



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

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**Tuesday 29 May 2018**

**CONTENTS**

	<b>Col.</b>
<b>TIME FOR REFLECTION</b> .....	1
<b>TOPICAL QUESTION TIME</b> .....	3
Sustainable Growth Commission (Migration) .....	3
Interventional Radiologists .....	6
<b>PLANNING (SCOTLAND) BILL: STAGE 1</b> .....	11
<i>Motion moved—[Kevin Stewart].</i>	
The Minister for Local Government and Housing (Kevin Stewart) .....	11
Bob Doris (Glasgow Maryhill and Springburn) (SNP) .....	15
Graham Simpson (Central Scotland) (Con) .....	20
Monica Lennon (Central Scotland) (Lab) .....	24
Andy Wightman (Lothian) (Green).....	29
Alex Cole-Hamilton (Edinburgh Western) (LD) .....	32
Jenny Gilruth (Mid Fife and Glenrothes) (SNP).....	35
Alexander Stewart (Mid Scotland and Fife) (Con).....	38
Sandra White (Glasgow Kelvin) (SNP).....	41
Alex Rowley (Mid Scotland and Fife) (Lab) .....	44
Ben Macpherson (Edinburgh Northern and Leith) (SNP).....	46
Jeremy Balfour (Lothian) (Con) .....	48
Richard Lyle (Uddingston and Bellshill) (SNP).....	50
Tom Mason (North East Scotland) (Con) .....	52
Iain Gray (East Lothian) (Lab) .....	54
George Adam (Paisley) (SNP) .....	56
Monica Lennon .....	58
Adam Tomkins (Glasgow) (Con) .....	60
Kevin Stewart.....	64
<b>PLANNING (SCOTLAND) BILL: FINANCIAL RESOLUTION</b> .....	68
<i>Motion moved—[Kevin Stewart].</i>	
<b>BUSINESS MOTION</b> .....	69
<i>Motion moved—[Joe FitzPatrick]—and agreed to.</i>	
<b>DECISION TIME</b> .....	70
<b>SUPPORT FOR FAMILIES OF MISSING PEOPLE</b> .....	73
<i>Motion debated—[Fulton MacGregor].</i>	
Fulton MacGregor (Coatbridge and Chryston) (SNP) .....	73
Kenneth Gibson (Cunninghame North) (SNP) .....	76
Edward Mountain (Highlands and Islands) (Con).....	78
Rona Mackay (Strathkelvin and Bearsden) (SNP) .....	79
Daniel Johnson (Edinburgh Southern) (Lab).....	81
Ruth Maguire (Cunninghame South) (SNP).....	82
Gordon Lindhurst (Lothian) (Con).....	84
The Minister for Community Safety and Legal Affairs (Annabelle Ewing).....	85

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# Scottish Parliament

Tuesday 29 May 2018

*[The Presiding Officer opened the meeting at 14:00]*

## Time for Reflection

**The Presiding Officer (Ken Macintosh):** Good afternoon. Our first item of business today is time for reflection. Our time for reflection leader is the Very Rev Dr Lorna Hood OBE, chair of Remembering Srebrenica Scotland.

**The Very Rev Dr Lorna Hood OBE (Chair, Remembering Srebrenica Scotland):** Thank you for the opportunity to lead this time for reflection. Tomorrow evening, the charity that I chair, Remembering Srebrenica Scotland, will hold a memorial event here in the Parliament for white armband day. It will be only the second such event to be held in Scotland. Just 50 years after the Nazi decree that required Jews to wear a yellow star of David, members of an ethnic or religious group were once again marked for extermination, this time in Bosnia. Having taken over the municipal government by force, Bosnian Serb authorities issued a decree on local radio ordering all non-Serb citizens—who were mainly Muslims—to mark their houses with white flags or bed-sheets and to wear white armbands when leaving the house. It is but one facet of a story of genocide, gender violence and the struggle to find justice and, hopefully one day, reconciliation.

Supported by the Scottish Government, we have taken about 100 people to Bosnia, including a number from this Parliament. We go to hear the stories of grieving mothers who cannot rest until their loved ones are identified and of rape victims living with the stigma, too ashamed to talk and receiving little support or help in their struggle for justice. We listen, we weep with them and we promise to tell their story and to work here in Scotland for a better, more cohesive society.

I am often challenged about our relevance here in Scotland. We assume that the genocide in Srebrenica, the mass rape and torture were simply the consequences of a deeply divided society, yet nothing could be further from the truth. People living in villages and towns worshipped together and celebrated with one another yet, almost overnight, neighbours became enemies and friendships turned to hatred. The fact that it happened there is a sober reminder that it can happen anywhere.

Genocide does not happen in a vacuum; it happens when the seeds of prejudice and racism are not checked and challenged but allowed to

flourish, when we tolerate sexist or racist language and behaviour as being just talk and not to be taken seriously and when we turn our heads as others are mocked and, worse still, attacked.

My Christian faith as lived out in the life of Jesus speaks of our shared humanity, always seeking to find that which connects us rather than that which divides us, whatever our faith or if we have none. We learn the lessons from Srebrenica, pledging to be vigilant against hatred and intolerance so that, as the prayer in the memorial centre pleads,

“Srebrenica  
Never happens again  
To no one and nowhere”.

## Topical Question Time

14:04

### **Sustainable Growth Commission (Migration)**

**1. Ivan McKee (Glasgow Provan) (SNP):** To ask the Scottish Government what its response is to the recommendations on migration that were made by the sustainable growth commission in the report, "Scotland: the New Case for Optimism". (S5T-01111)

**The Cabinet Secretary for Finance and the Constitution (Derek Mackay):** I should start by noting that I was a member of the sustainable growth commission.

The Scottish Government welcomes the report's recommendations on migration, chiming as they do with our own report from February of this year, "Scotland's Population Needs and Migration Policy". That emphasised the enormous benefits to Scotland's economy, demography and society that migration offers us, and how a migration system tailored to Scotland's needs could help realise those benefits.

That shared ambition is captured in the commission's recommendation that our goal must be for Scotland to become the most talent-friendly country in the world. Although the commission's report is, first and foremost, a report to my party, I believe that its tone and recommendations on immigration reflect a consensus that includes the majority of our country and, I hope, this chamber.

There are, of course, other matters in the report that the Scottish National Party and the public will be debating over the summer. The Scottish Government will also consider the report's recommendations on growth carefully to see what more can be done within our existing powers, while making the case for those powers to be extended. I hope that all parties in the chamber will join us in making that case.

**Ivan McKee:** As the cabinet secretary is aware, six of the report's 50 recommendations deal directly with addressing Scotland's long-term problem of population growth compared with other small, independent, successful countries. Those who have read the report will know that I am referring to recommendations 7, 8, 9, 10, 11 and 12. Which recommendations can be adopted now and which require pressure on the United Kingdom Government to allow Scotland to bring in the skills that we need to grow our economy?

**Derek Mackay:** We have undertaken a number of initiatives so far and there are some live campaigns, such as the campaign around the globe to promote Scotland as a good place to live,

work and invest in. In education, we have made commitments relating to European Union nationals, but there are many other areas in which we would need the support and agreement of the UK Government, particularly around migration policies and the issuing of visas, and we are cognisant of the issue of post-study work visas.

Although we may set the rates and bands for income tax policies that are defined by the UK Government, doing more on tax incentives would also require the co-operation of the UK Government.

On culture and tone, there is a mixture between us. I would like to think that the Scottish Government has been positive about the contribution that immigration has made to our country, and the UK Government takes a different view. However, there are a number of proposals in the commission's report that are worthy of further consideration.

**Ivan McKee:** The damage to be inflicted on the UK and Scottish economies by the imminent chaotic Brexit cliff edge is well understood. Does the cabinet secretary agree that, in the light of that impending economic disaster, it is even more urgent that we bring full powers over immigration to Scotland?

**Derek Mackay:** I absolutely agree with that. Even reports such as the Scottish Fiscal Commission's have identified the proportion of the population that is of working age as an issue for Scotland for productivity and for economic growth in its totality. There are a number of reasons why it really matters to Scotland to get the balance right. In a scenario in which net migration in the UK was reduced to the tens of thousands—an aspiration of the Conservative Government that would be in line with its target—Scotland would lose more than £10 billion a year in gross domestic product by 2040.

That is a longer-term approach. Clearly, the short-term approach of the UK Government to Brexit is also significant. The needs of the population of Scotland are clearly different from those of the rest of the UK, and that is why there is divergence of opinion between the Governments' positions. We need the levers to be able to make the right decisions in that regard, as well as taking the actions that will encourage more people to come here, so that we can enhance our economic and social situation and sense of cohesion in the position that Scotland finds itself in right now, as well as having options into the future.

**Jackson Carlaw (Eastwood) (Con):** I think that most members can agree that last week's attempt to kick-start a conversation about independence has already run into deep sand.

However, the report is—how can I put this?—not without interest. It is a savage indictment of this Government's high-tax policy and involves Scots who are already suffering paying even more to attempt to attract those who are currently appalled and resolutely staying away. Would it not be better to set a comprehensive tax regime now, to keep skilled Scots here and to encourage key workers from across the UK, Europe and the world to come and contribute to our culture and to our economy?

**Derek Mackay:** Jackson Carlaw has clearly not read the 354-page report of the sustainable growth commission—I know that that was a big ask of the Opposition on a bank holiday. I am sure that any reasonable member, once they have read the report, will see that it makes a positive case for being optimistic about Scotland and its future, if we have the economic levers to deliver the kind of change that we seek.

I thought that there was a degree of consensus among parties in this Parliament on immigration, of all issues. That has historically been the case, because collectively we recognise that we need to grow our population and ensure that there is an appropriate balance of working-age people. That can be done only through positive immigration, and we do not have the particular lever in that regard, which is a challenge for Scotland at the same time as the right-wing Brexit madness of the hardliners in the Conservative Party is setting the immigration policies of this country. *[Interruption.]* I hear Labour members chuntering on my right. Maybe they, too, should read the report.

On tax, we could do more on incentives if we were able to set definitions and have a more harmonious position on tax incentives to encourage more people to come here, including higher-value individuals, if I may use that term.

Even the Scottish Fiscal Commission recognised, in its analysis, that my proposed tax plans would have no significant negative effect on the Scottish economy. If I had followed Conservative plans on the budget, it would have meant ripping half a billion pounds out of the public services of Scotland. That was something that this Government was not willing to do.

**Claire Baker (Mid Scotland and Fife) (Lab):** Growing Scotland's population in the coming years is a challenge. To get Scotland's deficit below 3 per cent, the economics of the sustainable growth commission would see Scotland enter into a decade of austerity max. Will the cabinet secretary say how an independent Scotland would be more attractive to migrants in the face of harsher cuts to our public services?

**Derek Mackay:** I simply say to Claire Baker that austerity is the price of the union, not Scottish

independence. *[Interruption.]* I hear members of the Labour Party shouting. I am left suspicious as to whether they read the sustainable growth commission's report, because the commission set out pathways to sustainable economic growth, greater participation, better productivity and more alignment of the policies that we could have, as an independent country, to grow our population and thereby grow our economy.

Crucially, is Claire Baker not aware that the proposals in the report show above-inflation increases in public spending? Is the Labour Party aware of that? I say again: austerity is the price of being part of the union. With the levers of independence, we could do so much better.

**Patrick Harvie (Glasgow) (Green):** Everyone who has a shred of human decency wants to see an end to the hostile environment on immigration that has been deliberately cultivated by the UK Government.

However, is there not a contradiction in the report between the general emphasis on wanting Scotland to be an open and welcoming country and the proposal merely to reduce to £75,000, rather than abolish, the investment threshold for the issuing of visas? Surely we have a choice: we can be that open, welcoming country, or we can sell visas to the wealthy.

**Derek Mackay:** Patrick Harvie makes a fair point about the needs of our society and our economy. It is not just about needing entrepreneurs and experts, although we absolutely need them; it is about wanting to be as welcoming a country as possible. That includes welcoming students and welcoming doctors, who are being denied access by the UK Government. It includes welcoming a host of people into our society and our country.

We should reflect on the positive contribution that immigration has made to our country. The current figure is that 429,000 residents of Scotland were born outside the UK and already make a fantastic contribution—some £1.3 billion net—to our economy. We want to see more positive migration that grows our economy, and does so in a fairer way.

Our needs are different in agriculture, education and a whole host of areas that would benefit from our being able to make immigration decisions that are in Scotland's interests but also—and crucially—show humanity, to ensure that we play our part on the international stage as well as look after our own social and economic needs.

#### Interventional Radiologists

2. **Edward Mountain (Highlands and Islands) (Con):** To ask the Scottish Government what steps it is taking to ensure that there are sufficient

and substantive interventional radiologists in every major hospital in Scotland. (S5T-01113)

**The Cabinet Secretary for Health and Sport (Shona Robison):** Under this Government, the number of clinical radiology consultants who work in NHS Scotland has increased by more than 43 per cent. We are expanding the Scottish radiology training programme by 50 places over five years from this year, which builds on an on-going programme of expansion of 36 places from a starting baseline of 104 places in 2014. We have also launched a global radiology recruitment campaign.

Alongside the £4 million radiology transformation programme that is already under way, such actions underline our commitment to ensuring that NHS Scotland retains world-class radiology services.

**Edward Mountain:** I thank the cabinet secretary for her answer and for the completely surprising letter that I received at 12 o'clock today, which laid that out. I do not normally get letters from the cabinet secretary: perhaps I should ask more topical questions.

Bearing in mind what the cabinet secretary has said, let us look at the facts. We are sitting on more unread radiology films, a bill of nearly £4 million per year for outsourcing, 14 per cent of radiology posts remaining unfilled, a failed overseas recruitment campaign and those who need interventional radiology for cancer treatment and palliative care not getting treatment on time. The SNP Government has been running the NHS for 11 years. Will the cabinet secretary accept her Government's failures for those performance figures?

**Shona Robison:** Any time Edward Mountain cares to write to me, he will get a reply. I hope that he found the contents of my letter helpful in addressing the issue that he has raised today at topical question time.

Edward Mountain talked about X-ray images being sent abroad, which was raised at First Minister's question time last week, when the First Minister rightly said that the key priority is to provide high-quality and safe services to patients. She also said that boards can, in order to ensure that scans are seen quickly by qualified professionals, utilise the services of radiologists outwith Scotland. Of course, that is done routinely in England and Wales and elsewhere. To help to grow local capacity, we are investing £4 million in the transformation programme to improve capacity across Scotland.

Edward Mountain is wrong to say that the recruitment campaign is "a failed ... campaign", because it is on-going. Offers have already been made to some candidates, and others are

receiving on-going additional support to achieve their fellowship of the Royal College of Radiologists or certificate of eligibility for specialist registration qualifications, in order that they can practise as consultants in Scotland, bearing in mind that qualifications from the countries from which candidates originate need to be aligned with qualifications here. The short-listing stage is on-going; we are very confident that many candidates from that stage will be offered substantive appointments. I hope that that reassures the member that the recruitment campaign is on-going. I will be happy to keep him updated as we take that forward.

**Edward Mountain:** If I may, I will concentrate on the recruitment campaign. Dr Grant Baxter, who chairs the standing Scottish committee of the Royal College of Radiologists, says that the campaign "has failed". Let us be clear and get the figures right: 43 people applied for the jobs. They were whittled down to three, none of whom is being employed in NHS Highland. Let us look at the situation there. From August, NHS Highland will have no interventional radiologists, which means that elective, general and emergency surgery will be severely affected. Will the cabinet secretary now guarantee that an interventional radiologist will be in place at Raigmore hospital before the current one leaves? If not, will surgery have to be moved outwith the Highlands? How will she explain that to Highlanders, and especially those who have a life-threatening need for interventional radiology?

**Shona Robison:** I go back to the recruitment campaign. Edward Mountain mentioned the three candidates to whom offers have been made. Those offers were unconditional offers of appointment. However, if he had listened to my original answer, he would know that there is a separate process under way to make sure that the qualifications of the longer list of people who have expressed an interest in coming to Scotland under the recruitment campaign are aligned with the required qualifications here. Those people are getting support with that alignment process, and we are confident that a number of them will be appointed, including in the north of Scotland.

With regard to Edward Mountain's question about interventional radiology, I do not know whether he is aware that eight to 10 additional training places for interventional radiology have been provided over the past six years. We are working very closely with NHS Education for Scotland to make sure that those additional training places deliver for the whole of Scotland, including the north of Scotland. He will be aware of the increase in the number of consultants whose specialty is clinical radiology who are working in NHS Scotland, including in NHS Highland. However, there is more work to be done, which is

why the transformation programme is so important.

Perhaps Edward Mountain could, instead of criticising it, get behind the global recruitment campaign to attract radiologists to Scotland, which is proving to be successful in bringing people here.

**Edward Mountain:** I am not criticising the global recruitment campaign; it is the senior radiologist in Scotland who says that it is failing. I just want to get the facts and figures.

The cabinet secretary has not answered the substantive question. From August, there will be no interventional radiologists in the Highlands. The health service can train as many as it likes, but they will not be in post in two months' time. People in the Highlands are worried that they will not get their surgery and that, in emergency situations, they will not have access to the radiologists that they need. What assurances can the cabinet secretary give them?

**Shona Robison:** Patients will get the services, the treatment and the interventions that they require. A lot of work is being done—not only to recruit to the substantive posts, but to make sure that we get radiology services for the north of Scotland to a sustainable position in which patients in the NHS Highland area continue to get those services.

Edward Mountain should, instead of criticising from the sidelines, support and get behind practical initiatives such as the global recruitment campaign, through which we are working hard to bring radiologists to Scotland.

**Anas Sarwar (Glasgow) (Lab):** What a complacent and pathetic set of answers we have had from the cabinet secretary on the day when official statistics show that, because of her Government's failures, in the first three months of this year almost 18,000 people did not get their diagnostics in time. The same set of statistics shows that almost 17,000 patients have been failed in the treatment time guarantee. That means that the cabinet secretary has broken her own law 17,000 times in three months.

In the press release that she has issued in response, the cabinet secretary blames one week of bad weather, when we had the beast from the east, but one week of bad weather does not explain statistics on three months of failure and, in the cabinet secretary's case, four years of failure. When will she finally get her head out of the sand, apologise to patients and deliver real and meaningful change?

**The Presiding Officer (Ken Macintosh):** I ask Anas Sarwar to be careful in his use of language. It is very important to be respectful. I recognise the passion that the member wishes to get across, but

I ask him to be respectful of other members, please.

**Shona Robison:** I remind Anas Sarwar of what the rest of the press release says. It says that the £50 million that we announced last year has been delivering a huge reduction in out-patient waits: more than 23,000 fewer patients are now waiting for an out-patient appointment.

Yesterday, an additional £50 million was announced. That £50 million will be focused on diagnostics and the treatment time guarantee. *[Interruption.]* If Anas Sarwar would listen to the answer, he might learn something. The investment in diagnostics is hugely important. That is why the Golden Jubilee national hospital has just made a huge investment in additional magnetic resonance imaging scanners, which will enable it to deliver 10,000 additional scans over the course of this year.

Diagnostics is a priority. On average, waits for cancer diagnostics are within two weeks, because we recognise that cancer patients should get priority when it comes to diagnostics. More investment in diagnostics—out-patient and in-patient—will begin to make a huge improvement over the next few weeks and months.

