



OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government, Housing and Planning Committee

Tuesday 28 September 2021

Session 6



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LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE
6th Meeting 2021, Session 6

CONVENER

*Ariane Burgess (Highlands and Islands) (Green)

DEPUTY CONVENER

*Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP)

COMMITTEE MEMBERS

*Miles Briggs (Lothian) (Con)

*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

*Meghan Gallacher (Central Scotland) (Con)

*Mark Griffin (Central Scotland) (Lab)

*Paul McLennan (East Lothian) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Nicola Barclay (Homes for Scotland)

Tony Cain (Association of Local Authority Chief Housing Officers)

Callum Chomczuk (Chartered Institute of Housing)

Stacey Dingwall (Scottish Federation of Housing Associations)

Ellinore Folkesson (Living Rent)

Maria McCann (Scottish Government)

Craig McGuffie (Scottish Government)

Craig McLaren (Royal Town Planning Institute)

Kenny Pentland (Scottish Government)

John Swinney (Deputy First Minister and Cabinet Secretary for Covid Recovery)

Clare Symonds (Planning Democracy)

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Local Government, Housing and Planning Committee

Tuesday 28 September 2021

[The Convener opened the meeting at 09:02]

Decision on Taking Business in Private

The Convener (Ariane Burgess): Good morning and welcome to the sixth meeting in 2021 of the Local Government, Housing and Planning Committee. I ask all members and witnesses to ensure that their mobile phones are on silent and that all other notifications—including those on Surface computers, if you are using one—are turned off during the meeting.

At agenda item 1, I invite the committee to take items 11 and 12 in private. Are we agreed?

Members indicated agreement.

Local Government, Housing and Planning

09:03

The Convener: Agenda item 2 is an evidence session on local government, housing and planning, as part of the committee's work on priorities in session 6. We will take evidence from a round table of witnesses. I welcome Craig McLaren, who is the director of Scotland, Ireland and English regions at the Royal Town Planning Institute; Clare Symonds, who is the chair of Planning Democracy; Stacey Dingwall, who is the senior policy manager at the Scottish Federation of Housing Associations; Callum Chomczuk who is the national director of the Chartered Institute of Housing; Ellinore Folkesson, who is the national chair of Living Rent; Nicola Barclay, who is the chief executive of Homes for Scotland; and Tony Cain, who is policy manager for the Association of Local Authority Chief Housing Officers. Thank you all for joining us and for the information that you have provided to the committee in advance of today's meeting.

Before we move to questions, I will give you a little guidance on how we are going to work the session. Members will ask a question and, if they remember, will direct it initially to one or two people. If witnesses want to come in on that question, they can type R in the chat box, and we will bring them in.

I will run through the themes so that witnesses are aware of them. We have quite a mixed panel, so it might be that some of the themes do not necessarily pertain to an individual witness's area.

Theme 1 is housing, which will focus on tenants' rights, homelessness and housing quality. Theme 2 is the funding and resourcing of planning departments. Theme 3 is the Scottish Government budget. Theme 4 is planning in general. Theme 5 is net zero emission homes. Theme 6 is sustainable communities and place making. That will make you aware of where we are going on our journey this morning.

I invite Elena Whitham to start with theme 1.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): Good morning and welcome, to everybody on the panel. Before I get started, I refer members to my entry in the register of members' interests and declare that I am still a serving councillor on East Ayrshire Council.

I will explore some issues under theme 1, which is, as the convener said, about tenants' rights, homelessness and housing quality. I direct my first question to Ellinore Folkesson of Living Rent. Do you agree that tenants' rights need to be

improved, and what would you like to see in the Scottish Government's forthcoming rented sector strategy? If anybody wants to come in after Ellinore, I ask them to type R in the chat box.

The Convener: Apparently, Ellinore is not there.

Elena Whitham: Since Ellinore is not yet with us, I direct that question to Tony Cain from ALACHO, if he does not mind kicking off.

Tony Cain (Association of Local Authority Chief Housing Officers): Thank you for inviting me along on behalf of ALACHO. Our view is that tenants' rights need to be strengthened in a range of areas. Our written submission to your predecessor committee, for example, on the Private Housing (Tenancies) (Scotland) Act 2016, was pretty clear on that in respect of private tenants. We think that the grounds for possession are too broad; that the protections for tenants from unlawful eviction are largely ineffective; and that students who rent from specialist providers—or, indeed, from their own institutions—ought to have better statutory protection.

The 2016 act stripped away the protection that a lot of tenants used to have under previous legislation. There is therefore no doubt of the significant need to improve protections for tenants—certainly for those in the private rented sector. I also think that work is still to be done on examining the way in which social landlords engage with tenants, particularly on issues around the setting of rents.

Our view is that substantial change is required in order to bring our rented sector to a place in which it would meet our ambition, if you like, for the human right to adequate housing, particularly in relation to security of tenure.

Elena Whitham: Thank you. Since no one else has indicated that they want to come in on that, I move to my second question, which I will direct to Stacey Dingwall from the SFHA. How have tenants been affected by the pandemic? Are you concerned about increases in arrears and potential increases in eviction action and homelessness? If so, does the Scottish Government need to consider any further protections?

Stacey Dingwall (Scottish Federation of Housing Associations): Thank you for inviting me along on behalf of the SFHA.

Throughout the pandemic, our members have worked really hard, and closely with the Scottish Government and other partners, to make sure that their tenants are protected from the pandemic as much as is possible, through accessing funds and distributing those on behalf of the Scottish Government. They have worked really hard to

make sure that the brunt of those impacts has been mitigated wherever possible.

Data that was collected by the Scottish Housing Regulator over the past 18 months has shown that, thankfully, and contrary to what we might have thought at the start of the pandemic, the situation with rent arrears has not been as bad as was expected. However, we are continuing to monitor that information through the social housing resilience group as we come out of the pandemic, to make sure that there is no impact.

In addition, when it comes to rent increases over the past year, many of our member associations froze rents or set increases at lower levels than they otherwise might have done. They have been very conscious of the impact on tenants throughout.

We will just have to wait and see how things go over the coming months in order to determine whether any other support should be provided to tenants.

Elena Whitham: Thank you. I understand that Tony Cain wants to come in.

Tony Cain: It is the case that many tenants have struggled with rent, and they have also faced the same range of problems that everyone else has faced during lockdown. However, the situation is not universal across the rented sector. It is absolutely clear that there are relatively few tenants in the social rented sector who are now in arrears that are attributable solely to Covid that would put their tenancy at risk. There is an opportunity to work with those tenants who have fallen behind to secure their tenancies, get them back on track and start paying their rent again.

The picture in the private rented sector is much more complicated. A substantial number of tenants have run up significant rent arrears, and we are seeing an increase in the number of private landlords looking to terminate tenancies.

In that context, we were very much involved in the conversations with the Scottish Government around the tenant grant fund. We welcome the fund—it is an important addition to the tools that we have to prevent homelessness. Our expectation is that most of those resources will be used to save private rented sector tenancies rather than to save those in the social rented sector.

Callum Chomczuk (Chartered Institute of Housing): I want to speak about one group of tenants in particular: women. Over the past few years, the CIH has worked closely with Scottish Women's Aid to look at the gendered nature of homelessness. In the previous parliamentary session, quite a lot of work was done in enacting legislation and on independent work. A group

looked at recommendations to improve the experience of women at risk and women experiencing homelessness. It would be helpful for the committee to explore how the recommendations are being progressed.

You might be aware that legislation that will help to protect women from homelessness through their tenancies was passed in March. However, that probably will not come into effect until the end of next year, if not in two years' time.

Any investigation that looks at not just the policies that are being put in place, but the practice that is being developed on the ground, and at how women's homelessness and domestic abuse policies, as well as a whole range of other measures, are taking into account the gendered nature of homelessness, would be really welcome.

Elena Whitham: Thank you for bringing that up, Callum—I was going to ask you about that later on, so it is good that you have put the issue on the table. I might come back to you to explore that a little bit further before I come to the end of my questions.

Stacey Dingwall: I want to follow up on Tony Cain's response to the first question. It is important to make a distinction between the experience of private and social rented sector tenants, especially over the past 18 months. A couple of months ago, SFHA published a briefing that outlines all the work that our members have done, and continue to do, to support tenants who have incurred arrears as a result of the pandemic. It is certainly the case that none of our members would look to evict someone. That is definitely a last resort; they would seek to provide support to tenants before it gets to that stage.

Elena Whitham: I understand that Ellinore Folkesson from Living Rent is now on the call. Ellinore, what tenants' rights need to be improved, and what would you like to see in the Scottish Government's forthcoming rented sector strategy for the protection of tenants?

She is not quite there yet. We will come back to you, Ellinore. Sorry about that.

My next question is to take a sort of health check. What progress is being made with the ending homelessness together action plan and the implementation of councils' rapid rehousing action plans? I direct my question to Tony Cain first.

Tony Cain: My apologies—I think that I missed the first—

Elena Whitham: Oh my God! Have we lost everybody?

Tony Cain: Hello?

Elena Whitham: Hi. I can hear you now.

Tony Cain: I think that I missed the first part of the question.

Elena Whitham: I am after a health check—that is, your sense—of how we are progressing with the “Ending Homelessness Together” action plan and the implementation of councils' rapid rehousing action plans. [*Interruption.*]

I think that we might need to suspend the meeting.

The Convener: I suspend the meeting briefly, so that we can check out the technical challenges that we are facing.

09:14

Meeting suspended.

09:16

On resuming—

The Convener: Can you hear me okay, now? Testing, testing. There are nodding heads—great. We will resume the questions.

Elena Whitham: I will try again. I was hoping that Tony Cain could comment on the progress that has been made with the “Ending Homelessness Together” action plan and the implementation of councils' rapid rehousing action plans.

