



OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government and Communities Committee

Wednesday 19 September 2018

Session 5



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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE
25th Meeting 2018, Session 5

CONVENER

*James Dornan (Glasgow Cathcart) (SNP)

DEPUTY CONVENER

*Monica Lennon (Central Scotland) (Lab)

COMMITTEE MEMBERS

*Annabelle Ewing (Cowdenbeath) (SNP)

*Kenneth Gibson (Cunninghame North) (SNP)

*Graham Simpson (Central Scotland) (Con)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*Andy Wightman (Lothian) (Green)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)

Claire Baker (Mid Scotland and Fife) (Lab)

Jeremy Balfour (Lothian) (Con)

Claudia Beamish (South Scotland) (Lab)

Alex Cole-Hamilton (Edinburgh Western) (LD)

Rhoda Grant (Highlands and Islands) (Lab)

Daniel Johnson (Edinburgh Southern) (Lab)

Alison Johnstone (Lothian) (Green)

Pauline McNeill (Glasgow) (Lab)

Kevin Stewart (Minister for Local Government, Housing and Planning)

Adam Tomkins (Glasgow) (Con)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Local Government and Communities Committee

Wednesday 19 September 2018

[The Convener opened the meeting at 09:45]

Decision on Taking Business in Private

The Convener (James Dornan): I welcome everyone to the 25th meeting in 2018 of the Local Government and Communities Committee. I remind everyone present to turn off mobile phones. As meeting papers are provided in digital format, members may use tablets during the meeting. No apologies have been received.

Under agenda item 1, the committee is invited to consider whether to take in private agenda item 4, which is consideration of the committee's work programme. Do members agree to take item 4 in private?

Members indicated agreement.

Subordinate Legislation

Letting Agent Registration (Scotland) Amendment Regulations 2018 (SSI 2018/196)

The Convener: Agenda item 2 is subordinate legislation. The instrument is laid under the negative procedure, which means that its provisions will come into force unless the Parliament agrees to a motion to annul it. No motions to annul have been laid. The Delegated Powers and Law Reform Committee has not drawn the instrument to the Parliament's attention on any of the reporting grounds. Do members have any comments on the instrument?

Members: No.

The Convener: In that case, do members agree that we do not wish to make any recommendations in relation to the instrument?

Members indicated agreement.

The Convener: I suspend the meeting for a minute to allow the minister and officials to come to the table for the next agenda item.

09:46

Meeting suspended.

09:47

On resuming—

Planning (Scotland) Bill: Stage 2

The Convener: This is day 2 of stage 2 of the Planning (Scotland) Bill. I welcome the Minister for Local Government, Housing and Planning, Kevin Stewart, and his accompanying officials. A number of MSPs who are not committee members but who have lodged amendments to the bill will be in attendance and are very welcome.

After section 1

The Convener: Amendment 171, in the name of Andy Wightman, is in a group on its own.

Andy Wightman (Lothian) (Green): In evidence to the Local Government and Communities Committee, Julie Procter from Greenspace Scotland said:

“At one point, local authorities were required to produce open-space strategies, so many local authorities have them, but they are coming up for renewal. At the moment, the wording is that they ‘should’ have them, so there is something to be done there, with the committee’s scrutiny of the Planning (Scotland) Bill, to ensure that local authorities have an open-space strategy. It is not just about parks; it is about a green network strategy that takes a green infrastructure perspective.”—[*Official Report, Local Government and Communities Committee, 23 May 2018; c 37.*]

Scottish planning advice note 65, which deals with planning and open space, was published in 2008, over a decade ago. It is a good document that, in accordance with the provisions of the bill, will be incorporated into the national planning framework and become part of the development plan. Key elements in PAN 65 are a strategic vision and framework, an audit of open space, an assessment of current and future requirements and a strategic statement. Only nine of Scotland’s local authorities have an open-space strategy that is current. Of the remaining 23, 12 are reviewing or revising strategies and most of the other 11 have some sort of alternative in place, including commitments in their local development plans.

Therefore, that element of Scottish planning policy is now well established, understood and implemented. My amendment 171 would build on the good work that has been undertaken to date across Scotland by making such open-space strategies a statutory requirement for all planning authorities, with the exception of national park authorities—in other words, just for all of Scotland’s 32 local authorities. That modest reform is designed to elevate current best practice in Scottish planning policy to the level of a statutory requirement to ensure that the good work that has been carried out to date continues.

I move amendment 171.

The Minister for Local Government, Housing and Planning (Kevin Stewart): The Government recognises the value of open space and that being able to access high-quality green space can improve people’s health, wellbeing and confidence. We introduced a national indicator on improving access to local green space in 2016.

However, I do not believe that it is necessary to impose on authorities duties about preparing open-space strategies. The most recent “State of Scotland’s Greenspace Report” confirms:

“All Councils have some recognised form of spatial plan relating to greenspace and open space.”

That is without there being a statutory duty on local authorities.

Graham Simpson (Central Scotland) (Con): Andy Wightman said that most Scottish councils do not have an up-to-date open-space plan. Would amendment 171 not help to rectify that?

Kevin Stewart: As I said, all councils have some recognised form of spatial plan that relates to green space and open space.

The audit that would be required by amendment 171 would be very detailed and would place a financial burden on authorities. The Scottish Government works with local authorities in various ways to achieve our shared priorities. Statutory duties are not always the most appropriate mechanism.

I have a number of concerns about the wording of amendment 171. It defines the terms “open space”, “green networks” and “green infrastructure”. The Scottish Government has already established definitions for those terms in Scottish planning policy, which was subject to extensive consultation. Amendment 171 defines some of those terms differently, and it is not clear why they are different or whether the proposed changes have been subject to a similar level of engagement. Keeping such definitions in national policy rather than in legislation allows them to evolve to reflect emerging policy. For example, the national indicator on access to local green space now also looks at blue space, such as beaches and walkways beside rivers or canals. We might want to incorporate those other types of outdoor spaces that people can enjoy when we review national planning policy.

Open space should be an integral part of a development plan spatial strategy, and authorities should choose whether and when a separate document is needed. I ask the committee to reject amendment 171.

Andy Wightman: The minister is correct in saying that all authorities have some sort of open-

space plan in the loosest sense, and that many of them are integrated into local development plans. I agree with the minister that we should not impose statutory duties that are not strictly required.

However, given the good work that has been done to date, it should not be overly onerous on planning authorities to prepare an open-space strategy. I take the minister's remarks regarding language, particularly on definitions, and I would be happy to consider further amendments at stage 3 that would perhaps simplify the statutory requirements and provide more flexibility. Such amendments would incorporate the duty in tandem with guidance that would allow the duty to be implemented in a more flexible way.

Kevin Stewart: Mr Wightman said that he does not believe that adding such requirements would be overly onerous on local authorities. What consultation of local authorities has he undertaken to find out exactly how onerous that would be?

Andy Wightman: I have had informal discussions with a couple of local authorities. I have asked no questions about the degree of onerousness that the requirements would incorporate, but I have had no kick-back on the issue and the views on whether there should be a statutory duty have been fairly neutral.

As I said earlier, I would be happy to consider amending the duty further at stage 3, in discussion with the minister, to ensure that it would not be overly onerous. The important thing is that, although local authorities are currently doing some good work, there is no guarantee that that will continue. Including the duty in the bill would ensure that all planning authorities would have something that we could call an open-space strategy. I press amendment 171.

The Convener: The question is, that amendment 171 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 171 agreed to.

The Convener: Amendment 188, in the name of Alexander Stewart, is grouped with amendments 188A to 188L.

Alexander Stewart (Mid Scotland and Fife) (Con): As we are aware, the challenges that we face given our demographics and Scotland's ageing population are significant. The population of our older individuals will increase dramatically between 2012 and 2038—some projections have predicted a 59 per cent increase in the over-65 age group. Those factors underline the need to invest in housing for older people; investment in such housing will save resources that would otherwise be spent on health and social care. In tackling the issue, we also need to consider loneliness and isolation, which are becoming even more profound in our ageing population.

Addressing those issues will require strategic action through the national planning framework, as well as through the local development plans and local place plans. Therefore, I call on the Scottish Government and committee members to agree to amendment 188, which addresses the needs of older people. Amendment 188 would place a duty on Scottish ministers to lay a report before the Scottish Parliament every two years on the housing needs of older people and the progress that has been made towards meeting those needs.

I move amendment 188.

Kenneth Gibson (Cunninghame North) (SNP): My amendments—188A to 188L—would simply add the words “and disabled people” throughout amendment 188, wherever older people are mentioned. I support amendment 188, which is proportionate, given the rising number of older people and people with disabilities in our society and their specific needs.

It is important that we put the duty in primary legislation to ensure that older people and disabled people are fully considered. The amendments are consistent with what the committee agreed in relation to the national planning framework.

I move amendment 188A.

Annabelle Ewing (Cowdenbeath) (SNP): I understand the reasoning behind the amendments and I have some sympathy with the idea of focusing on the needs of disabled people. I speak as the former deputy convener of the cross-party group in the Scottish Parliament on disability. However, considering the issue from the perspective of planning law, someone from another group might argue that they had particular needs that deserved particular treatment that should be singled out in legislation. Given societal changes, what about the position of veterans? What about the position of lone parents who need particular accommodation if they have custody residence orders in respect of their children? Given societal changes, what about the position of fathers who do not have residence rights in

respect of their children, but have contact rights and therefore need appropriate accommodation in order to get overnight access? Many fathers cannot get such access because they do not have suitable accommodation.

If one looks across the piece, there are many different needs in relation to the planning system, particularly housing needs. However, people's expectation is that they will be treated equally under planning law. That is why I have concerns about the amendments.

10:00

Kevin Stewart: As I said last week with regard to similar amendments, support for the housing needs of older and disabled people is a laudable aim. I have no objection whatsoever to reporting on progress, where the requirements are flexible and would provide robust, meaningful and actionable evidence. As I have explained, the Scottish Government maintains an online action programme for national planning framework 3, which is updated at least once a year. However, I have also made it clear that I do not believe that it is proportionate to single out housing for older people and disabled people in this way in primary legislation, separately from other housing needs, as Ms Ewing mentioned.

The planning system on its own cannot ensure that particular types of housing are delivered. Housing services and market conditions—to name but two—also have a significant part to play. The planning system certainly cannot ensure that houses are adapted for older people or disabled people, since adaptations often do not require planning permission. Indeed, planning for, funding and implementing adaptations is within the remit of health and social care partnerships, working with housing authorities, and not planning authorities.

That point is critical, and I ask the committee to bear in mind the scope of planning and its limitations. Although planning can estimate future needs for particular types of homes, it cannot assess the specific needs of individuals or households and decide on the type of housing that is required to meet their needs, or ensure that properties are allocated to those who will need them. Local housing strategies are much better placed to play a direct influencing role in that regard.

As well as going beyond the scope of planning, preparing the report that is suggested in amendment 188 would be an onerous task and it is not clear what it would actually achieve. It would probably be possible to compile a report detailing new-build completions that are specifically for older people, or houses that are wheelchair accessible, but it would not be possible to evaluate

fully how well those homes meet the needs of their occupants in a meaningful way at a national level.