## Planning (Scotland) Bill: Stage 1

**The Presiding Officer (Ken Macintosh):** The next item of business is a debate on motion S5M-12421, in the name of Kevin Stewart, on stage 1 of the Planning (Scotland) Bill.

14:25

**The Minister for Local Government and Housing (Kevin Stewart):** I am very pleased to open this stage 1 debate on the Planning (Scotland) Bill. The bill sets out the future structure of our planning system. It sets out a new approach to making plans and decisions about how Scotland's places will develop and grow through greater collaboration between decision makers and those who their decisions will affect.

The review of planning is driving a wide programme of improvements to strengthen and simplify the planning system. The bill is a vital element of that wider review programme, and it will be supported by a suite of more detailed secondary legislation, guidance, the roll-out of best practice, and our collaborative work on national planning framework 4, which we will progress following the bill's passage through the Parliament.

There has been a thorough and inclusive process to get us here today. The review began in 2015 with the appointment of an independent panel that was made up of users of the planning system. There is a clear line from the recommendations and outcomes from the independent review through to the bill that we now have before us.

Following the panel's work, we convened a series of stakeholder working groups and conducted two separate public consultations to explore and shape our proposals. My officials and I have continued to engage widely with stakeholders throughout the review, and the proposals are underpinned by an extensive programme of research. Therefore, the review of planning has been highly collaborative from the outset and clear about what needs to happen before any decisions are made about how it will happen. That is entirely reflective of how I see our planning system itself needing to evolve and operate. That should start with good-quality collaboration and truly involve stakeholders at the earliest stages.

I welcome the Local Government and Communities Committee's comprehensive report and its wide engagement with planning stakeholders, including communities across Scotland, in scrutinising the principles and provisions of the bill. I am pleased that the committee has agreed that the bill can improve the

planning process in Scotland and with its recommendation

"that Parliament agrees the general principles of the Bill."

The Scottish Government has already responded in some detail to the issues raised and the recommendations that the committee has made. I will set out our thoughts on some of the matters that are raised in the committee's report.

There was some debate in the committee evidence sessions about introducing a statutory purpose for planning, what that should look like, and what matters should be included. I listened carefully to that debate and will continue to reflect on it. I have no concerns in principle about bringing greater clarity about what planning does—indeed, there could be some real benefits in guiding those who operate and engage in the system—but we have to keep in view how the system operates in practice. Taking that into account, I believe that the purpose of planning should be set out in national policy and not necessarily in statute.

The national planning framework is, and has been since its first iteration, an expression of Government policy. Governments now and in the future must be able to develop and implement their policies and strategies.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** Does the minister share the concerns of many local councillors around Scotland, from my party and his, who think that the iteration of the NPF in the confines of the bill amounts to centralisation on an unprecedented scale by removing local autonomy and accountability?

**Kevin Stewart:** No; I completely and utterly disagree with that. During national planning framework 3, immense scrutiny was undertaken by this Parliament, including by five committees, and by people the length and breadth of Scotland who fed their views into those committees. I do not believe one little bit that that is centralisation.

The committee heard that the Scottish Government has a good track record of taking into account Parliament's views in finalising the NPF. As many members will recall, the Parliament was fully involved in NPF3; the lead committee took evidence and four other committees heard evidence and produced reports. Work on the next national planning framework, which will progress after the bill, will be highly collaborative and engage fully with Parliament. It is important, for example, that Parliament can debate from an early stage the national developments that Scotland needs. However, I maintain that each NPF should be adopted by the Scottish Government of the time. It is a Government strategy, not a bill, and I do not agree that the Scottish Parliament should use a legislative process to amend and approve it.

The bill seeks to remove strategic development plans from the system, but I have always been clear that a strong continuing role for strategic planning in Scotland will remain through the national planning framework and regional partnership working across the country. However, strategic development planning in Scotland has had challenges as well as successes, and we need the system to change so that planning can better respond to the world that we live in.

**Mike Rumbles (North East Scotland) (LD):** Will the minister take an intervention?

**Kevin Stewart:** Not at the moment—I will expand this point first.

I understand the concerns that have been raised by some about political support and resources being available for strategic planning, so we will look at lodging an amendment at stage 2 to introduce a clearer duty for planning authorities to work together on strategic planning. I want to ensure that we avoid being too prescriptive about that to ensure that we allow for different approaches that reflect local circumstances.

**Mike Rumbles:** I have looked through each part of the bill. Can the minister direct me to any part that does not give him more and greater powers?

**Kevin Stewart:** I will point out a number of examples as I move through my speech. I am doing this methodically, so we will come to all parts of the bill in due course.

I welcome the committee's agreement on moving local development planning to a 10-year cycle and to the alignment with community planning to provide a more coherent vision for communities. That is key to our commitment to effective front loading of the planning system, and linking community needs and aspirations into development planning. Local place plans are another important element in that, and the influence of communities is vital in those areas. That will provide a statutory role for communities in shaping future development and is a golden opportunity to ensure that planning connects with wider efforts to empower communities the length and breadth of Scotland.

I see the bill's provisions for simplified development zones as a very useful tool to promote leadership in delivering good development and quality placemaking, and to incentivise investment in priority areas. I do not agree with the committee's suggestion that SDZs should be brought forward only if included in statutory development plans. The proposal has been wrongly perceived as a means to bypass proper planning scrutiny, which is simply not the case.

Some evidence has been presented to the committee on the name and branding of SDZs. I agree that the branding is important for stressing the positive purpose and the opportunities that they will bring, and that they are not simply a rerun of the simplified planning zones that they will replace. The zones are not about deregulation.

**Monica Lennon (Central Scotland) (Lab):** The minister mentioned simplified planning zones, of which there have only ever been two in Scotland. Why is that the case, and why will SDZs be a more fruitful option?

**Kevin Stewart:** I believe that SDZs can be a more fruitful option because they will be able to empower planning to deliver great places; I will lodge amendments to rename SDZs as masterplan consent areas in order to reflect better that positive role and the role of communities in their development.

There has been substantial evidence and debate about rights of appeal in the planning system. That issue has been well debated throughout the review of planning and, indeed, in previous legislation. I remain committed to delivering on the independent panel's recommendation of a planning system that fosters collaboration rather than conflict. However, it is clear that people sometimes feel frustrated by the planning system and that is why the bill seeks to ensure that members of our communities can have greater and earlier influence on how their areas will develop.

I have made the Scottish Government's position on appeals very clear and I agree entirely with the independent panel's views that stronger engagement at the outset will be much more constructive than adding adversarial appeals at the end. There is already too much conflict and mistrust in the system and a third party or equal right of appeal can only add to that, which would run entirely counter to the positive collaboration that is pursued through the bill.

I am certain that we should not do anything that could restrict the potential for future investment in Scotland by removing or limiting applicants' right to appeal. Our current planning appeal system has supported the delivery of development—the homes, jobs and facilities that our communities need—with each decision being carefully considered. Many developments exist only because they were approved on appeal. Limiting appeal rights would add further complexity and frustration to the system if it was not clear who had the right to appeal or in what circumstances they could appeal. For example, conformity with the development plan is not always black and white; often it requires judgment on a case-by-case basis.

There is a great deal of consensus on the outcomes that we are seeking, but it is also inevitable with planning that there will be different views on how the system should work. Planning needs to work for all of us, and the changes that we introduce to the system also need to work for all. I am sure that members will agree that we will have to steer a course through all those different views to arrive at a new, coherent and streamlined framework for planning that is fair and inclusive and works for Scotland. I look forward to hearing more views from around the chamber. I will listen carefully and respond to the matters raised, and I will contemplate what further amendments might be appropriate at stage 2 should the Parliament choose to proceed.

I move,

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

**The Presiding Officer:** I point out that there is plenty of time in hand this afternoon for interventions and interruptions. I call Bob Doris to speak to the motion on behalf of the Local Government and Communities Committee.

14:38

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** I welcome the opportunity to speak in this debate as the convener of the Local Government and Communities Committee. As the lead committee on the bill, we reported our views on it on 17 May. Our report was 103 pages long, so I will forgive members if they have not had time to digest all of it. Equally, I will not be able to do justice to all our recommendations in this speech, so I will focus on a few key recommendations to provide a flavour of our thinking.

First, I thank everyone who helped us reach our recommendations and conclusions. We had a tremendous response, with more than 300 substantive written views as well as online comments, lively discussions on Skye and in Motherwell, Aberdeen and Stirling, and thoughtful contributions at committee meetings. I also thank the young people who responded to our survey, the students from Galashiels academy who spoke with us and those we met in Linlithgow. I am sure that members will agree that that was part of an extensive engagement strategy by the committee. I also thank fellow committee members and the clerking team for their hard work, collegiate approach and good humour during the production of the stage 1 report.

The bill is intended to improve the system of development planning, give people more say in the future of their places and support the delivery of planning developments. Our role was to examine whether it can deliver on that ambition.

Fittingly, our stage 1 report starts with the purpose of planning. Planning serves a wide range of policy areas—from social development through to economic prosperity. As we heard in evidence, the bill should be clear about the public interest outcomes that planning is to deliver, which will provide more clarity about the planning system's overarching policy ambitions.

The committee agreed that, if the bill is to deliver on those ambitions, it must set out a shared vision of what planning is there to achieve. I therefore welcome the Scottish Government's commitment to

"consider further the best way ... to articulate the purpose of planning in legislation"

and to

"bring forward appropriate amendments at Stage 2."

Part 1 strengthens the national planning framework by incorporating Scottish planning policy into it. The NPF is then to form part of every local development plan. Under the bill, the NPF will be reviewed every 10 years, and the time for parliamentary consideration will be extended to 90 days.

Some people welcomed the NPF's enhanced status, but more concern was expressed about it becoming part of local development plans. Some questioned whether that would represent greater central control over local democracy and asked whether, if the NPF is to become a stronger national vision that lasts for 10 years, the Parliament should have a greater scrutiny and approval role.

The committee welcomed the stronger role for the NPF, but we recommended coupling that to greater parliamentary scrutiny. We are therefore disappointed that the minister did not support the committee's call for a longer time for parliamentary scrutiny than the bill proposes. A period of 90 days does not provide for a lot of parliamentary scrutiny, given that people might not see the draft NPF until it is laid before Parliament for consideration.

What would 90 days mean? It could mean four weeks to consult wider stakeholders; one week to notify witnesses that we would like them to come to our committee; three weeks to take evidence; two weeks to draft a report; three weeks for the committee to deliberate on its report; and the holding of a debate in the chamber. That is a lot to pack into 90 days. Given that and the fact that the NPF will be decided on only once a decade, I urge the minister to reconsider his decision.

The Scottish Government did not accept our recommendation of parliamentary amendment and approval of the final NPF; instead, it distinguished between legislation, which is open to amendment, and the NPF, which is a policy document. The

Government said that allowing amendments would add time and complexity to the process and that it has a track record of amending the NPF as a result of parliamentary scrutiny. Committee members and I will listen with interest to the wider Parliament's views on the parliamentary process for the NPF. However, we welcome the Government's commitment to provide more supporting information, including impact assessments, once the draft NPF is laid before Parliament.

The bill introduces local place plans, which are intended to empower communities to become involved in designing their local places. We welcome the statutory role for communities and the minister's proposed amendment to require planning authorities to take account of the plans. I welcome the Scottish Government's response that councils will have to be clear about how the plans

"have been taken into account"

and that that will

"be considered in examination as appropriate."

I also welcome the consideration of further amendments to bring further clarity. I say "I", rather than "the committee", because the committee has not had a chance to consider the Government's stage 1 response. However, I am absolutely sure that my fellow committee members will want much more clarity.

The Scottish Government argued that the funding to develop local place plans was a wider responsibility outwith planning, spoke of signposting to funds, outlined what it would consider to be additional support and said that it would consider further how any additional support may be directed towards disadvantaged communities. Our committee wishes to follow very carefully how, or to what extent, that support is directed to disadvantaged communities.

**Pauline McNeill (Glasgow) (Lab):** The committee report draws attention to the frustrations that communities feel about not having some equality of process in the system. Will Bob Doris outline his view and the committee's conclusions on an equal right or third-party right of appeal? The paragraph on that is short and I was not too clear what the committee was saying on that.

**Bob Doris:** It will not surprise the member that I will make reference to equal right of appeal when I get to that part of my speech. I can certainly give my own thinking, but I am here to speak on behalf of the committee, not for myself personally. That is an important principle in the stage 1 debate.

On local place plans, we also remain to be persuaded that there is adequate funding and resource available to support communities,

particularly disadvantaged communities that stand to gain most from such plans. I urge the minister to consider specific funding to support local place plans, rather than spreading existing community empowerment funding even more widely.

Simplified development zones would be similar to the current simplified planning zones, but the types of permission that are automatically deemed for such zones would be extended to a limit of 10 years. The committee believes that such zones could potentially make a positive contribution to placemaking or delivering infrastructure. Rather than seeing them as representing a sea change in purposeful development, we describe them as a

"discretionary tool in the tool box".

However, we recommend that only the Scottish Government and planning authorities should have a statutory right to bring forward simplified development zone proposals, although others could put forward suggestions for proposals.

It is disappointing that the Scottish Government is not able to support our recommendation in that area. The Scottish Government's response seems to equate the matter to limiting the ability of an applicant to submit a planning application. That is not how I view such matters. Any simplified development zone must surely have the strong buy-in of either the local authority or the national Government, and preferably both. I note that the Scottish Government believes that such provisions have not been widely understood, and I acknowledge the minister's proposal for a name change from simplified development zones and a rebranding to better reflect their purpose. I am sure that our committee will await that further clarity with great interest.

Another issue was the equal right of appeal, which is not actually in the Planning (Scotland) Bill. Let me begin by making specific reference to developer right of appeal. The committee believes that in a plan-led system, such appeals should be allowed only in certain circumstances. We are disappointed that the Scottish Government has not sought to progress that proposal. However, I note that in part 3 of the bill, entitled "Development Management", in relation to which our committee recommends limiting or deterring repeat applications, local authorities have the power to decline to determine such applications in certain circumstances. We welcome that the Scottish Government has agreed to reconsider that particular issue.

In relation to equal right of appeal more generally, the evidence that we heard largely replicated the long-standing debate on the matter. For example, would an equal right of appeal encourage more meaningful engagement with communities or would it reduce early

engagement? Would equal right of appeal deter investment and slow development or is it an important element to rebalancing a plan-led system? The arguments did not change. What is clear to us is that many communities feel frustrated with the current planning system. Our report does not support equal right of appeal, but neither does it seek to close the door on it. Rather, we cast the issue in a wider context and say that planning authorities and developers should engage earlier and more meaningfully with communities in the planning process.

Our committee was not persuaded that the bill improved enough on previous attempts to front load the planning system, and we were not convinced that the proposals in the bill go far enough to address that. We want people to feel involved at all stages in the planning system, and we urge the Scottish Government to look at those issues before stage 2.

**Mike Rumbles:** On local place plans, the bill states:

“A community body may prepare a local place plan.”

Which community body? What about competing community bodies? What about the conflict that is inherent in different communities? Did the committee look at that issue in detail?

**Bob Doris:** Yes. The committee looked at that issue in some detail. Just because a body has an interest does not mean that it is a wider community interest. There has to be much more clarity on how we ensure that a community body is truly representative, and we hope that we will get some clarity on that at stage 2. Mike Rumbles makes a very reasonable point. We heard very similar points on equal right of appeal, in relation to ensuring that certain interests are reflective of wider community interests. That is a common theme that runs through the bill.

The Scottish Government has now responded to our stage 1 report, ahead of stage 2, including proposing potential amendments. It is for each individual member—not only in our committee but across the wider Parliament—to decide whether those amendments go far enough, or whether the Government needs to be pushed further.

The committee did not take a position on equal right of appeal because no committee position would hang together on that issue. However, the position on which we hang together is that, if equal right of appeal does not proceed, there needs to be much more and earlier meaningful engagement with communities, as well as co-production of what local development plans look like, with capacity building to make sure that local place plans transform a granular approach to local development planning across the country.

I do not want to abuse my position as committee convener. I will certainly make sure that my voice is known on the issue of equal right of appeal. I say that, for Pauline McNeill's information, I am not persuaded by the arguments for an equal right of appeal. Other committee members have different views for their own strong and carefully thought-out reasons, which I respect.

That is where we are as a committee on the issue. We are clear that we need to get community engagement right by making sure that it happens early and is front loaded.

I thank Parliament for listening to this consideration of our stage 1 report. I look forward to the debate.

14:50

**Graham Simpson (Central Scotland) (Con):** Planning is an area that politicians tend to steer clear of on the basis that, whatever they say, they are bound to upset somebody. My view has always been different on the basis that I have a thick skin. I have entered the process that we are in with views shaped by 10 years—some of them bruising—as a councillor, and a main conclusion that I have drawn from that time is that planning is often about who has power, who knows who has power and how that power is used. It is often about money and who stands to gain from what, whereas it should be, but often is not, about making great places that people like and involving people in the process of shaping their areas.

When I first read the bill—it is a difficult read, as the Law Society of Scotland points out—I thought that it was very centralising. My initial impression was right. There are an almost unprecedented 46 delegated powers flowing to ministers; therefore, the Delegated Powers and Law Reform Committee, which is the committee that I convene, was right to make a series of recommendations that would put in place checks and balances. Parliament should agree that that is necessary.

It is a centralising bill all right. In committee, when I asked the minister to name a section of the bill under which powers would not flow to him, he could not do so.

**Kevin Stewart:** Let us look at some of the provisions in the bill, and Mr Simpson can tell me whether he considers them to be centralising. More decisions will be sent to local review bodies rather than elsewhere; there will be stronger alignment between spatial and community planning; there will be co-production of the national planning framework; local authorities will have more discretion on fees; and local place plans will be introduced. Are those centralising measures, or will those measures give power back to the people?

**Graham Simpson:** I am afraid that, as Mr Stewart will find out, section after section of the bill will see powers flow to him. I smell a rat when I see ministers trying to grab more powers than they need. The bill is a power grab.

Too often, planning is about vested interests, decisions leave a nasty smell and we are left to think that something is not right. Those decisions could be for or against development. Funny things sometimes happen when a lot of money is at stake, and we would not want a system in which there was no right of appeal for anyone; we need checks and balances. Similarly, if a council refuses to meet housing targets, it must be right that it can be challenged.

What is the purpose of the bill? No one knows. If it is to deliver more housing, there is nothing in it that would deliver houses in any great numbers. If it is about protecting the environment, our green spaces and our precious wild land or about conserving our buildings, that is not obvious. It could be about all those things. We consider that the purpose should be set out in the bill, and we will lodge an amendment to that end.

The Local Government and Communities Committee produced a report, which was agreed by all its members, that was, frankly, damning. It was also widely praised. It contained important recommendations with which we agree, the first of which was on setting out the purpose of planning. As I have mentioned that issue, I will talk about some of the other recommendations.

The national planning framework sets out ministers' land use strategy and will include the Scottish planning policy. It will become a more powerful document than before. Local development plans, which will be signed off by the minister, will have to align to the NPF, which will also be signed off by the minister. All roads lead to Edinburgh: it is all about power. The NPF will become such a powerful document that the committee thinks there should be a mechanism allowing Parliament to amend it before agreeing to it. All parliamentarians should agree with that. However, in an almost entirely negative response to the committee's report, Kevin Stewart did not agree. It is all about power, and he wants it all.