Tony Cain: [*Inaudible.*—we have to acknowledge that the pandemic has knocked us off course. Since last March, there has been a significant increase in the number of people in temporary accommodation. The difficulties in preparing empty properties for reuse have held us back in housing a number of folk, and, consequently, we probably lost 20 per cent of the supply of empty properties last year. We are still struggling to bring voids across the social rented sector back into use because there are now difficulties in organising the work, both in getting the workforce in place and in getting supplies of materials.

We have been held back by the pandemic, but setting that aside, councils have made excellent progress not only in understanding the requirements around rapid rehousing transition plans to develop support and engagement frameworks for people who are at risk of homelessness, but in working with colleagues in the housing association sector to ensure that more homes are available for homeless people.

One of the big challenges that remains is in having sufficient resources to provide the required support. Also, critically, the interface with colleagues in health, particularly in drugs, alcohol and mental health services, is still not fully

effective. As I have said on a number of occasions to your predecessor committee, there have been significant issues around the effectiveness of community-based drugs, alcohol and mental health services. Those issues largely remain. Although work is under way to address that, it is still a major issue. Also, we have not cracked the issues around community justice and those associated with homelessness arising from liberation from custody—from prison, from remand or, on occasion, from police custody.

There is good understanding of the issues, and some of the joint working has improved, but some of the gaps remain. However, the commitment of the sector and, increasingly, the commitment of colleagues in the housing association sector remain strong. Everybody understands that ending homelessness should be a priority.

Elena Whitham: Thank you very much for that, Tony. You mentioned the registered social landlords sector and housing associations, so perhaps we could hear from Stacey Dingwall about SFHA's perspective on the partnership role that it plays in the ending homelessness together action plan.

Stacey Dingwall: I support a lot of what Tony Cain said. Over the past 18 months, there has been a real commitment to provide as many homes as we can. It has not been easy because of the issues that Tony highlighted in turning around void properties, particularly at the beginning of the year. We had to work with energy suppliers through the social housing resilience group as there was a hold-up in properties being made available because of that issue.

The issues that we are beginning to see around access to the supply chain, materials and labour are having a significant impact on our ability to bring up houses to the quality that is required to enable us to let them to people who need them. It is a real shame that those issues are impacting on people's ability to get into the homes that they need.

We see ourselves as having a strong role at that table. We have a lot of links with not just councils but homelessness partners. The SFHA has strategic partnerships that enable us to work with our members to make more properties available through the housing first approach.

Elena Whitham: I will hand back to the convener, because my time is up.

The Convener: We move on to our second theme, which is the funding and resourcing of planning departments. I invite Miles Briggs to start us off on that.

Miles Briggs (Lothian) (Con): In response to our call for evidence, the view has been

expressed—unanimously, I think—that our planning departments are not necessarily in a good place. We have heard that nearly a third of planning departments have had staff cuts since 2009 and that planning authorities' budgets have diminished by 42 per cent in real terms over that period. How are planning departments functioning currently? What needs to be done to tackle some of the challenges? We will start with Nicola Barclay and Craig McLaren. If anyone else wants to come in, put an R in the chat and we will bring you in after that.

Nicola Barclay (Homes for Scotland): Thank you for inviting me to speak to the committee.

Miles Briggs hit on a challenging problem that we face. I am representing the house building industry, which is one of the largest customers of the planning system. There has been a real challenge in getting consents through the system—I am talking about not just the planning departments but the wider planning system, which building control and roads officers are part of. The planning professionals who deal with such consents have been struggling. During Covid, a lot of them were moved off to do other work to support their colleagues. If the country's aspiration is to increase the supply of new homes—it is clear that that is its aspiration—we need to make sure that planning departments are well resourced.

It is not just a question of ensuring that the people who are currently in post stay there; we also need to attract more people into the industry and the profession. I am sure that Craig McLaren will have more detail on what universities can do, or are doing, to encourage more people to move into that fundamental profession, to make sure that we have a pipeline of talent coming through.

As far as cost is concerned, we have an issue in that we pay a significant amount of money for planning applications but the money is not automatically ring fenced to deliver the service. Councils need to use that money for other things, and they will do so. How to best use that money is a real challenge for local authorities when they have tight budgets. However, I fundamentally believe that planning fees should be ring fenced for delivering the service for which customers are paying.

Craig McLaren (Royal Town Planning Institute): I thank the committee for inviting me to give evidence on behalf of the RTPi.

Miles Briggs has hit on a key issue. Our planning departments are in a precarious position, which is verging on crisis. You have heard the figures. We have been tracking resourcing since 2009, a period in which there has been a significant decrease in the number of staff in planning departments and their budgets. Planning

departments also seem to be the ones that, in budgetary terms, have taken the biggest hit over that period. The situation needs to be addressed, specifically as regards planning.

The issue is not just where we are now with the reductions in staff and budgets, but what is coming down the line. The Planning (Scotland) Act 2019 contains a number of new duties that planning authorities will have to take on. A large majority of those are unfunded, and research that we have undertaken has shown that that could lead to a requirement for between £12 million and £59 million.

We have also seen research commissioned by Skills Development Scotland, which said that, with all the demands that will be put on local planning panels over the next 10 to 15 years—those include tackling zero carbon, trying to meet carbon targets, implementing the 2019 act and all that has to be done to ensure that we have in place more housing—at least another 700 planners will be required. That figure is in addition to what we have already.

Given that demand for more planners, which is growing, we need to think about how we resource the system by reinvesting fees in it. We need to make sure that planning fees cover the costs of undertaking the processing of planning applications. As it stands, they cover only about two thirds of the costs.

In addition, as Nicola Barclay said, we need to think about how we promote planning as a career and how we can get people into the profession. We have been trying to do that for a number of years, but we need action at the national level aimed at making sure that planning is seen as an attractive career option and that creates different routes into the profession. We are keen to explore the idea of planning apprenticeships, for example. There is a lot to be done. There is an issue to be faced, both in the here and now and in the future.

Clare Symonds (Planning Democracy):

Thank you for inviting me to give evidence. The impact of funding cuts is that planning authorities tend to end up doing only what is required of them by law, which is a bit limited. The real casualties are community engagement and enforcement.

One of the big issues that comes up in our mailbag is the lack of enforcement of planning conditions. Conditions minimise the negative impacts of development on communities and the environment, but we regularly hear that conditions are being ignored, sometimes with impunity. Developers know that planning conditions are often not enforced, which does not help.

Planning conditions are a way of building trust with communities. They show that the system can respond to their concerns and that it is prepared to

alleviate some of the impact. Therefore, if they are not enforced that sends a very negative message to the community. Some research has been done by the University of the West of England into the lack of monitoring of compliance with conditions. I can send that to the committee, if you wish.

Another issue from our mailbag is the poor quality of environmental and ecology reports. Funding for planning needs to take into account the related services, such as ecological expertise, particularly if we are to achieve the biodiversity net gain targets that are now required as a national planning framework 4 outcome. We know that planning departments and planners have been cut, but so have local government ecologists. Research has shown that that leads to variable and often poor quality ecological reports being received by planners, and our anecdotal evidence certainly backs that up.

We have examples of communities that have put in phenomenal effort but have found that important habitats and species that are present have not been recorded. Priority habitats and so on could be absent from reports provided by developers, which impacts downstream on sites of special scientific interest and scheduled monuments. Carbon-rich soils identified by community ecologists have also not made their way into the developer's report. All that leaves communities fighting a rearguard action against multiple failings beyond their control.

It strikes us as a bit mad that most of the current expertise that feeds into planning decisions is provided by the applicants themselves, but the in-house capacity to interpret and scrutinise those reports is really lacking and is a huge source of frustration and anger in communities.

On a more positive note, the work on the methodology around biodiversity net gain, and on the Scottish nature network, which is proposed as one of the national developments, will clearly require more resources, including about 100 jobs across the 32 local authorities. Those are the kinds of jobs that we want. That work is about greening the economy and a green recovery, so it is really important.

09:30

There are two more issues that I want to mention. One is funding for public-led planning. We hope to see a bit more public-led planning in NPF4 to help deliver on affordable housing targets, and that needs to be properly funded.

The other is about meeting some of the resource issues through fee increases. As Nicola Barclay said, in the world that we are in now, the chief customer is seen to be the developer; that leaves the community stakeholders behind. If you

are going to get all your funding from fee increases, you must consider where that approach will end up, because there will be an expectation that the system should work better for developers than for communities. Perhaps, therefore, we need to find alternative sources of funding for those services.

Callum Chomczuk: In response Miles Briggs's question, I will broaden out the discussion a little bit. Although I think that it is right to focus on planning, we have to consider the professionalism, education and succession planning across the entire housing sector.

Nicola Barclay said that we should not look only at one profession, as that is too narrow. We have a hugely ambitious agenda around housing to 2040, which I know the committee will consider. That ambition is welcome, but what is missing is a focus on the housing professionals who will deliver that ambitious 20-year strategy—the people who will be building the homes and managing the services.

We do not have clear pipelines for people into the housing sector either from college, school or university, or from other sectors, and we know that we have an ageing workforce. How will we manage that in a way that enables us to meet our ambitions for 2040? Having a more proactive relationship with Government and the sector on skills development will be instrumental in that regard. I implore the committee to reflect on that, as well as to look at the considerations around planning departments, which are absolutely worthy of examination, too.

The Convener: Thank you; that is a good point. We have been thinking about that issue.

Craig McLaren: I will follow up something that Clare Symonds said about public-led planning. One of the most exciting elements of the Planning (Scotland) Act 2019 is local place plans, which we think is a good way of ensuring that communities can be involved in a positive and constructive way in shaping the future of the town, neighbourhood or city that they live in. Local place plans could be quite interesting and game changing. They could allow people to work with planning professionals and others to think about the opportunities and constraints in their area, build a vision for what the place could look like and develop a route map to deliver that. However, no resources have been allocated to ensure that they are funded properly—communities need to be given the money to do that.

Enabling communities to do all that is a big ask. If no resources are pushed towards that, we might not end up with the community-led planning that we all want.