We cannot simply draw from local information either. Based on research that we have undertaken recently, I have concerns about how locally derived information from housing land audits could be aggregated into a robust evidence-based document at national level. The frequency of reporting that would be required is also disproportionate, given that, on average, homes take around 18 months from planning to completion.

I appreciate that the amendments are well intentioned, but they are fraught with technical difficulty and complexity, and they go beyond the scope of the planning system. In any case, rather than creating an unwieldy and resource-intensive monitoring system, I believe that time would be better used in supporting the delivery of housing on the ground. I ask Mr Stewart not to press amendment 188 and I ask Mr Gibson not to press amendments 188A to 188L.

Alexander Stewart: I note your comments, minister, but I am surprised and also a little distressed that you have gone into such detail to indicate that you do not believe that what I am proposing is appropriate and that you feel that it would be a burden.

Kevin Stewart: I have not said that doing that kind of work is not appropriate. It just does not fit in with planning, and I believe that what is asked for in the amendment is disproportionate.

Alexander Stewart: As I said, I note those comments, but I do not believe that what I propose is disproportionate. It is important that we indicate our support for our growing ageing population, and the minister has covered that in indicating that there would be a requirement to ensure that every individual who has a care plan and a package understands that their carers' organisations support them and understand their needs and requirements in housing. That has to be part of the care package, so I do not believe that it would be onerous to ensure that we have some kind of review and a statutory indication of what would and could take place.

It is vital that we think long and hard about what we are trying to achieve, so I am disappointed that the minister has indicated—

Kevin Stewart: I agree with many of the points that Mr Stewart is making on getting the approach right for people across the country in terms of housing and care needs. However, my difficulty is how all of that fits in with the planning system. As I have outlined, what Mr Stewart proposes would be extremely onerous and would add to the burden on not only authorities but officials here.

What Mr Stewart is trying to achieve is laudable, but I think that it would be much better done through housing and care services rather than through planning legislation.

Alexander Stewart: The minister has made his points, but I am still adamant that I believe—

Graham Simpson: Alexander Stewart makes a good point, which Mr Gibson also made. This is not a disproportionate set of amendments. We should surely be planning for older people, and doing so is surely part of the planning system. Do you agree, Mr Stewart?

Alexander Stewart: I completely concur. We should be planning for older people. Things have not worked well in some parts of the country, and there are crises in some local authority areas because we have not planned for older people. If my proposal is included in the bill, that would give us the chance to plan properly and ensure that we can secure residences for people who are older or who have disabilities. It is only right that we should attempt to do that on their behalf, and we have the opportunity in this bill to achieve that.

Kenneth Gibson: I agree with what Alexander Stewart has said. I think that I understand the minister's perspective, but what should be happening is not happening. The point of Mr Stewart's amendment 188 is to do what we did last week and take a belt-and-braces approach to ensure that older people and people with disabilities are considered. There is a difference between people in those groups and people in the groups that Annabelle Ewing mentioned, because the people whom she talked about do not necessarily need a house to be designed for them. We are talking about older people, people who are disabled and, perhaps, people with dementia issues; we are talking about houses that are built with adaptations for those people, rather than houses that have to have adaptations added to them.

Mr Stewart's amendment is fairly measured.

Kevin Stewart: One of the key things in getting things right for older and disabled people involves making changes to local housing strategy guidance, which the Government is embarking on at this moment. I hope to have that report back in December.

I understand exactly where folks are coming from in some regards, but this is not a matter for the planning system. We know that the vast bulk of people who develop illness or who grow infirm through age want to stay in the homes that they have been living in. That requires the adaptation of existing homes, which, as I have mentioned, would not be captured by the bill. I can report back on the planning aspects of such homes, but I cannot force people to build the homes; I think that

that is the intention of some of the things that Mr Stewart and Mr Gibson have talked about.

The Convener: Would you like to respond, Mr Gibson?

Kenneth Gibson: No, I have said enough. I press my amendment.

The Convener: The question is, that amendment 188A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gibson, Kenneth (Cunninghame North) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 188A agreed to.

Amendments 188B to 188L moved—[Kenneth Gibson].

The Convener: Does any member object to our holding a single vote on amendments 188B to 188L? No. The question is, that amendments 188B to 188L be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gibson, Kenneth (Cunninghame North) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendments 188B to 188L agreed to.

The Convener: The question is, that amendment 188, as amended, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gibson, Kenneth (Cunninghame North) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)

Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 188, as amended, agreed to.

The Convener: Amendment 220, in the name of Claudia Beamish, is in a group on its own.

Claudia Beamish (South Scotland) (Lab): Good morning, convener, minister and colleagues. Amendment 220 seeks to set up a low-carbon infrastructure commission that would be designed to bring much-needed long-term focus on low-carbon infrastructure into the planning system. The functions of the commission would be to

“identify low carbon infrastructure needs and priorities”;

to “make recommendations” on how to address those priorities; to issue

“climate change and low carbon energy efficiency”

guidance to planning authorities that the authorities “must have regard to”; and to

“make recommendations in the preparation of other plans and reports”.

If such a commission were to go ahead, Scottish ministers would have the flexibility to introduce

“further provision about the governance and membership of the Commission”,

and regulations would have to be introduced within a year of the act’s coming into force.

I appreciate that this is a complex idea. I have put it all into one amendment for reasons of time, because it is a probing amendment. I want to get a feel from the committee and others, including the minister, for whether there is an appetite to go forward with such a commission. I will explain a little more.

The commission would also prepare and publish “a national infrastructure needs assessment”,

or NINA, to analyse long-term needs and make recommendations for implementation. It would consult persons who are listed in the amendment, and the Scottish ministers would have to

“have regard to the national infrastructure needs assessment”

when

“preparing the National Planning Framework”.

In my view, there needs to be a more joined-up approach between the Scottish Government’s climate change ambitions and policies, its capital spending commitments and the planning system.

High-carbon projects threaten to lock us into a high-carbon future that is incompatible with our climate change efforts. The climate change efforts and national infrastructure are vital pieces of the puzzle in meeting our ambitions.

My aim is that the proposed commission would take the development of infrastructure out of the short-term cycles of Government and allow ministers to make informed decisions about the country’s future infrastructure requirements, in line with our zero-carbon future. Failing to make public investments with that agenda in mind would leave a legacy of infrastructure that would be more expensive to adapt in the future through retrofitting.

I note from recent evidence that was given to the Environment, Climate Change and Land Reform Committee by the Scottish Parliament information centre that only 29 per cent of our large infrastructure projects at the moment are low carbon.

The establishment of the commission was recommended by the low-carbon infrastructure task force, so I have not just plucked it out of the air. It is also supported by WWF Scotland, which has given me support. It is in line with the Government’s existing budget commitment to increase low-carbon infrastructure.

Graham Simpson: A number of parties have had similar ideas about setting up various types of infrastructure commissions or bodies. However, this is a planning bill, which it seems to me is not the place to do that, although it might be a good idea. I presume that it would cost a lot of money to set up; I do not know whether you have worked out any figures. You said earlier that amendment 220 is a probing amendment. I guess from that that you do not intend to move it. We are here to agree to or to reject amendments, so do you agree that the bill is not the place for your amendment?

10:15

Claudia Beamish: Part of the purpose of stage 2 is to clarify whether amendments are needed and to highlight whether there is a serious issue—which, in my view, there is. As I said, only 29 per cent of our large infrastructure projects are low carbon and, as I understand it, infrastructure projects are part of the national planning framework. I appreciate that there are other aspects to the issue, but the question that I would float is this: if we do not set up a commission through the bill, where should we do it?

Amendment 220 is a probing amendment, but a number of respondents highlighted their concern that the bill does not focus enough on low carbon, which is an important issue. I ask the minister to clarify how the intention behind amendment 220

could be enacted if it cannot be done in the bill. The argument is that planning is only part of the puzzle. I stress that the commission would not replace any regulator but would give independent advice.

Annabelle Ewing: I have concerns about the costs of creating yet another body. I do not know whether Claudia Beamish has considered what the costs would be. Spending money on creating a commission would mean that there would be less money to spend on something else. That is the way of life.

Another important issue that has not been raised yet is accountability. Where would the commission sit in relation to the role of democratically elected councillors in local authorities?

Claudia Beamish: If there is an appetite for creating the commission through the bill, I will look more carefully into costs, but I have not yet looked at that in any detail.

Can you remind me of your second point?

Annabelle Ewing: It was about accountability and remembering the role of democratically elected local councillors.

Claudia Beamish: I highly respect the role of democratically elected councillors. It would be for ministers to set guidance and for local authorities to then consider that guidance in the context of their decision making. I hope that local authorities would look at low carbon in a more focused way.

There would also be a broader set of benefits in relation to energy efficiency, jobs and tackling fuel poverty, as well as the benefits to other portfolios—for example, national health service savings from improved air quality through having more appropriate low-carbon infrastructure and through active travel routes.

I am very interested to hear what the minister and other members have to say.

I move amendment 220.

Andy Wightman: I thank Claudia Beamish for lodging amendment 220. I have no disagreement with the policy intention behind it; in fact, it is quite critical that somebody undertake that task. For example, recent legislation set up the Scottish Land Commission, which has been doing valuable work that cuts across electoral cycles and enables useful consistency and depth in policy development. It is a good idea, as some people have suggested, to create a general infrastructure commission—low carbon or not—that would sort out some of the conundrums around the infrastructure development that we need.

However, I have some concerns with amendment 220, because the bill is about the

planning process, reporting, ministerial accountability for the planning system and so on. I am not convinced that the bill is the place to legislate for new organisations. However, I am open to persuasion on how the functions that are identified in amendment 220 could more appropriately be incorporated in the bill. I am happy to speak to Claudia Beamish about that issue on an on-going basis.

For the bill to set up a new body would represent a departure from any planning legislation since 1947—more than 70 years. Planning legislation is designed to provide the framework of rules and processes around which planning authorities exercise their powers under planning law. To date, planning legislation has not been a place in which we have set up new commissions. I am not persuaded that the bill is the best place to set up a new commission, but I am open to further conversation.

Kevin Stewart: I recognise that infrastructure is a key issue in planning reform. The Scottish Government has been progressing a programme of work on the issue, which is focusing on improving practice rather than on introducing new statutory duties.

The idea of an infrastructure agency or working group was raised by the independent planning review panel in 2016. We considered the idea carefully, consulted on it and discussed it with stakeholders, so we know that there is some support for a new organisation to address infrastructure. Indeed, since then, there have been further requests for new commissions or agencies that cover different aspects of infrastructure.

However, that approach would not, in itself, achieve better alignment of planning with infrastructure. A new body to address infrastructure could add to the already complex landscape of interests. It could be costly and it would take time to set up. Even a small new public body could cost £1 million to £2 million per year. We do not need to create another organisation; instead, we need to focus on better co-ordination and communication with existing organisations.

Claudia Beamish: I am listening carefully to what you are saying, minister. How do you envisage a more robust assessment of planning development being made, if not through an independent commission, to ensure that we move in the direction of low carbon and do not have, in the future, to retrofit big projects?

