bringing together the Cairngorms groups in order to create a working environment that would lead to a national park, Perth and Kinross Council was one of the agencies around the table. It was involved in the process at every stage until, suddenly, at the last moment, it was excluded.

The minister and Mr Peacock both said that the bill is not the correct way for a change of such a magnitude to be undertaken. I am left wondering what the correct way is for such a change to be pursued. If members are not allowed to put forward the issues and concerns that their constituents have and to effect legislative changes, what on earth is the point of this institution?

I was pleased to hear the minister comment on the dialogue that is taking place on signage and I welcome the fact that there was a meeting on 7 March. However, Perth and Kinross Council is being told by Transport Scotland that the type of sign that it is proposing is outwith the traditional definitions over which Transport Scotland has control. Members will never guess which organisations need to have their heads banged together to make something happen—the Cairngorms National Park Authority and the Scottish Executive. I hope that if the minister is committed to making progress on signage, she will ask her officials as a matter of absolute priority to instruct the changes to be made to the procedures and protocols to guarantee that some progress can be made.

I have listened to the debate over the years. I have sat through committee hearings, given evidence and listened to my constituents putting forward their points of view. I have read the reports saying that there is compelling and persuasive evidence behind my constituents' case and I have heard nothing today that jeopardises or questions the robust evidence that they have marshalled. For that reason alone, the Parliament should support my stage 1 motion and guarantee that the mistake that was made in 2003 can be rectified.

Business Motion

17:00

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-5773, 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 28 March 2007

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

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

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 29 March 2007

9.15 am Parliamentary Bureau Motions

followed by Executive Debate: The Future of Scotland

11.40 am General Question Time

12 noon First Minister's Question Time

followed by Motion of Thanks to the Presiding Officer

1.00 pm Decision Time—[Ms Margaret Curran.]

Motion agreed to.

Decision Time

17:00

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-5628, in the name of Cathy Jamieson, that the Parliament agrees that the Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill be passed, be agreed to.

Motion agreed to.

That the Parliament agrees that the Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill be passed.

The Presiding Officer: The second and final question is, that motion S2M-5758, in the name of John Swinney, that the Parliament agrees to the general principles of the Cairngorms National Park Boundary Bill, 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)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 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)
 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)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central 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)
 Morgan, Alasdair (South of Scotland) (SNP)
 Petrie, Dave (Highlands and Islands) (Con)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)

Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 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)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 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)
 Fox, Colin (Lothians) (SSP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, 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)
 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)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (Sol)
 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

Curran, Frances (West of Scotland) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)

The Presiding Officer: The result of the division is: For 47, Against 64, Abstentions 2.

Motion disagreed to.

Park-and-Ride Sites (South Edinburgh)

The Deputy Presiding Officer (Murray Tosh):

The final item of business is a members' business debate on motion S2M-5715, in the name of Mike Pringle, on the lack of park-and-ride sites in south Edinburgh. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes key public transport improvements being delivered by SEStran including bus priority measures, a bus tracker system and cycleway improvements, but is concerned that key schemes for three park-and-ride sites in south Edinburgh at Straiton, Sherrifhall and Lothianburn have yet to open and that the lack of park-and-ride sites in the south of the city is leading to increased commuter parking in residential streets, where residents' parking is already made difficult by the extension of the controlled parking scheme.

17:03

Mike Pringle (Edinburgh South) (LD): Back in 1994, when I was elected to Lothian Regional Council, I spoke to David Begg, who was the council's transport convener—members will all remember him. He told me that, by the end of its term, the council's Labour administration would have a ring of park-and-ride sites round Edinburgh. Well, we are still waiting. We now have two hugely successful schemes in the west of the city, near Edinburgh airport, but nothing has been delivered in south Edinburgh. If park-and-ride sites exist, people use them. Those that have been built are already having to be extended because of their popularity.

We must ask why the three park-and-ride facilities that were promised for south Edinburgh have not been built. They would help not only my constituents, whose streets are full of commuters' vehicles, but the commuters who come from Midlothian and the Borders. The new royal infirmary and biomedical park at Little France have also had an impact on traffic volumes.