Nicola Barclay: I want to come back in on something that Clare Symonds said about the report that the developers submit with their planning applications, which they are legally obliged to do. They are equally frustrated by the fact that, when the councils receive the reports, they often do not have the skills in-house to reflect on them and respond, which means that, unfortunately, the planning applications get parked and delayed for months on end.

We must also remember that the planning officers in a council do not make decisions in isolation from their other colleagues—for example, they rely on people in the education department to tell them what the school capacity in an area is. Education departments have been struggling to cope with those requests, given the other pulls on their time. Similarly, the roads department might have to provide a road construction consent. If that department has not had the opportunity to comment on an application when it is live, it might find that, by the time that it gets around to doing its road construction consent, it is not happy with the layout and will ask the developers to change it.

We must remember that there needs to be a joined-up approach within councils. Departments must be well resourced and have an attitude of wanting to help each other to get their jobs done, whether they are in the planning department, the roads department or wherever. We have seen some great examples of that in local councils that have pre-application sessions in which the developer and all the departments sit around the table. Applications that go through that process tend to go through the system smoothly, as you would expect. Unfortunately, that does not happen in every council.

The Convener: It is clear that there will be a lot of pressure on planning departments over the next 10 years, and it would be good to set a good course at this point and ensure that they are well resourced. I see that Ellinore Folkesson would like to come in on this point.

Ellinore Folkesson (Living Rent): First, thank you for inviting Living Rent to give evidence. I want to reiterate a point that Clare Symonds made about the lack of democratic engagement in the planning process by the communities that are involved in a lot of the projects that we are discussing.

A lot of our members have experienced a lack of concern for how development plans for communities affect those living there. As we are, hopefully, going to engage in a fair transition into a greener system that will involve big infrastructure and house building projects, it is essential that community interests are at the heart of what is done. We also think that community interests have to be prioritised over the interests of developers

as, in the long term, we are trying to build sustainable infrastructure for the communities who live in those areas.

Clare Symonds: I would like to make a few small points—small points with big impacts, I guess.

The consequences of poor planning outcomes present a real cost to society. We just have to look at the downstream impacts of some of the planning decisions that have been made previously. They affect a great many things: our climate, social diversity, biodiversity, health and wellbeing, infrastructure stresses and so on. Funding for planning is money well spent.

On Ellinore Folkesson's point about community engagement, I would say that, without resources, community engagement is always going to be a bit rubbish. It is 50 years since the Skeffington report on public engagement and planning, and we have made very little progress since then. That is hardly surprising, because the issue has not been funded or prioritised. Craig McLaren's point about local place plans is great, but they will be worth while only if the officers have the required expertise, which includes community development skills and so on—that is what needs to be funded.

The Convener: That was a good, quick exploration of the theme of funding and resourcing of planning departments. Sticking with funding, we will now talk a bit about the Scottish Government's budget for building affordable housing. Paul McLennan will lead on that.

Paul McLennan (East Lothian) (SNP): I refer everyone to my entry in the register of members' interests and declare that I am a serving councillor on East Lothian Council.

We know that cost pressures are coming through for the building of new homes, particularly in the past few months. How adequate are the recently reviewed Scottish Government grant subsidy benchmarks in allowing social landlords to build new homes with affordable rents? I direct that question to Stacey Dingwall, Tony Cain and, probably, Nicola Barclay.

Stacey Dingwall: The SFHA was pleased to be part of the working group that reviewed the benchmarks earlier this year. A lot of discussion went into that and a lot of evidence was submitted by ourselves and other partners on the group, particularly on the point that you have raised about the increase in the costs of developments. In advance of the group meeting, the SFHA chair published some research that showed that, on average, the cost of building a house has increased by about £20,000 in the past five years. That research was carried out in February and March but, unfortunately, we now hear every day from members that those costs are increasing

much more rapidly than they did over the past five years. We will continue to collect that information and submit it to the Government for review.

In advance of the working group meeting, we were pleased with the announcement of £3.4 billion of investment in affordable housing supply over the next five years. That is what we had asked for following the other research that we carried out with the CIH and Shelter Scotland. One of the key aims of the Scottish Government review was for the majority of projects to come in at or below the benchmarks that were set by the group. Given the rate that the benchmarks have been set at—in spite of the evidence that we and others submitted on what they should be—we have concerns about meeting the target in the face of the increasing costs. That might then have an impact on meeting the 110,000 target that is now in place. We have concerns that there will not be enough investment to meet that target to provide the homes that we know people desperately need.

Paul McLennan: The target is for 110,000 homes over the next 10 years and it depends on what comes forward in that time—it will not be 11,000 each year. Do you see that being impacted? If there are cost pressures coming through now and we are behind in the first year, delivery for the next four years will be increasingly difficult. Are you seeing issues for the next two years that will then make it difficult to deliver the 110,000 target in the latter years? Will we be playing catch-up?

Stacey Dingwall: Yes, that is a real concern. We are already behind in the previous programme as a result of the pandemic. We are collecting evidence on the individual components where our members have seen cost increases—for some timber the cost has increased 100 per cent and there are delays of 12 weeks. Those costs and times are changing and increasing every day. It is hard to predict where that is going to go, but it is not looking good.

Tony Cain: It is more complicated than just a benchmark system. We have gone through a fairly complicated process to review the benchmarks and what is included in them. Some of that is new. What does it cost to install a fire suppression system? Are we clear about what it is going to cost to install heat pumps, over and above the cost of a gas boiler? My concern is not that the benchmarks are inadequate, although they may be—that will come out as we work through the process. My concern is not about whether the Scottish Government has made a substantial financial commitment to new social and affordable housing—£3.4 billion is a great deal of money by anyone's standards. My concern is that we have not made any effort to understand the investment capacity of housing associations and councils.

We have a 12-year-old report—that was the last time the issue was looked at in any detail. The target, which is now 110,000 houses, has been set entirely in a vacuum, without any understanding of the implications for the capacity of landlords to invest in other areas, or the likely impact on rents. Rents in the social sector have been rising ahead of inflation—not for the past 40 years, but certainly for the past 20 years—in order to deliver a fairly substantial investment programme to address the condition of current stock as well as new supply.

It now costs something in the order of £180,000 to £200,000 to build a new social rented property in mainland Scotland. It costs well over £200,000 to do that in remote, rural and island communities, and it would not be unusual for it to cost £270,000 in our island communities. The overall budget is just not sufficient to deliver the number of homes that the Scottish Government is seeking for the sector to deliver and for those homes to stay within an affordable rent.

The system allows councils and housing associations to ask for the amount of money that they need in order to ensure that rents remain affordable. Until this year, council tenants—it is tenants who pay the balance—have been paying 68 per cent of the cost of a new home, whereas 45 per cent is the equivalent in the social housing sector. That balance will change; the percentage will have to go down. That means that the call on the Scottish Government budget per house will go up and our chances of delivering 110,000 homes for that financial commitment, within affordable rent, over 10 years—or 55,000 homes over the next five years—are modest.

I am not overly bothered about that, because the Scottish Government has made a big commitment and the sector will deliver as many houses as can reasonably be delivered within that. However, we have not made a realistic appraisal of what we think is an affordable rent, what direction rents should be going in, what it costs to build a home and what the capacity of the sector is to deliver. It is my expectation that we will get nowhere near 55,000 affordable homes in the next five years, with 75 per cent for the social sector, and retain affordable rents. My worry is that some landlords will be overenthusiastic and will lose sight of the affordability question. That is the bigger risk. There is no complaint from the sector about the scale of the Scottish Government's commitment. We just need to be realistic about what it is going to cost and how much of that cost can reasonably be borne by tenants in the social housing sector.

09:45

Paul McLennan: Moving to Nicola Barclay—and perhaps taking a slightly different slant—I

know that your members deliver a large amount of housing, to which there is obviously an affordability element. Given that 25 per cent of nothing is nothing, it is in your members' interests to develop housing as quickly as possible to achieve that affordability. As you have said, the cost of house building has gone up massively in the past few months, particularly since Brexit, but there is also the benchmarking element to take into account. I guess, then, that my question is the same as the previous one, though, as I have said, it comes at the issue from a slightly different slant.

Nicola Barclay: I am happy to come at this from a slightly different slant. I know that Tony Cain and Stacey Dingwall are very close to the rental side of things and the financial implications for RSLs and councils, but I come at this issue from the supply side—in other words, who is going to be building these homes? The answer is that it will be mainly our members, whether as part of their section 75 obligations or, indeed, as contractors. Many of our members have contracting arms that deliver these affordable homes, and what I am hearing directly from them is that they are walking away from deals that they had previously done, because they cannot afford to build the homes. The cost of delivery has risen so high, and there is no way of getting that money back.

That is before we even get to the change in building regulations that is coming down the line to meet the net zero targets—this is today's standards that we are trying to build to. The cost of materials, the lack of skills, the combination of demand across the whole of the country and the fact that materials are in short supply are all pushing up prices. We are in a dangerous position in which contractors that are looking for work and want to keep their staff employed are walking away from sites before they even put a spade in the ground because they know that the development is under water before they even begin. That is no way to run a business, and I have concerns about whether we can achieve the affordable housing target at all. Obviously, everybody wants that to happen, but we need to find some way of doing it.

Paul McLennan: As a brief supplementary, are you hearing from your members that these costs are a longer-term issue? I think that there are some issues with supply as a result of Brexit—indeed, some of your members whom I have met have said as much—but are these just teething problems or have we gone beyond that? Is this a longer-term issue that will be with us for the foreseeable future?

Nicola Barclay: This is a sustained situation. When prices go up, they very rarely come down again. We have seen the same thing on the

forecourts. When the oil price goes up, petrol prices go up very quickly, but it takes them a long time to come down when the oil price falls. It will be the same across the supply chain, whether we are talking about cement, timber or plastics. There is worldwide demand for these raw materials, and if you are controlling that supply, you will push up the prices, because it makes business sense. We have no control over that and, unfortunately, I am not sure that the Scottish Government has much control over it either, as much as we would like it to.