Kevin Stewart: At its meeting last week, the committee agreed to an amendment from Monica Lennon that will ensure that climate change is fully addressed in the national planning framework. That is how the issue will be dealt with as we consider how we bring low carbon into play in

every aspect of our daily lives. Beyond that, Parliament is considering the Climate Change (Emissions Reduction Targets) (Scotland) Bill, and I am sure that we will come up with innovative ideas as that bill progresses.

As part of our programme of planning reform, the Scottish Government has established an infrastructure delivery group that includes public and private infrastructure providers, which reflects the fact that many organisations have responsibility for infrastructure delivery.

Many opportunities could be missed if we are distracted by the process of setting up a new commission. Rather than do that, I am keen to ensure that the next national planning framework, aligned with Scottish Government infrastructure programmes, provides a stronger steer on future infrastructure requirements. I made that point to the committee last week; I know that there is support for improving that alignment. We can achieve much more by doing that than we would by passing responsibility for infrastructure to a separate new body.

Our programme for government commits to a new infrastructure mission, and the First Minister has appointed a Cabinet Secretary for Transport, Infrastructure and Connectivity in order to highlight the importance of the issue. A commission whose advisory functions related primarily to planning authorities and development and use of land could cut across our wider initiatives.

Amendment 220 would also introduce a requirement for a national infrastructure needs assessment. Our infrastructure investment plan is how we co-ordinate infrastructure investment, and the Cabinet Secretary for Transport, Infrastructure and Connectivity will, in due course, consider our approach to refreshing the 2015 plan. There is no need for a separate assessment to be undertaken.

Throughout our debates, I have emphasised the importance of planning having a stronger focus on delivery. There is clearly a need for development plans to be better informed by fuller evidence on infrastructure capacity and requirements. Our research has shown that there is a need to do that at regional rather than at national level. We proposed introducing infrastructure audits at regional level in our consultation. We intend to develop that further in practice as we move towards the next national planning framework.

I had also envisaged the matter as a key area for authorities to address in their strategic development reports, working with the Scottish Government, had the committee agreed to amendment 116. Nevertheless, I still want to see planning work more flexibly and effectively, with wider regional economic partnerships working with infrastructure providers to strengthen delivery. By

aligning planning at that scale with city and growth deals, there is clearly an opportunity to underpin significant investment with a long-term land-use strategy. I am aware of the good work on that that is being done in the Glasgow city region, for example.

Amendment 220 is broadly defined, and it appears to extend well beyond low-carbon infrastructure. Infrastructure is complex, and we must bear it in mind that it is delivered by private sector organisations as well as by public bodies. Different approaches to needs assessments already exist, reflecting the varying programmes and priorities of infrastructure providers. The key is not to duplicate those approaches, but to better co-ordinate and align them with development planning.

Having taken into account all our on-going work to better align planning with infrastructure investment, I do not support amendment 220, in particular its requirement to establish a new national infrastructure commission. I urge Ms Beamish not to press her amendment.

Claudia Beamish: I make it clear that in view of the helpful discussions that we have had I will not press amendment 220. I am not saying that I will not consider it in discussion with others with whom I have worked and, possibly, the minister—although he has not made such an offer because he is not keen on the proposal—or that I will not consider bringing the issue back.

I do not agree with Andy Wightman's comment that because something has not happened before, it cannot happen. There was no precedent for the Climate Change (Scotland) Act 2009, but if we did not have such an act, we would be in more trouble than we are now. What he said is not an argument for not doing something.

The minister has given reassurance about better alignment and the national planning framework. It is obviously important that low-carbon issues are in that as an underpinning.

It looks like NINA will die a death—I am not sure. The minister has explained how there are a lot of other opportunities for assessment and that the private sector is also involved. I can push back on that one to some degree because the private sector should still be expected to assess how it will look at the infrastructure projects that it tenders for in terms of low carbon. That is important, even if there is not the additional layer that amendment 220 would have brought.

I am somewhat reassured. I will not go into any more detail, but there are a number of other points that have been made about city deals and other issues that are encouraging. However, a joined-up approach is absolutely vital for low carbon, which

is why I lodged amendment 220, and I am glad that it has been highlighted and discussed.

Amendment 220, by agreement, withdrawn.

Section 2—Removal of requirement to prepare strategic development plans

10:30

The Convener: Amendment 42, in the name of Andy Wightman, is grouped with amendments 85, 85A, 189, 221 and 46 to 50.

Andy Wightman: Section 2 of the bill repeals sections 4 to 14 of the Town and Country Planning (Scotland) Act 1997, which relate to strategic development plans. The effect of section 2 of the bill would be to do away with strategic development planning in the planning system. My amendment 42 would delete section 2 and therefore have the effect of leaving the current system of strategic development planning in place unaltered. Amendments 46 to 50 are consequential amendments.

We have been undertaking strategic development planning in Scotland for more than 70 years, beginning with the Clyde valley regional plan of 1946. Pioneers of Scottish regional planning, including Patrick Geddes and Ian McHarg, were pioneers in this field. The committee's stage 1 report concluded that the current approach to strategic planning should not be abolished

"unless a more robust mechanism is provided".

At one of the events organised by the committee—I think that it was in Stirling—quite a large number of interested parties had workshops and discussions on the future of the planning system. I spoke to a member of Clydeplan—one of the strategic planning authorities in Scotland—who emphasised the importance of a statutory strategic plan that could, for example, embed policies on hydrology in one local authority that are designed to prevent flooding in another. The key ingredient is the statutory nature of the plan, which locks in the cross-authority work that is needed for effective spatial planning.

If we do not have effective spatial planning, the temptation is for the first authority to abandon its policies on hydrology because they are not policies that matter very much to it; they are policies that are designed to stop, prevent or mitigate flooding in a different planning authority—in this case, Glasgow.

A number of proposals have been made on how strategic planning could be carried on in future, building on the bill, and I welcome that. Indeed, the minister's amendment 116 last week focused on voluntary working and securing regional

outcomes through the national planning framework.

In my view, strategic planning is best undertaken by strategic planning partners rather than by central Government. I think that national planning is different from strategic planning and I think that strategic planning needs to be owned by the authorities that are bound by its outcomes.

In the stage 1 debate, it was acknowledged, agreed and recognised that there are mixed views on this topic. Since then, I have spoken further to interested parties and, broadly speaking, there is still that split, but a large number of organisations are sceptical about losing strategic planning and would rather we keep it unless we have robust, workable replacements in place. I am not convinced that we are at that stage yet. I am still open to persuasion that that stage could be reached by stage 3.

Amendment 85 incorporates the same statement on how a strategic development plan will take account of gender and of the impact on gender that I previously set out in the debate on section 1 on the national planning framework. Again, I welcome Monica Lennon's amendment 85A, which more accurately reflects my intentions. I support Monica Lennon's amendment 189. It provides the same new evidence report requirements as are provided in section 3(4) of the bill. I also support amendment 221.

I move amendment 42.

The Convener: Before I ask Monica Lennon to speak to amendment 85A, I point out that if amendment 48 is agreed to, I cannot call amendment 155—which was debated with amendment 185 in the group on the national planning framework—because of a pre-emption.

Monica Lennon (Central Scotland) (Lab): I completely agree with Andy Wightman's comments in relation to strategic development planning. I think that the committee report reflects our concerns and our scepticism. However, like Andy Wightman, I remain open-minded and I look forward to hearing what the minister has to say.

Amendment 85A repeats the arguments that we made last week in relation to the national planning framework, although this, of course, is about strategic development plans, if we are going to retain them.

Some of the earlier points on provision of housing for older people and people with disabilities reinforce my argument that we should embed equality and human rights in the purpose of our planning. I hope that we can keep that under review. I know that there have been discussions with colleagues on that.

The reason why I lodged amendment 85A, which would supplement Andy Wightman's amendment 85 by adding the term "equality", is because we heard clear evidence from Engender and others that gender inequality is still not being actively considered in planning practice. We have big societal issues to deal with, and while they are not all for planning, there is a clear interrelationship between gender and place, the built environment and power, and the bill absolutely is the place to try to address that.

Under the Planning etc (Scotland) Act 2006, we moved from structure plans to strategic development plans. Planning circular 2 of 2008 pointed out that the reason for establishing strategic development planning authorities was to have

"a common approach to matters that extend beyond an individual authority's boundaries",

such as housing markets, travel-to-work areas and hydrology, which is a good example.

On governance, the circular said that strategic development planning authorities

"should be serviced by a small dedicated team of officers."

That sounds sensible. However, over the summer, from doing further research and speaking to Clydeplan and others, I have learned that there are only eight full-time chartered planners working across the four strategic development planning authorities. I am interested to hear what the minister thinks of that, but it sounds as if people have got the message from Government that it wants to run down the SDPAs and are already withdrawing resource. To me, it does not seem adequate that we have only eight full-time chartered planners for the four authorities covering Glasgow, Aberdeen, Tayside and the SESplan area.

My point is that, if we leave this to a voluntary code, given how pressured resources are in planning authorities, we might not have strategic planning at the cross-boundary level as we know it. *[Interruption.]*

I am happy to take an intervention from Annabelle Ewing.

Annabelle Ewing: I was trying to catch the convener's eye, but I would be grateful if I could come in on two issues.

On amendment 85A, which adds the words "and equality" after "gender" in Andy Wightman's amendment 85, as a lawyer by trade, I am always concerned that, as soon as we start singling out certain groups, we raise the question, which I alluded to in speaking on the previous group of amendments: whither other people? Surely everyone has, as a basic human right, the

expectation of being treated equally under planning legislation. In any event, in terms of drafting, the minute that we start to subdivide a general term, whatever it might be, we risk excluding a series of scenarios and situations—even if that is not Monica Lennon's intention. That is my concern about amendment 85A.

On the strategic development plans, I am a new member of the committee, so please excuse me if this is not correct, but I thought that one of the key goals of the bill was to simplify the planning system. It seems to me that we are in danger of going off in different directions and going from the status quo, which people apparently want to amend, to unleashing on the world something that we do not intend, which is a bill that is incredibly complicated.

I just make those two brief points. Thank you for taking the intervention.

Monica Lennon: I appreciate the points that Annabelle Ewing has made. I do not have the *Official Report* from last week's meeting in front of me, but I think that the minister said that consideration is given to gender impact in everyday planning processes. There has been an equality impact assessment of the bill, but the problem is that Engender, which is a highly respected women's organisation—it has just had its 25th anniversary and the First Minister spoke at an event for that in the Parliament's garden lobby, so it is taken seriously—has said that the equality impact assessment for the bill is pretty useless when it comes to gender.

The minister committed to meet Engender, although I am not sure whether that meeting has taken place. It is important that the committee is reassured that planners and others who have a role in the planning system have the tools to consider gender and other protected characteristics properly. By putting gender, equality and human rights in the bill and in the purpose of planning and by embedding those at national planning framework level, SDP—if we are keeping them—level, local plan level and daily development management level, we will ensure that they are everyone's business.

Doing so should not be complicated, and it is not about trying to prioritise one person's needs over another's. However, if we think about gender, we see that women make up more than half of the population in Scotland yet a plethora of academic research shows that the built environment is still largely being designed by men, for the benefit of men. It is not being done deliberately—I know that Graham Simpson was shuddering as I said that.