I raised this issue in my first members' business debate, back in October 2003, but we are still waiting for the park-and-ride facilities—almost 10 years after they were promised. That is why I felt that it was important for us to debate the issue again.

In lodging the motion, I wanted to highlight several issues that have been impacting not just on commuters coming into Edinburgh but on the residents who bear the burden of commuter traffic and parking. I also want to highlight the role that the City of Edinburgh Council has played in the matter and the need for delivery by the council now that the Executive has provided the money. I

am glad that the issue can be debated and I thank everybody who signed my motion.

I congratulate the south-east Scotland transport partnership on the work that it has done over the past few years, which has resulted in a great number of success stories for transport in south-east Scotland. The research into and development of the bus tracker real-time information system, bus priority measures and cycleway construction throughout south-east Scotland have proved the organisation's commitment to a programme and assure me of its good intentions. I welcome its continued efforts as it attempts to lessen the impact of continued population and economic growth on the communities and the environment of south-east Scotland. Edinburgh and the Lothians have one of the fastest-growing populations in Scotland, and SESTRAN's planning is very good. Sadly, the implementation of park-and-ride schemes by Midlothian Council and the City of Edinburgh Council—both Labour-run councils—has given me great concern.

The lack of park-and-ride facilities has been brought home to me recently by the escalating problems of commuter parking in suburban streets in south Edinburgh. That was always a problem, but the extension of the controlled parking zones in Edinburgh last September and again this month has brought the problem to a new group of people, who have filled my postbag with their complaints. While SESTRAN has been planning the construction of park-and-ride facilities at several sites in south Edinburgh, such as Sheriffhall, Lothianburn and Straiton, what has been described as bureaucratic lethargy has slowed those efforts to a near standstill. Although I accept that there have been technical difficulties at Sheriffhall, which I visited with the Minister for Transport last year, I do not understand why those difficulties were not foreseen. On that visit, I told the minister that the first south Edinburgh park-and-ride site would be opened by the council in December 2006. I can now report to him that the site will not open until October 2008. I hope that he shares my concerns over the delays, the blame for which must be placed squarely on the current administration of the City of Edinburgh Council.

The delays have affected not only commuters but the residents of the communities whose streets are being turned into car parks. I suspect that, as a result of the latest extension of the controlled parking zones, that is now the case in Mr McLetchie's constituency as well. Looking at the progress of the bus tracker real-time system and its expansion into Edinburgh, East Lothian and Midlothian—a project that has been fully developed by SESTRAN—we see that such large transport projects can be implemented efficiently and effectively.

Poor planning for park-and-ride facilities is not the only problem that has impacted on the streets of south Edinburgh. The extension of controlled parking zones throughout south Edinburgh has led to many streets becoming clogged up, with the residents suffering because of it. Although the controlled zones help some people, there are many others who suffer because of them. The controlled parking zones are a good idea, but they have been implemented in a haphazard way without proper planning. The extension of the controlled parking zones should have been complemented by other transport improvements such as park-and-ride schemes, which would have given commuters and residents ample space. However, because of the slowness in developing the planned park-and-ride projects, whole communities have been impacted on. People have no choice but to drive on and into residential streets in the southern half of Edinburgh, just outside the current controlled parking zones.

I hope that I have highlighted the desperate need for park-and-ride sites to be delivered quickly for south Edinburgh. SESTRAN has done a great deal of work in planning those schemes and the time for talking is over. I was promised the sites in 1994, by the Labour administration of Lothian Regional Council, but we are still waiting—Labour has failed to deliver. I hope that the new councils that are elected on 3 May will step up and sort the problems out.

17:09

Mr Kenny MacAskill (Lothians) (SNP): I declare an interest as a resident of south Edinburgh who sees traffic coming into the area every day—and who faces the parking consequences of that traffic. As a resident of south Edinburgh and as a parliamentarian, I congratulate Mike Pringle on securing the debate and endorse many of the things he said.

Mike Pringle was correct to say that there are two issues, one of which is congestion. There are a limited number of routes into Edinburgh from the south. That affects not only people who reside in the city and peripheral schemes, but people in neighbouring areas, particularly Midlothian and the Borders. Until trains are an option, people will have to come in from such areas by bus—or by car, because of the lack of appropriate services, which is a more important matter. Furthermore, the roads into Edinburgh are not the widest or the most suitable for heavy traffic.