**Kevin Stewart:** If Mr Simpson had paid more attention to the bill, he would recognise that the national planning framework will have been prepared collaboratively and transparently and that Parliament will have seen the draft that has been previously consulted on before the NPF becomes the proposed version and is submitted to Parliament. Parliament will then have 90 days to look at the national planning framework document, which is 30 days more than it currently has. Those are changes for the better.

**Graham Simpson:** That was supposed to be an intervention, not a speech. Mr Stewart is not prepared to allow Parliament to amend that document, although it will be much more powerful than it was before. As the convener of the committee has said, 90 days is not long enough.

I will go on to strategic development plans. The committee heard no strong evidence that getting rid of the regional partnerships is necessary. In fact, as we have seen with city and growth deals, the way to deliver strong growth is through regional working. The committee said that things should be left as they are unless something more robust is suggested, and nothing has been suggested. The minister responded to the committee:

"we maintain that strategic planning matters across Scotland could be set out collectively in the National Planning Framework."

That is the document that he does not want any of us to have a say over.

Local development plans are where a council sets out its proposals for its area, and they will now cover 10 years rather than five, although they could be reviewed in between, which is fair enough. Councils will have to show in an evidence report how they have engaged with communities, but it is far from clear exactly what they are meant to do. The Government says that it will lodge amendments to make things clearer; we will do likewise, just in case. Local development plans will have to be approved by the minister, although, in its technical paper, the Government says that there could be some flexibility to allow plans to reflect local policy. That is good of it.

Local place plans sound like a good idea until we scratch the surface and the gloss comes off as quickly as a coat of paint with no primer. Communities can produce plans for their areas that councils should "have regard to", which means they could have regard to them and then quickly disregard them. Even the alternative wording, whereby councils must "take account of" those plans, is little better. The worry is that people could spend a lot of time and money producing plans for their area that go nowhere. That is why the committee said that the onus should be on councils to produce the plans in conjunction with their communities.

**Mike Rumbles:** I agree with much of what Mr Simpson has said. On local place plans, the bill says:

"A community body may prepare a local place plan."

Is that not a recipe for conflict? Several different community bodies in an area could produce different plans.

**Graham Simpson:** The convener has addressed that point. The committee took evidence on that point, and that is why we think that the onus should be on councils initially to prepare the plans. However, the Government calls that approach “overly formalised”, perhaps because it would actually work.

There is a deeply worrying section on performance, councillors and training, which contains probably the most draconian of all the measures that are proposed. The Government wants to appoint a planning performance co-ordinator who will snitch on councils if they are not up to scratch, and ministers could order councils to change their ways. What constitutes poor performance is not defined, which leaves the way open for the whole process to become very political. For example, what if a council refuses to grant consent for any more wind farms in its area? It may have good reason to do so, but the Government could define that as underperforming. It is dangerous.

In any case, as we heard from the Convention of Scottish Local Authorities, councils have been working closely with the Government voluntarily and things have been getting better. The committee therefore called for that section of the bill to be dropped, and we agree with it. Not surprisingly, the Government disagrees. It is all about power.

**Kevin Stewart:** Will Graham Simpson give way?

**Graham Simpson:** No.

The Government also wants councillors to be compelled to train and to pass an exam before being allowed to take planning decisions. The minister is not prepared to do the same—he is not prepared to do the training—but he does not see the hypocrisy in that. The committee thinks that that rather barmy idea should be dropped, and we agree.

The bill contains an enabling power to create an infrastructure levy, but the Government has no idea how it would work. The bill does not address the wider issue of funding infrastructure, which is one of the main barriers to development, although it should. We will introduce ideas on land value capture, for example, and we are happy to work with other parties and the Government to do that.

Simplified development zones, which are apparently to be rebadged as masterplan consent areas—I think that they will be going back to the drawing board on that one—are a good idea and could speed things up. However, we want to see an amendment that says where they cannot be set up.

There is little in the bill that we like. It pleases no one other than the Scottish Government. House builders say that it does not deliver for them. Environmentalists say that it does not deliver for them. Communities are unimpressed. It is centralising. It is all about the minister.

Before I close, I should say something about appeals. I have explained why I think they should exist. The committee was very clear that communities should be involved at all stages of planning and asked the Government to think again, but the Government instantly rejected that plea. The fact is that people feel that planning is something that is done to them, not with them. We need to change that perception, and we should stop branding anyone who wants a greater say over what happens in their area as a nimby. We will introduce ideas on how best to involve everyone in the process.

We would vote against the bill at stage 1, but we have an opportunity to rip the bill apart and produce a planning act that delivers, so we will back the bill at this stage.

Moving forward, I extend an olive branch to the Government. If it will work with others, we can get a planning system that we can all be happy with. Planning should work for everyone. It should reject vested interests. We want a planning system that is for the people and with the people—a planning system for all. We want a planning system that is not a power grab but that delivers a better Scotland for everyone.

**The Presiding Officer:** Before I call Monica Lennon to open for Labour, I clarify that the Conservatives asked in advance whether they could reduce their number of speakers in the debate and give additional time to the opening speaker, which I agreed to—hence the longer speech from Mr Simpson. Everybody else has exactly the same time as usual. Having said that, there is plenty of time to take interventions, and members should feel free to take advantage of that.

15:02

**Monica Lennon (Central Scotland) (Lab):** I refer to my entry in the register of members' interests and advise Parliament that I am a member of the Royal Town Planning Institute.

Although I am the deputy convener of the Local Government and Communities Committee, I am speaking today on behalf of Scottish Labour. It would be remiss of me, however, not to begin by thanking my committee colleagues, the clerks and everyone who took part in our stage 1 evidence gathering. The committee's thoughtful and robust recommendations will help to inform today's

debate. I also thank everyone who sent us a briefing for the debate today.

The creation of the planning system was born of a vision for a healthier and more equal society. Without planning, there would be chaos in our communities. Our built and natural environments have benefited from planning, but some decisions that have been made in the past have embedded inequalities in our communities.

There is much to celebrate about planning, but there is room for improvement. People used to ask me where I worked, and when I said that I was a planner, they immediately thought of the person who came round to inspect their neighbour's conservatory. Planning is often portrayed as bureaucratic and a bit dry, but planning is fundamental to every aspect of life—homes, jobs, health and wellbeing, transport, and climate justice.

**Alex Cole-Hamilton:** Monica Lennon is right that planning impacts on so many areas other than the built environment. Does she share my concern that the bill is happening in isolation from the review of transport and the forthcoming legislation that will come out of it?

**Monica Lennon:** Alex Cole-Hamilton is right on the broader point that we cannot look at planning policy and strategies in isolation. The committee tried to press that point during our evidence sessions, because planning determines our connections to the wider world. Where we live can determine how happy we are, how much we earn and how long we might live.

Planning can also be exciting. We were really impressed by some of the representations that were not about trying to stop things or contain development, but about celebrating the culture in our communities—the “agent of change” principle, about which people had not really heard—and how we protect grass-roots music venues, for example. I know that the minister has made some commitments on that front, which will please the Music Venue Trust and others, but those are the kinds of things that we could embed in the bill in order to give people certainty and ensure that we protect our most important assets.

**Lewis Macdonald (North East Scotland) (Lab):** I have seen the minister's response to the committee's recommendation. Does Monica Lennon share my disappointment that the minister has not yet been persuaded of the case for including the “agent of change” principle in legislation and in the bill? The point that the Music Venue Trust put to the committee was that although guidance and policy are welcome, they are not binding in a court of law in the way that statutory provision is.

**Monica Lennon:** I agree with Lewis Macdonald. From reading about what is going to happen in England's planning system, I think that people there are more persuaded to put that principle into legislation. There is still time for the minister to consider that; we can share the article that the committee looked at.

We need to get better at explaining why we plan and for whom we are planning. During the committee's scrutiny of the bill, it troubled me greatly that many people feel disconnected from decisions that affect them. Planning decisions have an impact not just for the days and weeks immediately ahead, but for the long-term future. The Planning (Scotland) Bill follows from the Planning (Scotland) Act 2006, which amended the Town and Country Planning (Scotland) Act 1997, and we were promised planning modernisation.

The most striking feature of the system in recent years is that investment in planning has fallen off a cliff. RTPI Scotland has described the situation as a “crisis of resourcing”; for example, planning authorities have axed almost a quarter of their staff since 2009. Less than half of 1 per cent of local authority budgets is spent on planning. Other specialists who support planners in their work, including environmental health officers, landscape architects, roads engineers and many more, have also been cut.

Doing planning on the cheap is not in anyone's interests. Despite positive rhetoric from the Scottish Government, I am disappointed by the content of the bill, as it stands. As we have heard, a lack of clear purpose has led to content that is often problematic and is at times contradictory. For example, the bill includes the following: the removal of strategic development planning, while stating a desire for it to continue voluntarily; simplification of local development plans while removing statutory supplementary guidance; a centralising tendency throughout, which will award ministers with power over designation of simplified development zones, for example; and half-baked plans for an infrastructure levy.

**Kevin Stewart:** Simplified development zones do not give ministers powers; the bill gives local authorities powers to establish them, too. On resourcing, although I would like to see local authorities invest in their planning and building standards departments, as Glasgow City Council has done in its recent budgets, not all local authorities have chosen to do that with the additional fee money. Does Ms Lennon believe that those funds should be ring fenced, or does she think that local authorities should have the independence to choose where to spend the money that they raise?

**Monica Lennon:** What local government needs is enough money to provide core services for

communities. The Scottish Parliament information centre briefing that came out last week shows that under the current Government, austerity has quadrupled for local government.

There is an argument for full cost recovery. At the moment—indeed, for a long time—developers have said that they are willing to pay more for a service if standards increase. However, what we have seen since 2009 is not just a lack of money in planning authorities, because when an organisation loses a quarter of its staff, an awful lot of experience, skills and knowledge about the community also go, and it is really hard to replace them overnight. That is deeply concerning, notwithstanding any provisions in the bill.

**Kevin Stewart:** Although Ms Lennon is right to say that folk are willing to pay for the system, they also want to see the level of performance rise in authorities. That is not just about timescales. Does she think that the performance sections that are in the bill, which many communities and stakeholder groups across Scotland want, should be in the bill?

**Monica Lennon:** Everyone wants a high-performance planning system, but the bill does not widen out the definition of performance. It is not just about making decisions quickly and cracking on with things; it is about making sure that we make the right decisions and get the right quality of development for our communities.

I wish I had more time, so that I could respond more fully.

**The Deputy Presiding Officer (Christine Grahame):** You have time. Just keep going and I will let you know when you have run out.

**Monica Lennon:** I am only about halfway through my speech, but I will move on because the points are related.

Planners who work in the public sector work very hard, as they do elsewhere. However, in its written evidence, Unison said that

“Delays in the system are caused by severe cuts to planning budgets”

and it talks about how staff are under severe pressure and highly stressed. That does not really paint a good picture. Unison repeats the point about planning needing resources and not simply needing reorganisation.

The Law Society of Scotland said that

“the Bill is difficult to follow”,

which does not sit well with the approach of trying to make planning more inclusive and easier for people to engage with.

Fundamentally, one of the most obvious flaws of the proposed legislation is that it lacks definition.

On the most basic level, how can we reform the system to improve it if there is no clear stated purpose for planning from which to work? Having a stated purpose for planning is supported by a wide range of stakeholders, and after listening carefully to the evidence, the committee recommended that a purpose should be included in the bill.

As Professor Cliff Hague explained in his oral evidence to the committee:

“What is the alternative to having a purpose? There are presumably two possibilities. One is that there is no purpose, in which case why are we doing it? The other is that there is a purpose but we are not prepared to say what it is, and that is not a great piece of administration.”—*[Official Report, Local Government and Communities Committee, 7 March 2018; c 49.]*

On Friday, the Scottish Government responded positively to that recommendation. Many of us look forward to progressing discussions on a purpose for the planning system at stage 2.

The approach that we take to the planning system should be a rights-based approach that acts to manage land use in the long-term public interest. The committee reflected—I agree—that the purpose of planning should reflect Scotland’s international obligations, including the United Nations sustainable development goals. The planning system is central to delivery of our commitments on human rights and achieving a fairer society, and the principle of equality should be embedded throughout the planning process.

It is therefore deeply disappointing that we heard evidence from Engender that the equalities impact assessment for the bill was “exceptionally bad” on gender. That is not a good report card.

Although the bill is silent on appeals, the evidence that the committee heard confirmed that the status quo is clearly not working for our communities. Previous attempts to front load the system and to improve community engagement at the beginning of the process have not been successful. I agree that we need to strengthen the plan-led system. However, if we are to do that, it is necessary to equalise appeal rights. That would afford communities a limited right of appeal for situations in which an application that is not in accordance with the development plan is approved, while setting a threshold on the appeal rights of applicants when development that is in accordance with the plan ends up being refused, which Labour believes is not fair. That should deter speculative applications and allow resources to focus all minds on proposals that are consistent with the development plan.

In a strong plan-led system, in which a collaborative culture is valued, there should be a limited need for appeals. We should be getting the right decisions first time around. Planners are

more than capable of assessing whether something is in contravention of the development plan, and they used to have report to Government on that basis.

**The Deputy Presiding Officer:** Can you begin to wind up please?

**Monica Lennon:** Any measures for an enhanced role for the national planning framework should go hand-in-hand with increased parliamentary scrutiny.

In many ways, the bill has been a missed opportunity. At this stage, Scottish Labour will support the general principles, but we are clear that the bill will require significant amendments at stage 2 to make it fit for purpose. We will engage constructively. We want to see a planning system that works for the many and not the few.

**The Deputy Presiding Officer:** I call Andy Wightman—I will be generous with you as well, Mr Wightman.

15:14

**Andy Wightman (Lothian) (Green):** Thank you, Presiding Officer.

As Monica Lennon did, I thank fellow committee members, clerks and the many individuals and organisations who submitted oral and written evidence to the committee, as well as those who provided briefings for today's debate.

As Graham Simpson pointed out and as the minister said in evidence to the committee, planning is a topic that too frequently is regarded as dull, technical and bureaucratic. That is perhaps because the process is indeed complex, and the legislation even more so. The bill amends the Town and Country Planning (Scotland) Act 1997 and, as it stands, it is virtually impossible for the public to understand what it means. I understand that the minister is anxious that the public should be more engaged in the planning system, and particularly in the process of making plans; I agree with him, but whether the bill will achieve that is an open question. Indeed, I find it hard to discern with any clarity what the general principles of the bill even are.

I believe that we need to shift the focus of Scottish planning towards a system that places the plan more firmly at the centre of the process, thereby reducing discretion to have regard to other material considerations; making compliance with the plan the determinant of who, if anyone, is allowed an appeal on the merits of a decision; empowering communities and planning authorities to create broadly supportive plans; capturing for public benefit the windfall gains to landowners; and strengthening professional input to the

process by properly resourcing the planning system.

I will reflect briefly on some of the key elements of the bill. On the purpose of planning, which has been mentioned, I am pleased that there is broad agreement that the bill should, for the first time since 1947, enshrine in statute the purpose of planning. I know that the minister is a big fan of the 1952 Aberdeen city plan. Tom Johnston, the former Secretary of State for Scotland, wrote the foreword to that plan, which he opened by observing:

“The alternative to planning is no planning: it is chaos and waste”.

Indeed. The purpose of planning is, at the very least, to prevent chaos and waste; more positively, it is to promote the allocation of land in the public interest for the common good.

**Kevin Stewart:** I had no intention of mentioning the Aberdeen local plan of 1952, but Mr Wightman has enticed me into it. In that same foreword, Mr Johnston also said—I paraphrase here—that it would be a great plan if delivered, and the only thing that would stop delivery would be the red weevils of bureaucracy. Does Mr Wightman agree that the bill will lead to simplification and will get rid of some of the red weevils of bureaucracy and make it easier for people to understand the process?

**Andy Wightman:** The red weevils of bureaucracy are indeed a problem in the planning system, although I am not convinced that the bill will deal with that. We can have an on-going discussion about those red weevils and other insects as we proceed.

The bill also makes significant changes to the national planning framework. As others have said, it incorporates Scottish planning policy into the national planning framework and it incorporates the national planning framework, together with local development, into the development plan for a planning authority area. That is a very significant change.

The committee believes that, given the enhanced status of the national planning framework, it should be subject to parliamentary approval, to mirror the democratic approval given to local development plans. It is disappointing that the minister disagrees, arguing:

“The National Planning Framework is not legislation, it is policy.”

Indeed, he said in his opening remarks that the national planning framework is

“an expression of Government policy.”

However, if it is true that it is merely an expression of policy, it should not form part of a development

plan, because the development plan is about plans.

Elsewhere, strategic development plans are to be abolished. Again, the committee disagrees, unless a more robust alternative is created. In particular, it is inappropriate to incorporate strategic planning in a national planning framework because, in my view, that undermines the role of existing planning authorities. Local place plans are another element of the bill that causes concern. In principle, they are a great idea but, without an enhanced status in development planning, they risk raising expectations and frustrating communities.

Over the past few decades, the private developer, rather than the public authority, has become the prime mover in the planning process and, as a result, public trust has been eroded. Powerful private interests and money have corrupted the public interest, which was embodied in the original 1947 act. The bill is an opportunity to turn things round.

One of the problems is that British planning is a highly permissive system, with a wide latitude to depart from the plan where material considerations can be invoked. As Dr Andy Inch from Planning Democracy said in oral evidence, the planning system

“is adversarial because of the discretion that exists at the end of the process, which, by and large, means that speculative development applications are put forward and people react to them.”—[*Official Report, Local Government and Communities Committee*, 28 February 2018; c 46.]

So long as applicants can appeal decisions that they do not like, confidence in a plan-led system is undermined. An ambition for up-front planning has to be matched by the integrity of the plan. In such a scenario, no appeals should be allowed at all, and a properly considered determination should stand as a final word. That is why, in my view, the bill must be amended to reform the current appeals system. As the architect Malcolm Fraser noted in oral evidence:

“The simple solution is to allow nobody to appeal.”—[*Official Report, Local Government and Communities Committee*, 7 March 2018; c 76.]

The continuing resistance of ministers to acknowledge that issue is dispiriting.

Six minutes is not sufficient to set out the Greens' views on the bill. Suffice to say that there is work to be done. That is why I have launched a consultation on reinstating provisions to allow public authorities to acquire land at existing use value, and we will be launching further consultations on improving tree protection and on reducing ministerial discretion by putting material considerations and ministerial call-in powers on a new statutory footing.

Many people submitted evidence to Parliament arguing that the bill should be bold and transformative. The bill fails to achieve or deliver any of those aspirations. It concentrates further power in the hands of ministers, pays lip service to genuine public engagement and removes valuable strategic planning powers.

Greens believe that planning can and must be a force for good for delivering high-quality environments, reducing inequalities and promoting the public interest in the use of land. To that end, substantial amendment is required. If the bill before us was the final bill, we would be voting against it tonight. However, it can be improved, so we will vote to keep it in play.

**The Deputy Presiding Officer:** I remind members that I can be a bit generous with time. That applies even to you, Mr Cole-Hamilton.

15:21

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I am truly honoured by your latitude, Presiding Officer. Thank you very much.