It is regrettable that, at present, only Andy Wightman and I support what has been proposed. I hope that, by the time we get to stage 3,

Conservative and Scottish National Party members will have woken up to it.

Annabelle Ewing: Will the member take another brief intervention?

Monica Lennon: Yes.

Annabelle Ewing: I want to clarify that, on the issue of simplification, I was referring more to Monica Lennon's second point, on the role of strategic development plans. I am in favour of everybody's human rights, and human rights underpin the bill, of course—that is a given. I just remain a wee bit perplexed about why we are singling out the human rights of some but not others. I see dangers in that, just as a matter of basic drafting.

Monica Lennon: Again, it goes back to the purpose and why we plan. Members have lodged amendments that put the purpose of planning into the bill, and I am glad that the minister has moved some way towards that. We all have different views on what the purpose should be, and I have lodged a suite of amendments that seek to improve public health through planning, rather than making it worse, and to tackle inequality in our society through planning decisions.

I know that some members joined the committee only last week, but we have heard extensive evidence that planning decisions exacerbate inequality. We see that in the clustering of certain types of development, for example betting shops, in some communities. These ideas are well established and parliamentarians across the Parliament raise them routinely. In the bill, we have a big opportunity to embed those principles and to say what planning is for. We can then empower planners and other decision makers and make sure that they are their responsibility. It is not about saying that women are more important than men or that people with disabilities are more important than people without disabilities; it is about making sure that we are aware of all of these things and that, when we make planning decisions and set planning policy, we are not blind to the consequences. I will leave that point there.

Going back to strategic development plans, I note that Clydeplan, which covers the area where I live, has done some really important work. Cross-boundary working is really important and I do not think that we can leave it to chance, particularly as planning authorities' resources are under so much pressure. Even during the life of the bill, we have seen staffing levels reduce to only eight planners across four strategic development plan authorities. The minister really must address those concerns.

Kevin Stewart: Before I move into the guts of all of this, I will reflect briefly on last week's meeting in order to set the context for my

comments today. We all want to deliver a stronger planning system for Scotland that works for everyone. The amendments that the committee makes to the bill could have a significant impact on the way that the planning system works, or does not work, in the future. Based on the amendments that were agreed to last week, I believe that there is a real danger that the original aims of planning reform will not be achieved. If we continue to load in more and more detailed requirements, we could end up with a system that works for no one, rather than one that works for everyone.

Our proposals included removing the bureaucracy of strategic development plans and the duplication of supplementary guidance in order to produce time and cost savings that could then be used more productively. If the committee chooses to retain those elements, there will be no savings to resource new ways of working, never mind the additional duties that members want to add. I ask the committee to be aware that changes that it makes to one part of the system will have wider consequences and to bear in mind the responsibility that we all have to make a system that is workable.

10:45

Although many of the new duties that the committee agreed to last week will fall to the Scottish Government and the Parliament, I ask members to bear in mind the particular risks around overloading local authorities with duties that they are unable to resource. If we continue to add numerous minor amendments to the bill, it will make the system much more complex and harder to run, adding significant time and costs.

I encourage all members not to move amendments unless they are confident that the amendments are deliverable. If the Scottish Government supports amendments in principle, I am happy to work with any and all members to ensure that they work in practice and without generating significant unintended consequences.

When I laid the bill before Parliament in December 2017, I was seeking to streamline the planning system. My commitment to removing procedures that do not add value has been strongly supported, not only by professional stakeholders, but by members of the public. We should not lose sight of the fact that many people consider the current system to be complicated, frustrating, time consuming and, in many cases, impenetrable.

I considered the committee's comments about strategic planning in its stage 1 report and proposed a new duty on strategic planning in amendment 116. That amendment reflected the

committee's concerns about the loss of strategic planning. However, amendment 116 has now fallen. I may bring back amendments on the provisions on strategic planning reports at stage 3, to allow Parliament to consider the options together.

I know that the committee has heard calls for strategic development plans to be retained; the plans have some vocal supporters, including in particular some planning professionals who have been personally involved in planning at that scale. However, I am not convinced that there has been a balance between evidence and opinion on the topic.

I ask the committee to consider whether strategic development plans in their current form have a significant impact. From what has been said, it appears that most of the successes of strategic or regional planning were achieved decades ago—long before the current arrangements emerged. Strategic or regional planning used to have real influence and I am concerned that that is no longer the case. I have made it very clear that we want to improve and strengthen strategic planning, not to undermine it. Unfortunately, our efforts to improve flexibility and rationalise the system have been misinterpreted or misconstrued as a complete abolition of strategic planning. That has never been my intention.

Amendment 42, in the name of Mr Wightman, seeks to retain strategic development plans in their current form. If the committee supports amendment 42, the development plan would have three tiers in the future: the NPF, SDPs and LDPs. Rather than streamlining the system, it would add complexity to the process and mean that we miss significant opportunities for more collaborative working. There would be no impetus for strategic planners to get involved in the new opportunities that are emerging at the regional scale. I doubt that the pace of change in investment arising from city deals can be informed by strategic planning if planners continue to operate within a rigid development plan cycle.

We need to free up planners to better concentrate on inclusive growth by being actively involved in regional partnerships. Amendment 42 would retain the requirement for a new plan to be submitted within four years of the current plan being approved, but the national planning framework and local development plans are moving to a 10-year cycle. I do not want strategic planning to be bogged down in procedures or our strategic planners to adopt a plan and then immediately move on to preparing the next one, rather than actively promoting the plan's delivery. They should have a longer-term focus.

I also want strategic planning to be flexible in terms of geography and local authorities'

governance arrangements, rather than having things dictated and fixed in regulations. The system should allow all local authorities to decide what works best for them, rather than being driven by ministers.

Monica Lennon supports retaining strategic development plans, but has some changes to suggest. Her proposal to replace main issues reports with an evidence report reflects the new procedures for local development plans, but there would be no benefit, and the much bigger opportunities arising from a new approach—an approach that is not entirely focused on preparing a plan in isolation—would be lost.

I have particular concerns that amendment 189 would also remove the examination of strategic development plans. I presume that Ms Lennon thinks that strategic development plans would still be part of the statutory development plan, but without any independent scrutiny. I ask Mr Simpson and others to think about how the stakeholders that they have been working with, such as Homes for Scotland, would feel about that.

Experience has shown that we can have little confidence that strategic development plans would be adequate if they were not independently examined. Although I cannot comment on specific plans, including those that are currently before me, some strategic development plans have had problems tackling significant issues, leaving them to be addressed in the examination. I would not like to speculate on whether that is because authorities are unable to properly tackle challenging issues or is down to people relying on the examination or ministers to make difficult decisions on their behalf. Such issues include housing requirements, retail and town centre allocations and major cross-boundary infrastructure requirements. I am sure that the committee can see that those are not matters of detail; they are significant issues and strategic development plans are failing to address them.

In short, amendment 189 has significant disadvantages. It does not tackle the existing issues with strategic planning in the way that my proposals would have done. In fact, it will compound the problems that we have seen for some years now and, in doing so, will jeopardise the credibility of the planning system as a whole. I urge the committee not to support it.

Similarly, I do not support amendment 221. That amendment seeks to insert strategic and cross-boundary planning matters into local development plans. As I said in my response to the committee's stage 1 report, that could result in a loss of strategic focus, as well as duplication and confusion between plans.

On amendments 85 in the name of Andy Wightman and 85A in the name of Monica Lennon, I have already set out my response to related amendments around gender and equalities. Although I fully recognise and support the issues, I ask the committee to bear in mind existing requirements under the Equality Act 2010 before adding any further duties, and not to support those amendments.

Monica Lennon: I have a question about Engender, which I mentioned last week and again today. Have you had a meeting with Engender? Can you explain to the committee why you think Engender thinks that the equality impact assessment on the bill is pretty useless in relation to gender?

Kevin Stewart: I have exchanged correspondence with Engender and other organisations. Last week, I outlined in great detail all the responsibilities that we have as ministers and parliamentarians—responsibilities that are outlined in various pieces of legislation, including the Equality Act 2010—and I am not going to do so again. Adding the proposals in the amendments to the bill would take away from those duties, which should cover every aspect of legislation that this Parliament passes.

As I have already said, I proposed a new approach to strategic planning in amendment 116, but the committee did not support it. The original provisions in the bill on the national planning framework still include scope for authorities to work together to inform the national planning framework, and could allow for a more flexible approach to strategic planning. However, if strategic development plans are retained, it is unlikely that authorities will be able to work as closely with the Government in preparing the national planning framework. It also leaves the rest of the country outwith the four SDP areas operating in a different context. We estimated that removing the formal process around strategic development plans would free up around £2.5 million for more effective ways of working. That money will no longer be available if the amendments in this group are agreed to.

Graham Simpson: I have listened carefully to all the contributions. The stage 1 report merely reflected that we had heard no evidence that getting rid of strategic development plans was a good thing. What we called for in that report was that, if we were to agree to get rid of them, there should be something more robust in their place. We all agree that there is a need for regional working. That can be the driver of growth in Scotland, and it is what we need. However, we have not heard about something better, so I encourage the minister to reflect on that before stage 3; if he has better ideas, I urge him to talk to

people about them. That may well be the stage at which we can look at the issue again.

Kevin Stewart: I put forward better ideas in amendment 116; unfortunately, that was rejected by the committee last week. I fully intend to bring back similar proposals at stage 3. I am always willing to talk to members about aspects of planning, and Mr Simpson knows that my office door is open. However, I reiterate the points that I have made about the amendments in this group. I also reiterate that, as things stand at the moment, we have four SDP areas, and other areas need to look at that. As Mr Gibson knows, if the Ayrshire deal is our next growth deal, it would be good for the Ayrshires to have the flexibility to plan strategically at the regional level. If amendment 116 had been agreed to, the provisions that it proposed would have provided that opportunity.

The Convener: Could you begin to draw your comments to a close, please?

Kevin Stewart: I will, convener.

The committee should not underestimate the importance of the decisions that they will make on this group of amendments. If members decide to retain strategic development plans or, worse still, to bring in an even more unworkable version of them, they will increase, not reduce, complexity and duplication in the system and allow a small but vocal group of planners in Scotland to cling to an outdated and ineffective pursuit that costs a lot and provides very little benefit in return.

I expect that Mr Wightman and Ms Lennon will press their amendments, but I urge the committee to reject them.

The Convener: I invite Andy Wightman to wind up.

Andy Wightman: This is a Government bill. The onus is on the Government to make the case for change and our job in Parliament is to scrutinise that case and assess whether it is well made. The view of the committee at stage 1 was that that case has not been made.

As I think that I indicated last week—I may not have, but I will this week—the parts of amendment 116 that related to strategic development had some merit. Our problem with amendment 116 was that it sought to make changes not only to section 1 but to section 2 at the same time, so we did not really have much choice in the matter. Time remains. We have three or four weeks yet to get through stage 2, so there is time to have further discussions about how we can rectify some of the problems that the minister claims exist in the current system. In preparation for that, amendment 42 retains the status quo, which I think is the appropriate thing to do where a case has not been well made.