Mike Pringle was correct to say that there have been winners and losers with respect to parking. I used to live at the edge of where the parking zone ends; I now live at the edge of where it begins. I have experienced a change. Obviously, our previous debate in the Parliament had an impact

on parking at the Royal hospital for sick children. The locations that people park at have moved southwards as the parking zone has been extended south from the Meadows. That is an issue not only for those who live in Newington, the Inch, Southhouse and Moredun; it is a vital issue for people who come in from Midlothian and the Borders.

We all know that more than 50 per cent of those who live in Midlothian and are in employment work in Edinburgh. Edinburgh will continue to be a magnet whatever may understandably be done to seek to retain an industrial and economic focus in Midlothian. There are jobs at the hospital, in the universities and elsewhere.

Mike Pringle was also correct about something else. Not only have the west Edinburgh park-and-ride facilities at Hermiston and the airport been successful, but the Ferrytoll experiment has been the best initiative. Sarah Boyack is not here to take credit or plaudits. I criticised her when I was the Scottish National Party's transport spokesman because I was sceptical about how successful the Ferrytoll scheme would be, but it has been remarkably successful. The site has not only filled up, but its capacity has had to be expanded. It is correct to consider park-and-ride facilities further up the M90 corridor, but such a requirement does not exist at the moment.

When I have driven past Danderhall, I have seen the semblance of a site being created at Sheriffhall. The sooner that site is on stream, the better, as it will benefit not only people who commute into Edinburgh, but people who want to use the direct route past the city and those who must go to the royal infirmary, which is the main hospital in the Lothian region.

We have to address issues relating to the royal infirmary. There have been debates about whether there will be a third tramline that will service it and about additional matters. To its credit, Lothian Buses has sought to reconfigure its routes, but there are issues in that regard. We must ensure that the hospital is serviced. I see the Minister for Transport writing hurriedly. Park-and-ride facilities create opportunities for Lothian Buses to provide modest levels of input in respect of the services that will be required to provide the necessary transport infrastructure not only for those who come into Edinburgh from the Borders and Midlothian, but for those who must go to the infirmary.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The member has gained the Parliament's considerable respect for consistently supporting the Edinburgh tramline schemes. Is he saying that he is in favour of a third tramline scheme?

Mr MacAskill: I do not think that it has ever been said that I have consistently supported those schemes. Indeed, Mr Purvis's colleague usually says the opposite. Mr Purvis may have made an attempt at humour, but that attempt has fallen flat. I do not support the tramline 1 scheme or the tramline 2 scheme, and Mr Purvis knows as well as I do that what has been proposed will be well and truly sunk when we take charge on 3 May. If there is a change of administration at local authority level in Edinburgh, even the Lib Dems will seek to pull the plug on what has been proposed, because no finance is available for it. Furthermore, whatever traffic disruption and congestion we currently face in Edinburgh would be as nothing once people started to dig up the roads to provide a tramline. So, no, I do not support a third tramline.

I believe that the provision of park-and-ride sites at Straiton, Sheriffhall and so on will present an opportunity to provide the quality bus services that members of all parties agree are necessary to service not only those who come from outlying areas but those who need to travel to the Edinburgh royal infirmary.

I congratulate Mr Pringle on securing the debate and addressing a clear problem for south Edinburgh and beyond.

17:15

David McLetchie (Edinburgh Pentlands) (Con): I thank Mike Pringle for raising this subject in Parliament and I echo many of his remarks. As he said, the issue impacts on Edinburgh Pentlands—in which I am honoured to have the Minister for Transport as a resident—as well as on Mr Pringle's adjoining constituency of Edinburgh South.

New controlled parking zones came into operation in Morningside, Merchiston and Greenhill earlier this month. The extension of the zone southwards was a direct response to the demands of local residents who found that their streets were being flooded with commuter cars. That increase in commuter traffic not only exacerbated problems of road safety in streets that were simply not used to such traffic volumes, but caused difficulties for residents looking for parking places for their own cars. So far, all is well and good. In the new controlled parking zones, parking is now a good deal easier than it was. Although no one likes to pay for parking permits—or, indeed, parking charges of any description—most residents will view the purchase of a parking permit as a necessary expenditure in return for the convenience of being able to park nearer to their home.