I do not sit on the Local Government and Communities Committee, but I am sighted on the bill and I have some thanks to give to my Opposition counterparts who have walked me through the earlier foothills of the process. I would also like to extend my thanks to the many Lib Dem council groups that have offered opinions in our consultation on what to do on the bill, but I think that we shall stand alone tonight in our opposition to the fundamental principles behind the legislation. That is because, as Liberals, we could never endorse or accept a precept that suggests that ministers or civil servants in Edinburgh who have charge of a much strengthened national planning framework are better placed to understand the needs and aspirations of our local communities than are elected councillors.

The bill relegates local authorities to being consultees, in the main, and it gives priority to the grand designs and unfettered powers of the minister, given the powers that will be conferred on Scottish ministers as a result of the legislation. We are often told in the Parliament that we get a piece of planning legislation, or a planning bill, every 10 years. This bill is something of a disappointment, and we have heard eloquent speeches across the chamber about the deficiencies that can be found in its pages.

It is a bill born of a review, and although I make no judgment on the qualities of the people who undertook that review, it was established with no real objectives, it had no planners among its panel, and it had very ambitious timescales, which forced it to leave out a critical analysis of key issues that should have affected it. I am thinking of

the profile of the housing market as it has been in Scotland since 2008, for example, and the significant infrastructure problems that we see in developments that have already been given consent, particularly around transport.

I want to focus on transport. Given that we have an on-going transport review and that legislation will ultimately come from it, I find it astonishing that there should be such a profound dislocation between that process and this one. In my constituency of Edinburgh Western, we have suffered a proliferation of housing development by increment over the past 20 years, and there has been a failure to recognise that those developments are astride two of the most polluted, and most congested, arterial routes into Edinburgh.

It is in the centralisation of the process in the national planning framework that we have the most problems. There is a lack of clarity around that and although I am grateful to the minister for giving some clarity on the NPF, it is not the clarity that I was looking for. He talks about co-production, but it seems that Parliament will be shown the national planning framework and given 90 days to consider it, but will have no power whatsoever to amend it. That is an unfettered power that we cannot accept. It relegates local authorities and their local development plans to the level of delivery tool. The approach fundamentally undermines autonomy and accountability.

I understand that the Scottish National Party Administration might like the SNP administration in the City of Edinburgh Council to duck the blame for the monstrous betrayal of trust in places such as South Queensferry, with the South Scotstoun development, and Cammo, where the Cammo estate is zoned for planning. The Edinburgh SNP has paid no heed to the impact of such development on doctors' surgeries and road infrastructure and has betrayed the people who sent it to form the council administration. It wants to say, "Don't blame us. Blame the civil service and the Scottish ministers. We are just delivering their plans." Well, I am not having it.

I will talk about some of the specifics of the bill. Although we will oppose the bill's general principles, we will attempt to salvage the bill by amendment at stages 2 and 3.

**Bob Doris:** The member says that he objects to the general principles of the bill because he objects to centralisation. Does that mean that Liberal Democrats would scrap the right of ministers to call in applications? That is centralisation, is it not?

**Alex Cole-Hamilton:** We have profound concerns about the centralised delegated powers

that the bill will confer on the Scottish ministers. My colleague Mike Rumbles has been muttering "George Orwell" throughout the debate, and he is not far wrong.

We will attempt to salvage this dog's breakfast of a bill at stage 2. We are concerned, for example, about the removal of the main issues report stage, because all stakeholders regard the main issues report as a transparent means of consulting. There is a pervasive view that once a draft plan has been prepared it is set in stone.

**Kevin Stewart:** How many of Mr Cole-Hamilton's constituents have told him that the main issues report is one of the most confusing aspects of the system and puts them off getting involved in planning? The bill is about simplification in order to get more people involved at all stages, including in the formulation of local development plans. Why would he want to keep something that puts many folk off getting involved in the planning process?

**Alex Cole-Hamilton:** I am grateful to the minister for his intervention, but if his definition of "simplify" is to delete entirely something that is regarded by many people as an important toehold in the planning landscape, we have a profound difference of opinion.

I share with many speakers, and with Mike Rumbles, who has intervened in the debate several times, concerns about local place plans. Local place plans are attractive, but it is not clear how they will interact with local development planning or how issues between community groups who develop local place plans for the same area to conflicting ends will be resolved.

It is also not clear how the local development planning infrastructure and the newly enhanced national planning framework can be democratically updated. It is not fair to talk about co-production if only one person at the table can influence change.

I have some sympathy with the removal of an applicant's right of appeal, but we will watch with interest the debate in that regard.

I am glad to see the John Muir Trust represented in the public gallery today. We need the bill to contain enhanced protections and designations for wild land.

I want the bill to say something about section 75 of the Town and Country Planning (Scotland) Act 1997. Too many developers are quitting the field after taking the money from huge and profitable developments and welshing on the deals that local authorities thought that they had made around planning gain. We need to introduce a bond system that toughens things up and gives local authorities teeth, so that they can get developers to deliver on their commitments.

I am aware that Liberal Democrats stand alone in direct opposition to the principles of the bill. I have spoken about the unfettered power that the bill will confer on ministers and our concerns in that regard. The approach is the antithesis of what Liberals stand for: we believe that power is best delivered when it is delivered closer to the people. We will work towards that end during the next stages of the bill.

If a planning bill happens every 10 years, this one is a profound disappointment.

15:29

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** I thank the clerks to the Local Government and Communities Committee for all their work in helping to pull together our report ahead of today's stage 1 debate. I also thank my fellow committee members for the collegiate way in which we worked to put it together, which has perhaps not been evident from all the speeches that we have heard thus far this afternoon.

People often do not consider the planning system until it is on their doorstep. For example, when an application is submitted to build houses across the road, suddenly there is community uproar. Of course, the purpose of planning goes far wider than that. As Andy Wightman alluded, our committee report notes that the planning system is essential not only to delivering outputs such as a high-quality environment, warm and secure homes and national infrastructure but to helping to fulfil climate change obligations, achieve sustainable development goals and protect wider human rights. Community engagement is, therefore, paramount. However, in order to get community buy-in, we need to challenge power imbalances.

In 2018, the year of young people, we have a real opportunity to facilitate behaviour change in the next generation and to ensure movement away from a reactive planning system. Nearly 60 per cent of the young people who responded to our online survey said that they would be likely or very likely to become involved in local place plans, with 78 per cent considering that there should be a duty on communities who draft such plans to consult young people.

Back in March, Andy Wightman and I had the pleasure of meeting in Parliament pupils from Galashiels academy to discuss the legislation that we are debating today. Any member who has tried to use planning terminology with teenagers will have soon recognised one of the main issues that is faced by the legislation: the lack of plain English. We cannot talk about local development plans or local place plans to 15-year-olds without first explaining what we mean. However, when I

asked the pupils questions such as, "Tell us about your school. What is it like?", "Do you need a new one?" and "Why is that important?", their response was immediate. That was an important reminder to me about the use of appropriate terminology. More than that, it should be a reminder to all of us of the importance of the planning system in giving voice to communities and to groups who often feel left out of that process—especially given that 2018 is the year of young people.

On that subject, I am particularly grateful to Chris Ross for the submission from the Scottish Alliance for People and Places, which notes at recommendation 5:

"Engagement should be inclusive, in particular requiring the views of children and young people to be taken into account through the planning process. Children and young people will live longest with the decisions made today. The UK is a signatory to the UN Convention on the Rights of the Child, which entered into force in the UK in 1992. Article 12, the right to form a view and to be heard in matters that affect them, and Article 31, the right to play and participate freely in cultural life, underpin our obligation to enable children and young people to participate in the decision-making processes that will affect all of us. We believe that children and young people's voices and their participation must be given meaningful weighting."

As the minister told the committee in written correspondence earlier this year,

"it is not always the case that community groups represent the views of their community as a whole".

The minister is well aware that community councils are often represented by a certain demographic that can exclude the views of young people. Nevertheless, there is real interest among young people in how they can be listened to more broadly—for example, in planning and designing their own schools. I worry that, if we continue to rely on the traditional routes of consultation, via community councils, their views will be lost. There is an opportunity to look more widely at how consultation is conducted.

**Kevin Stewart:** I am glad that Ms Gilruth mentioned Galashiels academy—which is in your constituency, Presiding Officer—because it has been taking part in a wee project with Planning Aid for Scotland on place standards. Its pupils are, therefore, probably more in the know on planning matters than other young people in Scotland. I am very keen to see much more use of digital technology such as 3D visualisations play a part in the planning system. Does Ms Gilruth think that that would encourage young people to get more involved?

**Jenny Gilruth:** Yes, I do. I was a teacher, and I think that any new thinking outside the box on how to engage young people will be a positive in getting them engaged in the planning process.

Even in speaking to those pupils from Galashiels academy, it was clear to me that traditional planning terminology does not resonate with teenagers. That extends more widely, too, as I have seen in speaking to other members of the public. The planning system is quite clunky, and Andy Wightman alluded to the fact that the rhetoric is quite impenetrable in parts. We need to think about our language as far as wider community engagement is concerned.

That brings me neatly to local place plans. Paragraph 143 of the committee's report notes:

"Under the Bill, a Community Council or other community body ... will have the power to produce a LPP. A completed LPP can be submitted to the relevant planning authority, which must have regard to its contents".

My concern, which has been highlighted by other members, is about the use of the phrase "have regard to". There is a real danger that local communities could invest in preparing and submitting a local place plan only for it to be ignored in the development plan. In February, Dr Andy Inch from Planning Democracy told the committee:

"A risk of a weak status for local place plans in decision making is that communities and others can invest hundreds of hours and huge amounts of voluntary time and effort into producing the local place plans, only to find that subsequent decisions broadly disregard their provisions."— [Official Report, Local Government and Communities Committee, 28 February 2018; c 5.]

An equalities argument can also be made in the same context. Bob Doris touched on the issue. In an area where there is no active community council or community body, there is a danger that certain communities' views will not be listened to. I raised that concern with the minister when he appeared before the committee in March, particularly in the context of the Edinburgh city region deal, which takes in my constituency and some of the poorest parts of the country. I remain in the dark as to what consultation Fife Council carried out to ensure that we were included in that deal. There is a danger that poorer communities can be disadvantaged if they do not have the capacity to engage in the process.

If we consider that the wider purpose of planning is to drive sustainable growth and even to facilitate human rights, it is important that all communities start on an equal footing. In recommendation 190 of its report, the committee noted:

"As things stand the proposals for LPPs run the risk of being disregarded or ineffective. The Committee firmly believes that communities should be supported to help develop plans for their areas. We suggest that councils, at the start of the Local Development Plan process, should put out a call for people to help them develop local place plans and show how this has been done in the Evidence Report."

I was therefore delighted that the minister said in his response to the committee's report that the Government intends that planning authorities will have a "legal requirement" to take into account local place plans in all cases.

Before I sum up, I will mention the submission that the committee received from Engender, which Monica Lennon touched on. It highlighted concerns about the robustness of the equality impact assessment, particularly with regard to gender. Engender argued that, thus far, consultation has been predicated on community empowerment as opposed to targeting marginalised groups such as women, and Suzanne McIntosh from Suzanne McIntosh Planning Ltd noted:

"The planning process is where the start of the story begins and engaging, particularly women in the creation of place, and understanding how we use places will go some way to understanding this issue and creating a more balanced, equal society."

I understand that the EqIA is in the process of being updated and that Government officials have offered to meet Engender to discuss the matter further.

Whether we are talking about women or young people, it is clear that different groups face different problems in participating in our planning system, but I am hopeful that the bill will seek to challenge that and that it will provide opportunities for greater engagement right from the outset, whether through the work of organisations such as PAS in local schools, through local place plans that go wider than traditional community councils or through meaningful engagement in the context of the local development plan. It is clear that planning matters to everyone. With the bill, we have an opportunity to move planning beyond its traditional parameters and to really make a difference to the places where people live.

15:37

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

**(Con):** I welcome the opportunity to participate in the debate. Planning can be controversial. During my 18 years as a councillor, I witnessed how it can divide a community and cause conflict. However, we have an opportunity to improve confidence in the system, and I am encouraged that the bill gives us limited scope for dealing with day-to-day aspects of the planning process. Today's debate and future debates on the bill give us the opportunity to work towards the achievement of some of those goals, but there is still a long way to go, because many people are disappointed with what is in the bill. Ministers must take cognisance of that.

As other members have mentioned, one of the more positive aspects of the bill is the part of it that

deals with local place plans. We acknowledge that the intention to give a statutory underpinning to communities that want to develop their aspirations is a good thing, but we must ensure that the provision in the bill does not simply pay lip service to communities' ambitions. We have raised concern about the wording—the requirement that planning authorities must “have regard to” local place plans is simply not strong enough. The provision needs to be tougher, as many of the people who gave evidence to the committee said. We want communities to feel that their evidence is listened to. I was delighted to hear the views of the organisations and individuals who took time out to come and tell us about their concerns.

The Scottish Government's commitment to amend the bill and ensure that authorities must “take account of” local place plans is welcome, but the bill must not allow authorities to pick and choose which plans are more appropriate, as that would lead to the possibility of disappointing communities that have given time to the process.

**Bob Doris:** I am really pleased that you are focusing on that area, as local place plans are fundamental. On what “take account of” means, do you agree that it is vital that local authorities have strong evidence of how they have taken account of a local place plan and changed their local development plan? Do you also agree that, if they have rejected aspects of the local place plan—which is allowed if there are strong, compelling, open and transparent reasons for that—that decision, too, must be evidence based if the approach is to mean anything?

**The Deputy Presiding Officer:** Bob Doris used the “you” word. I am beginning to lose hope, but we will keep telling members not to use it.

**Bob Doris:** Apologies, Presiding Officer.

**The Deputy Presiding Officer:** Does the member agree with Bob Doris?

**Alexander Stewart:** The member makes very good points about what we are trying to achieve. However, I have concerns that that will not be achieved. As we have heard, the minister will potentially have the opportunity to go into a planning department, deal with it and take control of it if proposals are not put forward. I still have some way to go to be convinced by that process.

Local place plans present a real opportunity to improve local communities' perceptions of and involvement in the planning system but, if communities are to spend time on those plans, they must be of material consideration.

I welcome the bill's provisions to introduce simplified development zones, which will expand the types of development for which planning permission is not required and simplify the

process. In some cases, simplified development zones could be very positive, as they could give us the opportunity to deliver infrastructure. A simplified development zone would require the authority to prepare a scheme that detailed the types of development and the nature of uses that would be permitted. Given that such a scheme would include things such as road construction and listed building consents, it is important that proposals for such zones be included in the national planning framework or local development plans, to ensure that they are fully consulted on.

Infrastructure is a vital consideration in developing an area.

**Monica Lennon:** I am listening intently to what is being said about simplified development zones—masterplan consent areas, or whatever their new name is. We would all like to believe that they will magically make development happen. The member talked about infrastructure. The fact that something is put in the plan does not mean that the money for it will magically appear. What is in those SDZs or masterplan consent areas that will bring budget? We cannot just ask developers to bring sacks of money; that is not realistic. Where will the money come from to make the infrastructure appear?

**Alexander Stewart:** Monica Lennon makes a valid point. We need to ensure that the money goes where the opportunities are. If there is to be a development structure and progress, money must go with that. That has happened in the past, so it should not be too difficult for it to happen in the future.

Often, one of the biggest concerns for local residents when there is significant expansion of housing in a community is whether the existing provision can cope with that expansion. The current process for requiring developers to make infrastructure contributions through section 75 agreements can be limiting, given that there are already restrictions on the infrastructure. Therefore, the proposal to introduce an infrastructure levy is interesting. If that is done properly, such a levy could—but only “could”—unlock additional development land.

However, there are a number of problems with the specific proposal in the bill. The proposal would bring in about £75 million annually at most, which is around 1 per cent of the £7.5 billion that the Scottish Government has estimated would be sufficient to deal with infrastructure developments across Scotland. Moreover, it is very concerning that the powers in the bill as it is currently drafted would enable the Scottish ministers to redistribute the levy funds across Scotland. A power grab has been talked about, and that is yet another example of the SNP's centralisation agenda.

That is especially disappointing in the light of the good intentions behind the local place plans. There is a fundamental and long-established principle that money that is raised locally should be spent locally. The Scottish Conservatives will continue to defend that principle robustly.

I support the general principles of the bill and acknowledge that it will make some positive changes. It will not radically reform the planning system, which is a difficulty for us. To that end, as my colleague Graham Simpson said, we will vote for the bill to progress to stage 2 despite our reservations, and we will ensure that there is a robust debate, as the bill should be strengthened. I hope that the Scottish Government will engage constructively with everyone in and outwith the chamber so that amendments can be lodged that would enhance the bill.

**The Deputy Presiding Officer:** You must stop now. You have had a fair crack of the whip.

**Alexander Stewart:** I look forward to playing my part in the process.

**The Deputy Presiding Officer:** I am sure that you do. Thank you.

15:45

**Sandra White (Glasgow Kelvin) (SNP):** I am not a member of the Local Government and Communities Committee, but I am pleased to speak in this debate and I thank the committee members for their report. Planning is a very important issue to not just local communities but elected members.

I welcome the stage 1 consideration of the Planning (Scotland) Bill, which aims to strengthen and simplify the planning system. There has been a lot of talk about that and I am sure that, as we move on to stages 2 and 3, we will see whether the bill will simplify the system, particularly for the local communities that it serves. Economic growth for the whole country—not just my constituency—will come from having a better planning system.

Part 1 of the bill seeks to strengthen and reaffirm the role of the development plan and the plan-led system. Part 1 enhances the status of the national planning framework, as the Scottish planning policy would be incorporated into it and it would become part of the statutory development plan. As has already been said, the bill removes the requirement to produce strategic development plans and restructures the process for the production of local development plans, putting a greater emphasis on the delivery of development.

Part 1 includes a new right for communities to produce their own plans, which is an excellent idea. Local involvement is crucial for the bill, which I will say a wee bit more about. I take on board

what the minister said about local plans, but I have a number of questions. Perhaps the questions can be replied to here or elsewhere. I realise that the issues might come up at stage 2.

If a council's local development plan does not give due consideration to or apply recommendations from local place plans, will the communities that produce local place plans have any right of appeal, and will the Scottish ministers intervene? What support will be offered in order to set up and produce a local place plan, and will that be monetary support, or just the expertise of council planning officers? How will local place plans work with regard to the Community Empowerment (Scotland) Act 2015?

I thank Age Scotland for sending a briefing with regard to older people, as local place plans could be instrumental in delivering aspirations such as prioritising housing for older people, introducing national targets, identifying land for older people's housing—an issue that is often raised in my constituency—and initiatives, projects and services that are designed to promote intergenerational living, which is a huge issue and a good way of looking at things. I wonder whether those things will be taken into consideration in local place plans and councils' local development plans.

I must raise local issues, as other members have done. The local issue that causes the biggest controversy in my constituency is private student accommodation. We all understand the need for student accommodation provision, but concerns have been raised about the negative impact that its influx—in my constituency and others—has on the sense of community, the provision of affordable housing and infrastructure. In the Glasgow Kelvin constituency, 65 per cent of planning is for private student accommodation, which amounts to thousands of people. We have spoken about the effect on local populations, general practitioner services, dental surgeries, road cleaning and all that type of thing, so will that be dealt with by the Planning (Scotland) Bill?