I am very open to having discussions about cycles and strategic development planning, for example, and about the minister's ideas on the future of regional planning. Changes can be made, and there are deficiencies in the current system. However, I repeat that the case for change has not been made. In particular, the details suggest an essentially voluntarist approach that places significant responsibility for regional planning on ministers, who in my view are principally responsible for national planning. That does not make for robust regional planning.

11:00

Kevin Stewart: As I pointed out in my comments, one of the difficulties with the existing strategic development planning approach is that it is not robust. During the examination, it often falls to ministers and others to point out the difficult decisions that the current SDPs do not take. It is difficult for me to give examples of that, because some of those matters are still live. However, I ask all members of the committee to look at some of the recent difficulties that there have been with agreements on housing numbers or infrastructure construction, for example.

Andy Wightman: Although I thank the minister for his intervention, there is a critical difference between whether a process is robust and whether the plans produced as a consequence of that process are robust. If I understand the minister correctly, he is talking about deficiencies in the plans that are presented at the examination. I need further convincing that those deficiencies are a consequence of a flawed process. I am happy to listen to and be persuaded by that evidence, given that the bill is about process.

On gender, the proposal in amendment 85 is for a statement to be made, in this case in a strategic development plan; that is all that it requires. I hear what the minister says about the broader equalities duties that are placed on public authorities and I do not dispute what he says—those duties exist. However, the point about the statement is that it is a means of assessing whether the duties that the minister rightly argues exist are being upheld.

Annabelle Ewing: I will make my point with a question. What about a statement on the housing needs of veterans, or of families with a disabled child? Everybody has an expectation of being treated fairly under the planning system, and that obviously covers issues relating to gender and other protected characteristics. My point is that we are creating a system for everybody, and the minute that we start limiting whom particular provisions apply to there is a danger that we do not treat everybody fairly.

Andy Wightman: I hear that point about vets, disabled children and so on, but the gender question that we are considering is in a different domain. There is a lot of academic evidence that the planning system is highly gendered. That evidence is broad; for example, I could point the member to the plans in Vienna, which are regarded as very progressive and have identified a huge range of issues on which planning outcomes have been highly gendered. In Vienna, they have sought to rectify matters. It is a major problem that affects half the population and while I totally take on board the need for the planning system to deal with everyone's needs appropriately, I do not think that the evidence on those issues is on the same scale as the evidence that has been presented in relation to gender.

I will conclude by saying that the requirement to make the statement—

Kevin Stewart: Before you do—

The Convener: You may intervene if Andy Wightman is willing to take your intervention, but please make it very brief, minister.

Andy Wightman: I am happy to take an intervention.

Kevin Stewart: I will be brief. The statement is very similar to the equality impact assessment that is required by the Equality Act 2010, which is enforceable by the Equality and Human Rights Commission. That legislation stands alone. Therefore, I do not see what the difficulty is. Why is a separate statement under the bill required when existing legislation is all encompassing?

Andy Wightman: I take that point. However, I return to the fact that there is a substantial body of evidence that shows that, in many countries, the planning system continues to be highly gendered, and the statement is a means of assessing whether the duties that the minister refers to are indeed being met.

The point of putting the proposal in the bill is to require planning authorities to have some consideration of the point. Indeed, it will require them to make a statement—it need not be lengthy; it can be as detailed as the planning authority wishes—that will force consideration of the point. If we do not embed that in the bill, there is a danger that the systemic flaws in the system will remain.

The Convener: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)

Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 42 agreed to.

After section 2

Amendment 85 moved—[Andy Wightman].

Amendment 85A moved—[Monica Lennon].

The Convener: The question is, that amendment 85A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 85A disagreed to.

The Convener: The question is, that amendment 85 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 85 disagreed to.

Amendment 189 moved—[Monica Lennon].

The Convener: The question is, that amendment 189 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 189 agreed to.

Section 3—Local development plans

Amendment 221 moved—[Monica Lennon].

The Convener: The question is, that amendment 221 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 221 agreed to.

The Convener: This might be a suitable time to take a five-minute comfort break.

11:07

Meeting suspended.

11:13

On resuming—

The Convener: Amendment 86, in the name of Andy Wightman, is grouped with amendments 86A, 107, 172, 34, 161, 162, 173, 222, 223, 163, 35, 52, 174, 73, 82, 190, 36, 224, 37, 54, 54A, 108, 109, 191, 117, 192, 225, 175, 110, 7, 75, 111 and 176.

Andy Wightman: We are now in the group on local development plans.

Amendment 86 incorporates for local development plans the same requirement for a statement on how the plan will take account of gender. We have discussed that at length, so I will say nothing more on it.

Amendment 173 requires a local development plan to include a statement on plans and policies in relation to listed buildings. That provides an opportunity to highlight to owners of such buildings the kinds of uses that the planning authority considers to be appropriate. I have had extensive discussions with interested parties about this and, although there is some interest in it and they feel that there is some merit in some of it, the amendment might be more appropriately drafted to refer only to buildings on a register of buildings in disrepair and at risk. I am interested in hearing the committee's views and I will consider not moving amendment 173 and discussing it further for stage 3.

11:15

Amendment 176 requires planning authorities to take into account the open spaces strategy that is proposed under amendment 171, which has already been debated and agreed to.

I am broadly supportive of most of the other amendments in the group, but I want to speak to amendment 163, in the name of John Finnie, who is unable to be here today. Last week, John Finnie moved amendment 160 and the committee agreed to it. It sought to have the national planning framework have regard to

"the desirability of preserving disused railway infrastructure for the purpose of ensuring its availability for possible future public transport requirements."

Amendment 163 makes exactly the same ask with regard to the local development plan. Amendment 160 was supported, so it would be logical to support amendment 163.

I move amendment 86.

The Convener: Thank you. That was commendably brief. If everybody else wants to follow that example, I will be more than happy.

Monica Lennon: Like Andy Wightman, I will not labour the points about gender and equality. We have made those arguments and will keep making them at later meetings.

Amendment 107 is about asking planning authorities to assess the health implications of decisions. I appreciate the point that the minister made last week that land use planning cannot reach into every aspect of health, but that does not justify excluding health considerations from the local development plan. I hope that the committee will agree and take the opportunity to improve health outcomes in this manner.

I move amendment 86A.

The Convener: Wow! Thank you.

Kenneth Gibson: Amendments 172, 174, 175 and 54A, in my name, are the final four of a set of

amendments to facilitate provision of sufficient homes that meet the specific needs of older people and disabled people. In that respect, it is important that local development plans should be informed by the national targets and the national planning framework, as we agreed last week.

Amendment 172 specifies the need for the local development plan to

"include targets for the provision of housing for older people and disabled people for the part of the district to which it relates."

That should include

"the adaptation of existing housing to meet the housing needs of older people and disabled people"

and

"the building of new housing to meet the needs of older people and disabled people".

Amendment 174 seeks to ensure that local development plans include a detailed statement of the priority that is being given by the planning authority to addressing the housing needs of older people and disabled people and the policies and proposals that the planning authority is progressing and will progress.

Amendment 175 requires planning authorities to include details in the local development plans of any land designated for the development of older people's housing. It makes an important contribution to addressing the housing needs of older people and disabled people by ensuring that planning authorities focus on their housing needs when preparing LDPs.

Amendment 54A is simply an addition of the words "and disabled people" to Alexander Stewart's amendment 54.

Graham Simpson: I will also try not to take up too much time. I have amendments 34, 35, 73, 36, 37, 7 and 75, but it is not as bad as it sounds.

The Convener: It sounds pretty bad.

Graham Simpson: The theme of many of the amendments is the protection of the green belt and the localising of decision making. The intention of amendment 34 is for local planning authorities to prepare and maintain a register of previously developed brownfield land and, in effect, for councils to direct development to brownfield land ahead of green belt. The key word in amendment 34 is "presumption", so there is some flexibility there, which is important. That has got to be right, because every bit of evidence that the committee has heard shows the need to keep green spaces for people's physical and mental health, and that is the intention behind amendment 34.

The effect of amendment 34 would also be to direct development into existing towns and cities,

maybe even town centres, all of which is sorely needed. As with another amendment of mine, however, I realise that this is probably not the finished article and I might well need to make some changes for stage 3. I am happy to have discussions about that.

I have always believed that variety is the spice of life. That applies to homes as well as other things. We should be making it easier for people to build their own homes. One way of doing that is to make plots easily identifiable through a register of self-build plots. Amendment 35, which has been welcomed by Scottish Land & Estates, would facilitate that. The register would be publicly visible and people who wish to build their own homes could express an interest in the plots.

There is something similar down south, although the difference there is that councils keep a register of those who are interested in self-build. Such a scheme was put in place by the Greater London Authority, where public land was released for development, and it helped to increase housing supply across the area. The scheme run by the GLA was imaginatively called the build-your-own London home register. It could easily be reproduced as a build-your-own Scottish home register—there is no reason to reinvent the wheel.

The register could empower people to shape their own living spaces in the way they want and would contribute to vibrant and varied communities. Facilitating that custom-built approach would empower individuals and groups. It would also strengthen neighbourhood links and create local construction jobs, which is a good thing.

Monica Lennon: It is an interesting concept. It would not be onerous for planning authorities if individuals declared themselves as being interested in self-build. However, if the planning authority had to provide a map-based list of sites that included every piece of land that could be used for self-build, that would be a pretty serious task. To keep that up to date would be very resource intensive.

Can Graham Simpson say some more about what he thinks the scheme would look like in practice? It sounds like a very big job. Would it include someone's very large garden? In that case, the curtilage might lend itself to subdivision, but the home owner might have no interest in selling off a bit of their land. How would the scheme work in practice?

Graham Simpson: I just want to check whether Mr Stewart is all right—he is doing a lot of coughing.

Alexander Stewart: I am fine.

The Convener: Are you all right, Mr Stewart?

Alexander Stewart: Thank you, convener, I am not expiring yet.

Monica Lennon: It was not that bad a question.

Graham Simpson: It was a very fair question, I just wanted to make sure that Mr Stewart was okay before I answered it.

It is a good point. If the amendment is agreed to, it could be improved on at stage 3. I would see the scheme as applying only to council-owned land. I take Monica Lennon's point that to widen it out to non-council land would be an enormous task. I would like to think that people would see merit in the proposal. I am prepared to reconsider it at stage 3.

The bill leaves out some vital considerations in relation to the preparation of local development plans. Amendments 36, 37 and 75 would ensure that housing need, education services and built heritage are taken into consideration when the local development plans are being put together.

The local development plan should be consistent with the NPF. Thanks to the amendment in my name that was passed last week, the NPF will now go through a lot of scrutiny and will provide the direction of development on a national scale. However, it is only sensible that plans are joined up and that local development plans are consistent with the national planning framework. Amendment 7 is designed to make that happen.

There we are—that was not too painful, convener.

The Convener: Well, I am not sure about that. Thank you anyway, Mr Simpson.

I welcome Alison Johnstone to the committee. I should have already welcomed all the other MSPs who are here and who are not members of the committee. However, there are so many of them that I thought that it would take up half the meeting.

Alison Johnstone (Lothian) (Green): Thank you, convener—I am pleased to be here.