However, as Kenny MacAskill rightly pointed out, extending the zones inevitably has knock-on effects elsewhere. Although one group of residents is relieved that they no longer face the same pressure on parking in their streets, they have been replaced by another group of residents who live on streets immediately outwith the new zones who find that their streets are now choked with commuter parking. Is the answer to continue to expand parking zones until parking in every corner of our city is subject to controls, or can we learn lessons from human behaviour and apply them to our transport policy?

The fact of the matter is that we already have informal free park-and-ride facilities in my constituency and in Mr Pringle's constituency. Those facilities are choking up the streets of our constituents. For that situation, I do not blame the commuters, who are acting in a perfectly sensible and rational manner. There is no train service—at least, for the moment—from the Borders and Midlothian, and direct bus services are simply not an option for everyone. As Mr Pringle's motion points out, commuters from Midlothian and the Borders require proper, functioning park-and-ride facilities on the south side of our city that can replicate the success of the facilities that have already been established at Ingliston, Hermiston and Newcraighall.

From information that was provided to me by SESTRAN today, I understand that a facility for 318 cars is to open in Sheriffhall in July, and that an extension for a further 500 cars is planned to become operational in October 2008. Likewise, a new 600-space facility in Straiton is planned to be operational in November 2008. A further facility at Lothianburn is due to come on stream at much the same time at the back end of next year. Assuming that planning permission for all three developments is granted, I am certain that those facilities will be welcomed by my constituents and by Mr Pringle's constituents, as they will relieve pressure on parking in residential areas.

Mike Pringle: I do not know whether the member discovered this when he contacted SESTRAN, but does he accept that planning on the third site has not even started?

David McLetchie: Yes. I thank Mr Pringle for providing that information for the debate, but SESTRAN maintains that the third site is expected to be available in October 2008. Let us hope that the facility comes on stream at that time.

We are regularly told that we live in an age of joined-up government, that we need an integrated transport policy and that we need partnership working among local authorities and other public bodies. Without in any way denigrating the efforts that SESTRAN has made, I wonder why the extension of parking zones cannot be more

directly linked to the establishment of park-and-ride facilities. Why will there be a gap between March 2007 and November 2008 before all the facilities are fully in place?

I note from information kindly provided by SESTRAN for the debate that more than £9 million is to be invested in the new park-and-ride facilities. That figure rings a bell. It is, in fact, the total amount wasted by the City of Edinburgh Council on its abortive congestion charging scheme. Those of us who opposed that scheme and campaigned for a no vote in the referendum not only pointed out the shocking waste of spending public money on a proposal that was never going to win public support, but said that the same money would be better spent on—guess what? Yes, on building new park-and-ride facilities around the perimeter of the city.

In short, while the City of Edinburgh Council was wasting millions of pounds trying to increase the tax burden on motorists in Edinburgh, the Lothians, the Borders and Fife, we on this side of the chamber were suggesting that the same millions should be spent on tackling congestion in a constructive manner. I cannot help but think that the park-and-ride facilities that we need on the south side of our city would have been in place long before now if the council had not pursued the folly of congestion charging. I can assure members that that is a Labour error that a Conservative council will most certainly not repeat.

17:21

Mark Ballard (Lothians) (Green): I join others in thanking Mike Pringle for bringing this important and timely debate to the Parliament.

Mike Pringle was right to lay out in his speech the fact that it has been a very long time since we were first promised the park-and-ride schemes in question, yet they still have not been delivered.

I welcome Kenny MacAskill's conversion to recognising the benefits of the Ferrytoll park and ride and its tremendous success, despite the fact that he argued against it. I also welcome David McLetchie's words in support of park and rides.

The area of north Edinburgh in which I live has also experienced a boundary effect caused by the introduction of controlled parking zones. As David McLetchie said, residential streets across Edinburgh are functioning as park-and-ride or park-and-walk schemes at present, often to the detriment of local residents, who are left with nowhere to park.

The issue that must be tackled is not just the park part of park-and-ride schemes, but the ride part and where and how people will ride once they have parked their cars at Lothianburn, Sheriffhall

and Straiton. Sadly, that is where the consensus breaks down.