In my constituency, there is very little land left to build on and any available land has been bought up by developers for student accommodation. Unfortunately, we do not have land in Glasgow Kelvin for building affordable housing. When housing associations bid for land, they are outbid by bigger developers. There is therefore a critical shortage of housing in my constituency and I would like that to be looked at.

I know that the City of Edinburgh Council has given practical effect to a requirement that student housing be part of mixed developments rather than just standalone student accommodation, which is a very good idea that should be looked at further. I thank my colleagues on Glasgow City

Council who have brought forward provisions on planning such that overprovision can be part of an objection to planning developments. The council has also embarked on a huge consultation exercise with the people of Glasgow to see what they think of local housing and student accommodation in their areas, and I thank it for that.

I know that Keith Brown, the Cabinet Secretary for Economy, Jobs and Fair Work, is looking at the issue of short-term lets, such as Airbnb lets. A number of concerns have been raised in my constituency about that issue. Some short-term lets are good, but others reduce the amount of affordable housing and lets in the area. There are also negative impacts from short-term lets, such as those from so-called party flats. As I said, I understand that Keith Brown is looking at short-term lets, but I wonder whether the bill will have an effect on that issue.

There has been lots of talk about the third-party right of appeal. I admit that in 2004, 2005 and 2006 I proposed a member's bill on third-party right of appeal, but no party supported those bills. However, the issue is still on the go, which I welcome.

**Andy Wightman:** During a stage 1 debate in 2006 on a previous bill, Sandra White claimed that third-party right of appeal was SNP policy. Is it still SNP policy? If not, when was it dropped?

**Sandra White:** The member will need to ask ministers whether it is SNP policy. I thought that the issue had been discussed, but the bill certainly presents an ideal opportunity to discuss it again and bring it back on board. Whether Mr Wightman's party, the Labour Party or the Conservatives support the idea of third-party right of appeal is for them to decide. I am just pointing out that it can be discussed.

Suggestions have been made about third-party right of appeal, but I do not know whether the one about having no right of appeal would be workable, and appeals criteria based on the size and type of development might be problematic. However, the suggestion of waiving appeal fees for local communities could be looked at. I am just throwing those ideas into the mix for stages 2 or 3. I do not want the issue of third-party right of appeal to be bypassed, because it is important that it is discussed. It has been discussed before and I look forward to further discussion of the issue.

It is not all doom and gloom in my constituency. I have met many of the developers in my area, and we have had the whisky distillery development and lots of other good developments in Glasgow Kelvin. The important point is that developers met the local community and local elected members. I

urge all developers to ensure that local communities are involved in any planning process.

15:53

**Alex Rowley (Mid Scotland and Fife) (Lab):** I, too, thank the Local Government and Communities Committee for its work in producing the stage 1 report, which I think will be very helpful. As Bob Doris said, it would be difficult to go through all the big issues in the report during this debate, but I know that the report will be very helpful in the coming weeks and months.

I believe that the consensus among the majority of members in the chamber is that the Planning (Scotland) Bill as introduced is deeply disappointing. That is certainly Labour's view. I hope that Kevin Stewart, the minister, will be willing to take that on board and will work with other parties. If the parties can work together, we can radically transform what is a disappointing bill. I hope that we can get a consensus and work together on big changes.

When I ask myself what is wrong with the current planning system, I start with planning departments. The Royal Town Planning Institute has pointed out that

"between 2009 and 2016 local authorities on average lost 23% of planning staff, while over the same period planning service budgets were cut by an average of 32.5%. These figures illustrate the resource pressure that local authority planning services are experiencing".

We cannot ignore the impact of those cuts on planning departments up and down Scotland.

**Bob Doris:** I am interested in the reference to financial pressures on planning departments. A fees review is taking place, which includes the idea of full cost recovery. Does Alex Rowley support the vast majority, if not all, of the moneys that are raised going directly to planning departments to fund the measures that he suggests?

**Alex Rowley:** We need to look at the balance and at the impact that such a proposal would have. Energy UK raised with me its concern that there could be a barrier to developing a lower-carbon and renewable energy infrastructure. Such issues need to be discussed with industry and business.

Another point about the bill that we need to get our heads round is how we will drive the Scottish economy. How will we drive investment in Scotland and put in place the necessary infrastructure to create the jobs of the future? Planning has many aspects, but one must be driving business, industry and the Scottish economy, and consultations on that need to take place.

I return to staff. In its evidence, Unison, which is the public sector union that represents the majority of planners, said:

“Planners tell us that they are overwhelmed by the volume and complexity of their workloads. They are also extremely stressed by the personal interaction that they often experience with clients ... Good planning doesn’t require yet another reform programme. Improvement will come through adequate funding and staffing levels and empowering staff ... It is resources they need not reorganisation.”

While we work on the bill, the Government must address the issues that are being raised; it cannot ignore them and blame the planning system for not delivering for our economy or for not delivering housing.

Housing is a key part of the planning system that we need to look at. We accept Shelter Scotland’s proposition that Scotland has a housing crisis. Some people would have us believe that, somehow, the planning system is at fault and all we need to do is fix it, but we know that that is not the case. I have raised with the minister time and again the problem of major developments going ahead when there is a lack of up-front infrastructure funding to allow that to happen, particularly in relation to education and other public services. I am not sure that he has addressed that in the bill.

The bill talks about local place plans, but I would like a local impact assessment on public services to take place wherever housing developments will be built. In my home village, there is a proposal for 900 houses. The local community welcomes it, but it has been stalled for a year and a half because there was no front loading for the schools infrastructure. The community, including the local medical practice, is now saying that, unless some kind of infrastructure funding is found, the practice will have to close its doors to everybody who comes to live in that village.

Therefore, if a community comes up with a local place plan that says that we need local infrastructure, local public services and local leisure services, that should have to be taken into account as a material consideration when a planning application is being considered.

**Kevin Stewart:** Will the member take an intervention?

**The Deputy Presiding Officer:** No. Mr Rowley is just closing.

**Alex Rowley:** There are major issues and major opportunities. I hope that the minister will listen, because there is a majority in Parliament that does not believe that the bill is good enough. It needs vast improvement.

16:00

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** Like others, I very much welcome the bill and the debate on how we might strengthen and simplify our planning system.

Planning is about places, placemaking and, most important, people. It is about the places where we live, work and visit, so planning has a real impact on all our lives. Although it is a complex area of policy and law it is, of course, crucial, which is why the bill is so important. Although it is a framework bill—I absolutely respect that—it has rightly brought a focus to planning policy more widely and deeply.

There is so much that I could say on the subject, but I will contain my remarks to a number of focused points. Given that I represent the most densely populated area of Scotland, where planning is a very topical and emotive issue, I would like to focus on how we empower communities. The question for me is how we meaningfully and more substantially empower communities while we also, crucially, build the houses, offices and infrastructure that we need to meet our needs and to grow our economy sustainably in a sensible and sensitive way.

In my constituency, that issue is being discussed most prominently in Leith, in relation to a proposed demolition and development on Leith Walk. I pay tribute to the save Leith Walk campaign and the great work that it is doing to try to stop the demolition and ensure that the community’s voice is heard. I am right behind that campaign. Such campaigns are important because local people get involved because they care about their community. I pay tribute to such campaigners. It has been rightly said that it is not nimbysism when people raise issues about development.

I think of a previous campaign to stop an inner ring road being built through Edinburgh, which would have devastated parts of our capital city if people had not campaigned against it. That is illustrative of the fact that in such big campaigns, the campaigners are usually right. That is why we need to do what we can to ensure greater engagement to allow local people to have an effective voice in the system. I therefore warmly welcome the local place plans, which will give that up-front empowerment. I think of how much the save Leith Walk campaign, the save 1-6 Canonmills Bridge campaign, the save Heriot hill campaign and other campaigns that have been run in my constituency would have benefited from being part of something like that.

**Jeremy Balfour (Lothian) (Con):** Could you address the point on what happens when communities are divided on an issue? There might

not be a common view. There are people in Leith and in Canonmills who are supportive of what has been planned. How do we ensure that their voices are heard, or is it simply the case that the loudest voice is heard?

**The Deputy Presiding Officer (Linda Fabiani):** Always speak through the chair, please.

**Ben Macpherson:** That is where a local place plan could play an important role, because it could bring different community groups together to ensure that there is a cohesive position and that different views are heard on various matters.

I think about how that has already happened in my constituency. Here + Now CIC, a company that is based in Edinburgh, does that work, and the Leith creative project has undertaken a charrette in Leith, which was funded by the Scottish Government, to see how local communities can engage in such a process. I note that the Leith creative project talked in its submission to the committee at stage 1 about sufficient resourcing for local place plans, and I welcome the fact that the committee has also emphasised that point.

Another point has been raised with me about the expanded scope and breadth of potential notification processes, and I also welcome the point about fees to help with resources for enforcement.

The issue of appeals has been mentioned. It is a difficult point and one on which I have tried to remain open-minded—before and since my election. There is obviously a balance to be struck—the minister put the point well—to enable collaboration rather than conflict. I appreciate the potential risks to the economy and investment through the community third-party right of appeal, but most important is that Planning Aid Scotland and the Scottish Federation of Housing Associations are against it, including on the issue of affordable housing demand. I find it compelling that Planning Aid Scotland, which supports community engagement and planning, is against the third-party right of appeal.

I note that on the other side of the argument—the developers' right of appeal—the committee report stated:

“The Committee believes that in a plan-led system appeals should only be allowed in certain circumstances.”

It is important to ask what those circumstances would be. To stop applicants taking a hard line from the beginning and instead engaging in local place plans, perhaps it needs to be more prohibitive financially for developers to bring appeals. Perhaps there is also a need to look at the transparency around the process.

The infrastructure levy, which I welcome, has been discussed. That issue will be thrashed out in

secondary legislation. The levy could make a difference not just to roads and education, but to healthcare and childcare provision, which are of significant importance to us all.

I could make a lot of other points, including around the potential of the creative and music industries as agents of change, around renewable technology, and around how we build in capacity for sustainable transport, whether that is secure bike locking or—

**The Deputy Presiding Officer:** How about around closing your remarks?

**Ben Macpherson:** —building standards.

It is important that we get this right. We must emphasise design and quality because, as has been said, our focus should be on

“securing the development of great places that will stand the test of time”.

16:07

**Jeremy Balfour (Lothian) (Con):** For 11 years, I was a councillor here in Edinburgh. For five of those years, I sat on the planning committee. Unlike Richard Lyle I had, as far as I am aware, no nickname, but sitting on that committee and seeing how the city developed was an interesting experience.

The bill is vital for the whole of Scotland, but particularly for the Lothians, where we are seeing an expansion in house building in Edinburgh, in East Lothian, in Midlothian and in West Lothian. We need a planning bill that allows that development to continue—but in a way that is properly regulated.

I spent the bank holiday weekend looking at the bill, the committee's report and the minister's response to it. The headline issue that struck me—the clear message that comes through the bill—is that the SNP Government does not trust local government. If I were an SNP councillor, I would be saying to the Government that it clearly does not trust the decisions that SNP councillors are making.

**Kevin Stewart:** Will Jeremy Balfour give way?

**Jeremy Balfour:** No. I am sorry.

That is a damning indictment on this centralising Government. This bill has missed opportunities throughout. To some extent, I feel sorry for my colleagues who will have to take the bill through stage 2, because of the number of amendments that will have to be passed in order to make it work. It will certainly give them plenty of entertainment over the next few months.

In the short time remaining, I will give one example of where I consider there to be a power

grab and one example of where there is a gaping hole in the bill.

I am a great fan of local development plans. They are, in principle, a good thing. They can be looked at and reviewed every five to 10 years. They can give the local area, the city or the region some understanding of where it is going over that time.

I am pleased that the Government has agreed that we need to engage with communities, although there are still difficulties around defining who the local community is and how the local community is heard. I spent 11 years attending community council meetings in my ward. The community councillors were often very good people who were looking to represent their areas, but I am not sure that they totally represented the whole public view of what was going on in my neighbourhood. We need devices to be open to us that will engage the whole community in an area.

We will have local development plans that will go through vast amounts of drafting by council officers, be debated by the planning committee and be approved by a full council—but then what? The minister will sign them off. Why does a minister need to sign off a local development plan? The key, surely, is in the first word, which is “local”, not “national”. That is not something that the Government should scrutinise or take over, which takes away from the whole concept of local democracy.

The second point that the committee will need to come back to—which I raised with the minister last Thursday in general questions—is with regard to disability housing and housing for people with different disabilities. As far as I can see—I am open to correction—nothing in the bill at this stage gives any assurance that appropriate housing and the right number of houses will be built for people with disabilities. The committee needs to have a think about that at stage 2, as does Parliament at stage 3. The perception is that we simply build housing and fit the disabled stuff in. Too often I hear from disability charities that it costs thousands of pounds to adapt a property that is not set up for wheelchairs, visual impairment or other disabilities.

This stage of the bill has been disappointing so far. Like everyone bar the Lib Dems, Conservative members will support the motion, because we hope that the bill can be changed with amendments at stage 2 and stage 3. There is a long way to go, and the Government must listen to local communities and even to its SNP councillors.

**The Deputy Presiding Officer:** I call Richard Lyle, to be followed by Tom Mason.

16:12

**Richard Lyle (Uddingston and Bellshill) (SNP):** How long do I have, Presiding Officer?

**The Deputy Presiding Officer:** You have six minutes, Mr Lyle.

**Richard Lyle:** Thank you very much. That has gone up.

I have had close experience of planning, having been a long-time councillor, first on Motherwell District Council and subsequently on North Lanarkshire Council. I have seen the best and the not so great with regard to our planning process in Scotland.

The bill before Parliament is the result of the SNP Government’s commitment to improve the system of development planning and, more important, to give people a greater say in the future of their places and to support the delivery of planned development. As the minister outlined, that commitment is in several parts of the bill, and I will highlight a number of elements.

Part 1 focuses on strengthening and reaffirming the role of the development plan, which is the plan-led system that removes the requirement to produce strategic development plans and focuses instead on the production of a local development plan that supports the delivery of development. Importantly, part 1 also delivers a new right for communities to produce their own local place plans, reaffirming our commitment to better involve local people and local communities in the planning process across Scotland.

It is not true that this is a centralising Government. Part 3 of the bill makes a number of changes to development management processes, amending existing provisions for considering and deciding planning applications to support and improve efficiency, with appropriate local consultation and—importantly—more local decision making.

**Andy Wightman:** Will the member give way?

**Richard Lyle:** No; I am sorry but I do not have time.

The final elements of the bill that I wish to reflect on are in parts 4 and 5. They recognise the changes that are required to support effective performance across a plethora of planning functions, including the strengthening of planning authorities’ ability to use their powers to ensure appropriate enforcement of unauthorised development. The changes include a requirement for planning authority members to undertake training in planning, which is something that I never got as a councillor and which I am sure will be a great benefit to colleagues throughout local government.

In my experience, councillors are placed on the planning committee based on the need to represent their ward areas on the planning authority. Councillors should appropriately consider applications that are relevant not only to their own area but, importantly, to the whole local authority. Councillors are there to serve the whole local authority community. That should include consideration of the economic impact of developments through consistent investment in our communities.

People often say that I wish to build for building's sake but that is not true. I also wish to preserve, but we must recognise that, as elected members—be it at local authority planning level or in the Parliament—we will all want developments in our areas that contribute to the local economy, local job creation and, ultimately, better outcomes for all those we represent.

**Monica Lennon:** Will the member take an intervention?

**Richard Lyle:** No; I am sorry—I do not have time.

Finally, part 5 of the bill delivers on an idea that I think is very worth while and has the potential to deliver a significant return for communities, as it allows for the provision of an infrastructure levy that is payable to councils, linked to development. The levy can be used to fund or contribute to infrastructure projects that can incentivise the delivery of developments. In my opinion, it should be used locally to benefit the community.

As we consider the bill, all of us across the chamber should consider why it is important and much needed. The answer is clear. The bill is central to the package of measures from the SNP Government that is intended to strengthen the planning system and contribute to inclusive growth and the empowering communities agenda.

We are constantly being told by the Opposition that we need to grow the economy. We are doing that, from house building to plans that deliver job creation. We need to balance those ambitions with consideration of our important local environments. We should be saying that although we need to continually protect and celebrate our local environments, we also need to build in order to house people and provide jobs. The bill is rightly seen as another key milestone in our journey to improve the planning system—and it should be recognised as a journey.

It is abundantly clear that the bill will strengthen local communities. Planning is a tool to improve the economic situation of a local area, and it should be used to drive the economy. Developers should be encouraged, not discouraged. It is abundantly clear that the bill will strengthen the role of local people in the planning process; I

would encourage councils and councillors to discuss planning more with people, and I would encourage councils, as planning authorities, to have a more proactive discussion with potential developers to ensure that proposals are relevant to the local area. Developers should be given a chance to amend and revise their plans and take cognisance of the advice that they are being given by local people and planners in order to make sure that their proposals fit the needs of local people, the local area and our nation.

I hope that the bill delivers more positive outcomes for Scotland and all her communities and a better system for the future, to drive the Scottish economy and deliver for all.

16:18

**Tom Mason (North East Scotland) (Con):** I remind members that I am a councillor on Aberdeen City Council. I state, for the minister's interest, that I have undergone planning training, which was entertaining but not very comprehensive.

Planning in our local communities is one of the most contentious issues that our constituents have to deal with. For most, it is too complex; for many, it is grossly unfair. Most people, certainly in the city of Aberdeen, cannot understand why certain buildings are put in certain places.

When confronted with a planning dispute, constituents are often left fighting for their communities in a battle with well-resourced developers. Such circumstances often result in many objections to a project.

**Kevin Stewart:** Presiding Officer, I am finding it very difficult to hear Mr Mason. I wonder whether something could be done about his microphone.

**The Deputy Presiding Officer:** I am sure that broadcasting staff will have taken note of the issue. Mr Mason, could you make sure that the microphone is pointing straight at you? Thank you very much.

**Tom Mason:** I will do my best.

When the bill was introduced, we heard Government representatives describe objections as a delay to be avoided. However, many people lose amenity and experience disruptions but receive no compensation from the developer. They have no option but to object.

That is a particularly pertinent point when there are projects that do not follow local development plans. People may have purchased property on the understanding that the local plan would be followed. It seems unreasonable that a plan that has been negotiated and consulted on can easily be overturned by the council without there having

to be any justification to an alternative authority. We saw an example of that with the new football stadium in Aberdeen—a decision that attracted its fair share of controversy. It is right to take time to engage with stakeholders. As others have stated, at stage 2 we hope to work out the best approach for the appeal process as a result of the evidence that has been given.

Availability of information on planning applications has vastly improved thanks to the internet, but notification to those affected is made only to immediate neighbours. That assumes that the effect of development is limited to those sharing a boundary with the property. Although people in the city usually cannot see past their own street, in rural areas visibility is greater and a project can completely change someone's surrounding landscape without any notification being required.

When infrastructure construction cuts through properties, compulsory purchase orders are initiated and the occupant receives statutory compensation as a minimum—and often receives more. Adjoining properties that miss the construction by even as little as 10cm receive no such compensation, although their loss of amenity can be equal to, if not worse than, that of those who are losing their land, and may include visual, noise and air pollution.