Paul McLennan: Does anyone else want to come in on that question?

Ellinore Folkesson: Living Rent believes that a transition in housing is crucial and necessary, and we stress that that should happen not only in new builds but with the refurbishment of existing housing. You cannot solve the current housing crisis by increasing the supply of affordable housing—you also need to refurbish existing housing stock.

Like some of the earlier speakers, I am concerned about the budget that is set aside for the affordable housing programme. Although we welcome the effort and commitment to build more social and affordable housing, we are concerned that the cost of that might be transferred to tenants in the form of rent increases. That would mean asking a lot of people who in many cases do not have enough money to pay rent to fund a just transition towards greener housing stock.

We are also concerned about the fact that “affordable housing” is sometimes used as a blanket term to include a lot of housing options, such as mid-market rent, that tend not to be genuinely affordable for people on the ground. We want to see more houses benchmarked specifically for council or social housing.

Callum Chomczuk: Nicola Barclay was right to say that developers are reluctant to build with costs as they are now, and landlords are reluctant as well. I know that a number of local and social landlords are hedging and are waiting until next year in the hope that building and material costs will come down, but Nicola is right to say that we have no guarantee that they will. There is a hope but no expectation that it will be affordable. If we keep delaying building until it is more affordable, we will find it ever more difficult to catch up and to build 110,000 affordable homes by 2032.

The more substantial point is that homes are becoming more expensive because we have increasingly high expectations about standards. That is important. We should not look at that as a bad thing. It is positive. We want to have more energy-efficient homes with greater space standards. We want to have more digital

connectivity and housing for varying needs so that people can live in it long term. Those are also positives and we should not look at them as problems for the sector, but we must balance how those things are paid for. That money might come from tenants’ rents, pushing tenants into increasing unaffordability, or the money might come from the state. The choice about where that money comes from is one for politicians to make.

The direction of travel is correct. We should see increasing standards in the rented sector. The Government’s approach to a strategy for the home rental sector leans in that direction. We should be positive about the new standards that we are looking to develop for the rental sector, but we must also reflect on where the balance will come from. Tony Cain is right: social tenants have been paying more and more rent in the past few years. That will increase, unless we see an increase in the £3.5 billion from the Government.

The Convener: We move on to our fourth theme, which is planning. That theme includes national planning framework 4 and local place plans, which we have already touched on.

The upcoming national planning framework 4 provides a vital opportunity to underpin and encourage public-led planning that will benefit people and the planet and will ensure that national developments fulfil climate and biodiversity criteria. It might be difficult to answer this question without having seen a draft of the framework, but I would like to hear about any policy areas or aspects that witnesses expect to see in national planning framework 4 and that they think merit parliamentary scrutiny.

Craig McLaren: I whole-heartedly agree that national planning framework 4 provides a real opportunity. The document could be a game changer and could transform how we live our lives.

In relation to the issues that should be tackled, we have heard some good noises from the Scottish Government so far. There is a good clear direction of travel, particularly with regard to using the national planning framework as part of the green recovery. It is important that we use the national planning framework to embed net zero into the planning and decision-making process.

Issues such as health inequalities and active travel have come through strongly in the drafts and in the consultation documents that we have seen so far. We have been saying that the national planning framework should embed a new purpose for planning, which is that it should be in the long-term public interest. That should be the starting point.

We need to look at some issues with the process for the national planning framework and its delivery. In terms of process and positioning,

the framework should be seen within the Scottish Government as a more influential corporate document; it should be at the heart of the decision-making process on policy and investment and be called a First Minister's document. Such work has been done in other countries such as Ireland, where the Taoiseach has led on that and there has been a clear link to the treasury. It is important for the national planning framework to be an influential document. That relies on the policy element of it being clear, providing strong policy direction and minimising any opportunities for people to wriggle out of things. We need a clear idea of what is needed, what is required and what should be done.

It is also important that we shift the national planning framework from being a document that is, in essence, about a vision to one that is also about how to deliver that vision. We have been arguing that we need to link the national planning framework's vision into a capital investment programme. Again, that is done in Ireland, which has a 20-year vision for the national planning framework and a 10-year capital investment programme attached to it. That puts your money where your mouth is, so to speak.

It is incredibly important that vision and delivery come together. We need that strength of policy and delivery if we are to tackle the big-ticket issues in the national planning framework, such as zero carbon and the green recovery, as I mentioned earlier.

Clare Symonds: Where do I start? I could say a lot about the national planning framework. That is, in part, because Planning Democracy is part of the Scottish Community Alliance, which has had workshops on the national planning framework because we see how important it is. I am also the convener of the Scottish Environment LINK planning group, which has also had several workshops on the framework and talked a lot about it. I can provide the committee with LINK's position statement, which is a comprehensive document.

In terms of priorities, the language needs to be clear about what we want to achieve. In the past, it has been framed around development, and enabling and sustaining economic growth. Planning has been seen as a means of delivering the Government's economic strategies, but if we are to move to a wellbeing economy or a green recovery, we need to decouple from the old language of "growth". However that is embellished with terms and adjectives around sustainability and inclusivity, it is still a growth model, but we need to accept that constant growth is not possible on a finite planet.

If we are to deliver on net zero, we need to demonstrate clear progress on wellbeing targets,

not growth targets. We have seen a trend in which, increasingly, any development has become synonymous with the public interest because it contributes to growth, but not every development that contributes to growth is in the public interest. Strict criteria need to be met for development to be in the public interest, and we need to be prepared to say no to development that is not. The commitments to climate and biodiversity net gain all hinge on difficult decisions on that. It will be difficult.

Currently, we have a remarkably inefficient system of allocating land for housing. We expect a lot of our housing to be delivered by the private sector, which is where public-led planning is now coming in. We hope to see a lot about public-led planning in the NPF4 document, because that will allow a more targeted and much more efficient and climate-friendly use of land, and it will enable planning authorities to deliver affordable housing. As Craig McLaren said, it needs to be a delivery document.

We welcome the proposed Edinburgh city plan 2030, because that shows the problems with delivering the 60 per cent target for affordable housing and how difficult that will be to achieve, even if lots of land is allocated for housing. The proposals say:

"City Plan allocates more land than the combined requirement for market and affordable housing to allow affordable housing to be provided through the delivery of market housing."

In essence, that means that less land will be required if the public sector is not solely relied on to deliver it.

10:00

Public-led planning is much more proactive and allows planners to determine what sites are best and most sustainable, so it offers a much more democratic model that will fulfil commitments to placemaking. We would welcome stuff on that.

I will also talk about five-year effective housing land supply policies. That area involves massive complexities. The language around such policies is utterly impenetrable to communities. You need to swallow a dictionary. There are terms such as "housing supply targets", "housing land requirements" and "presumption in favour of development that contributes to sustainable development". It is a bit nuts. We have even had to write a guide, which is 40 pages long, to explain to communities that one policy area.

The language, calculations and details are driven by the fact that the development industry benefits from five-year housing supply policy being so complex. The industry's litigation in the policy area has been massive over the past five years

and has required detailed knowledge that only a handful of lawyers can understand. Even the Scottish Government has had to be careful in the wording of its policies on five-year effective housing land supply, as we have seen from the recent mischief created by developers' serial court challenges to Scottish planning policies on housing. Despite that careful wording, the Government lost the most recent challenge.

That problem can be solved by a change in approach to housing land allocation and through a public-led planning approach. There is no problem with providing land for market demand, but we are not providing land for outwith the market. We need to allocate land for only social housing, affordable housing, community-led housing and self-build and co-operative housing, rather than for housing as a whole.

Do I have a minute to talk about local place plans?

The Convener: I was going to ask a supplementary question on local place plans, so go ahead.

Clare Symonds: Local place plans put enormous responsibilities on communities' shoulders, but those should be accompanied by rights. If communities are going to spend so much effort drawing up local place plans, they have to be provided with some assurances that the plans cannot be undermined by speculative developments that are not in those plans and not in the public interest. We want communities to be empowered. They need to be able to trigger public interest tests and they should be given a right of appeal—we are still asking for that—on planning decisions that go against democratically agreed local place plans.

I will say a quick word on nature networks—I said that I had a lot to say. We would welcome the committee's support for a national nature network as a national development.

I am sorry to go on.

The Convener: We could spend a whole day or week together on each of these conversations but, in the interest of time, we will move on to our next theme, which is net zero emissions.

Mark Griffin (Central Scotland) (Lab): I have a broad question on net zero for the witnesses. What are their views on the adequacy of the Scottish Government's plan to achieve the net zero carbon emissions target?

I also have a more specific question. As we are looking at targets to remove carbon emissions from heating systems by 2025, what certainty does the sector have? Some of the sites that have been identified for purchase and development as

we edge into 2022 will need to have plans for zero-emission heating systems now.

I direct that question to Nicola Barclay first.

Nicola Barclay: Thank you—I am happy to answer that question.

We are actively working on the building standards consultation on section 6. That consultation is live, and it is open until the end of October. We are working with our members to ensure that we put in a helpful response on the important topic of net zero. We have known for a while that we will be moving towards air-source heat pumps or other non-gas heating systems in homes, and the industry is working towards that. In fact, many of our members are already putting in alternative heat supplies in the homes that they are constructing.

I do not want to pre-empt our response to the consultation, which I would be happy to share with the committee once it has been finalised, but our main issue is that a supplementary step change, which is a step in the journey towards net zero, is being proposed that would come into effect next year. Fundamentally, that means that we would have two large changes to building regulations in the space of four years, which is very difficult for people when they are buying land for a three-to-five-year build programme. How do people appraise their land now if they do not know what standards they will be building to and how much it will cost to build each house? A lot of interesting issues arise because of the timescales.

For the record, another issue is that we rely on software that calculates the standard assessment procedure—SAP—ratings of homes, but there are currently technical issues with that software. We are grappling with those issues, alongside people in building standards, in order to fix them.