Amendments 161 and 162 seek to introduce a requirement for planning authorities to consider the provision of public conveniences and water refill stations as part of their local development plans. I will deal first with amendment 161, on the provision of public conveniences. A lack of accessible and functioning public toilets reduces the quality of our neighbourhoods and parks and all our public places and reduces the quality of our lives. We are seeing the widespread closure of public conveniences across the country, with the number of council-owned bathrooms falling from 759 in 2000 to 421 this year. *The Press and Journal* has found that, on average, Scottish local

authorities have closed 45 per cent of public toilets.

The NHS estimates that 3 million to 6 million people in the United Kingdom suffer from some degree of urinary incontinence, and the shortage of public toilets can hamper their quality of life. The issue affects people of all ages and various groups, including the elderly, young children, disabled people, pregnant women and active travellers, all of whom need free and easy access to clean toilets. The issue affects us all.

Age UK has highlighted that the issue prevents many old people from going out and about on a daily basis, with the result that they lose confidence and are reluctant to visit new places, which of course increases isolation. As we live in an ageing society, the issue is not going to go away—it will get bigger—which is perhaps why the World Health Organization has chosen to highlight the availability of clean, conveniently located, well-signed and disabled-accessible toilets as a major indicator in its age-friendly cities guide.

I make it clear that the intention is not to introduce a statutory duty to provide public conveniences; it is to require planning authorities to give full consideration to whether the provision of toilets can improve public places as part of their overall plans for local areas. That could be part of a community access scheme, such as that run by the City of Edinburgh Council, through which businesses are paid £500 a year to allow free access to their toilets. New developments could be encouraged to plan for their toilets to be accessible to the public in a similar manner.

In a similar fashion, amendment 162 seeks to require planning authorities to consider the provision of water refill locations in their local development plans. Over the past year, the blight of plastic pollution has come to the fore, with shocking footage emerging of the damage that throwaway plastics have on environments around the world. The Scottish Government has already shown initiative, for example by pledging to bring forward a ban on plastic-stemmed cotton buds. Amendment 162 seeks to reduce our need for single-use plastic bottles by encouraging local authorities to provide the infrastructure that is needed to give access to free water refill locations. It is an urgent environmental problem. Fewer than half of the bottles that were bought in 2016 were collected for recycling, and only 7 per cent of those collected were actually turned into new bottles.

Graham Simpson: Will the member take an intervention?

Alison Johnstone: Certainly.

Graham Simpson: Those are interesting areas, but I want to be clear about something. You have

possibly touched on this, but amendments 161 and 162 would not compel councils to provide water fountains or toilets. Clearly, the reason why we have fewer public toilets is that councils have less money.

Alison Johnstone: Councils would not be compelled to provide those things, but they would be compelled to include a statement of their intentions in that regard. I am sure that colleagues round the table are finding that this is an increasing topic of correspondence in their mailbags.

Pauline McNeill (Glasgow) (Lab): Convener, is it in order for me to intervene on Alison Johnstone on that point?

The Convener: Let her deal with the first intervention first.

Alison Johnstone: I represent Lothian, but I have been contacted by people from as far afield as the Highlands on this matter, which I suppose is because of my role as health and sport spokesperson. The indignity and the lack of privacy that some people have to endure while travelling about this country in trying to carry out a perfectly normal bodily function are completely unacceptable.

The least we can ask is that planning authorities set out their intentions. Local authorities are closing facilities, which is having an impact on our health. Amendment 161 would not compel local authorities to provide a single toilet block and, as the City of Edinburgh Council has demonstrated, there are various ways of dealing with the issue. I would just like to understand what local authorities intend.

11:30

Pauline McNeill: It would be remiss of me not to add my voice on the issues that Alison Johnstone is raising, given that the cross-party group on inflammatory bowel disease, which is meeting tonight, is, like many other groups, campaigning for people who suffer in this regard. In Scotland, there has been a rise in the number of young people with inflammatory bowel disease. People can be in the Royal Association for Disability Rights—RADAR—scheme and get a key, but the reducing number of facilities is causing a problem. It feels as if we are in the dark ages in Scotland, because people cannot always use a public toilet when they need to. There are people in society who have greater needs, and I just wanted to put on the record that people with IBD, of which there is a growing incidence in Scotland, need to have confidence that, when they are out and about, they can access public toilets.

Alison Johnstone: I thank colleagues for their interventions.

We probably all grew up in an era when public water fountains were the norm, but as they have disappeared, there has been an increased reliance on single-use plastic bottles. The Victorians introduced both public conveniences and water fountains to our towns and cities, but we have lost many water fountains because it is sometimes quicker and more convenient to go and buy a bottle of water. I am heartened because I am seeing local businesses saying to people, “You can refill your water bottle here”, but it would be helpful to understand what the options are across the country. Water fountains cut back on the plastic waste that costs us all a fortune—it is one of the things that we pay for through our council tax—so there is a saving to be made there, too, as well as the environmental benefit.

Scotland could follow the lead that has been taken by the Netherlands. It has a programme called join the pipe and it has installed more than 2,000 water taps throughout the country in public spaces, parks, sports fields and schools. It provides convenient refill and it sells its own refillable bottles. The city of Amsterdam also sells its own refillable bottles to encourage tourists not to go down the single-use plastic route. Closer to home, campaigners in Bristol have encouraged 200 businesses to sign up to a scheme to allow people to refill bottles for free.

It is also about making sure that there is public awareness of what is available. Even where people can access public conveniences in local cafes, for example, they have to understand that that is acceptable. We still have people who are uncomfortable asking for keys or codes to use a public toilet, so there will have to be some education around this, too.

The mayor of London is overseeing the roll-out of public water fountains. I will not say anything bad about the water in London, but I am sure we all agree that we have great water in Scotland and we should be making the most of it.

Monica Lennon: I welcome Alison Johnstone’s amendments 161 and 162, and her commentary on them has been very useful. I hope that we all agree that access to toilets and drinking water is a basic human right, and some of us are trying to embed that in every part of the planning system through the opportunity that the bill presents.

Recently, I spoke to Morven Brooks, who is the chief executive of Disability Equality Scotland. The points have already been made, but she talked about disabled people being humiliated and stuck at home. Other parts of the Government are working on strategies to tackle loneliness and social isolation, and we are trying to make sure

that all the strands of policy are joined up. Alison Johnstone’s amendments are proportionate, because they ask planning authorities to be mindful and to provide a statement. They acknowledge that there are issues and challenges but that implementation and delivery are matters for councils and others.

On a positive note, the more we raise awareness, the more can be achieved. For example, wearing another campaign hat, on period poverty, I give the example of Network Rail, which has agreed that it will remove the toilet charges in Edinburgh and provide water fountains next year. If we put the matter in the minds of every planning authority, it will spark conversations with developers and other partners in the public sector. Amendments 161 and 162 would really add value to the bill.

The Convener: I remind members to keep their interventions short. We have a lot to get through and very little time in which to get through it.

Alison Johnstone: Amendment 162 could encourage planning authorities to go further along the path that I described, and enable local authorities to innovate with their own schemes to provide free drinking water and reduce levels of plastic waste.

Pauline McNeill: I have been working with Inclusion Scotland and Age Scotland on amendments 222 and 223 in my name, which deal with accessible housing and dementia-friendly homes. Kenny Gibson and Alexander Stewart mentioned the issue, so there might be some duplication. I agree that the planning system alone cannot provide a complete solution to the problem, but we need to encourage bolder action on housing for disabled people and dementia-friendly housing.

Fourteen per cent of households in Scotland include someone who uses a wheelchair or mobility aid, but only 0.7 per cent of local authority housing and 1.5 per cent of housing association property is accessible to wheelchairs. Horizon Housing Association and the Chartered Institute of Housing undertook research in 2012 and estimated that more than 17,000 wheelchair users in Scotland had unmet housing needs. It is widely accepted that that was an underestimate. The Government’s commitment to build 50,000 new homes is welcome and presents a once-in-a-lifetime opportunity to address the shortfall in accessible and dementia-friendly housing.

Some local authorities have targets on provision of wheelchair-accessible housing. For example, in its strategic housing investment plan, Glasgow City Council requires

“all housing developments of 20 units or over to deliver 10% of units as readily adaptable.”

The council wants to ensure that the housing stock across the city becomes more accessible.

Inverclyde Council's local housing strategy says that

"a target of 3% of all new build social housing has been set" for wheelchair-accessible housing.

Other authorities might have taken action, but it is clear that provision is not wide enough, given the demographic issue, with more older people and the need for dementia-friendly housing.

Amendments 222 and 223 offer similar models. Amendment 222 would require local development plans to include

"a summary of ... action taken ... an analysis of"

how the

"accessible design has helped to meet the ... need of disabled people ... an estimate of the new housing"

and

"an estimate of the existing housing"

that could be adapted to make it more accessible. Proposed new subsection (2B) of section 3 defines "accessible design" as design

"which takes into account the needs, including the mental health and wellbeing needs, of older people in the construction or adaptation of the housing."

Amendment 223 addresses dementia-friendly housing. It is worth noting that there are no national targets for housing for older people—at least, if there are such targets, I am certainly not aware of them, and I have checked with SPICe. The Scottish Government published its refreshed strategy for housing for older people in August 2018, but made no mention of targets. The issue needs to be addressed.

The structure of amendment 223 is similar to that of amendment 222. It would require a summary of action, an analysis of how design has helped to meet need and

"an estimate of the existing housing which will be adapted using age and dementia friendly design in each year of the local development plan."

Amendment 223 defines

"age and dementia friendly design"

as design

"which takes into account the needs, including the mental health and wellbeing needs, of older people in the construction or adaptation of the housing."

I hope that the committee will support amendments 222 and 223.

Jeremy Balfour (Lothian) (Con): I will speak briefly to amendment 52. My proposed approach builds on the approach that other members have proposed and would go slightly further by

stipulating that local authorities must earmark "sufficient and appropriate sites" to help to reduce the current chronic shortfall in suitable properties for older people and people with disabilities.

I agree with Pauline McNeill and the minister that such a requirement alone will not solve the problem. However, including it in the bill would be an important step.

I want to pick up on a point that Annabelle Ewing has made previously, which is about why we are picking out people with disabilities and older people. I think that the reason for that is that the type of housing that is required for them is different from the type that is required for veterans or single parents. I heard an almost tragic tale recently of a case in a part of Scotland—not Edinburgh—where it was realised only after a number of houses had been built that two disabled flats had to be included and the whole block had to be redesigned and done again because no one had thought about that earlier. That is not the way we should be going.

When we think of disability, often we think of wheelchairs, which Pauline McNeill mentioned, but disability goes beyond people who need wheelchair access. Design of houses must accommodate people with different types of disabilities, hidden or obvious, and that needs to be thought about at an early stage. Clearly, older people's housing and disability housing can be more expensive because of the adaptations that are required, so when a piece of land comes up, it may well go to general housing or to retail or office development simply because of cost factors. Unless there is a stipulation in legislation, I fear that that will go on.

The other benefit of doing what is proposed is that it will release housing in other sectors, so if older people have more appropriate homes that they can move into at an older age, they may be able to give up a traditional family home and put it on the market, which could allow perhaps up to £33 billion of homes to become available, with the knock-on effect of an economic boost.