I have supported successive transport ministers' efforts to create a proper tram scheme for Edinburgh. It is great that it looks as though we will get tram schemes 1 and 2. There has been no private bill for tram scheme 3, and the funding for it is not yet available. It would link with the Sheriffhall park and ride, thus enabling commuters who come in from the Borders or Midlothian by car to use a speedy, world-class transport system to get into the centre of town.

Jeremy Purvis: Given that it is a positive move that we have funding for the Borders railway up the A7 corridor, does Mr Ballard agree that it would be better for the City of Edinburgh Council to work with Midlothian Council to develop a third scheme, which would mean the A701 corridor, rather than the A7, serving Penicuik?

Mark Ballard: There is a need for a heavy rail link to Penicuik and I believe that that would be much more successful than the proposal for the A701 upgrade. However, I do not see why we have to limit ourselves. If we are trying to tackle the massive problem of a medieval, Victorian and Georgian city centre not being able to accommodate traffic, why can we not consider getting fast transit from Sheriffhall via the tram and have a heavy rail system to Penicuik and the Borders rail link?

We need tramline 3 to be part of a tram network that can link up with a reopened south suburban line at Cameron Toll—I see Mike Pringle clapping. That is another project that has been discussed for many years. The estimated cost is £30 million tops, but it could be as low as £20 million because the line and many of the stations are still there. If we want a real park-and-ride scheme, we should be able to get on the tram at Sheriffhall, go to Cameron Toll, and be able to take the south suburban line as far as Waverley and Haymarket, or just to Morningside and Gorgie. That would be a real park-and-ride scheme. The fact that local businesses have said that they will come up with up to half of the funding for the south suburban line shows how much demand there is for the scheme.

Mr MacAskill: Does the member accept that we have a rail park and ride to some extent at Newcraighall? One of the great problems is that people have turned up only to find that the train service has been cancelled. Rather than concentrate on promises of great things in years to come, should we deliver for people who are travelling in from Haddington or wherever, so that the train is there, so that they get a seat and so that it is affordable? Should we not at some stage concentrate on delivering current services, besides pledging that there will be tramline 3, a

subway in the east end of Glasgow or whatever? Is that not the real priority for hard-pressed travellers and commuters?

Mark Ballard: I agree that trains being cancelled at Newcraighall does not advertise the virtues of public transport, but we have a real problem in the south of Edinburgh that will not be solved merely by dealing with the Newcraighall problem. We need park and ride schemes for the south of Edinburgh. We need a world-class public transport system that is better than the buses, has more capacity than the buses and is faster than the buses. That will come with a tram and the reopening of the south suburban line.

Controlled parking zones are part of the approach. They must be properly integrated with the public transport options to allow the park-and-ride schemes to relieve the pressure effectively. As Mike Pringle said, the council has not done a very good job of consulting communities and having discussions with them to ensure that we have park and ride schemes in place before we put the CPZs in.

It is unfortunate that we are having to discuss the issue again. It is unfortunate that we are still talking about park and ride schemes that do not exist, about a south suburban line that has not reopened and about a tram scheme that has yet to get a private bill. We cannot rest on our laurels and wait for one part of the jigsaw; we need the whole system in order to offer an alternative to commuters.

17:27

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I am delighted to take part in the debate on Mike Pringle's motion. In October 2003, he secured time to debate transport in the south of Edinburgh. In that debate, he stressed the importance for his constituents of strategic co-ordination of transport. I spoke in that debate about my constituents in the Borders and in Midlothian, who commute to or visit Edinburgh frequently. They require improved services, as do Mike Pringle's constituents.

David McLetchie highlighted the money that was wasted a few years ago by the City of Edinburgh Council on an aborted scheme. He said that part of the money was wasted on consulting people in the Borders, Midlothian and Edinburgh, but the council did not consult my constituents. We have fought and striven hard to ensure that my constituents in the Borders and in Penicuik and Midlothian have a voice so that if transport schemes are proposed, the city council co-ordinates fully with the other local authorities in the area.