We need a system in place to deliver the homes, so we need software that works, a supply chain that can supply enough air-source heat pumps for all the homes that we hope to build, and people who are trained up to fit and maintain the new style of equipment. We also need consumers to understand what the equipment is and how it heats their homes slightly differently from how a gas boiler, which many of us are used to, does.

We need to knock down a number of dominoes in order to get to net zero, and I have concerns that many of those are still challenges that we have not yet been able to overcome. However, as I have said, we are working with people in building standards. I sit on their resilience group, and we are keen that the industry works with the Government to get to the net zero targets in a way that is deliverable for everybody and which brings the supply chain and consumers along with us.

Craig McLaren: The housing unit is a really important part of the approach, but one thing that has been missing—certainly in the last version of the climate action plan that I saw—has been recognition of the need to change how we use and design our places. The built environment has an enormous impact on how we travel and on transport patterns. We need to factor that in and make the most of it.

In the last version of the climate action plan that I saw, there was a page on planning and place. There is real demand. Transport emissions are a significant part of our emissions. We need look at how we can make that aspect work, and to make people see the issue as much more important. That is what we are calling for.

I go back to the discussion about the national planning framework. We need to rely on strong policies that give confidence to planners, councillors and reporters in the Scottish Government planning and environmental appeals division to make decisions that back us up.

The measure of the success of planning tends to focus on how quickly a planning application is processed. We need to think about that. In many ways, it is an important measure, but, given the particular demands of zero carbon, perhaps we need to think more about how we can measure the success of planning through the outcomes that we achieve on the ground in zero-carbon and sustainable places.

Callum Chomczuk: I want to quickly make the point that while we absolutely want to make sure that the homes of the next generation are built to a net zero standard, the big challenge will come in dealing with our existing stock.

In 20 years' time, we will still have the majority of the stock that we have today. The challenge will be how we fund that work, not so much in the social sector but in the private housing sector, which includes owner-occupiers and landlords in the private rented sector. How will we ensure that we get funding to those people? The decision about how we lever in money that will help people to increase the value of their homes is a tricky one, but it is one that the Scottish Government will have to face.

The entire housing stock—and private housing stock, in particular—needs to improve its energy efficiency. If we do not help with that in the private rented sector, it is likely that tenants' rents will increase. We have already talked about that in the context of the new standards. There will come a point when we will have to leverage significant investment into private housing to ensure that we improve that stock as well as building new stock. The fundamental challenge will be in ensuring that the existing stock reaches net zero.

The Convener: That is a great point.

Stacey Dingwall: I point the committee to the report of the zero emissions social housing task force—ZEST—which the SFHA co-chaired. That report, which was published last month, looked at the issues and concerns for our sector in relation to net zero and began the process of making recommendations and charting a route map towards meeting the targets.

Some of the key concerns that we discussed are ones that Callum Chomczuk touched on. The social housing sector has always been held to higher energy efficiency standards. As a result, the homes in that sector are of a much higher standard than those in other sectors. Obviously, it is welcome that “Housing to 2040” is starting to move towards an all-tenures approach in this area, but there is quite a way to go. Even if the social housing sector continues to meet its targets, we are only a small part of the overall housing system, so we really need to focus efforts on the other parts of the system that are still a bit behind.

Nicola Barclay touched on the SAP software that is used. One of the biggest concerns for our members, which is reflected in the ZEST report, relates to the second energy efficiency standard for social housing—EESH2. That standard has been a concern for our members for quite a few years from the point of view of whether it is the right way to go. Earlier this year, in partnership with Changeworks, we published research that found that, even if our members invested the sum that it would take for the sector to meet EESH2, which has a price tag of £2 billion, that investment would result in only a 9 per cent reduction in tenants' fuel poverty levels. By anyone's standards, that is not a great return on investment. Our members are being asked to make that investment on top of the investment that is required for new supply. The price tag is so high that it is quite a heavy burden for the sector to carry alone.

Therefore, one of ZEST's key recommendations was that the review of EESH2, which has been brought forward to 2023, should be carried out even sooner, because we think that that is still too far away. We call on the Government to review EESH2 urgently as soon as it can, so that the sector is clearer on what it is working towards and so that we can all be confident that that standard is the right thing to work towards to enable us to meet the targets.

Tony Cain: I want to make a couple of contextual points that relate to this part of the conversation. The first is that we are told that this is a climate emergency, and the second is that our ambition is for a just transition, in which no one should be left behind.

With those two points in mind, I point out that the private sector will for the next five years be building houses that will require to be retrofitted to meet the net zero standard, whereas the social sector will, in effect, be building net zero homes universally from next year. If this is an emergency and it is a just transition that we are making, we need to be clear about what we mean by that.

I also want to pick up on Callum Chomczuk's point about the retrofit agenda, which is at the absolute centre of what we are discussing, and is where the great costs lie. Our estimate is that retrofitting the existing stock in the local authority sector will cost in the order of £5 billion, which is the equivalent of everything that the sector has spent on capital investment over the past decade. That leaves no space for other investment programmes, and it puts a serious question mark over the sector's ability to deliver affordable rents.

The Scottish Government has not yet done enough to understand the implications of the net zero retrofit agenda. It certainly has not allocated enough resources to do it without putting an unbearable burden on social housing tenants' rents. We have no metrics on what we mean by a just transition.

Also, we have a huge focus on the social rented sector, which, at best, probably accounts for about 2 per cent of all Scotland's carbon emissions. We do not have a zero-carbon transition programme for transport, agriculture or industry, but we have one for the homes of the poorest people in this country, who are largely going to be required to pay for that transition.

10:15

There are serious gaps in the approach that has been taken, and there are serious risks in terms of fuel poverty and rent affordability for people in the social rented sector.

There is also a fundamental misunderstanding of what will be involved. For many tenants, the transition will require substantial changes to their homes. It is not just a matter of swapping out the gas boiler for a heat pump. We are going to have to put back the hot water storage that we have been removing for the past 20 years, which will mean reorganising kitchens. In some cases, it will mean changing layouts and losing storage space, and a heating system that functions in a very different way. People have simply underestimated the scale of the disruption that tenants will have to face off the back of this and, as a consequence, they do not really understand what is meant by a just transition.

If we get this wrong, it will be an attack on the poor in Scotland and, at the moment, there is a real risk that we will get it wrong.

The Convener: Thank you for that powerful framing of the situation that we are in. It is good to get that perspective.

We will now move on to our final theme, which is sustainable communities and placemaking. Meghan Gallacher has questions on that.

Meghan Gallacher (Central Scotland) (Con): I refer to my entry in the register of member's interests, as I am a serving councillor in North Lanarkshire. I also have a sore throat this morning, so I will try to get through this without losing my voice.

I want to focus on 20-minute neighbourhoods. What are the panel's views on the practicality of 20-minute neighbourhoods, especially in more rural communities? Craig McLaren, could you start please?

Craig McLaren: The 20-minute neighbourhood is an opportunity to think about how to create more sustainable—[*Inaudible.*] However, we need to get beyond some of the rhetoric that is out there just now. The name is quite a useful handle because it allows people to realise the importance of local services and infrastructure close to hand.

We need to do a number of things to operationalise the concept, some of which the Scottish Government already has in its armoury. The place principle and the town centre first principle are useful in setting out how we can take account of place and take a place-based approach by making sure that services are located in the centres of our towns, villages and cities. The issue with that is that they are very much principles. No real mechanism is in place to see whether they are being applied, and if they are not, why not. We need to be able to identify the process that has been used when taking decisions on development and asset management, and how they take account of those principles.

The broader policy context for 20-minute neighbourhoods is important. We have heard about local place plans, which have an important role in the process, and we need to make sure that they are funded and that communities are put at the front of that discussion and debate. We have also heard about the national planning framework and how a strong policy basis for that can go some way towards making sure that we have things in place to make those often-difficult decisions easier to make.

There is some real potential in the digital planning strategy that the Government is putting in place. It is investing £35 million in the next five years. One of the key things that the strategy brings with it is better mapping of data. Spatial data can be a useful background and provide evidence to help make decisions on 20-minute neighbourhoods.

Meghan Gallacher mentioned rural areas. I do not believe that the 20-minute neighbourhood principle can be applied in the rural context. We published some work on 20-minute neighbourhoods and rural planning recently, which I would be happy to share with the committee. The idea is that there is essentially a hierarchy of things that people need to access.

We should always remember that 20-minute neighbourhoods are about making sure that people can get their daily needs met within a 20-minute walk, there and back. That means investing in our rural areas so that there are local shops where people can pick up a loaf of bread and a pint of milk locally.

It also means thinking beyond local needs and about things that are more indeterminate in nature. We need to think about the hierarchy of settlements across rural areas and invest in them, so that, even if things are not available within 20 minutes, they are at least closer to hand and people do not have to go to the city to get them. It is about how we can invest to ensure that the hierarchy of local settlements can meet those needs. I think that that concept is still well and good.

For me, the biggest issue with 20-minute neighbourhoods is the retrofit aspect. The settlements and extensions and places that we have put up at the edge of cities and towns over the past 20, 30 or 40 years have been very much just about housing. We need to change that model and ensure that services are provided in those areas too. Can we retrofit that? It has been terribly difficult, and I do not know how we can do it.

However, if we can start from scratch, we can see some really good examples to follow. I often refer to the Gorbals as a very good example of a community that is rich in terms of its housing stock, as well as having services and shops, public parks and links to public transport. There are models such as that that we can lean on and learn from.

Nicola Barclay: Craig McLaren hit on an interesting point. What do we mean by 20-minute neighbourhoods? I was heartened to hear him describe what it actually means.

It is important that we think of NPF4 as an opportunity to start looking at things in a lot more detail and to bring everybody with us. Earlier we were talking about the planning system and what options NPF4 would bring for us, and Clare Symonds talked about the complexity of housing numbers and five-year housing land supply. Although developers are needed for that, they do not really want to be focusing on it. I am hoping that NPF4 is going to give us very clear housing numbers so that we can move our energies away

from talking about those numbers and focus them on place creation. So much energy is being drawn into the argument over housing numbers. Let us get a good, solid number in the plan and move on.