My amendment 52 sends an important signal about the obligation on local authorities, that unless we start addressing the issues around disability and older people, we will face major problems in the years ahead.

The Convener: I call Rhoda Grant to speak to amendment 224 and other amendments in the group, including speaking on behalf of Claire Baker on amendment 82.

Rhoda Grant (Highlands and Islands) (Lab): I will speak first to amendment 224. I will not rehearse the arguments that I made last week about the importance of repopulation and resettlement. Amendment 224 is the same as

amendment 217, on the national planning framework, which last week was debated and moved, and was passed by the committee. Amendment 224 relates to the local development plan and refers to

“the desirability of allocating land for the purpose of resettlement,”

making that one of the matters to be considered in the preparation of local development plans.

Amendment 82, in the name of Claire Baker, is similar, in that it complements amendment 71, on the national planning framework, which was agreed to last week. It would add “cultural” to the list of characteristics to be considered in local development plans, thereby recognising the importance of cultural assets and acknowledging their importance in decision making.

The Convener: I call Alexander Stewart to speak to amendment 54 and other amendments in the group.

Alexander Stewart: Amendment 54 would ensure that the evidence reports that planning authorities will have to prepare must consider older people’s housing needs. The bill indicates that the planning authority is to submit the evidence reports to Scottish ministers, who will then appoint a person to assess whether the report contains enough information on older individuals for planning authorities. Amendment 54 would ensure that the evidence reports consider

“the housing needs of older people”.

The Convener: I call Alasdair Allan to speak to amendment 191 and other amendments in the group.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): As I mentioned last week, I have been working with Community Land Scotland on amendments that would promote the needs of parts of Scotland that have become depopulated, and would encourage their repopulation. The amendments that I am speaking to today have the same theme. I was gratified that the committee supported—unanimously, I think—the ideas that I and others put forward last week, even if the section of the bill that we were seeking to amend did not survive that meeting.

I should say that amendment 191 is not in any way dependent on the arguments for or against amendment 116. Amendment 191 will amend section 15(5) of the 1997 act, so that planning authorities would, when they prepare the local development plans spatial strategy, have to take into account

“rural areas in ... which there has been a substantial decline in population”.

Amendment 192 cross-references the provisions in amendment 191 with the regulations that ministers would have the power to make. I hope that amendments 191 and 192 will gain support on those grounds.

The Convener: I call the minister to speak to amendment 117 and other amendments in the group.

11:45

Kevin Stewart: There are many amendments in the group, so I will try to keep my comments as brief as possible. I have listened carefully while members have spoken about a wide range of matters for local development plans to address, but I am not entirely convinced that everything that has been suggested is a matter for local development plans to address.

Planning touches on so many areas that section 3 could be endless if we were to try to name everything that local development plans should cover. Some of the amendments relate to existing policies in Scottish planning policy that the committee has agreed should be incorporated in the national planning framework. Last week, I reminded the committee that we are trying to streamline the system: I make the point again today. I ask members to bear it in mind that primary legislation should, ideally, avoid listing every relevant planning policy or issue.

Following my comments last week, I am happy to support amendment 225, in the name of Claudia Beamish, on renewable energy; amendment 163, in the name of John Finnie, on disused railways; and amendment 82, in the name of Claire Baker, on culture.

On repopulating rural areas, I support amendments 191 and 192, in the name of Alasdair Allan, but I maintain my view that amendment 224, in the name of Rhoda Grant, goes too far.

I explained last week that assessments that relate to gender equality are more fully covered by the existing duties, which I talked about earlier, in the Equality Act 2010 and the 1997 act. Therefore, I cannot support amendments 86 and 86A.

Health impact assessment is included in strategic environmental assessment, so I do not support amendments 107, 110 and 111.

On amendment 108, I agree that development planning should take into account the “capacity of health services”. I believe that that would fit more appropriately in section 15(5)(d) of the 1997 act, which relates to infrastructure, but I am content to support amendment 108.

I find it difficult to support the breadth of amendment 109. Planning authorities cannot be

expected to identify and address all the health needs of the populations of their areas. However, I support the more appropriate approach in amendment 190.

Eight amendments from different members seek to ensure that the housing needs of older people and disabled people are reflected appropriately in local development plans. I have explained that a lot of work is already being done, and that the issue is well covered by policy in practice as well as by the programme for government. It is clear from the amendments that there are different views on how this complex issue should be addressed in local development plans, and we cannot fully prescribe how it should be addressed in primary legislation. I agree that the matter is important now and that it will be even more so in the future, but we cannot reasonably include all the amendments, because there is a degree of duplication and overlap.

I therefore suggest that agreeing to amendment 54, in the name of Alexander Stewart, amended by amendment 54A, in the name of Kenneth Gibson, would be the best way of ensuring that the bill reflects the issue, without attempting to include an inappropriate level of detail. I ask the committee to support amendments 54 and 54A and to reject the other amendments that relate to the matter.

A lot of the issues that have been talked about today are being looked at in the refreshed local housing strategy, which is the best place to consider the needs of individuals in relation to age or disability. We cannot assess at strategic level how existing homes meet the needs of their occupants and—as I have said—adaptations, for which health and social care partnerships are responsible, do not often require planning permission.

I will not dwell on amendments 36 and 37, which are in the name of Graham Simpson, on housing and education. I ask the committee not to support them and instead to agree to amendment 117, which is in my name. The wording of amendment 117 better reflects established planning terminology in relation to housing. I consider that “education facilities” should be identified as an essential type of infrastructure, rather than in the broader terms in amendment 37. I would be happy to work with Monica Lennon to add health services thereto.

In amendment 35, Graham Simpson proposes adding a requirement for local development plans to set out a list for self-build housing sites. Diversifying housing delivery was supported by the independent review panel, and we have since undertaken a programme of work to support and promote self-build and custom-build projects here in Scotland. That includes a £160,000 challenge

fund for pilot projects, and we have launched a national £4 million self-build loan fund to support self-builders who are unable to access standard bank lending. I have some concerns about how that fits with current practice on allocating sites on local development plans, so some adjustment may be needed, but I support the principle and am happy to support amendment 35.

I turn to amendment 176, on open space. Again, I recognise that that is an important policy issue. I have already set out my thoughts on amendment 171, and they also apply here. I do not support amendment 176.

In amendment 34, Graham Simpson seeks to introduce a presumption in favour of developing brownfield land before any land that has been designated as green-belt land is developed. It includes a requirement for planning authorities to maintain a register of brownfield land that is suitable for residential use, although the presumption would not be limited to such use. I agree with the broad sentiments behind amendment 34. It is not a new idea; it reflects a classic town planning debate that has gone on for some time. However, I have a number of significant concerns. I do not support the introduction of a blanket presumption in favour of—or, indeed, against—any particular type of development in a particular location. That would not allow for local circumstances and the merits of each case to be taken into account.

Brownfield sites share characteristics, but they are not all the same. Whether they are suitable or viable for development depends on a range of factors, including neighbouring and compatible uses and their proximity to infrastructure including public transport, schools and health facilities. Such sites can offer temporary or permanent greening opportunities within towns and cities.

Equally, there can be brownfield sites in the green belt—for example, abandoned agricultural buildings that would do well to be redeveloped. It is not such a clear-cut issue as Mr Simpson’s amendment 34 suggests. Amendment 34 could have a significant impact on the viability of residential development and the number of homes that can be delivered. It would remove the discretion and local knowledge that planning authorities can use to direct the right development to the right place. A standardised approach to the question of planning for housing and protection of the green belt is not, in my view, the right solution.

Several amendments in the group relate to built heritage. I have no objection—

Graham Simpson: Will the minister—

Kevin Stewart: I will finish this part first, Mr Simpson.

I have no objection to Graham Simpson's amendment 73, and I agree that the built heritage is an important part of the quality, distinctiveness and identity of many of our places, which it would be useful to highlight.

Graham Simpson: I completely take on board what the minister has said about brownfield sites. In my opening remarks, I said that I did not think that amendment 34 is the finished article, by any stretch of the imagination. Is the minister prepared to work with me on something for stage 3, in which case I will not press amendment 34?

Kevin Stewart: Without making any major commitment here today, I say that I will certainly speak to Mr Simpson about the issue. My problem is that a presumption in legislation is not as flexible as Mr Simpson perhaps thinks it may be. It is certainly not as flexible as the policy approach that we already have, which will be strengthened through the inclusion of Scottish planning policy in the national planning framework. I am happy to have further discussions with Mr Simpson on that or any other matter, if he wishes, and I would be grateful if he does not press amendment 34 today.

Amendment 75 relates to Graham Simpson's proposal for a new system for protecting "locally significant buildings". I consider it to be unnecessary. It would create an additional statutory list of buildings that are locally significant. I am not aware of any evidence or consultation supporting that proposal, other than anecdote and a general view that more needs to be done to safeguard the built heritage.

The protection and enhancement of the historic environment are already supported by existing legislation under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. That enables buildings to be listed A, B or C, according to their relative importance. All categories have the same level of protection, and C listing includes "buildings of local importance".

It is difficult to estimate how many buildings would be included. I believe that there are around 47,500 listed buildings in Scotland at the moment. A new list would be a major undertaking if it sought to pick up additional, less significant buildings that have a purely local value. That would be a substantial additional activity and burden for local authorities.

Similarly, amendment 173, in the name of Andy Wightman, would require local development plans to include

"policies and proposals as to the use"

of listed buildings. That is already addressed in Scottish planning policy and covered in local development plans, and I see no need to repeat that policy in primary legislation.

Amendments 161 and 162, in the name of Alison Johnstone, contain proposals relating to provision of public conveniences and water refill stations. I recognise the importance of public conveniences, and it is very welcome that great progress is being made towards reducing waste and ensuring that taps are available for refilling water bottles. However, I urge the committee to consider whether that is really a matter for planning authorities and local development plans to address. As Ms Johnstone rightly highlighted in her speech, those are policy areas that could be pursued by local authorities using other means. Community access scheme policies are great things, as she said, but they have nothing to do with planning.

Alison Johnstone: I appreciate everything that the minister has said about streamlining legislation; I loathe clutter and am all for streamlining. However, at times we can take streamlining too far. Access to sanitation and water remain the most off-track of all millennium development goals at a global level, and it is clear that more and more people in this country are experiencing difficulty with going to the toilet. This is a good opportunity to stress the importance of these two issues. We all need them for survival—to be blunt.

Kevin Stewart: I recognise all that Alison Johnstone has said, but I argue that planning—particularly local development planning—is not the place to deal with these issues. What we are talking about in local development planning is large areas and what will or will not be built on them.

Annabelle Ewing: I was interested by Alison Johnstone's remarks, in which she raised many important points. As she just reiterated, she is keen to stress the importance of these issues. I agree with that aim, but I tend to agree with the minister that the Planning (Scotland) Bill is not the place for it. However, having heard the seriousness with which the issues have been raised—and I suspect that they are supported by members around the table—would the minister be prepared to raise them in his normal dialogue with the Convention of Scottish Local Authorities, so that we can see the improvement that Alison Johnstone wishes to see?

Kevin Stewart: I am more than happy to do that. My dialogue with COSLA covers many areas and I am more than happy to bring up those issues with COSLA.

12:00

Pauline McNeill: I have a small question to ask, if that is okay.