The current system aside, there are some issues in the bill that need fixing. One is the introduction of local place plans. That element of the bill allows communities to come up with their own plans, which planning authorities must consider as part of the process. In principle, I welcome the idea of communities having a conditional list for future planning in the area. However, the bill does not place any obligation on authorities to follow those plans—only that they should “have regard” to them. That, unfortunately, creates a situation in which people spend long hours and significant sums of money preparing plans for their own communities, but when push comes to shove they are ignored.

Another area of contention is the infrastructure levy. The bill would give Scottish ministers the power to impose a levy on developers totalling an estimated £750 million over 10 years. That works out at a maximum of £75 million per year, which is insufficient to deliver the estimated £7.5 billion that is needed for housing. I wondered why such a small fraction was incentive enough for the Government to introduce the levy, until I saw the fine print. The Scottish Government can, if it wants, require local authorities to hand over their levy money to be redistributed among local authorities as the Government pleases. It is all starting to make sense: another day, another attempt to centralise power in St Andrew's house.

I expected more from the bill. We were promised a major shake-up of how planning is conducted, but the many emails that we have all received from constituents and stakeholders show us that the change is far from major. It is clear that there are issues with the bill as it stands, and those will require a significant amount of work as it progresses through Parliament. Those problems can be overcome and a suitable bill can be agreed—one that not only provides us with a planning system that is both efficient and fit for purpose but puts local opinion at the forefront of decision making. I will be supporting the bill at this stage and look forward to considering future improvements to it in due course, although I say to the minister that it would be much better to tear this one up and start again.

16:23

**Iain Gray (East Lothian) (Lab):** I am often asked—for example, by visiting school groups—what is the biggest issue that arises in my constituency. Although I often talk about the health service and education, the truth is that planning is the biggest issue. I will talk a little about East Lothian, because it epitomises the issues at the heart of this afternoon's debate and the reasons why the bill must be improved.

East Lothian suffers significantly from a lot of the pressures to which colleagues have referred. We have the fastest growing population in Scotland—it has gone up by 20 per cent in the past 20 years and is projected to rise by 30 per cent in the next 20 to 25 years. Therefore, the national plan imposes on East Lothian a requirement to find sites for more than 10,000 houses.

We also have a significant issue with trying to provide enough employment and jobs for that growing population so that we can avoid becoming simply a commuter county for the city of Edinburgh, which is next door to us. We have key industries such as agriculture and tourism that require protection from and promotion by the planning system.

East Lothian is made up of six towns and associated villages, each of which has its own character, viability and sustainability, which the planning system must find a way of maintaining. In those communities, we must avoid incremental growth through adding more houses, a few at a time, and diluting the community's character, placing a boiling-the-frog kind of pressure on infrastructure such as schools and health services.

This morning, our council agreed its local development plan, which identifies sites for more than 10,000 houses but also goes to great lengths to avoid the destruction of our existing

communities. It focuses on large housing sites including, in one case, a new settlement at Blindwells. That allows for plans to improve infrastructure through the provision of, for example, a number of new schools.

Our problem is that our previous local development plan has been systematically ignored for years by developers, with the support of Scottish ministers and their reporters. Every town and village in East Lothian has suffered from inappropriate housing developments, some of which have included hundreds of houses, some of which have increased a village in size by as much as 30 per cent and some of which have joined one village to the next in a way that we have tried to avoid for many years. All of that has happened because of developers appealing planning decisions that have been refused. In most years, we have seen 80 per cent or more of those appeals being upheld. Indeed, in one year, 100 per cent of developer appeals against local planning decisions were upheld.

In many cases, those developers are playing the system. Some of them had planning permission for housing in agreed local development sites that they simply refused to develop while they pursued other sites, successfully arguing to the reporters that, because they were not progressing housing elsewhere, they had to do it in a particular place to meet population needs.

The problem is not just with housing. Close to Dunbar and nearing completion is an energy-from-waste incinerator project. I was unable to find a single constituent in the local communities who supported that project, and it was rejected by the local authority, but that decision was simply overturned on appeal. Immediately afterwards, the planning conditions were varied so that we will now see waste being brought to that part of my constituency from all over Scotland and the north of England, exactly as we feared.

That is before we get to the site of the former Cockenzie power station. The local authority did not even have a chance to make a decision before the minister chose to call the application in on the basis of a national planning framework that is outdated for that site because it identifies bringing electricity ashore, which nobody disputes, and a new thermal power station, which nobody has any intention of building.

If there is conflict or mistrust in the system, this is its genesis. My constituents want decisions to be taken locally whenever that is possible. I do not think that most of them want an unqualified third-party right of appeal, because that would mean even more decisions being taken elsewhere. However, they do not see why they should have no right of appeal when developers have an unrestricted right of appeal. We should balance

that up with a qualified right of appeal on both sides. People will not invest time or resources in local place plans, because they simply do not believe that they will be respected. Their experience of the system is that ministers do not respect local decisions, and, until the bill changes to demonstrate that it does that, it is not good enough.

16:29

**George Adam (Paisley) (SNP):** I thank the usual suspects—the clerks and the committee members—for all their work. Although I am not a member of the Local Government and Communities Committee, I take a keen interest in the planning system because, as a former councillor, I know how important it is. New councillors initially tend to avoid planning—unless, like the minister, they are total planning geeks—but then they start to see how important it can be to the economic development and wellbeing of the area that they represent. Monica Lennon is right in saying that the subject can appear dry and difficult but, eventually, people see how important it is and how it can make a difference. All of us got involved in politics to change our communities, and the planning system is key to that.

The big-money question is what we do about planning, because currently the planning system can be a nightmare for absolutely everybody who is involved in it, whether that is the developers, the planners or the individuals at the other end of the process. We always seem to have difficulties in trying to marry it all up, but I think that the bill moves in the right direction and will make a difference. However, we have to be mindful that, no matter how well we draft a planning bill and how expertly we think we can do it, it will never be perfect for absolutely everyone, although we have to get as close as possible to that.

In answering the question about how we do this, Jenny Gilruth talked about engaging young people and the language that we use. She also said that it is not just about engaging people early on; it is also about engaging across the community, which I found interesting. Engagement with poorer communities has been mentioned, and it can be difficult. In my constituency, the community council in Ferguslie Park—it is the first one there for about 18 years—is very proactive and has quite a dynamic group of individuals who are looking at planning. The needs of Ferguslie Park are entirely different from the needs of other parts of the town, which shows that we need flexibility, whether in local communities or in the whole nation of Scotland.

I come to the debate with the benefit of the experience that I gained in my time as a councillor. Colleagues may listen and decide that they do not

agree with my thoughts, but I will say what I believe in. The main reason why I am taking part in the debate is similar to the main reason why I take part in just about every debate—it is that the planning system is an integral part of the regeneration of Paisley. I know that it is unusual for me to be so parochial, but that is what my constituents want and it is what I want. We need a planning system that will help and not hinder development and regeneration in our town and that has flexibility to ensure that redevelopment happens.

As I said, we have heard from other members' speeches that the situation is different in other areas. Mr Lyle will have different problems with development in his area from the problems that I have in mine. In my area, we have to work harder to ensure that people want to come. To get the housing that we need, we need flexibility for planners at the local level; without that, we will not deliver. Paisley needs to expand. The population needs to be larger, and it needs to continue to be Scotland's largest town—he says to the representative of East Kilbride, who is in the chair. We must build on that, but that will be difficult if there is a third-party right of appeal. I see why some people like the idea, but the reason why people are looking at that is probably because the current system is not working.

**Andy Wightman:** In 2006, a third-party right of appeal was SNP policy. Is it still SNP policy? If not, when was it dropped?

**George Adam:** There have been two independent planning reviews since then—things move on.

In Paisley, we must ensure that we get the opportunity to make developments go forward, and flexibility is one of the most important things for that.

When the bill was introduced, the Minister for Local Government and Housing, Kevin Stewart, said:

“Scotland's economy needs a world-class planning system. Our planning system must take a strong and confident lead in securing the development of great places”.

He is right about that. I want the bill to help my great place—my home town—and make it even better, and I believe that it will do that. Is it perfect? We will never get a perfect planning system, but it is a very welcome step in the right direction.

One of the main purposes of the bill, for me, is that it will create a planning system that engages with communities at the earliest point. As a former councillor in Renfrewshire, I am only too aware of what happens when people in the community hear about a development or a decision at the very end

of the process. It becomes more and more difficult as the process continues, because by that time people have already got to a stage at which they have not been able to engage. The Scottish Government's idea of getting people involved at an early stage is extremely helpful.

The bill is about making a planning system that can deliver for my constituency—I make no apology for that—and there needs to be flexibility in the bill so that it can work in other communities. We have heard today how things can be different in the many different parts of our country. I support the Scottish Government's work so far, and I look forward to the bill progressing through Parliament.

**The Deputy Presiding Officer:** We move to the closing speeches. It is disappointing that not all of those who have taken part in the debate are in the chamber. I call Monica Lennon.

16:36

**Monica Lennon:** In my opening speech, I set out the positive case for why planning matters and why I believe that the bill fails to hit the mark. We have had a largely constructive debate this afternoon, but it is clear that, for the majority of us, the bill is, at best, underwhelming. I believe that that is because the drivers behind the bill are wrong. Planning did not create Scotland's housing crisis, and tinkering around the edges of the planning process will not solve that crisis.

Alex Rowley hit the nail on the head when he talked about the need to front load finance for infrastructure, and Andy Wightman's consultation on enabling local authorities to acquire land for public-interest development at existing land-use value is attractive, because housing delivery is a major concern for us all.

In 2014 and 2015, a number of major reports on housing in Scotland were published. The Royal Institution of Chartered Surveyors published its report, “Building a Better Scotland”, in 2014, and the commission for housing and wellbeing that was set up by Shelter Scotland reported in 2015. RICS set out a number of recommendations, although not all were about the planning system. It included the recommendation that

“the Scottish Government, in partnership with planning authorities, undertakes a review to assess the nature of existing planning consents in Scotland.”

In a debate in January 2017, I asked the minister about that review. I did not get an answer then, but Iain Gray illustrated the issue by highlighting the situation in East Lothian, where housing is being built by appeal. That is no way to plan for our communities. We cannot have developers land banking sites, abandoning them and then going to pressured areas where the

community infrastructure simply does not exist—a point that was also made by Alex Cole-Hamilton.

Scotland's planning system is already very permissive. More than 95 per cent of planning applications are approved, but how many of those consents remain houses on paper that do not get built, and what is responsible for that? To return to the question that I asked the minister, is it lack of access to development finance, is it infrastructure costs, is it low market confidence, or is it all of the above? The bill does not set out solutions to any of those problems, and we have to have an honest discussion about that before we look at the detail of the bill.

The national planning framework has got people quite exercised in the chamber. The committee agreed that incorporating the Scottish planning policy into the national planning framework was, on paper, a fairly sensible thing to do. However, it is clear that a lot of people in the chamber want greater parliamentary scrutiny, so any further changes would need to be mapped out, and funding arrangements for NPF priorities also need to be clearer.

Scotland has a successful history of strategic planning. Clydeplan, for example, is an award-winning strategic development plan authority. However, the bill seeks to abolish SDPs without showing any evidence as to why they are not working. There is really not a lot of evidence on that. To say, on the one hand, that we need to abolish SDPs, and, on the other, that we should allow them to continue on a voluntary basis does not make much sense, even to an old veteran planner such as me.

On the surface, local place plans sound like a very nice thing, but people are rightly asking how they would work in practice. People do not want communities to take the time and effort to get involved, only to be disappointed further down the line.

Ben Macpherson mentioned charrettes. A charrette costs about £40,000, and the budget for local place plans in the financial memorandum is about £13,000. We have to think about what we are resourcing and whether we are providing enough. Is there a greater argument for properly resourcing mainstream local development plans, so that everyone, not just people with the time and ability, can be involved in them? Resources have come up several times in the debate.

On equal right of appeal, proposals to equalise appeals are only one, vital part of the package of measures that is needed to strengthen the planning process. The imbalance of power between communities and developers with deep pockets is unfair and needs to be addressed. I pay tribute to Sandra White, who was an early adopter

of and advocate for a community right of appeal. I am not sure that anything that has happened in subsequent independent planning reviews should encourage anyone to move away from that position. The arguments that were made in 2005 in the debates about the Planning etc (Scotland) Bill are being repeated today, because people do not feel properly empowered. At the time, front loading was promised as a kind of substitute for equal right of appeal; now it feels like local place plans are the fudge. We need to look at the issue more closely, which is why we will lodge amendments in that regard.

On simplified development zones, we want planning to be simple everywhere and we want budgets that can deliver infrastructure everywhere. The minister said in his speech that SDZs will be renamed—I think that he said that they will be called “masterplan consent zones”, whatever that is supposed to mean. I do not think that there is a strong case for simplified development zones. The approach seems to have been bolted on, in an attempt by the Government to appear innovative, and I do not see how it would strengthen the development plan process.

**Mike Rumbles:** Will the member take an intervention?

**Monica Lennon:** Yes.

**The Deputy Presiding Officer:** The member does not have time, Mr Rumbles. You have only five more seconds, Ms Lennon.

**Monica Lennon:** Okay. I apologise.

We will lodge amendments. Claudia Beamish, who is sitting behind me, will lodge amendments with the aim of improving responsiveness to flood risk and tackling the culture of repeat applications by people who do not get their own way, which the minister does not appear to be addressing. Lewis Macdonald will lodge amendments on the agent of change principle, about which he is passionate, and Mary Fee will lodge amendments in relation to Gypsy Travellers.

There is a lot that we can do to transform planning. I welcome the opportunity to work with the Government and other parties to ensure that the bill is as good as it can be.

16:42

**Adam Tomkins (Glasgow) (Con):** A number of themes have emerged during this interesting debate on what I think is one of the most important bills that the Parliament will consider in this session.

There has been some discussion about the purpose of planning. It seems to me that the purpose of planning is remarkably clear. I am not

sure what mischief has been caused by the absence of a statutory purpose in our planning laws since 1347 and why we need one to be stated in law rather than just in policy.

As George Adam said in his speech—much of which I agreed with, it will shock him to hear—the purpose of planning is to facilitate and enable growth in Scotland’s economy. To grow the economy, we need development, and to engineer development should be the focus of the planning system. Of course development needs to be environmentally sustainable, and of course growth needs to be socially inclusive, but first and foremost there needs to be growth, and the job of the planning system is to help to make that happen—to facilitate it and not to get in its way.

**Andy Wightman:** Will the member give way?

**Adam Tomkins:** I want to make a little progress, but when I have done so I will let Mr Wightman in.

That purpose requires us to make choices. It might be that Mr Wightman and I will disagree on some of those choices, although probably not all of them. There is a choice to be made about the relationship between local decision making and centralised control. That theme emerged in a number of speeches and was most passionately expressed by Alex Cole-Hamilton.

There is a choice to be made about the relationship between community engagement and national plans. There is a choice to be made about how we navigate between the rights and interests of developers, on one hand, and the rights and interests of residents, on the other, including when it comes to appeal. Although we would want to support strongly some of the choices that have been made in the bill, we are sceptical of others—and others again we think will need to be reconsidered as the bill makes progress through Parliament.

Let me start with the points on which we agree. As Monica Lennon mentioned a few minutes ago, part 2 provides for a new regime of simplified development zones to replace the current simplified planning zones, the take-up of which I think the minister would acknowledge has been very disappointing, there having been only two across the whole of Scotland. They have manifestly failed to meet or to fulfil the potential that they once offered. In what, if I may say so, is a very thorough and high-quality report, the Local Government and Communities Committee has welcomed the bill’s provisions on simplified development zones. However, in my view, it was right to argue that they need to go further if they are to meet the potential that is promised for them. Such zones have the potential to make a significant and positive difference, but, as the bill

currently stands, I have to say to the minister that that potential is unlikely to be realised.

The problem is not what we call such areas. “Simplified development zones” is a term that could certainly be improved upon, but I share the view—which I think is echoed right across the chamber—that “masterplan consent areas” might not be the improvement that we all seek. We need not a rebranding of what we call the thing—least of all an Orwellian rebranding of jargonistic gobbledygook—but a bottom-up rethink of how we ensure that local authorities take full advantage of the new scheme for which we seek to legislate and streamline planning so that this is not just another missed or lost opportunity. It is striking how many times this afternoon members from right across the chamber have described the bill as a missed opportunity.

I turn to areas in which we are more sceptical of the choices that the minister has sought to make in the bill as introduced. In the independent review of the Scottish planning system that reported in 2016, there were a number of recommendations that were, to my mind, rather bold and innovative and sought to place infrastructure investment at the very heart of that review. Indeed, the review talked about an “infrastructure-first approach”. To my mind, one of the most significant failings of this bill—and the one in which there is most room for improvement—is its weak and diluted provisions on infrastructure. The independent review’s core recommendation on infrastructure was that a new national infrastructure agency needed to be created—a policy that has long since been dropped by the SNP. Scottish Conservatives think that that is a mistake. Scotland needs such an agency. By the way, that is not an argument for centralisation. Just because we have a national agency does not mean that it has to be controlled centrally by the minister of the day. We can have an agency the remit of which is national but which is composed of representatives of regional bodies such as Highlands and Islands Enterprise.

**Andy Wightman:** Will the member give way?

**Adam Tomkins:** In one minute.

In the bill, there is no mechanism for capturing any land value uplift. It is silent on that, which is a missed opportunity. If I may say so, the bill is spectacularly weak in its provisions on an infrastructure levy. It is a relatively modest proposal, and the Scottish Government has recently said that no decisions have yet been made on the use of the power in the bill to enable ministers, at some point in the future, to bring forward an infrastructure levy. There are three problems with that. The policy is underdeveloped; the minister proposes to proceed by regulation rather than by primary legislation, thereby cutting Parliament out of the equation, and—worst of all,

as Alexander Stewart said—ministers propose to collect and distribute funds from the infrastructure levy, which is the very definition of centralising.

Mr Wightman has tried to come in twice, so I will let him in now if he still wants to do so.

**Andy Wightman:** I am glad that Mr Tomkins raised the question of land value uplift, because the Conservative Party manifesto for the 2017 election said that communities and public authorities should benefit from the increase in value. In September 2017, his own leader, Ruth Davidson, said that the Conservatives should examine the power to give local authorities the right to buy land at current use value. Can I therefore take it that Mr Tomkins is sympathetic to the proposals that I have put out for consultation?

**Adam Tomkins:** I am very sympathetic indeed to the idea that Scotland needs to get ahead of the curve; we are currently behind it on land value capture. I understand that, in the past couple of days, the Scottish Land Commission has published a very short, four-page paper on land value capture. I mean no disrespect whatsoever to the very valuable work that is done by the Scottish Land Commission, but that is not what we need. We do not need a four-page summary from an agency that explains what land value capture is; we need detailed, worked-through proposals in a planning bill. The minister has had two years to get that ready, but we have not got there yet. We are behind the curve, whereas we need to get in front of it. The idea that we should crawl towards 2023 and eventually have some kind of policy on land value capture will not deliver the economic growth that George Adam has just talked about for his constituency or that any of us would want to talk about for our own constituencies or regions.