If I put on a slightly different hat from my Homes for Scotland one, one of my key concerns is about challenges in relation to gender and diversity that 20-minute neighbourhoods might bring. Callum Chomczuk mentioned women and the homelessness agenda. We have to think about women and the idea of walking 20 minutes in the winter, in the dark, leaving your kids at home. You might also be a caregiver, and we have an elderly population as well. There is not a level playing field when it comes to who is walking in a 20-minute neighbourhood. We need to be very careful that we bring everybody with us when we talk about what 20-minute neighbourhoods actually mean. I, for one, would not walk out of my house in the winter in the dark to get a pint of milk; I would go in my car, because then I would feel safe.

We need to think of it in the round and not just in terms of principles. Let us get beyond the rhetoric and show examples of what it actually means—how people use our spaces and have safe space within them. There are many reasons why people use their cars, including safety, and car use should not just be dismissed as a non-green way of transport, because it feels safe.

The Convener: Thank you for raising that point.

Tony Cain: There is no question that 20-minute neighbourhoods are a useful concept, but we need to acknowledge that this is not just about shops and bus stops; it is also about the way in which public services are delivered. We have been through an extended period in which public services have been retreating and withdrawing from being located where people live and moving away from being reachable by walking.

Are we talking about neighbourhoods that have a 20-minute walk to a library, to a swimming pool or sports facilities, to a community centre or even to a council office and schools and nurseries? My general practice used to be a five-minute walk away; it is now a 25-minute walk way. The accident and emergency service around here used to be a five-minute drive away; it is now a 25-minute drive away because it has been centralised somewhere else.

Our services have been moving away from the concept of 20-minute neighbourhoods, because they have been trying to centralise and concentrate due to the pressure on resources and the money available to deliver them. We need to think again about the money that we invest in our services in order to make the concept work. It is not just a matter of better lighting, cycle paths and

a shop just around the corner. It is a more complicated debate and it requires increased investment in public services to make them more accessible.

Ellinore Folkesson: I reiterate what Tony Cain said about 20-minute neighbourhoods meaning not only shops, but sustained funding in public services and local amenities across the board. Living Rent would also stress that the idea of 20-minute neighbourhoods would require a lot of planning to happen at a local level. It needs to be a democratic consultation with local communities, so that the 20-minute neighbourhood addresses the issues and shortcomings of the communities where people live. It must not be something that is imposed on people. People have to be engaged in it and brought along, to make sure that certain communities and people are not left behind.

We argue that 20-minute neighbourhoods should include locally oriented use of derelict and vacant land in communities to ensure that sites, especially those that were formerly used for social housing, can be brought back into a green transition. I also add that increased investment in local communities often has a direct effect on rent levels, which can push people out of their communities. I would like to see the proposal considered in a holistic way, thinking about how we can keep rents down in areas that are receiving much-needed investment. We would like rent controls to be considered, as has been suggested for the next housing bill, and properly localised so that they can address the issue.

The Convener: My committee colleague Willie Coffey has a supplementary question.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I lost a bit of the discussion earlier, so I apologise if I tread on old ground. There is a sense that our town centres, in particular, need to be much more than they are at present if we are to be successful in delivering a concept of place that includes sustainable community and safe and pleasant environments. What are the panel members' views on that?

In a town such as Kilmarnock, which I represent, there are a number of properties—shops, pubs, buildings and pieces of land—that have, in effect, been abandoned by their owners. They are overgrown with weeds, have posters stuck to windows and stuff like that. In your view, does that issue play a part in the concept that we are trying to achieve? If it does, what can we do to overcome that problem? Does Craig McLaren or Tony Cain have a view on that aspect?

Craig McLaren: I am happy to come in.

The Convener: Go ahead, Tony. We will then hear from Craig McLaren, and then Clare Symonds.

Tony Cain: I was hoping that you would let Craig McLaren go first, but that is fine.

The Convener: Sorry.

10:30

Tony Cain: There is a substantial problem of empty, semi-derelict and neglected buildings in many town centres and city centres across Scotland. There is no question about that. I live next door to four empty properties, and they have been empty for the better part of 30 years between them. I mean right next door: just through the wall. The property next to me has been lying empty for 30 years, and it is a perfectly decent house.

The powers that exist in the public sector to deal with neglected, abandoned or empty properties are simply not strong enough. We give too much credence to the idea that owners have a right to enjoy their property in any way they see fit, with not enough focus on the public interest to ensure that buildings—an important resource in both our urban and rural areas—are brought back into use effectively. It is a matter of being clearer about how much of that we are prepared to tolerate and of giving local authorities the powers and resources to intervene.

Part of the problem is that not all buildings have obvious uses that they can be put to. It is a matter of being realistic and hard nosed about the point at which a building simply needs to be removed and we need to start again.

The principal problem is that we allow owners to neglect buildings and leave them lying empty. We are not sharp enough, quick enough and well resourced enough to intervene quickly and say, "Sorry, this is not acceptable. We need to bring this building back into use."

I stay in Stirling, and I could take you along whole streets in the city centre where most of the upper floors have been abandoned for a long period, including buildings that were sold out of the public sector 25 years ago that are still lying empty and undeveloped. I think that we need to take a harder line on the issue and that we need to be clearer about the powers and resources that are available to bring buildings back into use.

Going back to the carbon agenda, there is substantial embedded carbon in buildings, and we cannot afford to have buildings lying empty while we build others to meet certain uses. We need to be a bit more direct about it.

The Convener: Thank you for that, Tony. It would be great to have brief contributions from Craig McLaren and Clare Symonds. We need to wind this up, as we have another panel beginning shortly.

Craig McLaren: I agree with everything that Tony Cain has said. There is an issue with place blindness among landowners, some of whom are nowhere near where their property is. Although they will have leased it out for 25 years to an organisation that has gone bust or moved out, they are still getting an income, so they do not really care. We need to ensure that that place blindness goes.

There are perhaps opportunities through the compulsory purchase orders or compulsory sales orders that are being developed. We need to change the culture of how we use those.

My final point is that we need to realise that not all the solutions and challenges for a particular town centre or area relate to things that lie within it. Some of the things that are outside of it can have a real impact. I am thinking in particular about out-of-town shopping, retail parks and so on. There is a need to get investment into the town centre, rather than having a retail park sitting out at a motorway junction.

Clare Symonds: We support what Tony Cain has just said, as well as the recommendations in the report that was commissioned by Aileen Campbell, “A New Future for Scotland’s Town Centres”, which was published this year. It makes specific calls for the national planning framework to strengthen the role of town centres and for the introduction of a moratorium on greenfield sites and out-of-town developments.

The Convener: Thank you so much for that. We will have to close the evidence session there. Clearly, we could spend a lot of time getting into more detail. What I am really taking away—as are my colleagues, I am sure—is that getting national planning framework 4 right will be very important, as will be issues around house building, the supply chain and skills. Many other things will be also important, including the big question that seems to be hanging around everywhere: what is “affordable”?

Thank you so much for joining us this morning.

10:34

Meeting suspended.

10:38

On resuming—

Subordinate Legislation (Electoral Boundaries)

The Convener: The third item on our agenda today is an evidence session on six sets of draft regulations on changes to local authority electoral boundaries in council areas containing inhabited islands. The council areas concerned are: Comhairle nan Eilean Siar, Orkney Islands Council, Shetland Islands Council, Highland Council, Argyll and Bute Council and North Ayrshire Council. Boundaries Scotland has reviewed the ward boundaries within those local authority areas and has published reports containing recommendations for alterations. The Scottish Government has, via the regulations that we are considering today, presented the recommendations for Parliamentary scrutiny.

I welcome to the meeting the Deputy First Minister and Cabinet Secretary for Covid Recovery, John Swinney. I also welcome from the Scottish Government Maria McCann, head of elections team; Kenny Pentland, senior policy officer, elections; and Craig McGuffie, who joins us virtually, and is a lawyer for the Scottish Government.

We will take evidence from the Deputy First Minister before moving to a formal debate on each of the six instruments in turn. I invite the cabinet secretary to make a short opening statement on the draft regulations.

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney): Thank you very much, convener, and good morning. I am pleased to be here today to present the electoral arrangements regulations for the six council areas that contain inhabited islands.

The regulations give effect to the proposals submitted to me by Boundaries Scotland, and I have a legal duty to lay them before Parliament. The Scottish Elections (Reform) Act 2020 removed ministerial discretion to reject or modify the commission’s proposals. Instead, the decision to implement Boundaries Scotland’s proposals rests entirely with Parliament.

It is vital for local democracy and local service delivery that councils are as representative as possible of the communities that they serve, and regular reviews of council wards and councillor numbers are necessary to ensure that they reflect changes in population. Those reviews have been held under the Islands (Scotland) Act 2018, which offers additional flexibility to Boundaries Scotland to create wards that elect one or two councillors in areas that contain inhabited islands, as well as the

two, three, four or five councillor wards permitted elsewhere in Scotland.

I am aware of the opposition of Highland Council and Argyll and Bute Council to some aspects of the proposals and that their representatives have asked the committee not to recommend approval of the instruments.

There will, of course, be differing opinions on the final recommendations, but I am pleased to hear that, in almost every case, the consultation process was meaningful and that elected members and communities, for the most part, felt that their voices had been heard. I am confident that Boundaries Scotland has discharged its duties competently and professionally, and there would need to be very strong reasons for rejecting its recommendations.

I hope that those comments were helpful. I am of course happy to answer any questions that members might have.

The Convener: We do indeed have a few questions, and I will start with some on Boundaries Scotland's recommendations. Do you think that reducing council representation in remote rural areas such as the north and west Highlands will be detrimental to repopulation efforts?

John Swinney: The issues are related, because one of the fundamental considerations that statute requires Boundaries Scotland to adhere to is the question of electoral parity between different localities. Of course, the other principal pillar of the framework required by statute is locality itself, which Boundaries Scotland has to take due account of. On the question of parity with regard to the population composition of wards, the more sparsely populated an area, the greater the amount of land and degree of rurality that will have to be considered as part of the settlements.