Mike Pringle's comments highlighted areas in which that has not been successful with the

Labour-controlled councils in Edinburgh and in Midlothian, and he highlighted two projects that have direct impacts on my constituents: Straiton and Sheriffhall. The schemes, which are good schemes, have been badly delayed, which of course has an impact on the wider transport considerations of my constituents.

In the 2003 debate on the matter, I said:

"In my view, the best way of easing the burden on the roads from Peeblesshire, through Penicuik, to the bypass and beyond or to a park-and-ride facility at Straiton is rail infrastructure serving the town of Penicuik."—[*Official Report*, 1 October 2003; c 2263.]

I hold to that view and have been consistent in holding it.

I therefore want to touch on the development of rail services not only for the Borders but for west Midlothian. I also want to quote from the outline business case for the Borders railway, which was put together in 2002, because I think that it is relevant in this debate about park and ride. It states:

"Whilst the Scottish Borders does not experience serious traffic congestion, the area does have an image of isolation. It is this perception that the Waverley Line project aims to address".

It continues:

"Park and Ride and integrated bus links will deliver similar reductions in journey time for other parts of the Scottish Borders and Midlothian. The project also seems to provide a safe sustainable mode of public transport which will attract drivers from their cars and create the conditions that allow business to thrive."

The rail projects were designed to work hand in hand with park and ride services and co-ordinated bus services so that they would be part of what Mr McLetchie hopes for—a fully co-ordinated and strategic approach to transport.

The bus route development grant that the Executive has given to services in the Borders has ensured that there are now half-hourly services on the X95 route, up the A7; that is making a considerable difference to my constituents. There have also been improvements to rail, including the hugely influential decision of Nicol Stephen, when he was the Minister for Transport, to fund the Borders railway.

After my intervention, Mr MacAskill was keen to record the SNP's lack of consistency with regard to the tramline schemes. I respect his sincerity in wanting to have that on the record. It is clear that he would oppose any further scheme, which is disappointing if we are considering future development. As I said a moment ago, I would prefer a scheme to serve the A701 corridor to Penicuik. I remind Mr MacAskill of the comments that he made in the 2003 debate, when he was the SNP's transport spokesman. When I asked him

about the SNP's lack of support for the Borders railway in its manifesto for the 2003 election, he said:

"whether it is our number 1 priority is debatable".

He also said that

"we have never got into the argument about one improvement against another."—[*Official Report*, 1 October 2003; c 2255.]

That approach has been changed quite radically by his successor, especially in the context of the debates about trams and the Edinburgh airport rail link.

In supporting park and ride schemes in this debate, I have been consistent in supporting further rail services for Penicuik and the A701, and will continue to support bus services that will be linked to those. I am afraid that the unacceptable delays to the park and ride services in south Edinburgh are damaging the co-ordination of strategic transport schemes. We cannot allow Liberal Democrat progress in providing funding for the Borders railway, new bus services and other road schemes that connect with south Edinburgh, such as the Dalkeith bypass, to be put at risk by the Labour-controlled local authorities in Edinburgh and Midlothian.

17:32

Colin Fox (Lothians) (SSP): As is traditional on these occasions I, too, congratulate Mike Pringle on securing the debate. His motion raises important issues that many of my constituents—not just residents of south Edinburgh, but commuters into the city from further afield—have raised with me. The issue is not just park and ride, but traffic congestion and the need for better public transport.

In the light of Mike Pringle's criticism in his introductory remarks of Labour's record in the City of Edinburgh Council, it is a shame that no Labour members are here to defend that record and to participate in the debate. Kenny MacAskill declared an interest by saying that he lives in south Edinburgh. I will make a revelation—or confession—by saying that I, too, live in south Edinburgh, in the Inch. I see daily the nature of the problem that Mike Pringle has highlighted in relation to the new Edinburgh royal infirmary. Staff at the infirmary, where there are car parking charges of £10 a day—we have discussed that issue many times—understandably seek to avoid those exorbitant charges by parking in side streets throughout the Inch and Moredun, from where they can make the short walk to the infirmary. I suppose that we should welcome their enforced fitness regime—at least they are walking a greater distance from their cars to work.

The free and efficient park-and-ride facilities at Sheriffhall, Straiton and Lothianburn that are the urgent, obvious solution that would end the misery of that logjam and its impact on local residents have been a long time coming. I read SESTRAN's briefing this afternoon and note that the three park-and-ride schemes are now due to open late next year. I also note that its forecast for traffic and population growth indicates that we may need even more such facilities throughout the area.