My final point is about the mistake that the bill is making in seeking to remove strategic development plans. I had thought that we were now all agreed on the importance of city regions in driving economic growth. I had thought that it was now accepted, across the political spectrum across the United Kingdom, by left and right alike—

**Mike Rumbles:** And the centre.

**Adam Tomkins:** Thank you, Mr Rumbles. It is also accepted by the noisy, sedentary, radical centre—

**Mike Rumbles:** Hear, hear!

**Adam Tomkins:** —that it is cities and their regions that drive economic growth. The one respect in which that truth is recognised in the existing Scottish planning system is in the importance of strategic development plans, not least in the city that I represent, where the Clyde plan is now around 70 years old. It is cities,

working in close collaboration with their regions, that drive economic growth, and we need a planning system that recognises and encourages that rather than one that dilutes it.

I note the remark that the minister made a couple of hours ago that he will look to amend the bill at stage 2 to impose some sort of legal duty on local authorities to participate in the development of the strategic elements of the national planning framework, and I look forward to finding out what that legal duty might look like. However, it seems to me that local authorities need incentives to co-operate on strategic planning, not top-down imposition of coercive duties, and the minister might want to reflect on that between now and stage 2.

**The Deputy Presiding Officer:** I call Kevin Stewart to wind up the debate.

16:51

**Kevin Stewart:** I have listened to the debate with great interest. It has been a fairly good debate, even though there have been disagreements, and one that reflects the importance of planning to all our lives. It has also been very much in keeping with the range of views that people have about how we should change our planning system. I will be honest with members. I know from having spoken to folk across the country over the past two years that those views are very diverse and can often be extremely polarised. I pay tribute to my officials for pulling together those highly diverse and often polarised views and allowing them to shape the bill that is before us.

I have listened to the debate, and I would like to offer my thoughts on some of the issues that have been raised. Bob Doris, Monica Lennon, Andy Wightman and Adam Tomkins were among the many folk to mention the idea of including in the bill a purpose for planning. We will give that careful consideration, as I said previously. It would not help the system if we were to set out a lengthy checklist of current policy priorities in statute and, in so doing, restrict the flexibility of the planning system to react to changing circumstances, because that could lead to an increase in the number of legal challenges to decisions in the courts, which would take us all in entirely the wrong direction. However, I recognise Parliament's desire for the bill to have a clear overarching purpose, and I will explore how we can bring forward appropriate wording.

The national planning framework, which has also been mentioned a number of times, has a crucial role to play in an improved planning system. Parliament can play an active role in shaping it, but we must recognise that

Governments have a right to make policy. A 60-day period for parliamentary scrutiny of the NPF is already enshrined in the Planning etc (Scotland) Act 2006, and our bill seeks to increase that to 90 days. I am confident that that timescale is adequate. We expect planning authorities to stick to timescales and, as a Parliament, we should be prepared to do the same to avoid generating delay and uncertainty in the system.

Several members raised issues in relation to the NPF. I reassure Bob Doris that Parliament will continue to see the draft that is consulted on before the proposed NPF is submitted to Parliament.

Iain Gray mentioned East Lothian and the NPF deciding how much housing should be there. I am afraid that he was wrong, because it is the strategic development plan, not the national planning framework, that decides the housing for East Lothian.

On strategic development plans, I do not want to create a system that has too many plans and not enough focus on delivery. One of the biggest complaints that I receive from constituents is that they deal with a local development plan and then they suddenly deal with a strategic development plan, and they do not know what is going on. I want the systems to be simple and easy for people to get involved in, and I am afraid that that is not happening now. We need to declutter the landscape of development plans.

I understand what has been said about continued co-operation. Sometimes, the strategic development plan area does not cover a city region deal area. It should be up to local authorities to decide who they wish to co-operate with.

**Adam Tomkins:** That is an important point. The Local Government and Communities Committee unanimously concluded that it had not heard evidence that the removal of the strategic development plans

“will lead to a simplification, to streamlining, to cost savings”.

What is the Government’s response to that finding?

**Kevin Stewart:** I have related some of that myself, in my day-to-day business with constituents; the fact is that they find it very confusing indeed.

What we will propose at stage 2 will allow further flexibilities for local authorities to co-operate, including in the likes of Ayrshire, which is not covered by a strategic development plan, although I hope that it will have a form of regional deal in the near future that will allow those three local authorities to work together.

I reassure members that the intention has always been that local place plans be taken very seriously, and I will lodge further amendments to ensure that those expectations are made clear in the bill.

I have to disagree with Mr Simpson, who said that councils should be at the forefront of all this. Local place plans are a measure to support community empowerment and allow communities to put forward their own ideas. Mr Simpson wants to take that out of the hands of communities and put it back to councils. In my book, that is not empowering. We will look very carefully at what folk have said about local place plans and—

**Graham Simpson:** Will the minister take an intervention?

**Kevin Stewart:** I have very little time. I am sorry.

Masterplanned consent areas—let us use that phrase—will strengthen the planning system, not weaken it. I agree with Mr Tomkins that simplified planning zones have not done as well as we would have expected—although, that said, out of the two that we have, Hillington Park has attracted £25 million of private investment, which is not sniffed at in anyone’s book. There is an opportunity to empower the planning system, drive forward well-planned placemaking and attract investment to areas that need it most.

I turn to rights of appeal. I remain of the view that fundamentally altering long-established rights of appeal would put the effectiveness of the system as a whole in jeopardy. Adding extra risk, process and uncertainty can only act as a disincentive to those who would invest in our communities and would undermine the aspiration to build engagement at the start of the process. I have listened to what folk have said about what we can do to ensure that the start of the process works for people and allows that level of engagement. A key change in our proposals is the early gate check of development plans, which is intended to ensure that early engagement takes place and that engagement with communities is continuous and meaningful. We will lodge amendments to make all that clearer.

The infrastructure levy has been discussed. I made it quite clear at the Finance and Constitution Committee and the Local Government and Communities Committee that the infrastructure levy, if that power is invoked, will not be a wee bit of extra cash for Mr Mackay; rather, it will go directly to local authorities. I realise that some folk are worried about some aspects of how the bill is written. The aim of the provision in the bill was to allow levy funds to be pooled and put towards common regional infrastructure objectives. It is not our intention to collect and redistribute levy funds

from one area to another. Having considered the committee's recommendation further, we will address the concern by lodging an amendment to remove paragraph 14 of schedule 1, which relates to that aspect of the levy.

As usual, there has been some robust debate on planning—I would expect nothing less. There has been some controversy on the performance and training of councillors, which was one of the key elements that communities and individuals wanted to see among the bill's provisions. I realise that some folk are unhappy about that, but we would be failing the communities that we represent if we did not include performance and training in the bill. I am sure that we will continue to have these debates during the course of stage 2.

## **Planning (Scotland) Bill: Financial Resolution**

17:00

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of motion S5M-12393 on a financial resolution for the Planning (Scotland) Bill.

*Motion moved,*

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

## Business Motion

17:01

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-12475, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, which sets out a revised business programme for Thursday 31 May.

*Motion moved,*

That the Parliament agrees to the following revision to the programme of business for Thursday 31 May 2018—

after

2.30 pm            Portfolio Questions:  
Rural Economy and Connectivity;  
Environment, Climate Change and Land  
Reform

insert

*followed by*        Ministerial Statement: Medium-term  
financial strategy

delete

5.00 pm            Decision Time

and insert

4.30 pm            Decision Time—[*Joe FitzPatrick.*]

*Motion agreed to.*

## Decision Time

17:01

**The Presiding Officer (Ken Macintosh):** The first question is, that motion S5M-12421, in the name of Kevin Stewart, on the Planning (Scotland) Bill at stage 1, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Adam, George (Paisley) (SNP)  
Adamson, Clare (Motherwell and Wishaw) (SNP)  
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
Arthur, Tom (Renfrewshire South) (SNP)  
Baillie, Jackie (Dumbarton) (Lab)  
Balfour, Jeremy (Lothian) (Con)  
Ballantyne, Michelle (South Scotland) (Con)  
Beamish, Claudia (South Scotland) (Lab)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Bibby, Neil (West Scotland) (Lab)  
Bowman, Bill (North East Scotland) (Con)  
Briggs, Miles (Lothian) (Con)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Campbell, Aileen (Clydesdale) (SNP)  
Carlaw, Jackson (Eastwood) (Con)  
Carson, Finlay (Galloway and West Dumfries) (Con)  
Chapman, Peter (North East Scotland) (Con)  
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
Crawford, Bruce (Stirling) (SNP)  
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
Denham, Ash (Edinburgh Eastern) (SNP)  
Dey, Graeme (Angus South) (SNP)  
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Dugdale, Kezia (Lothian) (Lab)  
Ewing, Annabelle (Cowdenbeath) (SNP)  
Ewing, Fergus (Inverness and Nairn) (SNP)  
Fabiani, Linda (East Kilbride) (SNP)  
Fee, Mary (West Scotland) (Lab)  
Findlay, Neil (Lothian) (Lab)  
Finnie, John (Highlands and Islands) (Green)  
FitzPatrick, Joe (Dundee City West) (SNP)  
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (East Lothian) (Lab)  
Greene, Jamie (West Scotland) (Con)  
Greer, Ross (West Scotland) (Green)  
Griffin, Mark (Central Scotland) (Lab)  
Halcro Johnston, Jamie (Highlands and Islands) (Con)  
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
Harper, Emma (South Scotland) (SNP)  
Harvie, Patrick (Glasgow) (Green)  
Haughey, Clare (Rutherglen) (SNP)  
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
Hyslop, Fiona (Linlithgow) (SNP)  
Johnson, Daniel (Edinburgh Southern) (Lab)  
Johnstone, Alison (Lothian) (Green)

Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 McArthur, Liam (Orkney Islands) (LD)  
 Rennie, Willie (North East Fife) (LD)  
 Rumbles, Mike (North East Scotland) (LD)

**The Presiding Officer:** The result of the division is: For 107, Against 4, Abstentions 0.

*Motion agreed to,*

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

**The Presiding Officer:** The next question is, that motion S5M-12393, in the name of Derek Mackay, on a financial resolution for the Planning (Scotland) Bill, be agreed to.

*Motion agreed to,*

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

## Support for Families of Missing People

**The Deputy Presiding Officer (Christine Grahame):** The final item of business is a members' business debate on motion S5M-11582, in the name of Fulton MacGregor, on support for families of missing people. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament recognises the suffering of thousands of families across Scotland who have experienced, or will experience, a loved one going missing; understands that, every year, over 30,000 children and adults will be reported missing, of which, thankfully, many will return quickly but that, tragically, others will remain missing for weeks, months or even years; believes that, despite the excellent work of Police Scotland in searching for missing people, the families who are left devastated receive little or no emotional, practical and legal support in coping with the disappearance of their missing loved one; acknowledges the campaign of the family of Sean McKenna, who went missing in Coatbridge in 2017, for more support for families of missing loved ones; further acknowledges the National Missing Person's Framework, which was published by the Scottish Government in 2017; notes the view that this should be implemented in every local authority area, and further notes the calls for more to be done to support the families who are living a nightmare to ensure that every person who is missing a loved one is offered support and help.

17:04

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I thank colleagues from across the chamber for supporting the motion and allowing this important subject to be discussed in Parliament. I remind members that I am the parliamentary liaison officer for the Cabinet Secretary for Justice.

We are joined in the gallery for the debate by representatives of Missing People's United Kingdom organisation, and Missing People's Scotland organisation—who have brought with them many families who have been affected—and the Moira Anderson Foundation. I welcome them all and thank them for their continued hard work.

There is not much that could be more devastating than realising that a loved one is missing, and none of us can know how we would deal with such news. It is hard to imagine how we would feel and the impact that it would have on our life. Unfortunately, however, it is a reality for many families across Scotland every week.

I know that members will be familiar with the social media timelines that show appeals for missing people. Just in the past two weeks, I have shared police appeals for men who have gone missing in my constituency—one from Coatbridge

and another from Chryston. Thankfully, both were found safe.

It is important that when that horrible thought becomes a reality, as it does for thousands of families every year, we have in place full support for the families. Thankfully, the vast majority of people who are missing are found safe and well—like those I mentioned—but that is not always the case.

I want to reflect on a tragic case from my constituency—that of Sean McKenna—that has inspired me to take up the issue of missing people. When Sean went missing in 2016, the reaction of the Coatbridge and wider community was incredible: hundreds of volunteers rallied to support the police in their search. Sadly, by the time Sean was found, it was too late. His family will forever mourn a much-loved son and brother.

Sean's dad raised the issue with me at the time, and spoke about the hidden costs of a family member or loved one being missing, including the emotional and psychological trauma, the impact on relationships, the ability to work and the financial effect. I pay tribute to the whole McKenna family, who have continued to raise awareness of the subject of support for families of missing people. Sean's parents have been a force in raising the issue with the press and in organising charity events, from which the money that was raised has gone to support families of missing people. The McKenna family have been unable to make it to the debate today, but I know that they are taking a keen interest in it at home.

Another tragic case that members will be aware of from my constituency is that of Moira Anderson, who went missing from Coatbridge in 1957 at the age of 11 and is, to this day, considered to be a missing person. As recently as last year, the police conducted a search of the Monkland canal in an effort to find her body, but to no avail. I pay tribute to the continued work of Sandra Brown and the Moira Anderson Foundation. The charity supports victims of childhood sexual abuse, while ensuring that the search for Moira never stops. I know that the charity continues to support Moira's remaining family and has provided that support over a number of years.

I am delighted to see that Professor Hester Parr, from the University of Glasgow, is working with Missing People UK to conduct new research into why people go missing, which involves speaking to those who return. About 99 per cent of people who are reported missing return within one month; the new research will be vital in identifying the causes of people going missing, and will in the future help, where possible, to prevent people from going missing.

I welcome the investment from the Scottish Government in training more than 400 police officers, social workers and volunteers to help the police to conduct what are called return interviews. The findings from those interviews are to be fed back to partner agencies to ensure that they provide the necessary support to vulnerable people. I ask that the return interviews include the family, where possible.

This week is the first ever national awareness week on missing people and I very much welcome its introduction. I hope that colleagues were able to find the time to drop in and hear from Missing People at today's drop-in session.

Some of the statistics on the subject are frightening. For example, in the past year, 23,000 missing person incidents were reported to Police Scotland, involving 12,500 individuals. Of those, almost two thirds were children or young people. More than half the children who go missing in Scotland are in the care system. We must do better: I know that the Scottish Government's care review will consider the issue in the wider context of children being looked after and accommodated, and of our overall duty, as a society, to young people.

There has been a lot of discussion recently in the chamber about mental health. Suicide is the biggest killer of men under 45 across the UK. It is an issue that we must all work together around the world to tackle. It is important that we recognise the link between mental health and people going missing. It is suggested that in the region of 80 per cent of people who are reported missing have some form of mental or emotional health problem. That is where the important research of Professor Parr and her team should provide improvements. If we can identify the causes, we can step in earlier to prevent people disappearing.

As I said earlier, one of the main issues that came to light for me when I was speaking to the family of Sean McKenna was the lack of support for the families of missing people. As I mentioned at the start of my speech, none of us can imagine how we would handle a loved one going missing. It is important that, as a society, we get this right. We need to take on board what is being said by the families who have experienced missing loved ones and ensure that we improve our systems. Emotional and psychological support is needed, as is practical help for those who struggle to keep their jobs or even to keep their homes—which are among the hidden effects of a person's going missing.

I welcome the Scottish Government's "National Missing Persons Framework for Scotland", which was published just last year. The recommendations in that are strongly supported by Missing People and others, but it is important

that we politicians, across the chamber, play our part.

Missing People has asked members of the Scottish Parliament to carry out three simple steps, which I will reiterate. The first is for members to check that a multi-agency group with responsibility for implementing the national framework is in place in their constituencies. The second is to ensure that the multi-agency group has considered the response to the families, as well as the missing person, and that that takes account of unique circumstances. The final step is for members to ensure that their local authority areas have made provision for return discussions, and to check whether such discussions are being offered consistently to adults and children. If the unfortunate situation arises in which the person is not found alive, the multi-agency forum should consider how best to help the family who are left behind. My simple additional plea is that people do not scroll past a missing person report on social media timelines, particularly if it is an official police report, but instead share it, please, and help to find the person.

The framework represents another area in which Scotland is leading the way. The simple steps allow every member of Parliament to play their part in driving down the number of missing people in Scotland, in reducing the heartache that is caused to families and in ensuring that appropriate support is provided when people most need it.

17:11

**Kenneth Gibson (Cunninghame North) (SNP):** I congratulate my colleague Fulton MacGregor on securing debating time to discuss an issue that, tragically, affects many thousands of families in Scotland. I have taken a keen interest in missing people—in particular, in missing children—since the beginning of the first parliamentary session. I led my own debate on young runaways in January 2002, following the disturbing revelation that one in nine Scottish children had run away or was forced to leave home before the age of 16. On realising how prevalent the problem was and how little it seemed to be discussed, I wanted to shed light on it. Significant progress has been made over the past 16 years, but I am glad that we can continue the conversation and focus on support for the families and loved ones of missing people.

As Mr MacGregor said, in 2017-18, 23,000 missing people were reported to Police Scotland, and many cases involved a person who had gone missing previously. Thanks to Police Scotland, agencies and their dedicated staff working in a co-ordinated and co-operative way, 77 per cent of individuals are found within 24 hours and 88 per

cent are found within 48 hours, although there is still a chance that they might have experienced significant harm in that time.

Unfortunately, a small number of people—2 per cent—remain missing for weeks, months or years. The families and friends of missing people experience unimaginable trauma when a loved one disappears, regardless of how long they are missing for. Families are forced to face emotional and practical challenges that only worsen with time—especially without access to appropriate support.

My uncle, Leonard Lawson, who was a red-headed man in his 40s who always wore a kilt, disappeared in the 1960s and was never seen again. The family simply stopped mentioning him, which was probably a way of coping. Nowadays, every effort goes into locating missing people, which is right, but similar efforts should go towards supporting the people who are left behind. Along with more than 100 new reports each day, 764 people in Scotland are classed as long-term missing—gone for more than 28 days—and some cases date back to the 1960s.

The reasons why people leave home can be multifaceted—from bullying at school or work to a broken romance, financial pressures or trouble at home. Every case is different. A recent North Ayrshire police report revealed that 76 per cent of missing person cases in 2016-17 involved a young person under the age of 18, and the average age of missing persons is 16.

We must recognise the suffering of thousands of families across Scotland who have experienced a loved one going missing, but it is also important to recognise the plight of those who feel forced to leave home through no fault of their own. We must ensure that sufficient services are in place to support them, especially for people who are under 16 and are particularly vulnerable.

The initial analysis from the North Ayrshire police report was shared across child protection committees and adult protection committees. It suggests that a multi-agency response to the Scottish Government's "National Missing Persons Framework for Scotland" should be considered, which is a welcome development for families in my Cunninghame North constituency and across Scotland. The framework, which was published in May 2017, aims to improve joint working between agencies that are involved in safeguarding missing people. It highlights the need to improve the quality of discussions with a missing person who returns, in the hope that what is learned will help to prevent future runaways. The focus must now be on turning the framework into action.

An upcoming Scottish Government consultation will consider how to assist loved ones with matters

such as a missing person's financial and legal affairs.