The Convener: This will be the last intervention on this area.

Pauline McNeill: If you wanted to create a duty on local authorities to build public conveniences, for example when someone wants to build a large department store in Glasgow, where would the appropriate place to do it be if it is not in a planning bill? I am willing to be open minded about this

Kevin Stewart: For any planning application, each local authority can look at the situation and set out requirements for the building. There is a further amendment at a later stage from Mr Balfour, which is a wise amendment that sets out a particular requirement for a particular situation in terms of the size and so on of the building. That is a wise thing; what is difficult is to encompass all this in local development plan policy.

The difficulty that we have is not necessarily about what is coming; it is often a matter of how existing facilities are used and what choices are made by local authorities and others.

Alison Johnstone: Would the minister—

Kevin Stewart: I think that I have covered the whole gamut of this issue, so I will just say that I am not supportive of these amendments but I am happy to have further discussions with Alison Johnstone.

Monica Lennon: Can I make a helpful suggestion?

The Convener: If anyone wants to make an intervention, can they please do it through me?

Kevin Stewart: We need to be realistic about what development plans can achieve. As we have pointed out throughout, we want to streamline the system and be better able to move ahead with delivering needed development. Including policies on such detailed matters within local development plans does not sit comfortably in a new system that should be less bogged down—if you will excuse the pun—in detail and more focused on the bigger picture.

Finally, Graham Simpson proposes that local development plans must be “consistent with” the national planning framework, rather than that they “take into account” the framework. This may appear to be a minor difference but the two different forms of wording could have very different effects in practice. I consider that this could have significant implications for the development plan system as a whole.

I believe that the amendment has been inspired by Homes for Scotland, which wants to see consistency within the system. However, I believe that Homes for Scotland also wants planning to respond to changing circumstances. There may

well be good reasons for flexibility; specific local circumstances may justify a more tailored local approach or more up-to-date information could emerge from land audits after the national planning framework has been adopted.

The requirement for consistency has caused significant problems in the existing planning system. Local development plans that come forward late have to be consistent with housing targets that have been set out in strategic development plans years earlier and cannot take into account more recent evidence. We want plans to reflect the best available information rather than slavishly following a fixed and out-of-date hierarchy.

If the bill required consistency, local development plans would in every case be expected to simply incorporate the national planning framework without being able to question or adjust it. We consider that the requirement to “take into account” the framework maintains the connection but allows for greater flexibility where there is evidence that provides a reason for such flexibility. I am a bit surprised by the amendment, given Mr Simpson’s concerns about centralisation, and I hope that the committee will not support it.

I agree that some matters are of such strategic importance that they should be explicitly required in local development plans. However, some of the amendments go too far towards setting out policy in primary legislation or address relatively narrow issues and create a risk that authorities will focus on a mixed bag of statutory requirements at the expense of more coherent planning policy.

I conclude by asking the committee to bear in mind that we seek to simplify and streamline the system, rather than making it more complicated and unwieldy. Some amendments introduce significant new requirements at a time when local authority planning services are already very stretched. I hope that members will reflect on that and be clear that new duties are necessary and add value before they support them.

The Convener: I ask Claudia Beamish to speak to amendment 225 and other amendments in the group.

Claudia Beamish: Amendment 225 follows on from amendment 218, which was agreed to by the committee last week. It sought to include the provision of information on land available for renewable energy, to assist Scottish ministers in preparing a national planning framework. I welcome the minister’s support for amendment 225; I will not rehearse the arguments again and will be extremely brief about the importance of local development plans recognising clearly that renewable energy must be taken into account. Amendment 225 adds a specific opportunity for

that to happen by adding renewable energy to a district's infrastructure list. In our shift towards zero carbon, we need to focus seriously on climate-friendly infrastructure options. I am delighted that the minister supports that, and I hope that committee members will consider doing so.

The Convener: Thank you. Monica Lennon would like to come in briefly because she has, she says, a helpful suggestion.

Monica Lennon: I have just a humble suggestion about amendment 161, in which Alison Johnstone has raised an important issue. I recommend some reading for the minister. I am sure that the officials will be familiar with the work of the eminent planning academic Professor Clara Greed, who has written extensively on the issue of gender and is globally renowned on the subject of toilets. That issue is not peripheral and is a matter for planning authorities. Amendment 161 would plug a gap—we are going into too many puns, but if the minister takes a look at that reading, he will not need to take our word on it, because Clara Greed is the woman to listen to.

The Convener: The minister can make up his mind how helpful that suggestion was. [*Laughter.*] I ask Andy Wightman to wind up on amendment 86.

Andy Wightman: I will keep this quite brief. The debate on amendments 161 and 162 crystallised some of the issues. The minister disagrees that local development plans are the place, and it was Pauline McNeill, I think, who said that if they are not the place, where is the place?

Local development plans are the opportunity and the place in which planning authorities set out their views on spatial allocation of land and development in their area. If a duty is placed on them to include a statement—which may be a sentence or 10 pages—about the provision of public conveniences and water refill points, such a statement could be to the effect that all new development of a certain type shall consider including the provision of public conveniences and water refill points. I merely throw that in as an example. It could, in particular, be for developments that create new public spaces or for developments that take the place of older developments and give the opportunity to upgrade.

Kevin Stewart: Will Andy Wightman take an intervention?

Andy Wightman: I will in a second. Local development plans are the place for planning authorities to express a view and make a statement as to how we could increase the availability of public conveniences and water refill points. Such a statement is not about implementation, of course, but it would be helpful

to guide developers and the owners of land, through knowing that bringing forward certain developments would have an expectation that those things be done.

Kevin Stewart: There would be an expectation from folk out there that such a statement would automatically lead to this, that or the other, but that is not what it does at all. In an amendment that we will deal with later, Mr Balfour sets out clearly how to bring forward changing places toilets. I am willing to have further discussions with Ms Johnstone about the issue, but I do not think that having a statement in the local development plan is necessarily the way to deal with it. It certainly would not provide the solution that many folks out there would like to see.

Andy Wightman: I thank the minister for his intervention. If the public expects a statement to deliver the kind of changes that some of them might wish for, that expectation is misplaced. That does not mean to say that it should not be contained in a statement. A statement provides an opportunity for people to take a considered view about whether the planning system can do anything to improve the provision of these two things. They might well take the view that there is nothing that they can do, and a statement will be made to that effect.

As the minister says, the planning system is not a solution. If a local authority closes all its public conveniences, it is still open to it to have a planning statement that says that we need them and show the kind of circumstances in which they could be provided. I fundamentally disagree with the minister, which is why I think that amendments 161 and 162 crystallise a lot of the debates that we are having.

Amendment 222, in the name of Pauline McNeill, and amendment 52, in the name of Jeremy Balfour, are illustrations of the extent to which there is a wide range of interest in Parliament in a number of topics on which we feel there should be greater focus and attention in local development plans. I agree with the minister when he says that there will be overlap and duplication. Following the minister's statement about which amendments he deems useful to support and not to support, it is difficult to eliminate that overlap and duplication at stage 2. There will be duplication and overlap. As a member of the committee—and I hope that other members agree—I am under an obligation to make sure that the bill makes sense. It is patently clear that there are overlaps and duplications, but there is a clear political will to improve the way in which local development plans make statements and take views on matters to do with older people or water refill points. Before stage 3, it is important that we all make the effort to make sure that those

duplications are removed and that the statements are clear, concise and proportionate. I support that, and I hope that other members do, too.

I hope that that gives the minister some comfort that some of the things that are being proposed are not the final article; they are intentions to improve the bill and show that further work needs to be done.

Monica Lennon: I do not think that I have much more to add. I have made the point extensively about the need to embed equality into planning assessments. I know that we do not yet have a consensus, but I will keep working on that.

The Convener: The question is, that amendment 86A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 86A disagreed to.

The Convener: The question is, that amendment 86 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 86 disagreed to.

Amendment 107 moved—[Monica Lennon].

The Convener: The question is, that amendment 107 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 107 agreed to.

Amendment 172 moved—[Kenneth Gibson].

The Convener: The question is, that amendment 172 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Gibson, Kenneth (Cunninghame North) (SNP)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 172 agreed to.

Amendment 34 not moved.

Amendment 161 moved—[Alison Johnstone].

12:15

The Convener: The question is, that amendment 161 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 161 agreed to.

Amendment 162 moved—[Alison Johnstone].

The Convener: The question is, that amendment 162 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 162 agreed to.

Amendment 173 not moved.

Amendment 222 moved—[Pauline McNeill].

The Convener: The question is, that amendment 222 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Gibson, Kenneth (Cunninghame North) (SNP)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 222 agreed to.

Amendment 223 moved—[Pauline McNeill]

The Convener: The question is, that amendment 223 be agreed to. Are we agreed?

Members: No.

The Convener: there will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Gibson, Kenneth (Cunninghame North) (SNP)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 223 agreed to.

Amendment 163 moved—[Andy Wightman]—and agreed to.

Amendment 35 moved—[Graham Simpson].

The Convener: The question is, that amendment 35 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Lennon, Monica (Central Scotland) (Lab)
Wightman, Andy (Lothian) (Green)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 35 agreed to.

Amendment 52 moved—[Jeremy Balfour].

The Convener: The question is, that amendment 52 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Gibson, Kenneth (Cunninghame North) (SNP)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 52 agreed to.

Amendment 174 moved—[Kenneth Gibson].

The Convener: The question is, that amendment 174 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Gibson, Kenneth (Cunninghame North) (SNP)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0.

Amendment 174 agreed to.

Amendment 73 moved—[Graham Simpson]—and agreed to.

Amendment 82 moved—[Rhoda Grant]—and agreed to.

Amendment 190 moved—[Monica Lennon]—and agreed to.

Amendment 36 moved—[Graham Simpson].

The Convener: The question is, that amendment 36 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 36 agreed to.

Amendment 224 moved—[Rhoda Grant].

The Convener: The question is, that amendment 224 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 224 agreed to.

Amendment 37 moved—[Graham Simpson].

The Convener: The question is, that amendment 37 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Wightman, Andy (Lothian) (Green)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 37 disagreed to.

Amendment 54 moved—[Alexander Stewart].

Amendment 54A moved—[Kenneth Gibson]—and agreed to.

Amendment 54, as amended, agreed to.

Amendment 108 moved—[Monica Lennon]—and agreed to.

Amendment 109 moved—[Monica Lennon].

The Convener: The question is, that amendment 109 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lennon, Monica (Central Scotland) (Lab)
Simpson, Graham (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Wightman, Andy (Lothian) (Green)

Against

Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 109 is agreed to.

Amendment 191 moved—[Alasdair Allan]—and agreed to.

Amendment 117 moved—[Kevin Stewart]—and agreed to.

Amendment 192 moved—[Alasdair Allan]—and agreed to.

Amendment 225 moved—[Claudia Beamish]—and agreed to.

The Convener: We will stop there. I thank the minister, his officials and all the other MSPs who attended today's meeting. We will continue stage 2 consideration of the bill next week. Any amendments up to the end of part 3 of the bill should be lodged with the clerks by noon tomorrow. That concludes the public part of today's meeting.

12:23

Meeting continued in private until 12:44.

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