Frankly, there is no easy answer to this. I suspect that the challenges of representing a large geographical area are different nowadays; as someone who represents a large rural area, I have found that a different approach has had to be taken in light of the pandemic. In my 23 years of representing the communities that I represent, I had never had a single videoconference with a constituent. I am now doing that every week of the year, and it has suddenly dawned on me that it is more convenient for many of my constituents to have that conversation with me remotely instead of our having to travel endless distances to see each other. There are ways round that particular challenge.

On your very significant question about the repopulation of sparsely populated areas, that is a policy objective in its own right that carries merit, and it should be reflected in Parliament's decisions about the composition of wards where the volume

of population merits such an approach in applying the statutory principle of parity among wards.

The Convener: When we lose representation in such areas, there is no one to advocate for public services and so on. In the case of Highland, for example, if we push everything towards Inverness, we lose not only those voices but the infrastructure of people, services, roads and so on that would encourage people to come back and live in those places.

10:45

John Swinney: There are different ways of looking at the question. Fundamentally, it is the duty of the whole of Highland Council to think about those issues, as it is the duty of the Scottish Government to think about the issues and take policy decisions that support the repopulation of those areas.

I am not certain that the composition of the council and the policy decisions that are taken necessarily lead to questions being asked about the availability of public services in particular localities. Given the strategic importance of the repopulation issue, it is for Highland Council, NHS Highland, the Government and various other public bodies to take those decisions in a way that advances such questions, rather than seeing repopulation as being driven by the nature of or the arrangements for electoral representation in a locality. It would reflect pretty badly on any public authority if it was not taking the steps that could be taken to support repopulation, if that was a policy objective.

The Convener: What has come to light through our taking evidence has been interesting. It seems as though there is a common factor between Highland Council and Argyll and Bute Council. North Ayrshire Council said that it was very happy with the outcome, but both Highland Council and Argyll and Bute Council have a large mainland area and islands, and given that remote rural areas on the mainland are facing the same challenges that face island communities, the question that has arisen is whether remote mainland areas should be treated in the same way as islands are treated when changes in democratic representation are being decided.

John Swinney: That an interesting question. I am struck by the fact that there are mainland areas that, in many respects, have some of the same characteristics that islands have. The Rannoch area in highland Perthshire, which I represent, is essentially an island on the mainland. There is one route into the Rannoch area, and one route out. At the other end, there is obviously a way out, but it is a long walk that is not for the faint hearted. The route in is not dissimilar to one that

would be used to access an island. There are similarities that perhaps need to be reflected on, and it is within the Parliament's scope to ensure that the statute reflects that important point.

With regard to the nature of the statutory framework in which Boundaries Scotland operates, I come back to the point that I made in my first answer. There are two pillars to the analysis that Boundaries Scotland undertakes: the question of parity and the question of locality. I know that Boundaries Scotland attaches significant importance to maintaining the cohesion that one would ordinarily think should be in place when it comes to the nature of localities.

Paul McLennan: I will expand on the issue of the Islands (Scotland) Act 2018, which has been mentioned. The intention of the act was to empower island communities. Some of the feedback that we got from Highland Council was about the reduction of representation on islands such as Bute and Skye. What are your views on that issue?

John Swinney: As I think the committee has heard from Boundaries Scotland, the questions with which Boundaries Scotland has to wrestle are driven by internationally strong practices around the nature and configuration of electoral wards. Boundaries Scotland needs to apply those considerations principally around the question of electoral parity with an understanding of the geographical entity and community that they are addressing and considering.

It is important that, as Boundaries Scotland undertakes that work, it engages substantively with local communities. I am satisfied that Boundaries Scotland has done that to good effect. Its ability to do that with regard to the Highland Council provisions might have been enhanced, had there been greater co-operation with Highland Council. However, in the other local authority areas, as the committee has heard for itself, there has been feedback from communities about the value of the dialogue that was facilitated by the approaches that were taken. It is important that Boundaries Scotland listens carefully to the feedback from island communities and recognises their distinctive characteristics. In the case of a number of proposals, communities are very satisfied with the arrangements that have been proposed.

Paul McLennan: Thanks for that. My next question is more specific. Arran will be the only one-member ward in Scotland. Arran takes up 46 per cent of North Ayrshire Council's land mass. What is your view on that specific issue?

John Swinney: I think that that is a pragmatic proposal by Boundaries Scotland. Since we formed the Government in 2007, I have chaired

the convention of the Highlands and Islands, which includes North Ayrshire Council as Arran and Cumbrae are part of the territory covered by Highlands and Islands Enterprise. The importance of viewing Arran as a distinctive entity was a point successfully advanced by North Ayrshire Council within the convention of the Highlands and Islands and a variety of other policy fora.

That approach acknowledges that that community is affected by a very specific set of issues around the delivery of public services—I refer back to the valid questions that the convener raised with me. Fundamentally, those are about the delivery on Arran, the maximisation of the connections between public services and the important connections between that community and access to public services on the mainland.

The approach proposed by Boundaries Scotland reflects, I think, the nature of that island community. It recognises its distinctiveness and the fact that so much of life is interlinked on that island and, frankly, has very little to do with what is happening on the mainland. Crucially, it provides a role for a representative of that island to advocate for the connections between the island of Arran and the mainland. That is an example of where Boundaries Scotland has looked carefully at the distinctive circumstances and come up with what is—as Mr McLennan fairly puts to me—a unique proposition.

The Convener: Elena Whitham will introduce a new theme.

Elena Whitham: Good morning, Deputy First Minister.

I want to explore how Boundaries Scotland calculates total and ward councillor allocations. What are the benefits of having similar voter to councillor ratios across all wards in a council area? Would variations in the voter to councillor ratio have an impact on effective and convenient local government?

John Swinney: The first point is to recognise that the idea of parity of electorates is not uniquely Scottish. Boundaries Scotland made that point to the committee. It is a well-established international principle in design of electoral areas. Given its international standing, I am not surprised that that principle has been a consistent part of the statutory framework that has supported Boundaries Scotland since its conception in 1973 as the Local Government Boundary Commission for Scotland. In essence, the arrangements flow from application of that principle.

However, of course, that principle is not applied in an absolute sense; provision is nowhere near identical in individual wards. There is an attempt to get as close as possible to parity, as I would describe it, but in some circumstances that cannot

be achieved, because of geographical factors—for example, population sparsity—or factors that might prevail when we take into account the essential element of connections between communities, which is the other principle under which Boundaries Scotland operates.

Parity is an understandable characteristic of our electoral arrangements, but I do not think that it can be deployed on an absolute basis, because of variation in communities.

Elena Whitham: In looking at the matter from another angle, the Electoral Reform Society has said that more emphasis needs to be placed on local community needs than on electoral parity among diverse wards in a local authority area. What are your views on that?

John Swinney: That is quite a difficult matter to resolve, because of the decisions that have been taken. The statute on the composition of Scottish Parliament constituencies has put in place particular arrangements for Na h' Eileanan an Iar, Orkney and Shetland because of their distinctive island characteristics. That does not apply to any other constituency in the country. There is a place for specific measures of that nature—indeed, the point that Paul McLennan put to me about Arran is an example of how that has been deployed by Boundaries Scotland.

There will be a requirement for electorates to vary in size, because of the locality factor. However, if we were to do that in all circumstances, we would create very varied parliamentary constituencies and local authority wards, which would be unsustainable, given the necessity to ensure that Parliament and local authorities are representative of the areas that they are designed to represent.

The Convener: Thank you for that. We will move to a new theme, which I invite Miles Briggs to bring in.

Miles Briggs: Good morning, Deputy First Minister and other panel members. I have a few questions on the consultation process—specifically, on how it has been conducted, given the Covid-19 pandemic. It has not been possible to hold in-person public meetings and, as the committee has found, in many communities internet access is not wonderful. What are your views on the consultation process?

John Swinney: Boundaries Scotland will have explained to the committee the specifics of its consultation process. The committee has also heard testimony from a range of representatives from local authorities and communities, who have expressed their satisfaction at the nature of the engagement process. I am therefore confident that Boundaries Scotland has, notwithstanding the

challenges of Covid, been able to undertake effective consultation.

I have been quite struck by my experience over the past 18 months. Until the election, I had the great privilege of policy responsibility for nurturing the Gaelic language. I held a number of extensive stakeholder discussions about the Gaelic language, which included representatives from, in the main, the remote and rural areas of Scotland. I have two observations about that.

First, connectivity was actually pretty good. I was very pleased with it, and we had good conversations. Secondly, through engaging in digital dialogue I encountered more people and was able to interact more conveniently with them than would have been the case had I gone on the road. Nothing would have brought me more joy than to go and sit in community halls in the Western Isles or north-west Sutherland to conduct face-to-face public meetings, but I would probably have interacted with fewer people if I had done that. Instead, while I sat at home in Perthshire I had on the line countless representatives who were able to interact directly with me, and for longer because I did not have to think about travel time and all the rest of it.

11:00

It is swings and roundabouts, but I am certainly satisfied that Boundaries Scotland has done nothing but undertake an effective consultation process.

Miles Briggs: Island community impact assessments have been highlighted to the committee. What advice did the Scottish Government give Boundaries Scotland on undertaking those assessments? Is the Scottish Government satisfied that no separate impact assessments were required?

John Swinney: Island impact assessments are part of the statutory framework, so an organisation must consider whether, in its judgment, the nature of the approach that it takes satisfies the statutory requirement. It is therefore for Boundaries Scotland to come to a conclusion on that question.

The work that Boundaries Scotland undertook on the issue inevitably required it to wrestle with the question of islands impact assessments, as we have heard. In all its undertakings it considered the implications for representation and for engaging and involving members of the community. I am satisfied that Boundaries Scotland was able to pursue that framework in its work. Of course, advice that it would seek from the Government on the question would be given within the context of the statutory framework.