Missing People—the only charity in the UK that specialises in, and is dedicated to, bringing missing children and adults back together with their families—already delivers free services, such as guidance on working with the police and counselling. Missing People also runs a free and confidential helpline to provide round-the-clock support to missing children, adults and their families.

Although the pain of a missing loved one can never disappear, we ought to ensure that effective procedures are in place to reduce that pain over time. Each missing person represents a different story, a unique set of circumstances and another group of friends and family members who are left behind and looking for answers. Families never give up until they receive closure one way or another, so it is important to show the same dedication by ensuring that each local authority has plans in place for dealing with missing people and the families that are left behind.

17:15

**Edward Mountain (Highlands and Islands) (Con):** I am pleased to have the opportunity to take part in the debate and I thank Fulton MacGregor for securing it, particularly in this important awareness week.

As we have heard, just one day ago, Police Scotland confirmed that it has conducted more than 23,000 investigations into missing persons in the past year, which is up on the number in the previous year. The reasons why people disappear are complex and varied: some people forget where their home is, some make a choice to go missing and some feel like they have no choice at all.

When a person first goes missing, the sooner the search begins the better. Although people do not have to wait 24 hours to report a missing person, current police procedures mean that the UK Missing Persons Bureau will be contacted only once 72 hours have passed. Is that really the right approach? Given that the majority of people who go missing in Scotland are found within two days, perhaps it is time to consider reducing the 72-hour rule to 48 hours.

**The Minister for Community Safety and Legal Affairs (Annabelle Ewing):** I want to clarify that it is clear from Police Scotland's website that when someone is concerned that a person has gone missing, they should report it immediately. That is what Police Scotland wants people to do.

**Edward Mountain:** That is entirely right. As I have said, time is crucial when it comes to finding

a missing person. We should encourage people to come forward and tell the police as soon as possible. I thank the minister for drawing attention to that.

We should do more to support the families of long-term missing people. Those who go missing often leave behind families and friends who only wish to see their loved ones return home as soon as possible, and their possessions and homes protected. In the worst cases, months and years, and sometimes decades, pass without any sign of people's whereabouts. For families and friends, that is a tragedy that goes on without end.

The nightmare is often made worse because families are, under Scots law, unable to look after the estate and property of a missing person. That can lead to financial hardship for missing persons, with mortgages, investments and insurances all being risked. Therefore, there is a pressing need to reform our legal guardianship laws. Legislation has already been passed in England and Wales, and Scotland should follow suit. What has become known as Claudia's law allows families to appoint a legal guardian to look after a missing person's estate if they have been missing for 90 days or more. Claudia's law won cross-party support in the UK Parliament and it is time for a similar bill to be introduced in the Scottish Parliament.

When a loved one goes missing, we want to do everything in our power to find them as soon as possible. That is why we should review the 72-hour rule, although I accept that it is important, and that the police have made the point that people should report that a person is missing as soon as possible. However, if we were to bring in the Missing Persons Bureau as soon as possible—maybe one day sooner—that might make all the difference.

More can also be done to help families when a person has been missing for a long time. As it stands, families are unable to look after their missing relative's estate under Scots law. That is something that we could change. If it were to introduce a bill, the Scottish Government could be sure of getting cross-party support to ensure that a law such as Claudia's law in England was replicated in Scotland. I urge the Government to do so.

17:19

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I thank Fulton MacGregor for bringing this important debate to the chamber and for his moving tribute to families in his constituency that have missing loved ones.

In 2017-18, an astonishing 23,000 people were reported missing to Police Scotland. Although many of those people were found after a short

while, I find that figure incredible. Behind it are thousands more worried families and friends who are left in a state of limbo, with a horrible void in their lives following the disappearance of a loved one. Those families must be supported at every level to ease the pain of this unimaginably difficult time.

When someone goes missing, the effect on their family or loved ones can be devastating: they can be left feeling angry, depressed or bewildered, and they often feel a sense of guilt. I am pleased that, in April 2017, the Scottish Government launched the "National Missing Persons Framework for Scotland", which includes guidance on support for families and lays out the responsibilities of professionals to support missing children and adults.

I thank Missing People for its briefing. That organisation supported the development of the new framework and was delighted to see its publication. However, the guidance is not statutory and more work needs to be done to ensure that its recommendations are implemented across Scotland.

One of the most chilling aspects of those alarming statistics is that almost two thirds of those who are reported as missing are children and young people. That is terrifying. We know that missing children are at risk of grooming, exploitation and abuse. We also know that a missing episode may be a warning sign that they are suffering harm or abuse at school.

More than half of missing children have experienced conflict, abuse and neglect at home, and one in five children has felt forced to leave. Seven in 10 young people who have been sexually exploited have also been reported missing, and at least one in 10 missing children has mental health issues. Looked-after children are at particularly high risk, as more than half of the children who go missing in Scotland will be in the care system. We must urgently address that situation.

Adults who go missing are also highly vulnerable and may face serious risks. As Fulton MacGregor has outlined, up to eight in every 10 missing adults will be experiencing mental health issues, and three in 10 missing adults will have had a recent relationship breakdown.

When I was growing up in a Lanarkshire village, a neighbour left her house to buy cigarettes from the local shop and was never seen again. To my knowledge, she has never been found. The effect on her family and her young son was devastating.

The good news is that the majority of missing people are found within 24 hours, although they may experience significant harm in that time. A

small number of people will remain missing for weeks—sometimes even months or years.

Missing People provides a number of freely accessible services across Scotland. I advise everyone to visit its website—[www.missingpeople.org.uk](http://www.missingpeople.org.uk)—for full information on those services.

The framework's success depends on local partnerships following the recommendations. Many, if not all, of the recommendations in the framework rely on multi-agency working, the sharing of information and agreed divisions of responsibility.

As MSPs, we have much to do. We can check that we have a multi-agency group that is responsible for implementing the national framework in our constituencies and that it has a clear action plan for improving the response to missing people. That is definitely at the top of my to-do list.

The agony of families who experience the unexplained disappearance of a loved one is beyond doubt. Let us work together to ensure that we have a framework in place so that we can at least ease that agony.

17:23

**Daniel Johnson (Edinburgh Southern) (Lab):**

I, too, thank Fulton MacGregor for bringing this important and poignant debate to the chamber. The impact of missing people is serious for the individuals involved, and members have done a good job of highlighting the scale of the issue.

I offer my thanks to Missing People for the invaluable drop-in session that it held today. The information that it provided was hugely useful. I also thank Police Scotland for its excellent missing persons annual report, which is detailed and allows insight into the issue.

I can only begin to imagine what it must be like to suddenly realise that a loved one is not where they are supposed to be—that they have not slept in their bed but have disappeared and did not return home from work. What must go through people's minds when they realise that, wonder where the person may be and have to make that phone call to the police because they are nowhere to be found? The ripples and impacts of that must last well beyond the incident itself. Regardless of whether the person is missing for a matter of hours, for days or for a week, the ramifications will permeate the family.

We must also have regard to the persons themselves. There appears to be a common denominator when we look at who goes missing. We have heard that two thirds of the people who go missing are children and that, of the adults who

go missing, 80 per cent have underlying mental health problems, as Rona Mackay pointed out. The key common denominator is that those people are vulnerable, with a number of vulnerabilities and issues, and going missing is an act of last resort and desperation.

Sometimes, when we debate such things it can be hard to relate to why people might do certain things or act in certain ways, but we have all been in a situation where we have thought, "Maybe it would be better if I just disappeared. Maybe I am the issue and I need to take myself away." That is a raw human sentiment that we can all relate to, and we must all have sympathy and empathy for people who find themselves in the horrible situation of feeling like that.

The issue has significant scale, as 30,000 people go missing every year and there are 23,000 police cases. I pay tribute to the police, who are at the forefront of locating those people and making the effort so that no stone is left unturned in trying to find the missing loved ones. That takes up a huge proportion of their time.

In my research for the debate, I was taken aback to discover that, last year, Edinburgh had the highest number of cases—3,300. This evening, the call has been made to follow that up, and I will certainly follow it up with my local police division and council to see why that might be the case.

The other key issue is the number of repeat disappearances. According to police reports, 25 per cent of all investigations involve people who have been missing on 10 separate occasions, and half of those who go missing have gone missing before. Those figures underline the challenge. We must have the services in place to do everything that we can not just to track down missing people but to find out why they have gone missing. We must delve into those factors and put right what led them to do that, especially on the first occasion that a person is found and brought home.

We must also welcome the Scottish Government's framework, which has been a significant step forward, and we should listen to the Missing People charity asks for local action plans, support for families and return discussions. Finally, although the focus should be on the 99 per cent and how we get people home, we should remember the 1 per cent and the tragic circumstances in which people never come home. My thoughts are with those people.

17:27

**Ruth Maguire (Cunninghame South) (SNP):** I am grateful to my colleague Fulton MacGregor for bringing the important topic of support for families of missing people to the chamber of our Scottish

Parliament. I also thank the Missing People charity for its briefing in advance of the debate and, from the outset, I will let anyone affected by the topic know that Missing People is on hand to help missing people and their families 24 hours a day, 365 days a year. It can provide free and confidential support by phone, text or e-mail. The number is 116000.

I am happy to commit to the asks that Missing People has of MSPs, which Fulton MacGregor laid out. I will certainly see what multi-agency work is going on in Ayrshire and how implementation of the national framework is progressing. I will be happy to raise the issue of support for families and, of course, to refer any constituents with missing loved ones to the Missing People helpline.

The ask of a revised system for legal guardianship that is simpler, lower cost and accessible for families seems sensible and the right thing to do, and I am also happy to support that. I look forward to working with Missing People and with members from across the chamber in the coming months to help ensure that all families of missing people receive the best help and support.

As has been mentioned, 23,000 missing episodes were reported to Police Scotland in 2017-18. Almost two thirds of those reports related to children and young people, with looked-after children being at particularly high risk. Children and young people can go missing for a number of reasons, including unhappiness at home or in a placement, abuse, neglect or child sexual exploitation.

According to the Children's Society, one in six young runaways ends up sleeping rough, one in eight resorts to begging or stealing to survive and one in 12 is hurt or harmed as a direct result of running away. Some children and young people may feel that they have no choice but to go it alone, and they take huge risks on the streets—begging or stealing to survive, or resorting to drugs and alcohol. They are at risk of grooming by adults who will later exploit and harm them.

More than half the missing children in Scotland will be in the care system. All MSPs are corporate parents to our care-experienced children and young people, and, as such, we should be paying really close attention to the quality of relationships that are experienced in our care system.

We need to understand better and address more quickly the things that might push young people away from their home environment or which might leave them vulnerable to being pulled from it by adults seeking to exploit them. Listening to and acting on the voices at the heart of the care review can really help us to do that.

Police Scotland has already been mentioned. I had a quick look at its website before the debate

and it is clear that Police Scotland directs people to Missing People, so it is meeting part of that ask already. It is also clear that Police Scotland takes every report of a missing person seriously. Police Scotland states that most people who go missing return within 48 hours.

I will reiterate this point because it is really important: Police Scotland also states that people do not have to wait 24 hours before reporting someone as missing. If someone you care about or are worried about goes missing, contact the police as soon as you wish to—in an emergency, call 999, and in other circumstances, call 101.

17:31

**Gordon Lindhurst (Lothian) (Con):** The knock at the door; a police officer standing there—the dreaded moment that so many people fear. But sometimes there is no knock at the door. Who can say which is worse? However, not to know what has happened to someone is surely one of the worst possible experiences in life.

In Scotland, the reports of missing people are up by 1,000 in the past year. There may be many, many reasons for someone going missing but every effort needs to be made to understand why, and how to prevent it from happening in other people's lives.

In 2016-17, almost 20 per cent of investigations were in Edinburgh—the largest number of any council in Scotland. Some of the statistics are shocking. For example, 62 per cent of investigations involve children. One in six young people who go missing overnight sleeps rough or with strangers—that is a frightening statistic and tells us of their vulnerability.

More than half of those who are reported as missing have been missing previously. The national missing persons framework for Scotland focuses on engaging with people who have returned to find out why they went missing and how to prevent it from happening again in the future. That is welcome.

Police Scotland so often goes the extra mile to find people and return them to their families, but return interviews are key in preventing further instances of the same people going missing. Through collaborative working between agencies, including the Government and the police, I hope that we can begin to see the number of cases decrease, rather than increase as they have done this year. Indeed, I would welcome the thoughts of the minister on how the framework is being reviewed in light of this week's figures.

We must not forget the families of missing persons. Although more than 90 per cent of cases in 2016-17 were concluded within three days, the

emotional trauma worsens the longer a loved one is not found.

I welcome the work that is being done by charities such as Missing People in offering help and support to those family members. The impact of a missing person on the life that they have left behind can often be forgotten. Family and friends are often left to deal with the consequences of unpaid bills, for example, adding to the emotional suffering that they already face. That is just one area where more could be done to support families.

Reference has already been made to the possibility of adopting a similar model to the Guardianship (Missing Persons) Act 2017 in England and Wales. I am pleased that the Scottish Government recognises some of the difficulties and is looking at what can be done about them. A new procedure could enable a smoother process than what is currently available through the courts and make the lives of family members easier at what is a hugely difficult time.

I welcome Fulton MacGregor bringing the subject to Parliament and I look forward to the Government building on last year's framework.

17:34

**The Minister for Community Safety and Legal Affairs (Annabelle Ewing):** I, too, congratulate Fulton MacGregor on securing this important debate and take the opportunity to welcome our guests in the gallery. It is clear from the debate that the important issue of missing persons touches the lives of many thousands of people across Scotland, in each of our constituencies. I thank all members for their thoughtful contributions.

The debate has highlighted just how devastating the consequences can be when a person is feeling low or vulnerable. Thankfully, the vast majority of those who go missing come back safe and well, as has been noted. However, that does not ease the pain for those tragic cases in which that does not happen, such as the on-going agony of the family of Moira Anderson and the tragic case of Sean McKenna, which were both mentioned by Fulton MacGregor.

Earlier today, I met Police Scotland as it published the missing persons statistics for 2017-18. As has been mentioned, in the past 12 months Police Scotland has conducted 22,966 investigations for people who were missing—the equivalent of 63 per day. Worryingly, that figure has risen from last year. However, it is important to note that, thanks to the efforts of police and others, 89 per cent of those who were missing returned within two days and 99 per cent returned within three weeks.

It is comforting to know that the vast majority of those who have been missing return safe and well, but their return is unlikely to be the end of the matter for the individual or their family. The underlying issues that led to them going missing in the first place—alluded to by Kenny Gibson—as well as their experiences while they were missing can prove difficult to deal with if support is not available.

The statistics show that anyone can go missing and none of us is immune—a point that Daniel Johnson alluded to—but what is clear is that, more often than not, a person who is missing has gone missing previously. In 57 per cent of missing person investigations in the past 12 months, the person missing had been missing before. That at least provides us with some clues as to where we should focus our efforts. I will come on to the important subject of return interviews shortly.

A year ago, as has been said, the Scottish Government published its “National Missing Persons Framework for Scotland”. That has been praised very widely, is the first of its kind in Scotland and is founded on close collaboration between Police Scotland, NHS Scotland, local authorities, academics and a number of third sector organisations. For many years, highly dedicated people from across Scotland have been working to deliver the best services possible for those who go missing and their families. Our national framework recognises that excellent work and provides the basis for a national and more co-ordinated approach to missing people.

The framework has two basic aims: to prevent people from going missing in the first place and to limit the harm associated with going missing. It recognises the excellent work that is already carried out daily right across Scotland, and acknowledges that there is room for improvement in a few key areas. For one thing, the framework promotes clearer multi-agency working. We know that that can lead to greater information sharing and pooling of resources and, therefore, to improved outcomes for missing people and their families. It also sets out responsibilities and provides for the first time a single definition of a missing person, a consistent approach to risk management—which are both important from a practical perspective—and a consistent approach to conducting return discussions with missing people.

Prevention is central to our approach and we would always like to do what we can to prevent someone from going missing in the first place. However, that is not an easy task, particularly when a person has never been missing before and has given no outward sign of distress to their family and loved ones. When a person returns, as is the case with 99 per cent of those missing in the

past 12 months, there is a key opportunity to discuss with the individual their reasons for going missing and to provide support where possible.

Our framework emphasises the importance of those return discussions, which should be available to all returned missing people, providing the opportunity to explore and try to understand the reasons why they went missing. That is why we have been happy to fund a partnership between the Missing People charity, Barnardo's, Shelter Scotland and the University of Glasgow to develop and deliver return discussion training to front-line staff across Scotland. It aims to standardise and provide a consistent approach to those key discussions.

The timing of such discussions has to be looked at on a case-by-case basis because it might be that, when the person first returns, they are incapable of talking about their experience and why they went. It might be that, for that person, a bit of time should pass before any return discussion takes place. That is the flexible approach that our excellent front-line agencies take.

Much has been said about support for families and we are prioritising that through our framework. We know that, when a person goes missing, the impact is felt much more widely than simply by the individual; it is felt by their families and loved ones. When a person goes missing, Police Scotland will provide support to families, often through a single point of contact, to help them cope with what can be a highly traumatic experience.

Beyond that, Police Scotland will also refer families to wider support, such as that provided by the Missing People charity. The charity offers specialist support through its 24-hour helpline and telephone counselling service. I am pleased to say that Police Scotland and the Missing People charity today re-launched their memorandum of understanding and partnership to support missing people and their families. That is a positive development and a real boost for those who are struggling to cope with a missing loved one.

We have been an advocate for those services and have provided £142,000 over three years to the Missing People charity to increase awareness of and the use of those important support services by those who need them in Scotland.

On next steps, today I published a review of the progress that we have made in the first year of the national missing persons framework for Scotland. I hope that members from across the chamber will have a look at that review and welcome the progress that we are making.

We are, however, clear that more needs to be done. There are a number of priorities for us during the next twelve months. For example, we

will progress the implementation of the framework across Scotland, and ensure that it is embedded in local authorities. We will also continue to promote the key areas of multi-agency working and risk assessment, and to develop more consistency in the approach to return discussions. We will continue to work with partners to achieve those aims.

We will also look to develop educational material to build awareness of the risks of going missing, and we will work with Education Scotland to ensure that that message is delivered to children and young people. As we have heard, 64 per cent of missing persons investigations involve children and young people. We must therefore do more to get the message out about the dangers of going missing and the risks that children and young people would be exposed to if they do go missing.

In response to an issue raised by Ruth Maguire, Edward Mountain and Gordon Lindhurst, among others, the national framework recognises the need to look at the administrative options for handling missing persons' estates. We are considering the Scottish Law Commission's report on judicial factors, and that consideration will include the handling of missing persons' estates. A consultation on the recommendations is due to be published later this year.

The Scottish Government is fully aware of the impact that going missing can have on the individual and their family. Our national missing persons framework for Scotland provides a co-ordinated approach to the issue. However, we know that it is the expertise and knowledge that exists across many organisations and agencies that achieve successful outcomes for people who have been missing. Scotland is not just leading the way in having a national missing persons framework, it has world-class front-line services that work day in, day out with missing people and their families; I pay tribute to them tonight. Without that expertise, we would not be able to say that 99 per cent of missing people in Scotland are returned. We will continue to harness that expertise and, when possible, build on its success. The Scottish Government remains committed to implementing the aims of the framework to prevent people from going missing and to limit the associated harm when they do.

*Meeting closed at 17:44.*

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