I was struck by one small detail in SESTRAN's briefing—the hovercraft service that it plans from Kirkcaldy to Portobello. I know that no one could imagine that that is part of south Edinburgh, but in the current climate I wonder whether there is any truth in the rumour that John Collins is to operate it, because many people down in Portobello think that he already walks on water, after the result at the weekend.

If ever there were an experience that makes the case for park and ride and public transport, surely it is travelling on the Edinburgh city bypass in the rush hour. I know that Sunday evening is not the rush hour, but last Sunday I had an experience that is typical of many. I was held up because of an accident at the Lothianburn exit and took more than an hour to travel just a mile. Sheriffhall, where we are talking about siting the park and ride, is a bottleneck day and night. It is a bottleneck every hour of the week. I do not know whether it is a bad design, but no matter what direction people approach from—south from Dalkeith, north from Danderhall, east from Musselburgh or west along the bypass—it is murder polis. The experience of rush hour on the bypass cannot be considered one of the joys of living in the capital of Scotland. It offers no quality of life at all.

The debate inevitably comes back to arguments that we have rehearsed about congestion charges and the need to reduce traffic volumes. Other members have expressed their views on the referendum on congestion charges. I think that the citizens of the city were right to reject the council's scheme. The scheme was premature and—if I may use a colloquialism—arse about elbow. It was back to front, with charges made first and improvements perhaps coming later. That is why it failed.

Mark Ballard: Will the member take an intervention?

Colin Fox: In a second.

The scheme failed, but we still have to address the problem, which is worsening. We cannot expect the problem to go away just because of a referendum result.

I think that that was Mark Ballard's cue.

Mark Ballard: Does Colin Fox acknowledge that congestion charges would have brought in funding

for public transport projects such as tramline 3? If the Scottish Executive was not going to fund tramline 3, where else was the money going to come from?

Colin Fox: I was just coming to that point. I am not against congestion charges in principle. I lived in London for 10 years—the scheme there is fair. People in London had the alternative of using existing services—the tube, the train or the bus. If we offer people a better alternative, they will use it. However, the SESTRAN improvements, good as they are, point to the fact that we do not have a better alternative in the city at the moment. That will have to be worked towards.

We need an extensive, efficient, reliable and integrated public transport system. As members know, the Scottish Socialist Party introduced a bill on free public transport to counter the impacts of congestion, pollution and global warming. My colleague Rosie Kane has been invited to visit the Belgian city of Hasselt next week to see for herself its free public transport initiative, which was introduced in 2003. The initiative has led to an 890 per cent increase in passenger numbers and a comparative fall in car usage.

The Hasselt initiative is now being investigated by cities as far apart as Copenhagen and Melbourne; it is worthy of being copied elsewhere. There can be real improvements in people's quality of life when they enjoy the benefits of leaving the car at their front door and riding to and from their work on public transport.

17:38

The Minister for Transport (Tavish Scott): I welcome this evening's debate and thank Mike Pringle for raising the name of David Begg. David Begg taught me economics some years ago—and I will not take any intervention from Mr McLetchie on that. David Begg was always entertaining as a lecturer and I still find his contributions on transport informative. I do not always agree with him, but he certainly always has a view.

I appreciated Kenny MacAskill's return to transport issues. I was thinking, Mr Tosh, that you, I, Mr MacAskill and Sarah Boyack used to discuss transport issues right back at the start of the merry debate. I suspect that the Scottish National Party regrets the day that Kenny MacAskill gave up that portfolio. I do not necessarily agree with him, but he certainly speaks more coherent sense than his successor with the transport portfolio.

I say in passing that Mr MacAskill has a problem to do with new buses. He might not have heard the SNP's transport spokesman explain during last week's debate on the Edinburgh Airport Rail Link Bill that the SNP would cancel EARL, trams and lots of other things, all to pay for buses in

Edinburgh. The SNP would also use that money to pay for the replacement of the Forth crossing and the upgrading of the A9, the A82, the A96 and any other road around Scotland that it could think of. When Mr MacAskill was the SNP's transport spokesman, the party at least had a policy. Its policy is now whatever Mr Ewing thinks of on the day that he is standing up in Parliament.