Miles Briggs: On the part of the Islands (Scotland) Act 2018 that has led to the review, are you content that different boundaries will be used for island councils than would be used on the mainland? In respect of the principles behind a review that will come forward post council elections, there will, if the regulations are approved by Parliament, be variations in council wards for the elections.

John Swinney: Yes. If Parliament approves the propositions we will, essentially, be giving effect to processes that originated in the 2018 act. That was envisaged by the act, which expressly acknowledges, as is right, that we might have different arrangements for different communities. Boundaries Scotland has considered the point; if Parliament approves the propositions to take those steps, it is perfectly within the statutory framework for such arrangements to be put in place for the local authority elections.

For completeness, I should say that I cannot conceive, in the circumstance that Parliament does not approve the regulations, of how alternative propositions could be put in place in advance of the 2022 local authority elections. There is not sufficient time.

The Convener: I invite colleagues who are joining us virtually to come in. Mark Griffin has questions.

Mark Griffin: The Deputy First Minister's previous answer has led to my question, which is about what will happen next. He has set out this morning, and previously in writing, the Government's obligation to lay the regulations. What is the Government's position on the proposals? Is it satisfied with all of them? What would its proposed course of action be if the Parliament chose to reject some, or all, of the Scottish statutory instruments? What would be the potential timetable for revised proposals, and would it align with a wider review of mainland local authorities?

John Swinney: There are two aspects to Mr Griffin's questions. The first is my view of the individual proposals. Mr Griffin will know that I am not a minister who avoids questions, but I will avoid that question because statute expressly takes ministers out of a review role in the process. Parliament has decided that, so it is important that I do not express a view on whether a proposal is right or wrong. Parliament has decided that ministers should be removed from a review role; I should respect that.

The second question was about what would happen if Parliament was to reject any of the statutory instruments. Let me get the sequence correct. If the committee did not recommend approval, I would, obviously, in the light of the

committee not being prepared to support an instrument, look at the decision and would likely seek Parliament's leave to withdraw it. That would be the appropriate step for the Government to take. I would then refer the matter back to Boundaries Scotland.

It is unlikely that Boundaries Scotland could undertake and complete the process, and that Parliament could consider revised proposals from Boundaries Scotland, before the 2022 local authority elections. The Gould principles, which came into force after the challenges that we faced in the 2007 Scottish parliamentary and local authority elections, recommended that there be no change to arrangements within six months of an electoral contest. For elections in early May, that brings us back to November. I hate to remind colleagues how close that is, although they might feel that it is getting closer, given the temperature this morning. There is no way that the work could be done by Boundaries Scotland and completed by Parliament before November, so changes that Parliament did not support would have to be left until after the elections.

On the impact of that on wider boundaries activities, I would have to consider what other issues we are putting to Boundaries Scotland. My recollection is that there is some upcoming work that it is required to do. I ask Maria McCann to give me some assistance on that.

Maria McCann (Scottish Government): Local authority reviews are now in a rolling programme. Boundaries Scotland plans to carry out reviews in batches of about six, because that seems to have worked well. One of the real benefits that has emerged from the rolling programme, which has been mentioned by Boundaries Scotland and some local authorities, is the ability to have better consultation and interactions. That has been positive.

Boundaries Scotland also has responsibility for the Scottish Parliament boundary reviews; that work will commence in 2022. It is considering the programme and how to take forward both responsibilities. Work on any of the boundary reviews that are before the committee would have to be programmed in, as well.

Elena Whitham: We have had a significant number of responses to our call for views. I want to explore a couple of views that have come in in relation to Highland and Argyll and Bute. In her submission to us, Margaret Davidson, who is the leader of Highland Council stated:

"we are strongly of the view that the changes proposed by Boundaries Scotland fails to recognise the specific Highland context, particularly in relation to parity, sparsity, rurality and deprivation and, if implemented, would result in a significant democratic deficit for the Highlands."

A number of respondents from Islay expressed concerns about their island becoming part of the new, islands-only Islay, Jura and Colonsay ward. For example, Islay community council stated:

“We believe that the recommendation to reduce our Councillors to two and to restrict boundaries to island only would narrow our horizons, risk exclusion from important issues that affect us all and reduce the collective strength of our voice within Argyll & Bute Council.”

Will you respond to those comments, Deputy First Minister?

John Swinney: I recognise the importance of the issues that Elena Whitham raises, but I come back to the point that I made to Mark Griffin. Ministers have been taken out of the statutory process, so it is important that I act in a fashion that accepts that decision.

There is no easy answer to any of those questions. To highlight the challenge in such issues, I go back to the question that Paul McLennan put to me on the situation in Arran. Arran seems to be quite pleased about having an island-only representative who can fight the corner for Arran locally, within North Ayrshire Council and with other public bodies, whereas the community in Islay takes a different view. I can sit here and argue the merits of both cases. There can be different approaches and perspectives.

On the situation in Highland Council, I go back to my exchange with the convener at the outset about some of the issues in relation to Highland. There is a duty on local authorities, as there is on the Government, to make necessary and appropriate policy interventions that meet the needs of localities. It should never come down just to what is said on a locality's behalf by a local elected member for that locality. It is a question of how Highland Council can reach all of Highland and do the right thing by all of Highland, rather than only doing the right thing by a particular locality because its voice is strong enough. That is not representative democracy and that is not how we listen to communities or respond to the agendas about which they are concerned.

I will not give a specific view on the merits of individual proposals, but those are the general sentiments of which public authorities need to be mindful when they are coming to their conclusions.

The Convener: Willie Coffey would like to ask a question and is joining us virtually.

Willie has had connectivity issues all morning; we seem to have lost him. We will have to move on. That is a converse example of what you talked about earlier, Deputy First Minister. Thank you for responding to our questions.

Na h-Eileanan an Iar (Electoral Arrangements) Regulations 2021 [Draft]

The Convener: We move on to the fourth item on our agenda. I invite the Deputy First Minister to move motion S6M-00961.

Motion moved,

That the Local Government, Housing and Planning Committee recommends that the Na h-Eileanan an Iar (Electoral Arrangements) Regulations 2021 [draft] be approved.—[*John Swinney*]

Motion agreed to.

11:15

Orkney Islands (Electoral Arrangements) Regulations 2021 [Draft]

The Convener: Agenda item 5 is consideration of motion S6M-00960.

Motion moved,

That the Local Government, Housing and Planning Committee recommends that the Orkney Islands (Electoral Arrangements) Regulations 2021 [draft] be approved.—[*John Swinney*]

Motion agreed to.

Shetland Islands (Electoral Arrangements) Regulations 2021 [Draft]

The Convener: Agenda item 6 is consideration of motion S6M-00959.

Motion moved,

That the Local Government, Housing and Planning Committee recommends that the Shetland Islands (Electoral Arrangements) Regulations 2021 [draft] be approved.—[*John Swinney*]

Motion agreed to.

Highland (Electoral Arrangements) Regulations 2021 [Draft]

The Convener: Agenda item 7 is consideration of motion S6M-00974.

Motion moved,

That the Local Government, Housing and Planning Committee recommends that the Highland (Electoral Arrangements) Regulations 2021 [draft] be approved.—[*John Swinney*]

The Convener: The question is, that the motion be agreed to. Are we all agreed?

Members: No.

The Convener: There will be a division.

Against

Miles Briggs (Lothian) (Con)
Ariane Burgess (Highlands and Islands) (Green)
Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

Meghan Gallacher (Central Scotland) (Con)
 Mark Griffin (Central Scotland) (Lab)
 Paul McLennan (East Lothian) (SNP)
 Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 0, Against 7, Abstentions 0.

Motion disagreed to.

Argyll and Bute (Electoral Arrangements) Regulations 2021 [Draft]

The Convener: Agenda item 8 is consideration of motion S6M-00973.

Motion moved,

That the Local Government, Housing and Planning Committee recommends that the Argyll and Bute (Electoral Arrangements) Regulations 2021 [draft] be approved.—
 [John Swinney]

The Convener: Do members have any comments?

Miles Briggs: First, I want to record our thanks to Boundaries Scotland. It is important that we recognise the substantial work that it has undertaken.

However, from the correspondence that I and, I know, all committee members have received, I am aware that there are still real concerns about the proposals for Argyll and Bute and Highland. With that in mind, I suggest that we reject this set of boundary changes.

The Convener: The question is, that the motion be agreed to. Are we all agreed?

Members: No.

The Convener: There will be a division.

Against

Miles Briggs (Lothian) (Con)
 Ariane Burgess (Highlands and Islands) (Green)
 Willie Coffey (Kilmarnock and Irvine Valley) (SNP)
 Meghan Gallacher (Central Scotland) (Con)
 Mark Griffin (Central Scotland) (Lab)
 Paul McLennan (East Lothian) (SNP)
 Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP)

The Convener: The result of the division is: For 0, Against 7, Abstentions 0.

Motion disagreed to.

North Ayrshire (Electoral Arrangements) Regulations 2021 [Draft]

The Convener: Agenda item 9 is consideration of motion S6M-00975.

Motion moved,

That the Local Government, Housing and Planning Committee recommends that the North Ayrshire (Electoral Arrangements) Regulations 2021 [draft] be approved.—
 [John Swinney]

Motion agreed to.

The Convener: Are members content to delegate to me signing off of the report?

Members indicated agreement.

The Convener: I thank the cabinet secretary and his officials for joining us in person for this evidence-taking session.

11:20

Meeting suspended.

11:21

On resuming—

Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2021 (SSI 2021/292)

Town and Country Planning (Cairnryan Border Control Posts) (EU Exit) (Scotland) Special Development Amendment Order 2021 (SSI 2021/293)

The Convener: Agenda item 10 is consideration of two Scottish statutory instruments. Members have no comments; do we agree that we wish to make no recommendations in relation to them?

Members indicated agreement.

The Convener: We move into private session.

11:22

Meeting continued in private until 11:53.

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