I appreciate Mr MacAskill's point about problems with a particular rail service into Edinburgh and I will read what he said in the *Official Report*. If there are significant delays and disruptions and people are not getting seats on that service, I will look into the matter. However, although I do not discount the problems that might need to be addressed, I remind the member that rail passenger numbers have grown by 28 per cent in the past two years and that we are moving forward strongly, by investing in delivery and ensuring that people benefit from alternative transport options.

I take Colin Fox's point about the need for choice, so that people can leave their cars at home. In fairness, I suspect that members of all parties will agree on that point, even in the run-up to an exciting election. There should be investment in transport infrastructure, whether it is in bus priority measures, the Borders railway, which Jeremy Purvis mentioned, or park-and-ride facilities such as those that Mr MacAskill and Mike Pringle mentioned. Such investment aims to enable people in urban areas—where most people in Scotland live—to leave their cars at a particular point and use public transport. We seek to progress such an approach through our national transport strategy.

In that context, we expect regional transport partnerships to put sustainable development principles at the core of their strategies, which are being concluded and will be put to us in the coming weeks. Economic growth must remain our overarching objective, but it is right that environmental considerations should be at the heart of transport strategy. We might disagree about the pace and importance of the approach to environmental criteria, but I assure our friends the Greens that environmental considerations are very much at the core of the approach and will continue to be so. The regional transport strategies will rightly be assessed on environmental and other criteria.

Substantial transport investment, led by the Scottish Executive or by local and regional organisations, is being pursued in the SESTRAN area. Waverley station is being upgraded to help service the growth of employment in central Edinburgh. The Borders railway will also support employment in central Edinburgh and help to address the development needs of the Borders. The Edinburgh airport rail link will provide

connections not just between Edinburgh and the airport, but to the whole of Scotland. The project is intensely important and ambitious for the country and I am pleased that most members support it. Trams will usher in a new era for local public transport in Edinburgh.

Mark Ballard: How does the minister react to the proposal from E-Rail Ltd for local businesses to help fund the reopening of the south suburban railway in Edinburgh? Does he acknowledge the benefits to commuters of reopening the line, to provide the ride part of a park-and-ride facility?

Tavish Scott: I am interested in and will closely consider any proposal from the private sector to assist us with heavy rail, light rail or transport investment in general. I have no ideological objection to considering such proposals.

Dublin's light rail tram system, Luas, is washing its face operationally on the basis of developer contributions, which are being used to extend the line and make the system an even greater success for the city. The approach is working: people are using Luas and businesses are investing in it because of its success. I hope that friends and colleagues in the Scottish National Party will, quietly and with no publicity, hop on a plane—that will not please Mr Ballard—or a ferry to Dublin to have a wee look at what is happening, because Luas is doing great things for Dublin. I hope that trams can do the same for Edinburgh.

The SESTRAN area is diverse and covers not just the city, about which members have spoken passionately, but rural areas in the Borders, and its transport and associated challenges are equally diverse. A one-size-fits-all approach will not work, so the regional transport strategy that is devised must address the area's many competing and different requirements.

A principal aim of the regional transport strategy is to promote a programme of transport policies and investment to accommodate the growth of and the investment that is being made in Scotland's capital. We will work with SESTRAN to deadlines that I accept are tough, and I look forward to receiving its approach to transport in that respect.

The three park-and-ride sites that are mentioned in Mike Pringle's motion are being taken forward under the powers of the City of Edinburgh Council and Midlothian Council. I understand that the site by Sheriffhall has, as Mike Pringle pointed out, been under construction since last July; the site by Straiton is at tender stage; and the site at Lothianburn is still at the outline design stage. It is important that the Sheriffhall and Straiton sites are open later this year, and I readily appreciate the concerns expressed not only by Mike Pringle and his constituents but by David McLetchie about the current problems of commuter parking. However,

the projects will be taken forward as part of a balanced integrated strategy that puts the environment at its centre. They are important not only to Edinburgh, but in how we develop national policy and find the right solutions for different parts of the country.

Meeting closed at 17:46.

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